



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Europe and Eurasia](#) » [Luxembourg](#)

## 2009 Human Rights Report: Luxembourg

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

The Grand Duchy of Luxembourg, with a population of approximately 494,000, 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. On June 7, the country held parliamentary elections that were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

Some prison overcrowding and domestic violence were reported, as well as cases of human 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 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 and detention center conditions generally met international standards, and the government permitted monitoring visits by independent human rights observers. Between April 22 and 27, a delegation from the Council of Europe's Committee for the Prevention of Torture visited the country, where it examined safeguards afforded persons deprived of

their liberty by the police, and reviewed conditions at the country's Schrassig Prison, the State Socio-Educational Center at Dreibern, and the Neuropsychiatric hospital at Ettelbruck. The results of the visit had not been made public by year's end.

The  
Affair  
the U  
Exter  
cons  
polici

According to press reports, overcrowding in the Schrassig Prison remained a problem despite a reduction of approximately 100 in the number of detainees. Legislation adopted in 2007 appropriated funding for the construction of a detention center for refused asylum seekers to relieve prison overcrowding. (Refused asylum seekers are imprisoned if they fail to depart the country voluntarily within a specified time period. They may be imprisoned for a maximum of four months while arrangements are made to deport them.) The construction of a new detention center began during the year.

#### 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

Civilian authorities maintained effective control over the Grand Ducal Police and the judiciary police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

#### Arrest Procedures and Treatment While in Detention

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

#### Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Trials are public except for those involving sexual 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. Defendants may 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 have the right of appeal.

A legal basis exists for the establishment of religious and military courts under special circumstances, but no such action has occurred in the last 60 years.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and provide access to individuals who bring lawsuits seeking damages for, or cessation of, a human rights violation.

#### 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. 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 chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A majority of the population had connections to the Internet. According to International Telecommunication Union statistics for 2008, approximately 80 percent of the country's inhabitants used 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 constitution and law provide for freedom of assembly and association, and the government generally respected these rights.

##### 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 paid the salaries and pensions of clergy of those religious groups that have signed conventions with the government: Roman Catholic; Greek, Russian, Romanian, and Serbian Orthodox; Anglican; some Protestant denominations; and Jewish congregations. Several local governments also maintained sectarian religious facilities. In an effort to receive similar government funding, the Muslim community named a national representative and single interlocutor for negotiations with the government. He resigned but was not replaced by 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 approximately 1,000 persons.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

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

### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. There are no laws that deny asylum based on an applicant's country of origin. There is no "black list" for repatriation; each dossier is examined on its merits.

In November the government conducted a repatriation flight to Kosovo with 22 refused asylum seekers.

The law provides for the possibility of granting protection to individuals who may not qualify as refugees; the government did not grant such protection during the year.

### 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 through periodic, free, and fair elections based on universal suffrage.

### Elections and Political Participation

On June 7, the country held elections for the 60 seats in the Chamber of Deputies. The elections were considered free and fair. Also on June 7, the country held elections to the European Parliament that were considered free and fair.

Political parties operated without restrictions or outside interference.

There were 12 women in the 60-member Chamber of Deputies and four women in the 15-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one member of a minority group in the Chamber of Deputies and one member of a minority group in the cabinet.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year. The Ministry of Justice is responsible for combating government corruption. Public officials are not subject to financial disclosure laws.

There is no law providing public access to government information; in practice the government sometimes granted access to government information to members of the public.

#### Section 5 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 cooperative and responsive to their views.

#### Section 6 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

The law prohibits rape, including spousal rape, and the government enforced the law effectively. The legal penalties range from five to 10 years' imprisonment.

The law prohibits domestic violence, and the government effectively enforced it. The law is gender neutral and provides that abusers will be removed from their residences for 10 days; this can be extended an additional three months. Penalties may include fines and imprisonment. If a person approaches a nongovernmental organization (NGO) for assistance, the police are required to investigate. In 2008 there were approximately 565 cases of police intervention relating to spousal abuse and 263 police expulsions of the abusing spouse.

The government funded organizations that provided shelter, counseling, and hotlines. There are three hotlines for abused women. In 2008 government-sponsored NGO shelters provided refuge to approximately 385 women and 559 children. The government also provided financial assistance to domestic violence victims.

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

The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Disciplinary measures against offenders are available, including dismissal. An employer's failure to take measures to protect employees from sexual harassment is considered a breach of contract, and an affected employee has the right to paid leave until the situation is

rectified. Sexual harassment in the workplace was not widely considered a problem.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth. Women and men were equally diagnosed and treated for sexually transmitted infections, including HIV.

Women enjoy the same legal 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 14 to 16 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women. In 2008 the government launched the Gender Mainstreaming Center and continued a media campaign with NGOs, public administrations, and the press, including posters promoting equal rights for men and women. This campaign continued during the year.

#### Children

Citizenship is derived from one's parents (*jus sanguinis*). The government registered all births immediately.

A special police unit is responsible for the protection of minors, and two call centers—one government-run, the other NGO-administered—are available to child victims of abuse. Neither the government nor NGOs compiled statistics on child abuse during the year.

#### Trafficking in Persons

The law prohibits trafficking in persons for all purposes; however, there were reports that persons were trafficked for sexual exploitation.

The country is a destination for women trafficked for sexual exploitation. Primary source countries during the year were Ukraine, France, and Belgium. During the year the government identified 21 victims of trafficking.

Most traffickers were independent individuals involved in trafficking human beings and sometimes also in drug trafficking. They recruited their victims abroad directly or through agents. They generally arranged the travel and promised lucrative jobs in the country's cabarets. In most cases, the women were escorted to their destinations and the agents or procurers remained in the country or in one of the neighboring countries.

The law criminalizes trafficking in human beings for sexual exploitation, but does not offer a comprehensive and workable definition of the offense and omits some forms of exploitation, such as forced labor. The law clearly differentiates human trafficking from human smuggling or illegal immigration and defines higher sanctions for traffickers.

During the year the Chamber of Deputies enacted trafficking in persons legislation that provides fines of 50,000 to 100,000 euros (\$73,000 to \$146,000) and prison terms of five to 10 years for trafficking. In addition, the penal code provides for fines of 500 to 125,000 euros (\$715 to \$179,000) and prison terms of one month to three years for facilitating a foreigner's illegal entry and residence through direct or indirect assistance. Authorities may apply this law in cases of trafficking for purposes other than sexual exploitation. Prior to the new legislation, the law provided penalties of from six months' to three years' imprisonment and monetary fines for trafficking and, if there were aggravating circumstances, prison sentences of up to 10 years. Authorities indicated that laws against organized crime may also be used in trafficking cases. The penal

code provides for fines of 500 to 125,000 euros (\$715 to \$179,000) and prison terms of six month to three years' imprisonment for trafficking. The new law provides fines of 50,000 to 100,000 euros (\$71,500 to \$143,000) and prison terms of five to 10 years for trafficking.

There were several trafficking cases during the year. For example, in April an Italian and a French procurer were charged with procuring prostitution and human trafficking. The Italian was sentenced to four years' imprisonment and a 15,000 euro (\$21,500) fine while the Frenchman was sentenced to 30 months imprisonment and a 5,000 euro (\$7,150) fine. In May two Belgians were charged with procuring prostitution and human trafficking. Both were sentenced to two years' imprisonment and a 10,000 euro (\$14,300) fine. In March an Italian and a Romanian citizen were charged with procuring prostitution and human trafficking. The Italian was sentenced to pay a 4,000 euro (\$5,700) fine. The Romanian was sentenced to three years imprisonment and fined 4,000 euros (\$5,720).

There are 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. Although the country has no formal witness protection program, the government took substantial measures to protect victims' physical safety and identities. After the court proceedings had finished, a criminal investigative unit specialized in trafficking in persons' investigations assisted victims in creating new identities and settling them abroad.

The Ministry of Justice is responsible for the government's antitrafficking efforts, in cooperation with the ministries of foreign affairs and equal opportunity as well as NGOs. There is no evidence that government officials participated in, facilitated, or condoned trafficking.

In June the government and ECPAT, an NGO that combats the commercial sexual exploitation and trafficking of children, coordinated to launch a public outreach campaign against commercial sexual exploitation of children. ECPAT worked with travel agencies, tour operators, hotels, airlines, and the media to inform the public concerning the sexual exploitation of children.

The Department of State's annual Trafficking in Persons Report can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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 or other areas, and the government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the government subsidized builders to construct "disabled friendly" structures. Despite these incentives, only a small proportion of buildings and public transportation vehicles had been modified to accommodate persons with disabilities. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities.

The law establishes quotas requiring businesses that employ more than 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.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws criminalizing homosexual conduct.

There is one lesbian, gay, bisexual, and transgenders (LGBT) organization and there were no impediments to its

operation. In May the annual gay gathering celebrated 10 years in the country. The government authorized the event, and the police provided sufficient protection.

There were no reported incidents of discrimination based on sexual orientation.

#### Other Societal Violence or Discrimination

There were no reports of official or societal discrimination against persons with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Approximately 50 percent of the workforce (including transborder workers) was unionized. There are no exclusions of non-EU foreign workers to the unionization rate. 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 strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. For a strike to be legal, the government's national conciliation office must certify that conciliation efforts have ended.

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

The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers were under collective bargaining agreements. There were no reported examples of antiunion discrimination.

There are no export processing zones.

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

The law prohibits forced or compulsory labor; however, there were reports of trafficking in women for sexual exploitation.

##### d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace and the government effectively enforced these laws. Child labor did not exist.

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.

The Ombuds-committee for Children's Rights (a different institution from the ombudsman) carries out a series of inspections including inspections for child labor. There were no cases of child labor.

e. Acceptable Conditions of Work

The national minimum wage for a single worker over the age of 18 was 1,642 euros (\$2,380) per month for unskilled workers and 1,970 euros (\$2,860) 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. The labor inspection court and the Superior Court of Justice are responsible for enforcing these laws.

The law mandates a safe working environment. An inspection system provided 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.