

LUXEMBOURG

EXECUTIVE SUMMARY

The Grand Duchy of Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. Legislative authority is vested in the unicameral Chamber of Deputies (parliament). The prime minister is the leader of the dominant party in the popularly elected parliament. In 2009 the country held parliamentary elections that were considered free and fair. Security forces reported to civilian authorities.

Government delays in adjudication of asylum claims and failure to provide adequate housing for asylum seekers were notable problems that arose from the near doubling of asylum requests during the year.

Other human rights problems reported during the year included cases of domestic violence against women and allegations of human trafficking, primarily of women for sexual exploitation.

The government remained prepared to prosecute any officials in the security services and elsewhere in the government who committed abuses.

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. However, the Council of Europe's Committee for the Prevention of Torture (CPT) criticized the local police practice of interrogating

suspects considered dangerous or aggressive in a caged room with floor-to-ceiling bars.

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. However, authorities did not equip cells reserved for the intoxicated at local police stations with mattresses due to hygienic considerations.

In August 2010 the government opened a new detention center near Luxembourg City for asylum seekers whose applications had been rejected, thereby relieving overcrowding in Schrassig, the country's sole prison. Nongovernmental organizations (NGOs) and a parliamentary delegation inspected the new center and raised no fundamental objections to conditions there. The government transferred to the new center all refused asylum seekers, reducing the population of Schrassig Prison (with a maximum capacity of 598) to 558 detainees. As of November there were 582 prisoners nationwide, consisting of 537 men, 38 women, and 7 juveniles. In 2011 there was one death in Schrassig Prison, that of a detainee who committed suicide.

Detainees had access to potable water. Alternative sentencing methods for offenders included community service and electronic monitoring devices. Prisoners had access to an ombudsman and were provided opportunities for religious observation, as well as at least five hours of access by visitors per month. Prison conditions for women were comparable to those for men.

In response to a CPT report released in October 2010, the government introduced an hour of outdoor exercise each day for detainees held at the State Socio-Educational Center at Dreiborn.

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, the judiciary police, and other law enforcement services, and the government had

adequate 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 a determination of the detention's legality. There is a functioning bail system, which judges regularly employed.

Under the law, detainees are supposed to be given immediate access to an attorney, whose services are provided at government expense for indigent detainees. However, in its October 2010 report, the CPT expressed concern that almost no detainees they interviewed had access to an attorney until their first appearance before an investigating judge, even when they had requested such access earlier. The CPT also noted that detainees were denied the right to meet confidentially with their attorney even after their appearance before the investigating judge. The government subsequently passed legislation providing financial assistance for detainees who could not afford an attorney. Meanwhile the Luxembourg bar association introduced a permanent duty roster of lawyers for detainees requesting an attorney prior to police questioning. The bar association distributed updated duty lists to the police on a regular basis during the year. Detainees were 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 have the right to 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 witnesses against them and 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 more than 60 years.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The country is party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). The government complied with court orders to pay compensation in cases it lost.

Civil Judicial Procedures and Remedies

The magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and are available to individuals who wish to bring lawsuits seeking damages for, or cessation of, a human rights violation. Citizens may appeal cases involving alleged violations of the European Convention on Human Rights by the state to the ECHR after they had exhausted all routes for appeal in the country's court system.

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

The constitution and law prohibit such actions, and the government respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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 engaged in the peaceful expression of views via the Internet, including by e-mail. .

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 respected this right.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Due to a large increase in requests for asylum, the government temporarily closed its asylum office from October 4 to 9 and accepted no new requests for international protection so that it could focus on improving procedures for

processing growing numbers of asylum applications. The doubling of asylum applications led to a housing shortage for asylum seekers, forcing authorities to secure additional housing, which had reached capacity. To ease the shortage, authorities installed tents at local campsites to provide approximately 200 adult male asylum seekers with temporary shelter. These individuals were moved into normal residential housing a few weeks later, after which the use of tents for this purpose ceased. The new facility was only for those who had been denied asylum. Most individuals with pending applications were housed in rented apartments or equivalent quarters.

Iraqi refugee applicants conducted a several-week hunger strike in September to protest asylum adjudication delays lasting several months. No asylum seekers have been returned to Iraq.

The government reported that 1,274 asylum requests were filed between January and August 2011, reflecting a doubling of the caseload from the previous year. In 2010, 786 people sought asylum; 237 of these requests were rejected.

Safe Country of Origin/Transit: Luxembourg applies the safe country of transit principle. There are no laws permitting the denial of asylum based on an applicant's country of origin.

Nonrefoulement: 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 is no "black list" for repatriation; each dossier is examined on its merits.

Temporary Protection: The law provides for the possibility of granting protection to individuals who may not qualify as refugees; the government granted such protection to nine persons as of October.

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

Recent Elections: In 2009 the country held elections for the 60 seats in the Chamber of Deputies that were considered free and fair.

Participation of Women and Minorities: There were 15 women in the 60-member Chamber of Deputies and four women in the 15-member cabinet. There were 19 women in the 32-member Supreme Court. There was one parliamentarian of Portuguese descent and one minister of Italian descent.

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.

While there is no law providing public access to government information, in practice the government granted the public access to such information and placed extensive quantities of government information on official Web sites.

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.

Government Human Rights Bodies: There is an Ombudsman Committee for the Rights of Children. The committee, although government-funded and composed of government nominees, was independent. The resources provided were sufficient to allow for its continuous and unrestricted operations.

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

Rape and Domestic Violence: 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 the law. The law is gender neutral and provides for the removal of abusers from their residences for 10 days; this can be extended an additional three months. Penalties may include fines and imprisonment. If a person approaches an NGO for assistance in such cases, the police are required to investigate. In 2010 there were 589 cases of spousal abuse requiring a police response, and 264 of the abusing spouses were removed from their homes.

The government funded organizations that provided shelter, counseling, and hotlines. There were three hotlines for abused women. The government provided financial assistance to domestic violence victims during the year.

Sexual Harassment: 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 considered a problem.

Reproductive Rights: Couples and individuals have the right to decide freely 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. According to UN statistics, the 2008 rate of maternal mortality was 17 deaths per 100,000 live births. No barriers existed that limited access to maternal health services.

Discrimination: 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 Opportunities is responsible for protecting the legal and social rights of women. In November the Ministry for Equal Opportunities started a campaign, focusing on the equality of men and women in the personal and professional spheres. This campaign followed two earlier ones in 2010 that focused on equal rights for women and men.

Children

Birth Registration: Citizenship is governed by the principle of descent, according to which a father or mother who is a citizen automatically conveys citizenship to their offspring at birth. The government registered all births immediately.

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm
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Anti-Semitism

There were no reports of anti-Semitic acts. The Jewish community numbered approximately 1,500 persons.

Trafficking in Persons

Please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental 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 the construction of “disabled friendly” structures. 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. Reportedly, private companies with at least 25 workers had to include at least one employee with a disability. For larger companies, the workforce must consist of between 2 and 4 percent of employees with a disability. For state and all public companies, at least 5 percent of the workforce must be classified as disabled.

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

There was one lesbian, gay, bisexual, and transgender organization, which operated without impediment. There were no reported incidents of discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements; the law also provides for the right to collective bargaining. The law allows unions to conduct their activities without interference, workers exercised these rights freely, and the government protected these rights in practice. There were no reported instances of antiunion discrimination.

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. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports of trafficking in women for sexual exploitation. See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. 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. There were no reports of illegal child labor.

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 Ombudscommittee for Children's Rights (a separate institution from the ombudsman) carried out a series of inspections including inspections for child labor.

d. Acceptable Conditions of Work

As of October 1, the national minimum wage for a worker over the age of 18 was 1,801 euros (\$2,341) per month for unskilled workers and 2,161 euros (\$2,809) for skilled workers. The poverty income level was 1,650 euros (\$2,145) per month in 2011. The Ministry of Labor enforced the minimum wage effectively. Minimum wage provisions covered foreign and migrant workers.

The law mandates a maximum normal 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 considered on a case-by-case basis and generally granted. Work on Sunday, allowed for some retail employees, must be 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 government conducted investigations and transferred cases to judicial authorities regularly.

The law mandates a safe working environment. An inspection system included 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. Workers have the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously. There were 50 inspectors as of 2011. In 2010 there were 19,524 work related injuries, including 17 work related deaths; figures for 2011 were not available.