

# LUXEMBOURG 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Grand Duchy of Luxembourg has a constitutional monarchy and a democratic, parliamentary form of government with a popularly elected unicameral Chamber of Deputies (parliament). The prime minister is the leader of the dominant party in parliament. In October 2013 the country held parliamentary elections that were considered free and fair. Security forces reported to civilian authorities, who maintained effective control over the security forces.

There were no egregious human rights abuses.

Human rights problems reported during the year included cases of domestic violence, primarily against women, and trafficking of women, men, and children for sexual and labor 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, abductions, or kidnappings.

#### **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.

Physical Conditions: The country's only prison, Schrassig Prison, has a capacity of 598 inmates. On August 1, the prison population consisted of 550 inmates: 520 men, 24 women, and six juveniles. Prison conditions for women were comparable to those for men. In March 2013 the External Control Service on Places of Deprivation of Liberty (ECPDL) repeated its criticism of the State Socio-Educational Center for Juveniles at Dreibern for continuously operating at the limit of its capacity (48 juveniles), thus facing the risk of overcrowding.

As of August 2014, there were no reports of deaths at Schrassig Prison. Detainees had access to sufficient food and potable water. For hygienic reasons authorities at local police stations did not provide mattresses in cells reserved for intoxicated persons. Sanitation and medical care were adequate.

The government operated a detention center for rejected asylum seekers and undocumented migrants awaiting deportation that had a maximum capacity of 44 inmates. As of August, it held 30 male inmates but no women or juveniles. The average stay of inmates was 28 days.

Administration: ECPDL observers deemed prison recordkeeping adequate. Alternative sentencing methods for nonviolent offenders included community service and electronic monitoring devices. Prisoners had access to an ombudsman and opportunities for religious observation, and authorities permitted prisoners at least five hours of access by visitors per month. Authorities allowed without censorship submission by detainees of complaints to judicial authorities and investigated credible allegations of inhuman conditions.

Independent Monitoring: The government permitted monitoring by independent human rights observers, including the Council of Europe's Committee for the Prevention of Torture (CPT) and the ECPDL.

#### **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 judicial 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 of Detainees**

Warrants issued by a duly authorized official are required for arrests in most cases. Police must inform detainees of charges against them within 24 hours of arrest and bring them before a judge for a determination of the detention's legality. There is a functioning bail system, which judges regularly employed.

According to law, detainees are supposed to receive immediate access to an attorney, paid for by the government in cases of indigent detainees. The 2011 ECPDL report confirmed CPT findings that many detainees had no access to a lawyer until their first appearance before an investigating judge, despite a round-the-clock duty roster of public defenders created by the bar association. According to the report, a number of lawyers stated they only appeared at their client's first appointment with the investigating judge rather than at the initial interrogation because they lacked legal authority to do so earlier. The report recommended that the Ministry of Justice promptly implement changes allowing lawyers to assist their clients prior to and during interrogations. The situation remained unchanged during the year. Authorities permitted detainees prompt access to family members. No suspects were detained incommunicado or held under house arrest.

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

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

### **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. The defendant has the right to be informed promptly and in detail of the charges (with free interpretation as necessary). Defendants have the right to a fair and public trial without undue delay. Trials are public except for those involving sexual or child abuse cases, and fair. There are no jury trials. Defendants have the right to be present and to

consult with an attorney of their choice in a timely manner. Defendants and their attorneys have adequate time and facilities to prepare a defense and have access to government-held evidence relevant to their cases. They may confront witnesses against them and present witnesses and evidence on their own behalf. Defendants are not compelled to testify or confess guilt. Defendants have the right of appeal.

The law extends the above rights to all citizens.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and were available to individuals who wished 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 European Court of Human Rights (ECHR) after exhausting all routes for appeal in the country's court system.

### **Regional Human Rights Court Decisions**

The country is party to the European Convention on Human Rights and subject to the jurisdiction of the ECHR. The government complied with court orders to pay compensation.

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

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

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

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. Internet access was widely available. According to the European Union Statistics Office (Eurostat), approximately 95 percent of the country's population 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 the freedoms of assembly and association, and the government respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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. 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 law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Applicants for asylum continued to experience prolonged waiting periods for adjudication of their claims in some individual cases. In contrast with previous years, lack of housing ceased to be a problem.

Authorities determined the granting or denying of international protection on a case-by-case basis through individual interviews and background checks. Government authorities and the population at large generally treated applicants and refugees well. The government, however, refused the majority of applicants from the Balkans because authorities often deemed their requests for international protection unfounded and based primarily on economic factors.

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

Temporary Protection: The law provides for the possibility of granting protection to individuals who may not qualify as refugees. The government did not grant such protection to any individuals between January and August. The law classifies cases of temporary protection under the category of subsidiary protection; there were 26 such cases between January and September.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In October 2013 the country held Chamber of Deputies elections that observers considered free and fair.

Participation of Women and Minorities: There were 16 women in the 60-member Chamber of Deputies and five women among the 18 members of cabinet. There were 23 women in the 36-member Supreme Court. One parliamentarian was of Portuguese origin, another was of Italian descent.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Corruption: In January the government initiated disciplinary and criminal procedures against an employee of the Ministry of Tourism for allegedly misusing his access to government databases with the aim of furthering a potential political career.

The Ministry of Justice is responsible for combating government corruption. It generally operated effectively and independently, and was sufficiently resourced.

Financial Disclosure: In February the government passed an executive order compelling cabinet members to disclose any company assets, in the form of shares or otherwise, that they own. No particular agency is mandated to monitor the disclosures and no specific sanctions are outlined for failure to disclose. The executive order, however, requires that the information be submitted before future ministers assume office. The declarations are made public via the government's internet website. There are no criminal or administrative sanctions for noncompliance.

Public Access to Information: While the country does not have a law providing public access to government information, the government granted the public access to such information and placed considerable amounts of government data on official websites.

## **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 often were cooperative and responsive to their views. No major human rights NGOs suffered government restrictions or lack of cooperation.

Government Human Rights Bodies: There is a Consultative Commission for Human Rights and an Ombudsman Committee for the Rights of Children. The committees act independently, although they are government funded and composed of government nominees. The resources provided by the government were sufficient to allow for their continuous and unrestricted operation. As

consultative bodies in the legislative process, the committees commented on the government's bills and amendments to laws concerning human and children's rights. They are also active in outreach efforts, informing the public about human rights and the rights of children and publishing annual reports on their activities.

## **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. Penalties for violations 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 a 10-day period, which can be extended for an additional three months. Penalties may include fines and imprisonment. If an individual approaches an NGO for assistance in cases involving domestic abuse, police are required to investigate. During the year there were 844 cases of spousal abuse requiring a police response; in 357 of the cases, authorities removed the abusive spouse from the household.

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports of FGM/C during the year.

Sexual Harassment: The law prohibits sexual harassment and requires employers to protect employees from such harassment. The law prohibits gender-based job discrimination and harassment of subordinates by superiors. Disciplinary measures against offenders, including dismissal, are available. The law considers an employer's failure to take measures to protect employees from sexual harassment a breach of contract, and an affected employee is entitled to paid leave until the situation is rectified. Observers did not consider sexual harassment in the workplace 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 and the right to attain the highest standard of reproductive health. There was easy access to contraception and skilled attendance during childbirth. There were no barriers limiting access to maternal health services.

Discrimination: Women enjoy the same legal rights as men, including rights under family, labor, property, and inheritance law and in the judicial system. The law mandates equal pay for equal work. According to a July 2013 report by CEPS/INSTEAD, a social science research institute, employers paid women 8.7 percent less on average than men for comparable work. The Ministry of Equal Opportunities is responsible for protecting the legal and social rights of women.

## **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 offspring at birth. Birth registration did not occur on a discriminatory basis and failure to register did not result in the denial of public services.

Child Abuse: A special police unit is responsible for the protection of minors; 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. Police statistics did not distinguish between child abuse and other crimes involving minors.

Early and Forced Marriage: The minimum legal age of marriage is 18 for men and 16 for women, provided that one of the partners is a resident of the country. Permission of at least one parent is required if one of the partners is under 16. Statistics regarding marriage rates for individuals younger than 18 were not available.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports of FGM/C during the year.

Sexual Exploitation of Children: The law prohibits child pornography. Penalties for the sexual exploitation of children range from five years' to life imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the provision of other state services, or other areas. The government mostly 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 such structures. The NGO Aid for Handicapped Children advocated for the protection of the rights of persons with disabilities. Children with disabilities attended one of nine such specialized schools, based on the nature and degree of their disability. Children with disabilities can attend regular schools at their parents' discretion, in close consultation with advisory services of the Ministry of Education. The government allowed children with disabilities to attend primary, secondary, and higher education. There were no patterns of abuse in educational and mental health facilities. The Ministry of Family Affairs and the Consultative Commission for Human Rights are responsible for protecting the rights of persons with disabilities.

The law establishes quotas requiring businesses employing more than 25 persons to hire workers with disabilities and pay them prevailing wages, but the government acknowledged it had not applied or enforced these laws consistently. The law requires private companies with at least 25 workers to hire at least one employee with a disability and the workforce of larger companies to have between 2 and 4 percent of employees with a disability. For state and all public companies, at least 5 percent of the workforce had to be classified as having a disability.

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

The law prohibits all forms of discrimination based on sexual orientation. This law applies to lesbian, gay, bisexual, and transgender individuals. There were no reported incidents of discrimination based on sexual orientation or gender identity.

### **Section 7. Worker Rights**

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

The law allows all 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 allows unions to conduct their activities without interference. Workers exercised these rights freely, and the government protected these rights. The law prohibits antiunion discrimination, and there were no reports such practices occurred.

The right to strike excludes 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.

The government generally enforced the law. Resources, inspections, and remediation efforts were adequate. Penalties for violations ranged from fines of 251 to 15,000 euros (\$310 to \$18,655) and imprisonment of up to six months. Penalties for violations were sufficient to deter violations.

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

The law prohibits all forms of forced or compulsory labor. Nevertheless, forced labor occurred. The government made only minimal progress in holding offenders accountable. Government resources and inspections were limited. The penalties for violations ranged from three to 15 years' imprisonment under criminal law and were sufficient to deter violations.

There were reports that foreign men, women, and children were engaged in forced labor, including in the construction and restaurant sectors. Some children were engaged in forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits the employment of children under the age of 16. Apprentices who are 16 must attend school in addition to their job training. The labor code also prohibits the employment of workers under 18 in hazardous work environments, on Sundays and official holidays, or for nighttime work. The Ministries of Labor and Education effectively enforced the child labor laws.

Forced child labor occurred in restaurants and construction sectors. Romani children were sometimes trafficked during the daytime from neighboring countries to engage in forced begging.

Government resources, inspections, and remediation efforts were adequate. Under criminal law, persons who employ children under 16 may be subject to a fine of 251 and 25,000 euros (\$310 to \$18,655) and prison sentences between eight days and six months. The penalties were sufficient to deter violations.

### **d. Discrimination with Respect to Employment or Occupation**

The law prohibits discrimination based on race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations. The labor code does not prohibit discrimination on the basis of color, political opinion, national extraction, and social origin.

Discrimination in employment and occupation occurred with respect to disability (see section 6).

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

As of January 1, the national minimum wage for a worker over the age of 18 was 1,921 euros (\$2,390) per month for unskilled workers and 2,305 euros (\$2,865) for skilled workers. The poverty income level was 1,650 euros (\$2,050) per month in 2011, the last year for which information was publicly available. Minimum wage provisions apply to all employees in the country, including foreign, migrant, temporary, and contract workers.

The law mandates a maximum normal workweek of 40 hours. Premium pay is required for overtime or unusual hours. The law permits Sunday employment in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel. The law provides for paid annual holidays. 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 hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum workday of 10 hours, 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. Workers can remove themselves from situations endangering health and safety without jeopardizing their employment. Authorities effectively protected employees in this situation.

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 effectively. Penalties for violations ranged from fines ranging from 251 to 50,000 euros (\$310 to \$62,180 to one year imprisonment, and were sufficient to deter violations. As of December 2013, the labor inspectorate had a total of 103 employees, including 17 inspectors. According to the latest figures available, in 2012 there were 19,777 work-related injuries, including 14 deaths. The construction and catering sectors were the most common sectors where accidents occurred.