Luxembourg

Country Reports on Human Rights Practices - 2007
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The Grand Duchy of Luxembourg, with a population of approximately 460,000, is a constitutional monarchy with a democratic, parliamentary form of government. The role of the grand duke is mainly ceremonial and administrative. Legislative authority is vested in the unicameral Chamber of Deputies. The prime minister is the leader of the dominant party in the popularly elected parliament. In 2004 generally free and fair parliamentary elections took place. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Prison overcrowding, domestic violence, and child abuse were reported, as were multiple 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 conditions generally met international standards, and the government permitted visits by independent human rights observers, although no visits were reported during the year. Overcrowding in the Schrassig prison remained a problem. During the year the government passed a law to begin the construction of a detention center for refused asylum seekers to relieve prison overcrowding.

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 and Detention

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public except for those involving sexual 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 must ask the judge for permission to confront or question witnesses against them or to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right of appeal.

A legal basis exists for the establishment of religious and military courts on an ad hoc basis, but no such action has occurred in the last sixty 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.

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. 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. A majority of the population had connections to the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The 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.

There is no state religion, but the government paid the salaries of Roman Catholic, some Protestant, Greek, Russian, Romanian, and Serbian Orthodox, Anglican, and Jewish clergy. Several local governments also maintained sectarian religious facilities. In 2003 the Muslim community, desiring to receive similar government funding, named a national representative and single interlocutor for negotiations with the government. At year's end, however, the matter was still unresolved.

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 *2007 International Religious Freedom Report*.

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

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The April 2006 asylum law cancelled the right of appeal for previously denied asylum seekers and the provisions for holding refused asylum seekers awaiting repatriation.

The law provides for the possibility to grant temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The government did not grant such protection during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

National parliamentary elections are held at least every five years. The most recent national parliamentary elections, held in 2004, were considered generally free and fair. Political parties could operate without restrictions or outside interference.

There were 13 women in the 60-member parliament and three women in the 15-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one citizen member of a minority in the parliament and one citizen member of a minority in the cabinet.

Government Corruption and Transparency

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.

The law provides for public access to government information, and the government freely provides access on its Internet Web site.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women

The law prohibits rape, including spousal rape, and the government enforced the law effectively. The legal penalties are between five and ten years' imprisonment.

The law prohibits domestic violence, and the government effectively enforced it. The law is gender neutral and provides that a batterer will be removed from the residence 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. There were approximately 400 cases of police intervention relating to spousal abuse during the year and 200 police expulsions of the abusing spouse.

The government funded organizations that provided shelter, counseling, and hot lines. There is a hot line for battered women. During the year government-sponsored NGO shelters provided refuge to approximately 310 women and 340 children. The government also provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported receiving 422 calls during the year.

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. There were no reports of police targeting prostitutes for abuse.

During the year the government launched a public outreach and education campaign against foreign tourism that involved the sexual exploitation of children. The campaign was created in cooperation with the ECPAT (End Child Prostitution and Trafficking)-Luxembourg association and several travel agencies. The government contributed to various projects against child sex tourism in Mali, India, and Pakistan.

The law prohibits sexual harassment, and the government generally enforced it.

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 20 to 30 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women. The government continued a gender mainstreaming media campaign that began in 2005.

Children

The government was strongly committed to children's rights and welfare. The law mandates school attendance from ages four through 15, and school attendance is universal through that age. Schooling is free through the secondary level, and the government provides some financial assistance for postsecondary education.

A physicians' organization estimated that approximately 200 cases of child abuse were reported in 2006, resulting in about 60 children receiving medical treatment; no estimate was available on the number of abuse cases in 2007.

The government provides free medical care, and boys and girls had equal access.

Trafficking in Persons

Luxembourg is a country of destination for women trafficked transnationally for the purpose of sexual exploitation. Source countries primarily included Romania and Bulgaria. During the year the government identified seven victims of trafficking. At year's end authorities were prosecuting one perpetrator for trafficking, and had tried and convicted ten others for procuring prostitution and human trafficking.

The law prohibits all forms of trafficking in persons. 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 penal code provides for fines of $730 to $182,500 (500 to 125,000 euros) 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. The law provides penalties from six months' to three years' imprisonment and monetary fines for trafficking. If there are aggravating circumstances, prison sentences can range from one to ten years. Authorities indicated that laws against organized crime may also be used in trafficking cases.

There were several cases during the year that resulted in conviction, fines, and prison sentences. For example, in April a French pimp arrested in 2004 and charged with procuring prostitution and human trafficking was sentenced to 12 months' imprisonment and a $2,920 (2,000 euro) fine. In May a French pimp arrested in 2006 and charged with procuring prostitution and human trafficking was sentenced to 24-months' imprisonment and a $2,190 (1,500 euro) fine.

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 was responsible for the government's antitrafficking efforts, in cooperation with the ministries of foreign affairs and equal opportunity as well as NGOs.

The government improved its law enforcement efforts with the creation of a special police unit to investigate trafficking-related crimes.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced these provisions. The law does not require 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. Aid for Handicapped Children, an NGO, is in charge of protecting the rights of persons with disabilities.

There are laws establishing 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.

Other Societal Abuses and Discrimination

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

Section 6 Worker Rights

a. The Right of Association

The law provides for the right to form and join unions without previous authorization or excessive requirements, and workers exercised these rights. Approximately 50 percent of the workforce (including trans-border workers) was unionized.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers were under collective bargaining agreements. The law provides for the right to strike, except for government workers who provide essential services, but no strikes occurred during the year. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The government's national conciliation office must certify that conciliation efforts have ended for a strike to be legal.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The ministries of labor and education effectively enforced the child labor laws.

e. Acceptable Conditions of Work

The national minimum wage for a single worker over the age of 18 was approximately $2,190 (1,503 euros) per month for unskilled workers and approximately $2,630 (1,804 euros) 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 then the Superior Court of Justice are responsible for enforcing these laws.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The labor inspectorate of the Ministry of Labor and the accident insurance agency of the social security ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

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