

# **Luxembourg 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Luxembourg during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading**

## **Treatment or Punishment, and Other Related Abuses**

The law prohibited such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Administration:** There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

**Independent Monitoring:** The government permitted monitoring by independent human rights observers, including by the Council of Europe's Committee for the Prevention of Torture and the country's ombudsperson, who monitored and supervised the country's detention centers.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of a detention in court. The government generally observed these requirements.

## **Arrest Procedures and Treatment of Detainees**

The law required police to inform detainees of the charges against them within 24 hours of their arrest and to bring detainees before a judge for a determination of the detention's legality. There was a functioning bail system, which judges regularly employed. According to the law, detainees were provided access to an attorney prior to their initial interrogation. In cases when detainees could not afford legal assistance, the government paid for those services. A law passed on July 19 increased the income threshold for those eligible for government-funded legal assistance. These rights were respected.

### **e. Denial of Fair Public Trial**

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

## **Trial Procedures**

The constitution provided for the right to a fair and public trial, and the judiciary generally enforced this right.

## **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

The government had laws or mechanisms in place, and nongovernmental organizations (NGOs) and advocacy groups reported the government made significant progress on resolving Holocaust-era claims, including for foreign citizens. The government continued implementation of the 2021 Holocaust-era property restitution agreement among the government, the World Jewish Restitution Organization, the Luxembourg Jewish Community, and the Luxembourg Foundation for the Remembrance of the Shoah.

The U.S. Department of State's *Justice for Uncompensated Survivors Today* (JUST) Act Report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Freedom of Expression:** The law prohibited hate speech in any medium, including online forums, and provided for prison sentences of between eight days and two years and fines for violations. Victims of hate speech on the internet as well as third-party observers could access a website to report hateful remarks and seek help and advice. The Public Prosecutor's Office and the courts enforced the laws on hate speech.

**Libel/Slander Laws:** The law prohibited "libel, slander, and defamation" and provided for prison sentences of between eight days and two years and fines for violations.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor

online content.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

## **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provided for the granting of asylum or refugee

status, and the government had established a system for providing protection to refugees.

**Durable Solutions:** Through the EU, the country accepted refugees for resettlement, offered naturalization to refugees residing in the country, and assisted refugees in voluntary return to their homelands.

**Temporary Protection:** According to UNHCR, 6,065 refugees from Ukraine applied to the government for temporary protection as of August.

## **Section 3. Freedom to Participate in the Political Process**

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** National elections held on October 8 were widely reported to be fair and free of abuses and irregularities.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the

government generally implemented the laws effectively. There were no reports of government corruption.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** The independent, government-wide Ombudsperson (which was different from the Ombudsperson Committee for the Rights of Children) handled human rights complaints against government institutions and mediated between citizens and the public sector. It could not receive complaints against the private sector, although many assistance institutions were private or were run by not-for-profit organizations that received government support. The Center for Equal Treatment was able to take complaints against the private sector but could not elevate those complaints to the courts on behalf of the individual in question.

The Inter-ministerial Committee on Human Rights sought to improve inter-



ministerial cooperation and coordination on human rights matters and to strengthen the country's internal and external human rights policies. It monitored the implementation of the country's human rights obligations in consultation with national human rights institutions and civil society.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law prohibited rape of any kind and the government enforced the law effectively. Penalties ranged from five to 10 years of imprisonment. The law prohibited domestic violence, and the government effectively enforced the law. The law was gender-neutral and provided for the removal of abusers from their residences for a 14-day period that could be extended once for an additional three months upon request of the survivor. Penalties included fines and imprisonment. Police were required to investigate if NGOs reported having been approached by an individual for assistance in cases involving domestic violence.

The government funded organizations that provided shelter, counseling, psychosocial assistance, and hotlines. The government provided financial assistance to victims of domestic violence.

The Ministry of Equality between Women and Men operated a prevention website to raise awareness of the different types of gender-based violence,

including psychological, sexual, and domestic violence, and provided survivors with telephone numbers for assistance services as well as police contact information.

**Discrimination:** The law provided the same legal status and rights for women as for men, and those laws were generally respected. The law mandated equal pay for equal work. According to information provided by the Ministry of Equality between Women and Men, during the year employers paid women 5.5 percent less on average than men for comparable work.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception and postexposure prophylaxis were available as part of the clinical management of rape. Emergency contraception pills were available without prescription in pharmacies, but other types of emergency contraception required a prescription.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law provided for equal treatment and prohibited any form of discrimination, direct or indirect, based on religion, disability, age, sexual orientation, race, or ethnicity. The scope of the law covered places of work,

school, and the public sphere.

## Children

**Child Abuse:** The law prohibited child abuse. Authorities enforced the law. Penalties for child abuse ranged from one to five years of imprisonment and fines. Three separate hotlines were available to assist children who were victims of domestic abuse.

**Child, Early, and Forced Marriage:** The minimum legal age for marriage was 18 but could be waived by a guardianship judge. The government enforced the law effectively.

**Sexual Exploitation of Children:** The law prohibited the commercial sexual exploitation of children, the sale of children, the offering or procuring of a child for commercial sexual exploitation, and practices related to child pornography. Authorities enforced the law, and cases were rare. Penalties for trafficking, including sex trafficking, of children ranged from 10 to 15 years of imprisonment and fines. The law provided that a client that committed a commercial sex act with a child could be sentenced to one to five years of imprisonment, five to 10 years if the child was younger than age 16, and 10 to 15 years if the child was younger than age 11, plus fines.

The minimum legal age for consensual sex was 16.

## Antisemitism

The Jewish community numbered approximately 1,500 persons. There were isolated cases of antisemitic content on the internet.

The law provided for punishment of antisemitic statements and Holocaust denial; the government generally enforced the law. Jewish groups reported antisemitic statements and attitudes online, especially in association with statements related to the government of Israel and the Holocaust.

On May 27, the NGO Research and Information on Anti-Semitism in Luxembourg published its report for 2022. The report described 76 incidents of antisemitism in the country; most incidents occurred on social media. Persons spreading disinformation related to Russia's further invasion of Ukraine also promoted conspiracy theories regarding antisemitism. The report emphasized social media posts often revolved around Judeo/Masonic conspiracy theories.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or

## Sex Characteristics

**Criminalization:** Consensual same-sex sexual conduct between adults, cross dressing, or other sexual or gender characteristic-related behaviors were not criminalized.

**Violence and Harassment:** The Grand Ducal Police or other government employees were not known to have incited, perpetrated, condoned, or tolerated violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals or those reporting such abuses. The government implemented a *National Action Plan* to combat violence against LGBTQI+ individuals.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics.

An Organization for Economic Co-operation and Development report from 2020 concluded that since 2015, same-sex couples in the country were treated equally to heterosexual couples concerning access to civil marriage and adoption; however, they were not fully entitled to the same rights regarding access to assisted reproductive technology. Unlike the male partner of a woman who had a child or children through medically assisted insemination or in vitro fertilization, a same-sex partner of a parent who gave birth through these techniques was not automatically recognized as

the second legal parent.

The president of Rosa Letzebuerg, a local pro-LGBTQI+ association, noted that men who had sex with men were not prohibited from giving blood but were required to abstain from sexual activity for 12 months before being eligible to donate.

**Availability of Legal Gender Recognition:** Legal gender recognition was possible via self-determination and was not conditioned on medical procedures. Under the law, failure of a transgender person to undergo sterilization, sex reassignment treatment or surgery, or a psychiatric diagnosis could not be used to justify refusal to change their gender marker in the civil registry.

**Involuntary or Coercive Medical or Psychological Practices:** So-called conversion therapy practices specifically targeting LGBTQI+ individuals were not banned. There were no reports of forced or involuntary so-called conversion therapy practiced on adults or children to try to change a person's sexual orientation or gender identity or expression. There were no reports medically unnecessary and irreversible "normalization" surgeries were performed on nonconsenting intersex adults or children.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to

assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

## **Persons with Disabilities**

The law prohibited discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government largely enforced these provisions. The law required all new government-owned buildings and buildings undergoing renovation to be accessible to persons with disabilities. The accessibility of public transportation outside the capital was limited. The law recognized German sign language, and it allowed for deaf and hard-of-hearing persons to use both the language and a state-paid interpreter in their communications with government.

On July 1, a law on accessibility to all public areas, public roads, and collective residential buildings came into force. Its objective was to improve services in designated public spaces. New construction had to comply with the requirements of the new law, while pre-existing property had to comply with it by 2032. Noncompliance was criminally sanctionable. Pre-existing collective residential buildings and cultural and historical heritage sites were not subject to the new law.

The education system allowed children with disabilities to attend local schools with their peers without disabilities. Parents could decide to place their children in segregated classes. According to InfoHandicap, a

nongovernmental association, most children with disabilities attended segregated classes due to the lack of trained teachers to respond to their needs in mainstream schools. A representative of InfoHandicap further noted that attending school in a segregated classroom affected a child's chances of employment or pursuing higher education because segregated classes did not issue diplomas.

The law permitted persons with mental disabilities to be placed under legal guardianship. Persons under guardianship lost the right to vote.

Employers occasionally discriminated against persons with disabilities in employment. The law established quotas that required businesses employing more than 25 persons to hire certain percentages of workers with disabilities and to pay them prevailing wages.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provided for the rights of workers, including foreign workers and workers in the informal sector, to form and join independent unions of their choice, to bargain collectively, and to conduct legal strikes. The law allowed unions to conduct their activities without interference. Workers exercised these rights freely, and the government protected these rights. The law



prohibited antiunion discrimination and required reinstatement of workers fired for union activity. Penalties for violations were commensurate with or less than those under other laws involving denials of civil rights. Penalties were regularly applied against violators.

The right to strike excluded government workers who provided essential services. Legal strikes could occur only after the conclusion of a lengthy conciliation procedure between the parties. For a strike to be legal, the government's national conciliation office had to certify that conciliation efforts had ended.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibited all of the worst forms of child labor and the employment of children younger than age 16. Trainees younger than 16 had to attend school in addition to their job training. The law also prohibited the employment of workers younger than age 18 in hazardous work environments, on Sundays and official holidays, and for nighttime work. The Ministries of Labor and Education effectively enforced the child labor laws.

By law persons who employed children younger than 16 could be subject to a fine and prison sentence. The government effectively enforced the applicable laws and penalties were commensurate with those for analogous serious crimes. Penalties were regularly applied against violators.

There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law set a national minimum wage for workers older than age 18. Collective bargaining agreements established eight hours as a standard workday, with a 40-hour week and provision for overtime and 26 days of leave.

The Court of Inspection of Labor and Mines' (ITM) inspectors had the authority to make unannounced inspections and initiate sanctions. Most alleged violations occurred in the construction sector.

**Occupational Safety and Health:** The law mandated a safe working environment and occupational safety and health (OSH) standards were current and appropriate.

The ITM and the accident insurance agency of the Social Security Ministry

were responsible for inspecting workplaces. Inspectors had the authority to make unannounced inspections, except in private homes, and to order emergency measures for the regularization or cessation of labor law violations. They could seek assistance from the police if they met opposition to the fulfillment of their duties. Inspectors could issue fines and establish reports documenting the infringements of the laws, which were forwarded by the director to the prosecutor's office for further action if needed.

Workers had the right to ask the Labor Inspectorate to make a determination regarding workplace safety. Penalties for violations were commensurate with other similar crimes. Accidents occurred most frequently in the construction, commerce, industry, and catering sectors. Workers were able to remove themselves from situations that endangered their health or safety without jeopardy to their employment.

**Wage, Hour, and OSH Enforcement:** Authorities effectively enforced minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators.

The Ministry of Justice reported the ITM increased its staff and began carrying out more inspections in the workplace.

The ITM, the Social Security Ministry, and the Superior Court of Justice were responsible for enforcing laws governing maximum hours of work and mandatory holidays. The agencies effectively enforced the law. Penalties

for violations were commensurate with those for other similar crimes.

Workers in the informal sector were covered by wage, hour, and OSH laws as well as inspections. The country's informal sector was not large.