

# Frant National contribution to the Fundamental Rights Report 2023

**Luxembourg**

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# Contents

1	Equality and non-discrimination .....	6
1.1	Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance .....	6
1.2	Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance.....	8
2	Racism, xenophobia and related intolerance.....	9
2.1	Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime .....	9
2.2	Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive.....	11
3	Roma equality and inclusion .....	13
3.1	Policy developments in regards to the implementation of national action plans .....	13
3.2	Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion .....	14
4	Asylum, borders, visas, migration and integration.....	15
4.1	National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions.....	15
4.2	Use of the large-scale IT Systems in the area of asylum, migration and border control .....	19
5	Information society, privacy and data protection.....	20
5.1	Initiatives in the use of artificial intelligence in both private and public sectors.....	20
5.2	Legal and policy initiatives on data protection and private life .....	21
6	Rights of the child.....	22
6.1	Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee .....	22
6.2	Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings. ....	27
7	Access to justice – Victims' Rights and Judicial Independence ....	32

7.1	Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025 .....	32
7.2	Measures addressing violence against women .....	35
8	Developments in the implementation of the Convention on the Rights of Persons with Disabilities .....	41
8.1	CRPD policy and legal developments & implementation of the European Accessibility Act.....	41
8.2	CRPD monitoring at the national level .....	43
	Annex 1 – Promising Practices .....	44
	Annex 2 – Case Law .....	60

## Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<b>Youth reform:</b> The government has launched a reform of youth protection that separates youth protection from juvenile crime matters by introducing 1) <a href="#">bill N° 7994</a> on protecting minors, youth, and families and 2) <a href="#">bill N° 7992</a> on the rights of minors' victims or witnesses in criminal proceedings; 3) <a href="#">bill N°7991</a> introducing a criminal law for minors.
EU Charter of Fundamental Rights	<b>Statelessness cases and application of Article 41:</b> An applicant who was subject to a return decision within the meaning of the Return Directive and was refused the statelessness status appealed this refusal on the ground that the Administration had breached its obligations under the principle of the right to good administration. The Administrative Court <a href="#">decided</a> that the appellant could not rely on article 41 of the Charter since the contested decision refusing the recognition of statelessness did not implement EU law and was not governed by EU law and also because the applicant was not an EU citizen.
Equality and non-discrimination	In 2022 the Ministry of Justice introduced bill <a href="#">N°8032</a> to amend the Criminal Code to include a general <b>aggravating circumstance for crimes</b> committed with a motive based on origin, skin colour, sex, sexual orientation, gender reassignment, gender identity, family status, age, state of health, disability, sexual orientation, political or philosophical opinions, ethnic group, nation, race or religion.
Racism, xenophobia & Roma integration	<b>Taking stock for developing the National Anti-racism plan:</b> The Ministry of Family, Integration and the Greater Region presented first national study on racism "Racism and ethno-racial discrimination in Luxembourg in Luxembourg". The Ministry <a href="#">is told preparing</a> the National action plan on anti-racism. However, public announcements still need to be made.
Asylum & migration	<b>No criminalisation of humanitarian assistance in national case law :</b> in 2022 there were no instances of judicial convictions under article 382-4 of the Criminal Code which criminalises the facilitation of unauthorized entry or transit in the framework of humanitarian assistance.
Data protection and digital society	Nothing to report
Rights of the child	The government launched a <b>social inclusion policy for children:</b> <a href="#">National Action Plan for the European Child Guarantee 2021-2030</a> to reach vulnerable children and young at different levels of the society..

<p>Access to justice, including victims of crime</p>	<p><b>National Action Plan for Children's Rights:</b> the Minister for Education, Children and Youth launched a <a href="#">National Action Plan for Children's Rights</a> on 18 May 2022. The medium-term objectives of the action plan include developing a child-friendly justice and protecting all children from violence.</p>
<p>Convention on the Rights of Persons with Disability</p>	<p>The <a href="#">law on the accessibility</a> to all places open to the public, public roads, and collective housing buildings came into vigour in 2022.</p> <p>The government introduced an <a href="#">inter-ministerial committee</a> to promote the rights of persons with disabilities. The committee's tasks include developing and realizing reports, monitoring the implementation of the action plan, prepare the evaluation measures.</p>

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In early 2022 the government introduced bill 8032<sup>1</sup> to make amends<sup>2</sup> and transpose correctly [Council Framework Decision 2008/913/JHA](#) and thus harmonise the national legislation. The main objective of the bill is to include a general aggravating circumstance for crimes committed with a motive based on one or more of the characteristics referred to in Article 454 of the Criminal Code<sup>3</sup>, namely: origin, skin colour, sex, sexual orientation, gender reassignment, gender identity, family status, age, state of health, disability, sexual orientation, political or philosophical opinions, trade union activities, membership or non-membership, whether actual or assumed, of a particular ethnic group, nation, race or religion.

In 2022 the the Ministry of Work (*Ministère du Travail, de l'Emploi et de l'Economie sociale et solidaire*) deposited bill N°8016 that seeks to transpose la directive 2019/1158 (on the work-life balance of parents and carers) that would allow same sex couples to have parental leave (*congé paternité*). The new law would only regard same sex married couples.

As of 2022, in its application form for blood donations the Red Cross no longer asks the question of sexual contact for homosexual men in the last 12 months<sup>4</sup>. The questions have been reformulated in a non-discriminatory manner regarding

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<sup>1</sup> Luxembourg, Bill N° 8032 ([Projet de Loi N°8032 complétant le Code pénal par l'introduction d'une circonstance aggravante générale pour les crimes et délits commis en raison d'un mobile fondé sur une ou plusieurs des caractéristiques visées à l'article 454 du Code pénal](#)), 22 June, 2022.

<sup>2</sup> European Commission, [December infringements package: key decisions](#), 2 December 2021.

<sup>3</sup> Luxembourg, [Code Pénal](#), Art. 454, 26 December 2021.

<sup>4</sup> Luxembourg, RTL.lu (2022), [Who can donate blood in Luxembourg?](#) (*Qui peut donner son sang au Luxembourg ?*) News of 18 march 2022.

sexual contact in exchange for money, drugs, and sexual contact with a person using drugs.<sup>5</sup>

A special interministerial committee is still preparing a draft bill to allow third sex in the national legislation. However, civil rights organisations note that the constitutional reform that is currently underway, does not include the possibility of non binary sexes.<sup>6</sup>

Following the publication of the Good Practice Guide for the inclusion of LGBTI persons in the workplace in 2021, IMS Luxembourg presented its new [guide for the inclusion](#) of transgender persons in the workplace in 2022. The guide is part of National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights (*Plan d'action nationale pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes*) (2018-2023) (REF) and explains the basic notions related to trans identity, the national legal framework, as well as practical advice for the companies.

Access to affordable housing (including renting) has become a primary challenge to persons living and working in the country in recent years, particularly in 2022. The state has extended financial support<sup>7</sup> and introduced the national strategy for affordable living (2022). Moreover, civil society bodies urge more support and tangible actions to ensure access to all social groups (i.e. single parent families, young people, etc.). Caritas demands that the state does the following: fight against speculation; increase rent subsidy and rent control, develop Social Rental Managementbody; supports associations and foundations in their role as social landlords; review the support programmes for energy renovation – and have these priorities include in the next governmental agenda in 2023<sup>8</sup>.

In late 2022 the Luxembourgish government offered/extended financial subsidies<sup>9</sup> (also cf. 6.1) to support households with rising energy prices due to the war in Ukraine. These measures would be exceptionally beneficial for vulnerable groups.

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<sup>5</sup> Luxembourg, Red Cross of Luxembourg (2021), Medical application for donating blood ([Questionnaire médical](#)). July 2021.

<sup>6</sup> Luxembourg, Rosa Lëtzebuerg (2021), Position on the revision text N°7755 on the constitutional amendment ([Avis sur le texte de révision N°7755 sur l'amendement constitutionnel](#)), press release, 10 November 2021.

<sup>7</sup> Luxembourg, Ministry of Housing (2022), The National Affordable Housing Strategy: Towards a Right to Housing for All ([La Stratégie nationale du logement abordable : Vers un droit au logement pour tous](#)), 9 December 2022.

<sup>8</sup> Luxembourg, Caritas (2022), Advocacy, Ensuring access to affordable housing, ([Revendications, assurer l'accès au logement abordable](#)), 4 October 2022.

<sup>9</sup> Luxembourg, The Gouvernement of Luxembourg (2022), High energy prices: new subsidies to help households ([Prix de l'énergie élevés : de nouvelles subventions pour aider les ménages](#)), press release, 22 December 2022.

Additionally, Caritas has pledged to support those people who, for whatever reason, cannot access state support<sup>10</sup>.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

Not available.

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<sup>10</sup> Luxembourg, Caritas (2022), [News 135](#), November 2022.



## 2 Racism, xenophobia and related intolerance

### 2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In March 2022 the Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) presented its results of the first national study on racism "Racism and ethno-racial discrimination in Luxembourg in Luxembourg" (*Le racisme et les discriminations ethno-raciales au Luxembourg in Luxembourg*). The study points to the differences between law and practice, a low number of convictions for discrimination due to a low number of complaints of discrimination. The study discusses the barriers to submitting complaints, such as: "cost, a lack of evidence, and fear of reprisals.»<sup>11</sup> Examples of structural "systemic" racism of "denying the right to ethnic groups of people"<sup>12</sup> have been discussed in qualitative studies in more detail. First, the study points to the intense institutionalised discrimination in education. There is evidence (also confirmed by PISA study) of disparity between the classical and vocational education for Portuguese-speaking communities. Second is the systematised hindrance to the public sector of the same ethnic groups.<sup>13</sup>

The study includes two parts: an analysis of the quantitative online questionnaire among a representative sample of the resident population of 18 years and above. The survey included 2949 respondents and aimed to measure attitudes towards racism and immigration, stereotypes, perceptions of discrimination and racial practices as a witness or as a victim in society, and opinion on public policies. The qualitative part carried out a documentary, legal and institutional analysis that was complemented by interviews with 139 national stakeholders.

The survey measured the attitudes/perceptions of two groups: national population and minority groups concerning (i) racism and stereotypes, (ii) immigration, (iii)

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<sup>11</sup> Luxembourg, Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2022), Racism and ethno-racial discrimination in Luxembourg ([Le racisme et les discriminations ethno-raciales au Luxembourg](#)).

<sup>12</sup> Luxembourg, Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2022), Racism and ethno-racial discrimination in Luxembourg ([Le racisme et les discriminations ethno-raciales au Luxembourg](#)), p.88.

<sup>13</sup> Luxembourg, Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2022), Racism and ethno-racial discrimination in Luxembourg ([Le racisme et les discriminations ethno-raciales au Luxembourg](#)), p.88.

victims/witnesses of ethno-racial discrimination (iv) the places where such discrimination is expressed, (v) specified public policies.

The survey also asked participants about their own experiences of discrimination as a victim. About 15% of the residents report they became victims of ethno-racial discrimination. These percentages are low among Luxembourgers (around 7%). On the contrary, they vary between 25 and 40% among Portuguese, Muslims, and black people. Depending on the group, discrimination forms injustice and inappropriate words/ gestures. As a witness/victim of discrimination, 66,6% of the respondents state that they do not declare discrimination either because they think the offense was not severe enough or because of a lack of information.

Regarding overall residents' perceptions, the survey results show that ethno-racial groups tend not to interact with others (45.7% of the respondents have difficulty interacting with others. According to the questions, the groups affected by these stereotypes include mostly Roma, Muslims, people of black colour and sometimes Luxembourgers. 33,9% of residents who participated in the survey think that racism has increased in the last 5 years. 29,7% of them fear that they will become victims of incidents in the near future because of their ethno-racial background.

In its annual report for 2021<sup>14</sup>, the National equality body Centre for Equal Treatment (CET) stated that the overall number of the reporting of cases has doubled since 2016 (when the numbers began to increase)<sup>15</sup>. Regarding the nature of discrimination, CET stated that 24% regarded applications on race and ethnic origin, 20% concerning applications on the grounds of disability, 4%- age, and 4% - religion or belief and sexual orientation.

In its report of 2022, the Committee on the Elimination of Racial Discrimination noted again that the Luxembourgish state does not collect ethnic-racial data "for historical reasons".<sup>16</sup> and recommends that "state party collect anonymous, reliable and up-to-date statistics on socio-economic indicators, disaggregated by ethnic origin, to provide an adequate empirical basis for assessing policies and measures aimed at ensuring the equal enjoyment of all the rights."<sup>17</sup> The

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<sup>14</sup> Luxembourg, Centre for Equal Treatment (CET) (2022), Annual report 2021 ([Rapport d'activités 2021](#)), 3 May 2022.

<sup>15</sup> Luxembourg, Centre for Equal Treatment (CET), Press release - CET Activity Report 2021 ([Communiqué de presse - Rapport d'activités 2021 du CET](#)), 3 May 2022.

<sup>16</sup> United Nations, Committee on the Elimination of Racial Discrimination (2022), Concluding observations on the report of Luxembourg eighteenth to twentieth periodic reports ([Observations finales concernant le rapport du Luxembourg valant dix-huitième à vingtième rapports périodiquesubmission 4](#) ), CERD/C/LUX/CO/18-20, p.2.

<sup>17</sup> United Nations, Committee on the Elimination of Racial Discrimination (2022), Concluding observations on the report of Luxembourg eighteenth to twentieth periodic reports ([Observations finales concernant le rapport du Luxembourg valant dix-huitième à vingtième rapports périodiquesubmission 4](#) ), CERD/C/LUX/CO/18-20, p.2.

Committee called on the state to improve ethnicity statistics for developing reliable national data disaggregated by ethnic origin, without which it is impossible to know the extent of the problem of racial hate speech (art. 4)<sup>18</sup>.

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

In its report of 2022, the Committee on the Elimination of Racial Discrimination pointed out the lack of training of law enforcement personnel, lawyers, and the general public regarding the international Convention on the elimination of all forms of racial discrimination.

In 2022 CET reported several changes in the structure of the organisation. In 2022 the equality body saw an increase in the budget and could hire an additional staff member (lawyer). Also, CET notes that currently, the Parliament is considering expanding the CET mandate to allow them to accompany complainants in court.

<sup>19</sup>

While the national study on racism was presented and widely discussed in 2022, the Ministry of Family and integration has still not publicly announced the development of the anti-racism action plan. This caused a wave of criticism among civil society organisations that demand a national approach.<sup>20</sup> The open letter of civil rights activists referred to governmental responsibilities as well their public declarations (on the national and EU level) to develop the national action plan on anti-racism that would be independent of the action plan on integration. The latter would allow the official authorities to define racism in the country and address it on the individual, historical, structural, and institutional levels. Following open discussions at a series of seminars provided for the open public in the autumn

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<sup>18</sup> United Nations, Committee on the Elimination of Racial Discrimination (2022), Concluding observations on the report of Luxembourg eighteenth to twentieth periodic reports ([Observations finales concernant le rapport du Luxembourg valant dix-huitième à vingtième rapports périodiques submission 4](#)), CERD/C/LUX/CO/18-20, p.4

<sup>19</sup> Luxembourg, Centre for Equal Treatment (CET) (2022), Press release - CET Activity Report 2021 ([Communiqué de presse - Rapport d'activités 2021 du CET](#)), 3 May 2022.

<sup>20</sup> Luxembourg, Letzriseup (2022), Open letter Luxembourg needs a national action plan against racism! ([Le Luxembourg a besoin d'un plan d'action national contre le racisme](#)) by a civil society organisation Letzriseup, 7 August 2022.

of 2022, the Ministry is preparing a National action plan on anti-racism<sup>21</sup>. However, public announcements still need to be made.

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<sup>21</sup> Luxembourg, Luxembourg insitute of socio-economic reserach (2022), Series of lectures on racism and ethno-racial discrimination in Luxembourg "We and the others" ([\*Cycle de conférences sur le racisme et les discriminations ethno-raciales au Luxembourg« Nous et les autres »\*](#)).

### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

<b>Development regarding the implementation of the action plans</b>	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	Not applicable
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	Not applicable
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	Not applicable
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Not applicable
<b>Implications of the war in Ukraine on the situation of Roma</b>	
Have Roma from Ukraine entered your country?	Not applicable
If Roma from Ukraine entered your country how was this communicated in the media?	Not applicable
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	Not applicable

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion**

Not applicable.

## 4 Asylum, borders, visas, migration and integration

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

<b>EUMS</b>	<b>Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a></b>	
<b>LU</b>	<b>How has your EUMS implemented Article 3 of</b>	<b>Hyperlinked legal provision in EN and national language</b> Articles 382-4 and 382-5 of the Criminal Code <sup>22</sup> , introduced by the Act of 21 July 2012 <sup>23</sup> : Art. 382-4.

<sup>22</sup> Luxembourg, Criminal Code ([Code Pénal](#)), 12 August 2022.

<sup>23</sup> Luxembourg, the Act of 21 July 2012 regarding: 1) approval of the Protocol against the Smuggling of Migrants by Land, Sea and Air, signed in Palermo on 12 December 2000, supplementing the United Nations Convention against Transnational Organised Crime of 15 November 2000 2) amendment of the Criminal Code 3) amendment of the Code of Criminal Procedure 4) amendment of the amended Act of 29 August 2008 regarding the free movement of persons and immigration (*Loi du 21 juillet 2012 portant: 1) approbation du Protocole contre le trafic illicite de migrants par terre, air et mer, signé à Palerme, le 12 décembre 2000, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée du 15 novembre 2000 2) modification du Code pénal 3) modification du Code d'instruction criminelle 4) modification de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration.*). The provisions of Directive 2002/90/CE were first transposed into Luxembourgish national law by the Act of 21 December 2006 (*Loi du 21 décembre 2006*). Furthermore, the Criminal Code includes other general provisions that are relevant to the implementation of the sanctions regime foreseen in Art. 1 of Council framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence. This is the case, in particular, of Art. 7 and 14, regarding confiscation and prohibition to practise occupational activities.

	<p><b>Directive 2002/90/EU</b></p>	<p>(English translation)</p> <p>Any person who, by direct or indirect assistance, has intentionally facilitated or attempted to facilitate the unauthorised entry, unauthorised transit or, for financial gain, the unlawful residence of a third-country national within or across the territory of Luxembourg, the territory of a Member State of the European Union or of a State party to the Convention signed in Schengen on 19 June 1990, or the territory of a State party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, signed in Palermo on 12 December 2000, shall be punishable by imprisonment for a term of three to five years and a fine of 10,000 to 50,000 or one of these penalties only.</p> <p>(national language)</p> <p><i>« Toute personne qui, par aide directe ou indirecte a sciemment facilité ou tenté de faciliter l'entrée irrégulière, le transit irrégulier ou, dans un but lucratif, le séjour irrégulier d'un ressortissant de pays tiers sur ou par le territoire luxembourgeois, le territoire d'un Etat membre de l'Union européenne ou d'un Etat partie à la convention signée à Schengen le 19 juin 1990, ou le territoire d'un Etat partie au Protocole contre le trafic illicite de migrants par terre, air et mer, additionnel à la Convention des Nations Unies contre la criminalité transnationale organisée, signée à Palerme, le 12 décembre 2000, est punie d'un emprisonnement de trois à cinq ans et d'une amende de 10.000 à 50.000 euros ou d'une de ces peines seulement. »</i></p> <p>Art. 382-5.</p> <p>(English translation)</p> <p>The offence provided for in Article 382-4 is punishable by five to ten years' imprisonment and a fine of 50,000 to 100,000 euros in the following cases: 1° when it was committed by a person in authority over the victim, or by a person who abused the authority or facilities conferred by his or her position; 2° when it has been committed by a public officer or civil servant, a depositary or an agent of the public force acting in the exercise</p>
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of his or her functions; 3° when it has been committed against a minor; 4° when it has been committed by taking advantage of the particularly vulnerable situation in which a person finds herself because of her illegal or precarious administrative situation, her precarious social situation, a state of pregnancy, illness, infirmity or physical or mental deficiency, in such a way that the person has no real and acceptable choice but to submit to this abuse; 5° when it has been committed through the use, directly or indirectly, of fraudulent manoeuvres, violence, threats or any form of coercion; 6° when the victim's life has been endangered deliberately or by gross negligence; 7° when the offence has caused an apparently incurable disease, a permanent physical or psychological disability, the complete loss of an organ or the use of an organ, or a serious mutilation; 8° where the activity in question constitutes a regular activity; 9° when it constitutes an act of participation in the main or ancillary activity of an association, whether or not the guilty party is a manager.

(national language)

*« L'infraction prévue à l'article 382-4 est punie de la réclusion de cinq à dix ans et d'une amende de 50.000 à 100.000 euros dans les cas suivants: 1° lorsqu'elle a été commise par une personne qui a autorité sur la victime, ou par une personne qui a abusé de l'autorité ou des facilités que lui confèrent ses fonctions; 2° lorsqu'elle a été commise par un officier ou un fonctionnaire public, un dépositaire ou un agent de la force publique agissant à l'occasion de l'exercice de ses fonctions; 3° lorsqu'elle a été commise envers un mineur; 4° lorsqu'elle a été commise en abusant de la situation particulièrement vulnérable dans laquelle se trouve une personne en raison de sa situation administrative illégale ou précaire, de sa situation sociale précaire, d'un état de grossesse, d'une maladie, d'une infirmité ou d'une déficience physique ou mentale, de manière telle que la personne n'a en fait pas d'autre choix véritable et acceptable que de se soumettre à cet abus; 5° lorsqu'elle a été commise en faisant usage, de façon directe ou indirecte, de manoeuvres frauduleuses, de violences, de menaces ou d'une forme quelconque de contrainte; 6° lorsque la vie de la victime a été mise en danger délibérément ou par négligence grave; 7° lorsque l'infraction a causé une maladie paraissant incurable, une*

		<i>incapacité permanente physique ou psychique, la perte complète d'un organe ou de l'usage d'un organe, ou une mutilation grave; 8° lorsque l'activité concernée constitue une activité habituelle; 9° lorsqu'elle constitue un acte de participation à l'activité principale ou accessoire d'une association, et ce, que le coupable ait ou non la qualité de dirigeant. »</i>
	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b>	
	<b>Number of cases recorded by the police in 2022</b>	<b>Number and details of cases (if available)</b> No development in 2022.
	<b>Number of investigations initiated in 2022</b>	<b>Number and details of cases (if available)</b> No development in 2022.
	<b>Number of court decisions taken in 2022</b>	<ul style="list-style-type: none"> <li><b>Number and type of court decisions, information if the decision is final.</b> No development in 2022.</li> </ul> <p><b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</a></b> No development in 2022.</p> <ul style="list-style-type: none"> <li><b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b> No development in 2022.</li> </ul>

## **4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control**

No development in 2022.

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Gouvernement	National Act	<p>The National Action Plan for Green, Digital and inclusive transition, adopted by the Government Council on 24 September 2021, aims to facilitate the emergence of an inclusive digital society and to counteract a digital divide that would be detrimental to society.</p> <p>It lays a solid foundation for sustainable action in digital inclusion. It acts as a facilitator to make digital an economic and social lever for all who choose to go digital.</p> <p>Regarding AI, the plan outlines implemented projects and those currently under development.</p>	no	Gouvernement of Luxembourg (2022). <a href="#">National plan for green, digital and inclusive transition</a> ( <i>Plan national pour une transition verte, numérique et inclusive</i> )

Academia	Report/ study	The presentation provides an overview on how digitalisation, artificial intelligence, and other digital technologies are implemented in migration legislation and procedures in several EU MS, excluding Luxembourg.	Yes, Fundamental rights; protection of personal data.	Sommarribas, A. (2022). <a href="#">EMN-OECD Inform on Digitalisation and AI</a> . EMN Luxembourg. EE EMN NCP National Conference, 27 January 2022
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## 5.2 Legal and policy initiatives on data protection and private life

There have not been any new legal or policy developments regarding the Law Enforcement Directive or Digital Services Act.

## 6 Rights of the child

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

<b>Legislative changes</b>	<p>Reform of youth protection led to a new bill N°7994 on protecting minors, youth, and families.<sup>24</sup> The reform separates youth protection from juvenile crime matters. It also adds the bill on the vision of justice in cases involving minors as victims or witnesses (see chapter 7). Bill N°7994 has 5 objectives,</p> <ol style="list-style-type: none"><li>1) promoting the rights of minors, young adults, and families through i.e. safeguarding the best interests of the child and guaranteeing the information and participation of minors, young adults, and their families, both in voluntary and judicial procedures; right to family life</li><li>2) Promoting voluntary measures and focusing on prevention support and protection, i.e., without judicial intervention ( only as a last resort and always in the best interests of the child)</li><li>3) Improving procedural guarantees, both judicial and voluntary.</li><li>4) Implementing procedural and administrative simplifications. The bill foresees a change of actors and their responsibilities. For instance, ONE will replace SCAS in the implementation of 'educational assistance' measures and in implementing social investigations in the context of judicial proceedings in cases of assistance, support, and protection of minors. One will be expanded and</li></ol>
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<sup>24</sup> Luxembourg, Bill N°7994 on on assistance, support and protection for minors, young people and families ([Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes aux familles](#)), 25 April 2022.

	<p>receive new responsibilities (i.e., reception centre, Commission for collecting preoccupying information.</p> <p>5) Improving the quality approach. The bill proposes a new system called "recognition of the quality of services" (reconnaissance de la qualité des services) for any service that will demand state funding. The new system will also include a detailed complaints management system.<sup>25</sup></p>
<p><b>Policy changes</b></p>	<p>The National Action Plan for the European Child Guarantee (<i>Le plan d'action national relatif à la « Garantie européenne pour l'enfance »</i>) 2021-2030<sup>26</sup> was presented in May 2022. The aim of the Plan for the European Child Guarantee is to reach groups of children and young people who, despite having access to quality education and support from an early age, experience difficulties which prevent them from obtaining education and qualification<sup>27</sup>. The « EU Guarantee plan » is aimed at children in need who are specified as follows: minors, who are at risk of poverty or social exclusion or other forms of disadvantage (children with disabilities, children with mental health problems, children in institutions, children with an immigrant background, children in a precarious family situation), etc. Its overall objective is to continue to make efforts in the area of social inclusion policy and to reduce or even eliminate the financial and non-financial obstacles faced by people at risk of poverty or social exclusion. This is done by providing them with the necessary resources to enable their full participation in economic, social and cultural life.<sup>28</sup></p>

<sup>25</sup> Luxembourg, Explanatory statement (*Exposé des motifs*) of Bill N°7994 on assistance, support and protection for minors, young people and families ([Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes aux familles](#)), 25 April 2022.

<sup>26</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*). The National Action Plan for the European Child Guarantee 2021-2030 ([Le plan d'action national relatif à la « Garantie européenne pour l'enfance »](#)), 10 November 2022.

<sup>27</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*). The National Action Plan for the European Child Guarantee 2021-2030 ([Le plan d'action national relatif à la « Garantie européenne pour l'enfance »](#)), p.10

<sup>28</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*). The National Action Plan for the European Child Guarantee 2021-2030 ([Le plan d'action national relatif à la « Garantie européenne pour l'enfance »](#)), p.10.

	<p>Rights of the child: National Strategy / National Action Plan 2022-2026 (<i>Droits de l'enfant : Stratégie nationale / Plan d'action national 2022-2026</i>)<sup>29</sup></p> <p>The plan includes eight key areas: identity and non-discrimination, placement measures, health and well-being, unaccompanied minors (UAMs), child justice, violence, children's rights in crises, and the right to participation. The action plan consists of 64 separate actions that have been selected based on the objectives of the child rights strategy with all partners. The Kannerechter Plattform (<i>La Plattform Kannerechter</i>) of the Ministry of Education, Children, and Youth brings together vital actors in children's rights and identifies, monitors, and evaluates the measures in the action plan.<sup>30</sup></p>
<p><b>Other measures or initiatives</b></p>	<p>In 2022 Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>) started a pilot project for literacy in French in four schools intending to take more remarkable account of the country's cultural, linguistic and social diversity, particularly for pupils who live in a non-Luxembourg or non-German-speaking environment. It is aimed at children from different linguistic backgrounds to be able to join the mainstream school system at the end of primary education.<sup>31</sup> The project is voluntary and is developed in close contact with the parents' support and consultation.</p> <p>For the new school year, the government has made several measures in education that are now free of charge:</p>

<sup>29</sup> Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the rich of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), 15 May 2022.

<sup>30</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Launch of the Child Rights Strategy and National Action Plan 2022-2026: 'Together for Children's Rights ([Lancement de la stratégie des droits de l'enfant et du plan d'action national 2022-2026 : « Ensemble pour les droits de l'enfant »](#))', Press release, 18 May 2022.

<sup>31</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.12, 15 May 2022.



	<ul style="list-style-type: none"> <li>• Free meals</li> </ul> <p>From the start of the 2022 school year, all children receive free meals during school time; in that way, the state absorbs about €846 per child per year.<sup>32</sup></p> <ul style="list-style-type: none"> <li>• Free homework support in elementary schools</li> </ul> <p>Schools assign teachers who assist children for one hour per day per child. Each child has a reference person responsible for communicating with teachers and parents.<sup>33</sup></p> <ul style="list-style-type: none"> <li>• Free of charge care facilities (<i>foyers scolaires</i>) for children in education</li> </ul> <p>As of September 2022, after-school care facilities are provided for school children for free (excluding holidays) during the school year.<sup>34</sup></p> <ul style="list-style-type: none"> <li>• Free music, dance, and arts lessons in the municipal sector</li> </ul> <p>The state absorbs most of the feed for music, dance, and arts classes for a maximum of seven years of courses in music, dance, and the performing arts. It increases its support for children under 18 years. In that way, the government aims to make arts education accessible to every</p>
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<sup>32</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the rich of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.13, 15 May 2022.

<sup>33</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.13, 15 May 2022.

<sup>34</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.35, 15 May 2022.

	<p>child, which takes most of the subscription fee and capping it to 100 euros per year. It is also based on the income of the parents.<sup>35</sup></p> <ul style="list-style-type: none"> <li>• Increase the cost-of-living allowance</li> </ul> <p>To support vulnerable families, the state increased by at least 200 euros the cost-of-living allowance (<i>allocation de vie chère</i>) that is intended to provide specific support to low-income households. The amount of the allowance is determined according to the number of people in the household.<sup>36</sup>.</p> <p>The allowance was extended in 2022 in view of the rising energy prices. People whose gross income does not exceed the cost-of-living allowance ceiling by 25% were also allowed to apply for the energy premium.</p> <p>The cost-of-living allowance and the energy premium are granted to low-income households and are financed through the National Solidary Fund.<sup>37</sup>.</p> <ul style="list-style-type: none"> <li>• Social pediatrics</li> </ul>
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<sup>35</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.14, 15 May 2022.

<sup>36</sup> Luxembourg, Ministry for Education, Children and Youth (2022), Together for the right of the child (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022). National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.31, 15 May 2022.

<sup>37</sup> Luxembourg, The Ministry of Family and integration (2022), [Extension of the deadline for applying for the cost-of-living allowance and the energy premium](#). Press release, 16 November 2022.

	It offers non-hospital medical and psychological services by professionals working in hospitals and relevant institutions. The service is provided to vulnerable children, future mothers and fathers, victims of any type of abuse, or anyone at risk of becoming a victim of abuse <sup>38 39</sup> .
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## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<p>The Minister of Justice submitted to Parliament a number of relevant bills.</p> <p>These include, firstly, Bill n° 7992 on the rights of minors victims or witnesses in criminal proceedings<sup>40</sup>. According to the text of the attached Explanatory Memorandum and Commentary of the Articles, Article 12 (1) of the bill transposes Article 22 (4) of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>41</sup>. The bill is currently under discussion in the parliamentary Committee on Justice and provides, among others, for the following procedural provisions: accompanying of the child by the parents or a trusted person during hearings, depositions or court sessions; mandatory representation by a lawyer, potentially specialised in children's rights; evaluation of the child's capacity to testify and the application of supporting</p>
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<sup>38</sup> Luxembourg, Voice of the street (*Stëmm vun der Strooss*) introduces Children's voice ([Kanner Stëmm](#)).

<sup>39</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026](#)), p.16, 15 May 2022.

<sup>40</sup> Luxembourg, Bill n°7992 on the rights of minor victims and witnesses in criminal proceedings ([Projet de loi N°7992 relatif aux droits des mineurs victimes et témoins dans le cadre de la procédure pénale et portant modification: 1° du Code pénal ; 2° du Code de procédure pénale ; 3° de la loi modifiée du 10 août 1991 sur la profession d'avocat](#) ), 19 April 2022.

<sup>41</sup> Luxembourg, the bill includes, in section 5, a correspondence table between the articles of the bill and the articles of Directive 2012/29/EU.

and/or protective measures in the absence of such capacity; application of protective measures such as the anonymisation of data; prohibition to disclose information about the identity of the child; single officer in charge of all hearings with a given child; limitation of the number of hearings by the police and in court as well as separate waiting rooms for victims/witnesses and perpetrators in court to avoid secondary victimisation; information to child victims regarding procedural rights, the release of the perpetrator and the reasoning of decisions to take no further action; mandatory individual assessment of child victims to identify specific protection needs; information to child witnesses regarding procedural rights; right of child witnesses not to testify against or in the presence of their parents<sup>42</sup>.

Secondly, Bill n° 7991 introducing a criminal law for minors<sup>43</sup>. According to the text of the attached Explanatory Memorandum and Commentary of the Articles, the bill transposes into Luxembourgish national law Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings<sup>44</sup>. The bill is currently under discussion in the parliamentary Committee on Justice. It aims at establishing a clear distinction between youth protection and criminal law for minors under commitments made by Luxembourg to the UN Committee on the Rights of the Child in 2019. The bill provides, among others, for the following procedural provisions: regular and continuous information to children (and parents, unless conflict of interest) regarding their procedural rights; information to children on the charges faced at the beginning of the court session; mandatory representation of children by a lawyer of their choice; accompanying of children at all stages of the criminal procedure by a person appointed by the

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<sup>42</sup> Luxembourg, Ministry of Justice (2022), Presentation - Introduction of a criminal law for minors and modernisation of the legislation on the protection of minors ([Présentation - Introduction d'un droit pénal pour mineurs et modernisation de la législation en matière de protection des mineurs](#)), 29 March 2022.

<sup>43</sup> Luxembourg, Bill n°7991 introducing a criminal law for minors ([Projet de loi N.º 7991 portant introduction d'un droit pénal pour mineurs et portant modification : 1º du Code de procédure pénale ; 2º de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 3º de la loi modifiée du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres de l'Union européenne ; 4º de la loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 19 April 2022.

<sup>44</sup> Luxembourg, the bill includes, in section 5, a correspondence table between the articles of the bill and the articles of Directive (EU) 2016/800.

	<p>Central Service of Social Assistance (<i>Service Central d'Assistance Sociale</i>) of the Public Prosecution Service (<i>Parquet général</i>); mandatory presence of the child during court sessions to ensure the right to be heard; establishment of a Criminal Court for Minors (<i>tribunal pénal pour mineurs</i>) with jurisdiction over all offences committed by children, as well as of a Chamber of Appeal of criminal law for minors (<i>Chambre d'appel du droit pénal pour mineurs</i>); limitation of the number of persons present during court sessions; right of the child to the protection of privacy, notably prohibition to disclose recordings, court hearings or information regarding the child<sup>45</sup>.</p> <p>Thirdly, Bill n° 7959 on the organisation of legal aid<sup>46</sup>. The current regime provides for the unconditional right of the child to legal aid, independently of the financial situation of the parents, while at the same time allowing for the <i>ex-post</i> recovery from the parents of costs and fees paid by the state for the legal aid granted to their child. In practice, this regime may have a negative impact on the relationship between the child and the parents. As such, the bill in question excludes the <i>ex-post</i> recovery from the parents of costs and fees paid by the state<sup>47</sup>. The bill is currently under discussion in the parliamentary Committee on Justice.</p> <p>Finally, Bill n° 7949 strengthening the means for combating the sexual abuse and sexual exploitation of minors<sup>48</sup>. The bill provides, first, for the inclusion and definition of consent as a</p>
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<sup>45</sup> Luxembourg, Ministry of Justice (2022), Presentation - Introduction of a criminal law for minors and modernisation of the legislation on the protection of minors ([Présentation - Introduction d'un droit pénal pour mineurs et modernisation de la législation en matière de protection des mineurs](#)), 29 March 2022.

<sup>46</sup> Luxembourg, Bill n°7959 on the organisation of legal aid and repealing Article 37-1 of the amended Act of 10 August 1991 on the profession of lawyer ([Projet de loi n°7559 portant organisation de l'assistance judiciaire et portant abrogation de l'article 37-1 de la loi modifiée du 10 août 1991 sur la profession d'avocat](#)), 27 January 2022.

<sup>47</sup> Luxembourg, Ministry of Justice (2022), Presentation – Bill n° 7959 on the organisation of legal aid and repealing Article 37-1 of the amended Act of 10 August 1991 on the profession of lawyer ([Présentation - Projet de loi n° 7959 portant organisation de l'assistance judiciaire et portant abrogation de l'article 37-1 de la loi modifiée du 10 août 1991 sur la profession d'avocat](#)), 07 February 2022.

<sup>48</sup> Luxembourg, Bill n° 7949 strengthening the means for combating the sexual abuse and sexual exploitation of minors, transposing Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and amending : 1° the Criminal Code ; and 2° the Code of Criminal Procedure ([Projet de loi N.° 7949 renforçant les moyens de lutte contre les abus sexuels et l'exploitation sexuelle des mineurs portant transposition](#)

	<p>central element of sexual abuse. In this regard, it enshrines an irrebuttable presumption of lack of consent when the victim of rape or sexual harm is a minor under 16. Secondly, it specifies the definition of rape and sexual harm, notably to encompass crimes committed online. Thirdly, it provides for autonomous crimes and increased penalties in the case of incestuous rape and sexual harm against minors. Fourthly, it ensures conformity of the Criminal Code with Article 5 (6) of Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA. To that end, it ensures that the production of child pornography is punishable regardless of any conditions. Finally, the bill introduces changes to the system of statutory limitations. These include the non-application of statutory limitations to some of the most serious sexual crimes committed against minors and an overall increase of such limitations regarding sexual abuse of minors in general<sup>49</sup>. It should be noted that, in spite of the title, the bill does not include the transposition of any procedural provisions of Directive 2011/93/EU. The bill is currently under discussion in the parliamentary Committee on Justice.</p>
<p><b>Policy developments</b></p>	<p>Bill N° 7992 on the rights of minors victims or witnesses in criminal proceedings<sup>50</sup> and Bill n.° 7991 introducing a criminal law for minors<sup>51</sup>, submitted to Parliament by the Minister of Justice in April 2022, provide, respectively, for specialised training of police officers conducting</p>

*de la directive 2011/93/UE relative à la lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que la pédopornographie, et portant modification 1° du Code pénal et, 2° du Code de procédure pénale), 17 January 2022.*

<sup>49</sup> Luxembourg, Ministry of Justice (2022), Presentation – Bill n.° 7949 strengthening the means for combating the sexual abuse and sexual exploitation of minors, transposing Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and amending : 1° the Criminal Code ; and 2° the Code of Criminal Procedure ([Présentation - Projet de loi N.° 7949 renforçant les moyens de lutte contre les abus sexuels et l'exploitation sexuelle des mineurs portant transposition de la directive 2011/93/UE relative à la lutte contre les abus sexuels et l'exploitation sexuelle des enfants, ainsi que la pédopornographie, et portant modification 1° du Code pénal et, 2° du Code de procédure pénale](#)), 19 January 2022.

<sup>50</sup> See above Chapter 6.2, Legislative changes.

<sup>51</sup> See above Chapter 6.2, Legislative changes.

	hearings with children and for training police officers and public prosecutors on the rights of the child. Both bills are currently under discussion in the parliamentary Committee on Justice.
<b>Other measures or initiatives</b>	Bill N°7991 introduces a criminal law for minors <sup>52</sup> Submitted to Parliament by the Minister of Justice in April 2022, it provides that the deprivation of liberty and preventive detention must be considered measures of last resort. Deprivation of liberty, in particular, should only apply where diversion measures (e.g. oral warning, letter of warning, criminal mediation or restorative justice, community service, therapeutic follow-up) or non-custodial sentences are inadequate. The bill is currently under discussion in the parliamentary Committee on Justice.

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<sup>52</sup> See above Chapter 6.2, Legislative changes.

## **7 Access to justice – Victims’ Rights and Judicial Independence**

### **7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025**

In April 2022, the Minister of Justice submitted to Parliament Bill n.º 7992 on the rights of minors victims or witnesses in criminal proceedings<sup>53</sup>. According to the text of the attached Explanatory Memorandum and Commentary of the Articles, Article 12 (1) of the bill transposes Article 22 (4) of Directive 2012/29/EU. The bill is currently under discussion in the parliamentary Committee on Justice<sup>54</sup>.

The Act of 8 July 2022 amending, among others, the amended Act of 30 July 2015 creating a National Education Training Institute<sup>55</sup> foresees, in Article 54, that the initial training course organised by the Institute for public employees for educational and psycho-social profiles shall comprise an optional individual training module on prevention and mediation in the fight against violence.

In the framework of the National Childhood Week, the Minister for Education, Children and Youth launched the National Action Plan for Children's Rights<sup>56</sup> on 18

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<sup>53</sup> Luxembourg, Bill n°7992 on the rights of minor victims and witnesses in criminal proceedings ([Projet de loi N°7992 relatif aux droits des mineurs victimes et témoins dans le cadre de la procédure pénale et portant modification: 1° du Code pénal ; 2° du Code de procédure pénale ; 3° de la loi modifiée du 10 août 1991 sur la profession d’avocat](#)), 19 April 2022.

<sup>54</sup> See Chapter 6.2 for further information.

<sup>55</sup> Luxembourg, [Loi du 8 juillet 2022 modifiant : 1°la loi modifiée du 30 juillet 2015 portant création d’un Institut de formation de l’éducation nationale ; 2°la loi modifiée du 16 avril 1979 fixant le statut général des fonctionnaires de l’État ; 3°la loi modifiée du 7 octobre 1993 ayant pour objet a\) la création d’un Service de Coordination de la Recherche et de l’Innovation pédagogiques et technologiques ; b\) la création d’un Centre de Gestion Informatique de l’Éducation ; c\) l’institution d’un Conseil scientifique ; 4°la loi modifiée du 6 février 2009 portant organisation de l’enseignement fondamental ; 5°la loi modifiée du 6 février 2009 concernant le personnel de l’enseignement fondamental ; et abrogeant la loi du 20 juin 2020 portant dérogation : 1° aux chapitres 2 à 3quater de la loi modifiée du 30 juillet 2015 portant création d’un Institut de formation de l’éducation nationale ; 2° à l’article 5 de la loi modifiée du 10 juin 1980 portant planification des besoins en personnel enseignant de l’enseignement secondaire.](#)

<sup>56</sup> Luxembourg, Ministry for Education, Children and Youth (*Ministère de l’Éducation nationale, de l’Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 ([Droit de l’enfant: Zesumme fir d’Rechter vum Kand. Stratégie nationale Plan d’action national 2022 - 2026](#)), 15 May 2022.



May 2022. The action plan stems from the recommendation of the UN Committee on the Rights of the Child for the publication of such a plan and was developed following a consultation process with relevant stakeholders such as ministries, civil society representatives and children. It encompasses eight areas of activity, including one on justice for children and another on violence.<sup>57</sup> The medium-term operational objectives of the action plan include developing a child-friendly justice and protecting all children from violence, to be achieved among others by: i) the approval of Bill n.º 7992 on the rights of minors victims or witnesses in criminal proceedings<sup>58</sup> ii) strengthening the protection of children against all forms of abuse and violence through the transparent communication of a protocol for dealing with situations of disclosure of violence iii) strengthening training and action programmes for the network of professionals working with children and young people, to ensure that every victim feels listened to, respected and protected. A first assessment of the actions is expected for mid 2023.

In May 2022, the Ministry of Justice informed the Parliamentary committee on justice that the government is preparing a questionnaire on the experiences of actors and associations that organise activities for children and to allow for the development of ideas to improve the care of children who are victims of sexual violence. The results of this questionnaire will be presented to Members of Parliament in a parliamentary Committee<sup>59</sup>.

During the week dedicated to raising awareness about emotional and sexual health in Luxembourg<sup>60</sup>, organized in the framework of the National Action Plan on Emotional and Sexual Health<sup>61</sup>, ALUPE, a non-profit association, held a workshop

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<sup>57</sup> Luxembourg, Ministry for Education, Children and Youth (2022), Launch of the Child Rights Strategy and National Action Plan 2022-2026: "Together for Children's Rights" ([Lancement de la stratégie des droits de l'enfant et du plan d'action national 2022-2026: "Ensemble pour les droits de l'enfant"](#)), 19 May 2022.

<sup>58</sup> Please refer to Chapter 6.2 for further information.

<sup>59</sup> Luxembourg, Parliament (*Chambre des Députés*) (2022), Meeting of the Committee on Justice, the Committee on National Education, Children, Youth, Higher Education, and Research, the Committee on Internal Affairs and Equality between Women and Men, and the Committee on Health and Sports of 4 May 2022 ([Réunion de la Commission de la Justice, de la Commission de l'Éducation nationale, de l'Enfance, de la Jeunesse, de l'Enseignement supérieur et de la Recherche, de la Commission des Affaires intérieures et de l'Égalité entre les femmes et les hommes et de la Commission de la Santé et des Sports du 4 mai 2022](#)). No timeline was given for the presentation of the results of the questionnaire.

<sup>60</sup> Luxembourg, Ministry for Equality between Women and Men (2022), 2-11 May 2022: Emotional and sexual health in the spotlight! ([Du 2 au 11 mai 2022: La santé affective et sexuelle sous le feu des projecteurs!](#)), 20 April 2022.

<sup>61</sup> Luxembourg, Ministry of Health, Ministry for Education, Children and Youth, Ministry of Family, Integration and the Greater Region, Ministry of Equal Opportunities (2018), National Action Plan on Emotional and Sexual Health ([Plan d'action national « sante affective et sexuelle »](#)), 2018.

for professionals (educational, social, medical, psychological) and the general public on child victims of intra-family sexual violence. The workshop addressed the concepts of intra-family sexual violence, alarming indicators, victim-perpetrator dynamics, and psychological impacts on the child. It aimed, in particular, at exploring methodologies for reacting to the disclosure of instances of sexual violence as well as the provision of follow-up support, taking into consideration the needs of the child.<sup>62</sup>.

The judiciary police are responsible for informing the victims of the possibility of being helped or assisted free of charge by victim support services.<sup>63</sup> The leaflet given to victims under Article 3-7 of the Code of Criminal Procedure contains information on their rights as well as a list of governmental and non-governmental assistance services in charge of providing support services in Luxembourg<sup>64 65</sup>.

The Victims' Assistance Service (*service d'aide aux victimes*) of the Public Prosecution service (*Parquet général*) provides support to children, adolescents and adults who have suffered mental and/or physical harm as a result of a criminal offence, as well as to their relatives and to witnesses of criminal offences. Services offered include: i) psychological and psychotherapeutic support ii) information about victim's rights, including the compensation scheme iii) an accompanying service for the victims during judicial proceedings iv) a therapeutic group for victims of domestic violence. Consultations are free of charge.<sup>66</sup> Regarding non-governmental assistance services, these include, among others: i) *Aide aux victimes de la criminalité - Wäissen Rank* (helpline for victims, notably of sexual violence); ii) *Service d'Assistance aux Victimes de Violence Domestique*<sup>67</sup>, *Fraenhaus*<sup>68</sup> and *Service d'Assistance aux Victimes de la Traite des Êtres*

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<sup>62</sup> Luxembourg, ALUPE (2022), Workshop «The Child Victim of Intra-Family Sexual Violence » («[L'Enfant Victime de Violences sexuelles Intrafamiliales](#)»), 6 May 2022.

<sup>63</sup> Luxembourg, Art. 9-2 of the Criminal Procedure Code.

<sup>64</sup> Luxembourg, Ministry of Justice, [INFODROIT intended for victims in accordance with the provisions of article 3-7 of the Luxembourg Code of Criminal Procedure](#) (English version).

<sup>65</sup> According to the document, victims are to be understood as "[a]n identified individual who has suffered injury as a result of an offence", in line with Art. 4-1 of the Criminal Procedure Code.

<sup>66</sup> Luxembourg, La Justice, Grand Duché de Luxembourg, Central Service of Social Assistance - Victims' Assistance Service SAV ([Service Central d'Assistance Sociale – Le Service d'Aide aux Victimes SAV](#)) and Victims' Assistance Service, Were you a victim of a criminal offence ? ([Service d'Aide aux Victimes, Victime d'une infraction pénale ?](#)).

<sup>67</sup> Luxembourg, Domestic violence victims assistance service ([Service d'Assistance aux Victimes de Violence Domestique](#) - SAVVD), Femmes en Détresse.

<sup>68</sup> Luxembourg, [Fraenhaus](#), Femmes en Détresse.

*Humains*<sup>69</sup> of *Femmes en Détresse* (assistance, guidance and counsel for victims of domestic violence, including children who have witnessed violence; emergency and medium-term accommodation for victims of domestic violence and their children, as well as social, psychological, pedagogical and administrative support; psychosocial, psychological and administrative support, as well as information on rights for victims of trafficking in human beings); iii) *infoMann*<sup>70</sup> (helpline and shelters for male victims of domestic violence, as well as psychosocial consultations); iv) *ALUPSE – Association Luxembourgeoise de pédiatrie sociale*<sup>71</sup> (support to children, adolescents and young adults under 21 who are victims of physical, psychological and sexual violence by providing, among others, psychotherapy and trauma therapy); v) *Centre Ozanam Traite des Êtres Humains* of *Fondation Maison de la Porte Ouverte*<sup>72</sup> (psychosocial support and housing facility for victims of trafficking in human beings, as well as emergency reception of women and children victims of trafficking in human beings).

## 7.2 Measures addressing violence against women

In June 2022, the Minister of Justice submitted to Parliament Bill n° 8032 that introduces a general aggravating circumstance for crimes and offences based on characteristics referred to in Article 454 of the Criminal Code<sup>73</sup>. Article 454 of the Criminal Code includes, among its protected characteristics, the sex of the victim (of discrimination). According to this aggravating circumstance, the perpetrator may be sentenced to double the maximum penalty imposed by law for that crime or offence (within certain legal limits). The bill stems, among others, from the strategy and concerted actions to improve the protection of victims of domestic violence approved by the government in 2021<sup>74</sup>. It is currently under discussion in the parliamentary Committee on Justice.

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<sup>69</sup> Luxembourg, Assistance Service for the Victims of Trafficking in human beings ([Service d'Assistance aux Victimes de la Traite des Êtres Humains](#) - SAVTEH), Femmes en Détresse.

<sup>70</sup> Luxembourg, [InfoMann](#).

<sup>71</sup> Luxembourg, Luxembourg Association of Social Paediatrics ([ALUPSE – Association Luxembourgeoise de pédiatrie sociale](#)).

<sup>72</sup> Luxembourg, Centre Ozanam Trafficking in Human Beings ([Centre Ozanam Traite des Êtres Humains](#)), Fondation Maison de la Porte Ouverte.

<sup>73</sup> Luxembourg, Bill n.° 8032 supplementing the Criminal Code by introducing a general aggravating circumstance for crimes and offences committed with a motive based on one or more of the characteristics referred to in Article 454 of the Criminal Code ([Projet de loi n.° 8032 complétant le Code pénal par l'introduction d'une circonstance aggravante générale pour les crimes et délits commis en raison d'un mobile fondé sur une ou plusieurs des caractéristiques visées à l'article 454 du Code pénal](#)), 20 June 2022.

<sup>74</sup> Luxembourg, Ministry of Equality between Women and Men (2021), Taina Bofferding, Sam Tanson and Henri Kox present the strategy and concerted actions to improve the protection of victims of

The Act of 2 February 2022 on arms and ammunition<sup>75</sup> foresees, in Article 14, that facts having motivated an expulsion procedure based on Article 1 of the amended Act of 8 September 2003 on domestic violence<sup>76</sup> shall be taken into consideration when verifying the dangerousness of individuals who have applied or are in possession of an authorisation, permit or approval under the same law. By potentially limiting access to firearms in these circumstances, this regime contributes to the prevention of repeated violence against victims of domestic violence.

In November 2022, the Government approved a bill to be submitted to Parliament which enshrines in law the existence of the Equality Observatory (*Observatoire de l'égalité*) as well as a High Council for Gender Equality (*Conseil supérieur de l'égalité entre les genres*). The bill provides for a technical committee within the Equality Observatory which will be responsible for an ongoing assessment of the need to extend the collection of statistics beyond those currently considered.<sup>77</sup>

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domestic violence ( [Taina Bofferding, Sam Tanson et Henri Kox présentent la stratégie et les actions concertées pour améliorer la protection des victimes de violence domestique](#) ), 12 November 2021. According to this strategy, “[t]he inclusion of discriminatory motivation as an aggravating circumstance in the Criminal Code for hate crimes, including based on the victim's gender, is currently being considered. In this respect, reference is also made to the other forms of discrimination in Article 454 of the Criminal Code”.

<sup>75</sup> Luxembourg, Act of 2 February 2022 on arms and ammunition and relating to: 1° the transposition of Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons; 2° the amendment of the Criminal Code; 3° the repeal of the Act of 20 April 1881 on the transport and trade of explosive materials ([Loi du 2 février 2022 sur les armes et munitions et portant : 1°transposition de la directive \(UE\) 2021/555 du Parlement européen et du Conseil du 24 mars 2021 relative au contrôle de l'acquisition et de la détention d'armes ; 2° modification du Code pénal ; 3°abrogation de la loi du 20 avril 1881 concernant le transport et le commerce des matières explosives](#)), 2 February 2022.

<sup>76</sup> Luxembourg, Act of 8 September 2003 on domestic violence amending: 1. the Act of 31 May 1999 on the Police and the General Inspectorate of the Police; 2. the Criminal Code; 3. the Code of Criminal Procedure; 4. the New Code of Civil Procedure ([Loi du 8 septembre 2003 sur la violence domestique portant modification: 1. de la loi du 31 mai 1999 sur la Police et l'Inspection générale de la Police; 2. du Code pénal; 3. du Code d'instruction criminelle; 4. du Nouveau Code de procédure civile](#)). Art. 1(1) of this law states that “As part of its crime prevention and personal protection tasks, the police, with the authorisation of the State Prosecutor, shall expel from their homes and adjacent buildings persons against whom there are indications that they are preparing to commit a crime against life or limb of a person with whom they live together in a family environment, or that they are once more preparing to commit a crime against life or limb of this person, who is already a victim”, 14 November 2013.

<sup>77</sup> Luxembourg, Ministry of Equality between Women and Men, For a more contemporary and sustainable equality policy (2022): Taina Bofferding presents a bill creating a legal basis for the Equality Observatory and establishing a High Council for Gender Equality ([Pour une politique de l'égalité plus contemporaine et plus durable: Taina Bofferding présente un projet de loi créant une base légale pour l'Observatoire de l'égalité et instaurant un Conseil supérieur de l'égalité entre les genres](#)), press release, 11 November 2022.

These already include domestic violence in general, but, for example, not specifically femicide<sup>78</sup>.

The issue of gynaecological and obstetrical violence (GOV) has been raised in Parliament on several occasions in 2022. In June, the déi Lénk party requested a debate (*heure d'actualité*) on the topic. In the request, it reminded Parliament that the 2021 report on gynaecological and obstetrical violence of the Women's Health Working Group set up by the Ministry of Health showed a significant lack of data to identify and quantify GOVs in Luxembourg<sup>79</sup>. In July, Parliament approved a motion from déi Lénk inviting the Government to, among others, commission qualitative surveys with patients on GOVs and promote the creation of accurate and regular statistical data on GOVs<sup>80</sup>.

Luxembourg submitted its first report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) of the Council of Europe, in the framework of the Istanbul Convention, in March 2022.<sup>81</sup> The report provides information on legislative and other measures giving effect to the provisions of the Convention. Regarding 2022, the report highlights: (i) the financial support provided by the Ministry for Education, Children and Youth, as of January, to the *Meederchershaus*, a refuge from the NGO *Femmes en Détresse* for girls and young women aged between 12 and 21 who are victims of domestic violence; and (ii) the creation, also as of January, of talking support groups by the *Alternatives*, a specialist support service for children victims of domestic violence from the NGO *Fondation Pro Familia*.<sup>82</sup> The submission of the baseline report was

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<sup>78</sup> Luxembourg, Equality Observatory, Domestic Violence ([Violence Domestique](#)).

<sup>79</sup> Luxembourg, déi Lénk (2022), Reiteration of the request for a debate on gynaecological and obstetric violence ([Réitération de la demande d'heure d'actualité relative aux violences gynécologiques et obstétricales](#)), 10 June 2022.

<sup>80</sup> Luxembourg, déi Lénk (2022), Motion by Ms. Nathalie Oberweis, MP: Qualitative surveys with patients on GOVs, the creation of statistical data, as well as the reactivation of SUSANA and the updating of the data from the PERINAT register ([Motion de Madame Nathalie Oberweis, Députée: Enquêtes qualitatives sur les VGO auprès des patient.e.s, la création de données statistiques, ainsi que la réactivation du SUSANA et la mise à jour des données du registre PERINAT](#)); Annex Motion: Qualitative surveys with patients on GOVs, the creation of statistical data, as well as the reactivation of SUSANA and the updating of the data from the PERINAT register by: Chair: Ballot 6 (#3934) [[Annexe Motion: Enquêtes qualitatives sur les VGO auprès des patient.e.s, la création de données statistiques, ainsi que la réactivation du SUSANA et la mise à jour des données du registre PERINAT par: Président :Bulletin de vote 6 \(n.°3934\)](#)], 7 July 2022.

<sup>81</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), [Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), 9 March 2022.

<sup>82</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), [Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of](#)

followed by the first evaluation visit of the GREVIO to Luxembourg in October 2022. The four-day visit allowed for an exchange with national stakeholders and will serve as a basis for GREVIO's first evaluation of the implementation of the Istanbul Convention by Luxembourg.<sup>83</sup>

The Ministry of Equality between Women and Men (*Ministère de l'Égalité entre les femmes et les hommes - MEGA*) has reformed the partnership offered to municipalities. The objective is to simplify and bring flexibility to the collaboration with key stakeholders at the local level in the field of equality. The "MEGA PLUS" program offers three different levels of intensity in terms of collaboration depending, in particular, on the number of projects and activities the municipalities wish to implement. Potential areas of collaboration include domestic violence, notably: the provision of housing for victims; awareness raising of the municipality's social staff; and the use of a theatre play (theatre forum) to raise awareness on domestic violence among the public. The municipality of Colmar-Berg was the first to join the "MEGA PLUS" programme in July. It did so by organising a theatre forum on the prevention of domestic violence<sup>84</sup>. Since then, eight additional Municipalities have signed a partnership agreement with the Ministry, of which two (Mamer and Roeser) include the presentation of the theatre forum to raise awareness on domestic violence.<sup>85</sup>

The Ministry of Equality between Women and Men, in cooperation with the Council of Europe, has launched a new awareness raising campaign on sexism in November 2022. The campaign aims to provide a definition of sexism and highlights that, in its worst forms, sexism can lead to physical and psychological violence. The campaign consists of seven audio-visual clips broadcasted on television, radio, cinema, some websites and social networks, an action website<sup>86</sup>,

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[the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), 9 March 2022, pp. 77 - 90.

<sup>83</sup> Luxembourg, Ministry of Equality between Women and Men, Ministry of Justice and Ministry of European and Foreign Affairs (2022), Combating violence against women and domestic violence - a priority of the Luxembourg government and a challenge we face every day ([La lutte contre la violence à l'égard des femmes et la violence domestique – une priorité du gouvernement luxembourgeois et un défi que nous relevons tous les jours](#)), 24 October 2022.

<sup>84</sup> Luxembourg, Ministry of Equality between Women and Men (2022), Taina Bofferding and the municipality of Colmar-Berg formalise their partnership aimed at achieving a better balance between women and men at local level ([Taina Bofferding et la commune de Colmar-Berg formalisent leur partenariat tendant à atteindre un meilleur équilibre entre les femmes et les hommes au plan local](#)), 26 July 2022.

<sup>85</sup> Luxembourg, Ministry of Equality between Women and Men (2022), MegaCommunes, Interactive Map ([MegaCommunes, Carte Interactive](#)).

<sup>86</sup> Luxembourg, Government of Luxembourg and Council of Europe (2022), [Stop Sexism](#), 2022.

and a brochure to illustrate the multidimensional aspect of sexism and its presence in the different areas of life.<sup>87</sup>

The Orange Week, organised by the National Council of Women of Luxembourg (*Conseil national des Femmes du Luxembourg*) with the support of the Ministry of Equality between Women and Men, took place between 25 November 2022 (International Day for the Elimination of Violence against Women) and 10 December 2022 (International Human Rights Day). Over four dozen events were organised across the country by various stakeholders such as Municipalities, NGOs, Universities, Foundations, schools and private companies. These included, most prominently, a human chain on 25 November 2022, a solidarity march on 3 December 2022 and several information sessions, trainings and awareness raising initiatives on social media. A number of public buildings, including Parliament, were illuminated for the occasion.<sup>88</sup>

Femmes en Détresse developed a toolbox for frontline professionals and practitioners involved in the reception and integration of migrant communities, in particular of women and girls<sup>89</sup>. The toolbox is a comprehensive introductory tool on sexual and gender-based violence (SGBV) affecting migrant women and girls. It consists of four modules addressing the following topics: i) Introduction to SGBV in a context of migration; ii) Domestic violence in a context of migration; iii) Human Trafficking; iv) Other predominant forms of SGBV<sup>90</sup>.

Parliament has rejected a motion from déi Lénk Party inviting the government to: i) create a neutral complaints office for persons who have experienced gynaecological and/or obstetric violence; ii) establish a mechanism for examining complaints of gynaecological and obstetric violence, excluding any mediation; and iii) provide for sanctions, if this is not already the case, against health professionals when a complaint of this type of violence is established<sup>91</sup>.

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<sup>87</sup> Luxembourg, Ministry of Equality between Women and Men (2022), Launch of the new campaign of the Ministry of Equality between Women and Men in cooperation with the Council of Europe ([Lancement de la nouvelle campagne du ministère de l'Égalité entre les femmes et les hommes en coopération avec le Conseil de l'Europe](#)), 23 November 2022.

<sup>88</sup> Luxembourg, National Council of Women of Luxembourg (2022), Programme of activities for Orange Week 2022 ([Programme des actions dans le cadre de l'Orange Week 2022](#)).

<sup>89</sup> Luxembourg, note: The toolbox was developed in the framework of the EU-funded project Equalcity, implemented in partnership with the International Organization for Migration (IOM) and supported by the City of Luxembourg.

<sup>90</sup> Luxembourg, Femmes en Détresse (2022), Equalcity Project: finalization ([Projet Equalcity: finalisation](#)), 19 January 2022.

<sup>91</sup> Luxembourg, déi Lénk (2022), Motion by Ms. Nathalie Oberweis, MP: Creation of a neutral complaints office and establishment of a mechanism for examining complaints of gynaecological and

In the framework of a Parliamentary question<sup>92</sup>, the Ministry of Equality between Women and Men informed Parliament that there are currently seven reception centres for women who have experienced domestic violence. These centres have an overall reception capacity of 166 places. On average, there are 48 women on the common waiting list managed by the different reception centres. However, reception service providers can offer emergency single rooms and the Ministry may fund hotel rooms to temporarily accommodate women in need of emergency assistance<sup>93</sup>.

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obstetric violence, as well as sanctions ([\*Motion de Madame Nathalie Oberweis, Députée: Création d'un bureau de plaintes neutre et mise en place d'un mécanisme d'examen des plaintes pour violences gynécologiques et obstétricales, ainsi que des sanctions\*](#)); Annex Motion: Creation of a neutral complaints office and establishment of a mechanism for examining complaints of gynaecological and obstetric violence, as well as sanctions by: Chair: Ballot 7 (No. 3936) [[\*Annexe Motion: Création d'un bureau de plaintes neutre et mise en place d'un mécanisme d'examen des plaintes pour violences gynécologiques et obstétricales, ainsi que des sanctions par: Président :Bulletin de vote 7 \(n.°3936\)\*](#)], 7 July 2022.

<sup>92</sup> Luxembourg, Parliamentary question n° 5800 regarding shelters for victims of domestic violence ([\*Question parlementaire N°5800 concernant les centres d'accueil pour victimes de violence domestique\*](#)), 23 February 2022.

<sup>93</sup> Luxembourg, Answer of the Minister for Equality between Women and Men to the parliamentary question n° 5800 of 22 February 2022 of Mrs Chantal Gary, MP ([\*Réponse de la Ministre de l'Égalité entre les femmes et les hommes à la question parlementaire n° 5800 du 22 février 2022 de Madame la Députée Chantal Gary\*](#)), 22 March 2022.



## **8 Developments in the implementation of the Convention on the Rights of Persons with Disabilities**

### **8.1 CRPD policy and legal developments & implementation of the European Accessibility Act**

The law on the accessibility to all places open to the public, public roads, and collective housing buildings came into vigour in 2022.<sup>94</sup> The accessibility requirements regarding new buildings apply to all projects for which planning permission is requested after 1 July, 2023. If this is also materially possible, existing public buildings have 10 years to be renovated.<sup>95</sup>

In 2022 within the Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) the government introduced an inter-ministerial committee to promote the rights of persons with disabilities. The committee's tasks include developing and realizing reports, monitoring the implementation of the action plan, prepare the evaluation measures. (Art. 3)<sup>96</sup>

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<sup>94</sup> Luxembourg, the Act of 7 January 2022 on accessibility to all places open to the public, public roads and collective housing buildings ([Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs](#)), 18 January 2022.

<sup>95</sup> Luxembourg, parliamentary question n°6765 on the Accessibility of the buildings to persons with disabilities ([Question parlementaire N°6765 sur l'accessibilité des bâtiments aux personnes handicapées](#)), 9 May 2022.

<sup>96</sup> Luxembourg, The Decree of the Government in Council of 8 October 2021 establishing the interministerial committee for the promotion of the rights of people with disabilities ([Arrêté du Gouvernement en conseil du 8 octobre 2021 portant institution du comité interministériel pour la promotion des droits des personnes en situation de handicap](#)), Memorial A No. 309, 24 June 2022.

The Association of parents of mentally disabled children (*Association des parents d'enfants mentalement handicapés*) launched in 2021 and mainly realised in 2022<sup>97</sup> two projects within the service "Accompanied Parenthood ». The first project is called, CRP - Centre Ressources Parenthood (CRP - Centre Ressources Parentalité), the second - Mother and child centre (Maison d'accueil mère-enfant)

These projects aim to :

- inform
- create a positive context for the reception of the child
- help parents discover the resources and gain confidence in their ability to care for the child and help them grow up well.
- To know how to spot essential signals from the child and how to react.

**CRP - Centre Ressources Parenthood** (CRP - Centre Ressources Parentalité) provides individual support to parents and future parents with intellectual disabilities. To future parents, the CRP centre offers information and awareness sessions as well as specialised advice in terms of support and guidance for parenthood.

**The mother and child centre** is a 24/7 facility for mothers with intellectual disabilities and young children. A specialised team helps mothers to learn the necessary parenting skills and to secure the mother/child bond while guaranteeing the physical and psychological well-being of the child. The centre accommodates 3 mothers with their children. This place is considered a transitional phase in the mother's life, where she can either prepare a (re)integration project in an independent flat or in a parent/child supported housing facility. The operating costs of the Parenthood Service are covered by the Ministry of Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*).

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<sup>97</sup> Luxembourg, note: Information received and confirmed by the Ministry of Family and integration ( e-mail received on 30 September 2022).

## **8.2 CRPD monitoring at the national level**

No changes relating to the structures. See section 2.2. on the possible enlargement of the CET status in the near future.

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	<i>Inclusion des personnes transgenres en entreprise</i>
<b>Title (EN)</b>	Guide for the inclusion of LGBTI persons in the workplace
<b>Organisation (original language)</b>	IMS - Inspiring More Sustainability Luxembourg
<b>Organisation (EN)</b>	IMS - Inspiring More Sustainability Luxembourg
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	The Ministry of Family and Integration
<b>Reference (incl. URL, where available)</b>	<a href="https://imslux.lu/assets/publication/111/Guide_inclusion_personnes_transgenres.pdf">https://imslux.lu/assets/publication/111/Guide_inclusion_personnes_transgenres.pdf</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	17 January 2022-ongoing
<b>Type of initiative</b>	educational

<b>Main target group</b>	Employment, organisations
<b>Indicate level of implementation: Local/Regional/National</b>	national
<b>Brief description (max. 1000 chars)</b>	<p>Following the publication of the Good Practice Guide for the inclusion of LGBTI persons in the workplace last year, IMS Luxembourg presents its new guide for the inclusion of transgender persons in the workplace.</p> <p>This guide presents basic notions related to transidentity, the Luxembourg legal framework, the stereotypes to be deconstructed, and practical advice to implement in companies. It allows organisations in the country and their employees to learn about trans-identity or to find support and advice.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	Not only does this report presents the legal framework, but it has also been elaborated with the relevant groups. In that way, this guide presents the viewpoint of the concerned people, their demands and concerns; the associations representing transgender people and the transgender people themselves are the priority partners.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	it is a recurrent activity; it provides recurrent updated perspectives throughout the years.
<b>Give reasons why you consider the practice as having concrete, measurable impact</b>	n.a.
<b>Give reasons why you consider the practice as transferable to other settings</b>	No information is available on this point

<b>and/or Member States?</b>	
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	In the development of this activity, the following beneficiaries were involved: the relevant target group, the organisations, and the ministries. Contacts of other relevant organisations ( i.e. equality body) are shared with the audience for specific actions. The activity is supported and promoted by the Ministry of Family and integration,
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n.a.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> <b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b>
<b>Title (original language)</b>	Cycle de conférences sur le racisme et les discriminations ethno-raciales au Luxembourg
<b>Title (EN)</b>	Series of conferences on racism and ethno-racial discrimination in Luxembourg
<b>Organisation (original language)</b>	le Ministère de la Famille, de l'Intégration et à la Grande Région (MiFa), le Luxembourg Institute of Socio-Economic Research (LISER) et le Centre d'étude et de formation interculturelles et sociales (CEFIS)
<b>Organisation (EN)</b>	the Ministry of Family, Integration and the Greater Region (MiFa), the Luxembourg Institute of Socio-Economic Research (LISER) and the Centre d'étude et de formation interculturelles et sociales (CEFIS)

<b>Government / Civil society</b>	Government and Civil society
<b>Funding body</b>	the Ministry of Family, Integration and the Greater Region (MiFa),
<b>Reference (incl. URL, where available)</b>	<a href="https://www.liser.lu/?type=module&amp;id=272">https://www.liser.lu/?type=module&amp;id=272</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	19.09.2022-30.01.2023
<b>Type of initiative</b>	Educational,
<b>Main target group</b>	Citizens, organisations, stakeholders, and governmental bodies.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The Chamber of Deputies invited the government to conduct a national study on racism in Luxembourg (following FRA report on being black in Luxembourg). In 2021, the Integration Department of the Ministry for Family, Integration and the Greater Region (MiFa) coordinated the production of an exploratory report on the subject. In March 2022, the organisers launched a series of conferences to raise awareness-raising expressed by the resident population. In particular, the aim is to disseminate the main results of the study, to put them into perspective with the results of other surveys carried out in neighbouring countries or on at-risk groups, and to stimulate collective, sometimes critical, reflection on the concepts, on the strategies for identifying discriminatory practices and on the policies to be implemented.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	It is easy to organise and involve a broad audience.

<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>-</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>For the first time in the country, the government discussed racism with a broad audience. The series of conferences followed a publication and presentation of the main results of the first national study on racism. It has brought society closer to understanding what racism means in Luxembourg.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>It provides examples of how the study results could be widely disseminated nationally and communicated to a broad audience.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>The Ministry was the initiator and the leading supporter of the events. The two research institutions ( LISER and CEFIS) organised the conferences and invited various guest speakers ( national, international, EU).</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>It does not provide material for assessment.</p>



<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice concerning the two topics addressed in the chapter: the implementation of national action plans and the legal or policy developments addressing Roma/Travellers equality and inclusion.
<b>Title (original language)</b>	<u>No promising practice has been identified for this thematic area</u>

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
<b>Title (original language)</b>	Luxembourg House of Cybersecurity (LHC)
<b>Title (EN)</b>	Luxembourg House of Cybersecurity
<b>Organisation (original language)</b>	Ministère de l'Economie
<b>Organisation (EN)</b>	The Ministry of Economy
<b>Government / Civil society</b>	Government
<b>Funding body</b>	The Ministry of Economy
<b>Reference (incl. URL, where available)</b>	<a href="https://lhc.lu">https://lhc.lu</a>
<b>Indicate the start date of the</b>	October 2022-ongoing

<b>promising practice and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	-
<b>Main target group</b>	It serves the general public and the Luxembourg and European cyber community
<b>Indicate level of implementation: Local/Regional/National</b>	national
<b>Brief description (max. 1000 chars)</b>	The LHC is based on the expertise acquired over the past two decades. It aims to promote an open and trusted cybersecurity data economy, intended to become the meeting place for all activities related to cybersecurity, as well as the reference centre for cyber-resilience in Luxembourg by capitalising and developing the skills, collaboration, research, innovation and capacities of the public and private sectors in the field. It now serves as a platform for promoting collaboration and cooperation of multiple Luxembourg players, such as BEE SECURE initiative), as well as research and innovation players (Digital Innovation Hub, Digital Learning Hub) and start-ups in the field of cybersecurity.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	Consolidation and synergies of national actors across overlapping interests in national and EU cybersecurity.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	It is supported by the government. It is based on previous work (securitymadein.lu)
<b>Give reasons why you consider the practice as having</b>	It is a new initiative

<b>concrete measurable impact</b>	
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The LHC sets an example of how several national actors can consolidate their mutual interests in one area
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	<p>All actors are involved in the platform. There are 2 centres upon which the platform is based:</p> <ul style="list-style-type: none"> <li>• CIRCL (Computer Incident Response Centre Luxembourg), for the management of incidents and the promotion of cyber threat exchanges and information.</li> <li>• NC3 (National Cybersecurity Competence Centre), newly created by the merger of CASES and C3, articulating its activities around 3 pillars: <ul style="list-style-type: none"> <li>○ support the development of cybersecurity capabilities and skills,</li> <li>○ federate a solid industrial base in cybersecurity,</li> <li>○ contribute to excellence in research and technological development.</li> </ul> </li> </ul> <p>In particular, NC3 represents Luxembourg as a National Coordination Center - NCC within the European network under the aegis of the European Cybersecurity Competence Center of which Pascal Steichen was elected president at the beginning of the year.</p>
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n.a.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
<b>Title (original language)</b>	Eng Chance Geint Gewalt

<b>Title (EN)</b>	a change against violence
<b>Organisation (original language)</b>	Inter-actions
<b>Organisation (EN)</b>	Inter-action
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	(to be clarified)
<b>Reference (incl. URL, where available)</b>	<a href="https://inter-actions.lu/type_portfolio/geint-gewalt/?fbclid=IwAR3PDAdqejiGVRUkaetIAeSUzu9nkgIT6WSBs43DPNs0R5MA5UMdyNdI71k">https://inter-actions.lu/type_portfolio/geint-gewalt/?fbclid=IwAR3PDAdqejiGVRUkaetIAeSUzu9nkgIT6WSBs43DPNs0R5MA5UMdyNdI71k</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	2022-2022
<b>Type of initiative</b>	educational
<b>Main target group</b>	Groups of children, groups of teenagers and educational staff of childcare facilities or school classes.
<b>Indicate level of implementation: Local/Regional/National</b>	national
<b>Brief description (max. 1000 chars)</b>	<p>This initiative is organised as training courses aimed at victims or perpetrators of violence and professionals in the education, social and health sectors.</p> <p>The interventions are practice-based and rely on confrontational pedagogy, putting participants in real-life situations and helping them learn to avoid escalating emotions, avoid aggression and set limits. However, this model of learning about personal experimentation, recognition and appropriateness does not aim at personality changes in the sense of a therapeutic approach.</p>

	This preventive intervention aims to prepare children and young people for confrontations, to manage their emotions in the face of them and to give them the keys to learning how to de-escalate their reactions emotionally. The final objective is to positively affect them personally and within the group in which they live.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	This training allows professionals to acquire a theoretical base, to develop reflexes to manage conflict situations with children and adolescents and to review the rules applied within their institution.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	n.a.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	n.a.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	This training allows professionals to acquire a theoretical base, to develop reflexes to manage conflict situations with children and adolescents and to review the rules applied within their institution.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</b>	n.a.

<b>assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n.a.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.</b>
<b>Title (original language)</b>	Le théâtre forum
<b>Title (EN)</b>	The theatre forum
<b>Organisation (original language)</b>	L’ École du théâtre
<b>Organisation (EN)</b>	The Theatre School
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	Ministry of Equality between Women and Men
<b>Reference (incl. URL, where available)</b>	<a href="https://violence.lu/portfolio/le-theatre-forum/">https://violence.lu/portfolio/le-theatre-forum/</a>
<b>Indicate the start date of the promising practice and the finishing</b>	Start date: 2021 Finishing date – N.A. (ongoing)

<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	Awareness raising
<b>Main target group</b>	General Public
<b>Indicate level of implementation: Local/Regional/National</b>	Local
<b>Brief description (max. 1000 chars)</b>	The theatre forum is a prevention project on domestic violence aimed at informing and equipping the general public at communal and local level in different languages (Luxembourgish, French, German or English) in order to promote its early intervention, including as witnesses. Through the staging of different situations of domestic violence, the theatre forum aims to de-stigmatise domestic violence, raise awareness on the impact of domestic violence on the victims and society as well as inform the audiences about the provisions sanctioning domestic violence, the existing stakeholders and support networks. The theatre forum is based on a participatory approach where, after each scene, the public is encouraged to take an active role in a debate with representatives of relevant stakeholders such as the Police, victims support services, victims and sometimes the Public Prosecutor's Service present <i>in situ</i> by sharing testimonies and asking questions to the stakeholders.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The essential element of the project consists of engaging the public in a debate with experts to raise awareness on domestic violence in a culturally specific context. While the cultural context may change, the methodology of using theatre and <i>in situ</i> debates between the public and experts to promote information exchange and awareness raising is transferable to other contexts.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	The project was inspired by an earlier initiative in the 90s and is the result of a <a href="#">MoU between the Ministry of Equality between Women and Men and the NGO Art Attitudes</a> from 2021. The Theatre Forum has been included in the <a href="#">new partnership framework</a> for municipalities of the Ministry of Equality launched in July 2022. To date, a total 8 Communes have hosted the Theatre Forum. There is an additional staging foreseen for October 2022 and already 3 dates set for 2023.
<b>Give reasons why you consider the practice as having</b>	The theatre forum engages the public in a debate with experts in order to achieve awareness raising on domestic violence. As such, it allows for an ongoing assessment of the number of participants and the level of engagement of those participants in the debate as indicators of impact.

<b>concrete measurable impact</b>	
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	As already mentioned, the essential element of the project consists of engaging the public in a debate with experts to raise awareness on domestic violence in a culturally specific context. While the cultural context may change between Member States, the methodology of using theatre and <i>in situ</i> debates between the public and national experts to promote awareness raising is transferable to other contexts, including in different Member States.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	The essential element of the project consists of engaging the public and relevant stakeholders in a debate to raise awareness on domestic violence by encouraging the beneficiaries to ask questions, share experiences, etc. The format and content of the debates has been initially agreed with the expert stakeholders that conduct the debates. Furthermore, the Ministry of Equality conducts an ongoing discussion with the theatre Forum and with the remaining stakeholders involved in the debates aimed at adapting the methodology and the project's activities (see next question).
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The Ministry of Equality conducts an ongoing internal review and assessment of the Theatre Forum, resulting in the introduction of changes to the practise. For example, initially, the Theatre Forum was mostly done in French but the languages have since been expanded as it was understood that the language was acting as a barrier to the participation of beneficiaries. The Ministry of Equality has also been promoting presentations of the Theatre Forum, which involve several communes rather than just one commune. In small communes, participants were more reluctant to discuss domestic violence due to the small size of the local community. To expand the reach and hopefully the impact of the Theatre Forum, the Ministry of Equality has decided to introduce changes to the methodology by also conducting street Theatre Forum presentations (e.g. in Shopping Centres) along with an information stand to reach a larger public and those who would not normally go to a theatre play.



<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
<b>Title (original language)</b>	"Wat ass normal?"
<b>Title (EN)</b>	"What is normal?"
<b>Organisation (original language)</b>	Ministère de la Famille, de l'Intégration et à la Grande Région
<b>Organisation (EN)</b>	Ministry for Family, Integration and the Greater Region
<b>Government / Civil society</b>	government
<b>Funding body</b>	Ministry for Family, Integration and the Greater Region
<b>Reference (incl. URL, where available)</b>	<a href="https://watassnormal.lu">https://watassnormal.lu</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	25.04.2022-on-going
<b>Type of initiative</b>	Raising awareness
<b>Main target group</b>	Citizens, stakeholders

<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The campaign breaks down the concept of the "normal person" while simultaneously raising the question of normality. In the campaign, it is emphasised that each individual is unique, and it is their unique differences and particularity. The campaign presents 6 individual stories of people with disabilities that provide another perspective on their lives.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	It is a website with guides and simple tips on how to live together and communicate better with people with disabilities, depending on their disability.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	n.a.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	It challenges the society to think differently and in that way it provides space to change in a different, more inclusive way.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Easy to apply, collaborative action
<b>Explain, if applicable, how the</b>	It is developed and supported by the Ministry of Family and Integration

<b>practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	n.a. some reviews ( media) are <a href="#">available</a> .

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
<b>Decision date</b>	25 March 2022
<b>Reference details</b>	Judgement of the first instance court of Luxembourg City (nineteenth chamber) [ <i>Tribunal d'arrondissement de Luxembourg (dix-neuvième chambre)</i> ] <a href="#">no 1005/2022</a> (20220325_TAL19_1005) (anonymised judgement)
<b>Key facts of the case (max. 500 chars)</b>	On the 6 <sup>th</sup> of July 2019, the Anti-Terrorist Section of the Judicial Police Service was informed of the existence of a comment on Facebook which contained xenophobic remarks. The comment related to an article published on the Facebook page of «RTL Lëtzebuerg». The investigation later revealed that the Facebook profile associated with the comment belonged to the defendant. The comment read “In my younger years I was stationed in Saudi Arabi, in Libya and in Bahrein. These people are not like us, they are like monkeys. I was there for 3 years; I know what I’m talking about.” The accused admitted to having made the comment and declared that, when using the expression “like monkeys”, he was referring to refugees. The comment was visible to all Facebook users.
<b>Main reasoning/argumentation (max. 500 chars)</b>	In view of the fact that the defendant qualifies refugees as being “like monkeys”, the Court considers that his comments were aimed at a group of persons on the basis of their origin. Furthermore, it concludes that, given the unambiguous and degrading terms that were used, the comments constitute messaging likely to provoke feelings of deep dislike, contempt, rejection and

	<p>hostility towards refugees among the public. Finally, the Court declares that, by publishing an abject comment on Facebook, aimed at refugees, saying that these are not human beings but monkeys, his aim none other than to provoke a feeling of hatred towards refugees.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>In its reasoning, the Court interprets the constituting elements of the crime of incitement to hatred or violence. Firstly, the controversial statement must be public. This includes comments freely accessible to any Facebook user. Secondly, the statement needs to be of such a nature as to cause hostility or rejection. The writings must therefore be likely to cause hatred against those targeted, i.e. a violent feeling of wanting to harm or a deep dislike, contempt, rejection and hostility. Thirdly, the statement needs to be aimed at a person, a group or a community because of one of the protected characteristics referred to in Article 454 of the Criminal Code relating to discrimination. Fourthly, there needs to be a deliberate intention of the perpetrator to provoke a reaction of hatred in the public mind based on a discriminatory motivation.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court concluded that the defendant had committed a crime of incitement to hatred or violence under articles 457-1 and 454 of the Criminal Code. As such, the defendant was convicted to a sentence of imprisonment of six months and to a €1,000 fine.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>Il s'ensuit que le commentaire de PREVENU1.) sous l'article publié par la page Facebook « RTL Lëtzebuerg » était également public et donc librement accessible à tout utilisateur Facebook, de sorte que la condition de la publicité est remplie en l'espèce. (...)</p> <p>Au vu des termes univoques et dégradants employés par PREVENU1.), il est indéniable que les propos tenus par ce dernier constituent des messages de nature à susciter auprès de la population des sentiments d'aversion profonde, de mépris, de rejet et d'hostilité. (...)</p> <p>Dans son commentaire, PREVENU1.) se réfère, d'après ses propres déclarations lors de son audition policière du 18 novembre 2020, aux réfugiés en ce qu'il les qualifie de « zort aafen ». Il est dès lors établi que PREVENU1.) vise par conséquent un groupe de personnes qui se distinguent par leur origine, à savoir les réfugiés. (...)</p> <p>L'auteur doit avoir la volonté délibérée de provoquer dans l'esprit du public une réaction de haine ; il doit avoir agi avec une volonté discriminatoire consistant dans un dol spécial. En effet, en publiant sur Facebook un commentaire abject, visant les réfugiés, consistant à dire que les réfugiés ne sont pas des êtres humains mais des singes, le but de PREVENU1.) n'était autre que de provoquer un sentiment de haine envers ces derniers. (...)</p>

	<p>It follows that PREVENU1.'s comment under the article published by the Facebook page "RTL Lëtzebuerg" was also public and therefore freely accessible to any Facebook user, so that the condition of publicity is met in this case. (...)</p> <p>In view of the unambiguous and degrading terms used by PREVENU1, it is undeniable that the remarks made by the latter constitute messages likely to arise in the population feelings of deep aversion, contempt, rejection and hostility. (...)</p> <p>In his comment, PREVENU1.) refers, according to his own statements at the police hearing on 18 November 2020, to refugees as "zort aafen". As such, it is established that PREVENU1.) is therefore targeting a group of people who are distinguished by their origin, namely refugees. (...)</p> <p>The perpetrator must have had the deliberate intention to provoke in the public mind a reaction of hatred; he must have acted with a discriminatory intention consisting in a special intent. Indeed, by publishing on Facebook an abject comment, aimed at refugees, consisting of saying that refugees are not human beings but monkeys, PREVENU1.)'s aim was none other than to provoke a feeling of hatred towards the latter. (...)</p>
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<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</b>
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision for the related topics addressed in the chapter.
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
<b>Decision date</b>	13 July 2022
<b>Reference details</b>	Judgement of Appeal Court (first chamber) [ <i>Cour d’appel (première chambre)</i> ] <a href="#">n.º 161/22 (CAL-2022-00576)</a> (anonymised judgement)

<p><b>Key facts of the case (max. 500 chars)</b></p>	<p>Following earlier attacks, Person 1 physically attacked the spouse (Person 2) and made death threats against Person 2 and her two children in May 2022. On June 1<sup>st</sup> 2022, the first instance court of Luxembourg City (<i>tribunal d'arrondissement de Luxembourg</i>) ordered a prohibition of return of Person 1 to the family home for a 3-month period following the issuance of an expulsion measure by the Public Prosecutor under the Act of 8 September 2003 on domestic violence (<i>Loi du 8 septembre 2003 sur la violence domestique</i>). The court in question also refused Person 1 weekly access to the family home in the presence of a police officer, couple mediation as well as visiting and hosting rights regarding a common child. Person 1 brought an appeal against the order before the Appeal Court on 16 June 2022.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>In view of the seriousness of the facts, their repetition and the serious danger posed by Person 1 to Person 2, the Appeal Court maintained the first instance decision regarding the prohibition of return to the family home. Furthermore, it confirmed the refusal of access to the family home in the presence of a police officer given that, in light of the recurrent nature of the access requested – twice a week for 4 hours - and the alternative measures proposed by the victim for insuring access to personal belongings, the appellant had not demonstrated the exceptional and ongoing need to access the family home. Finally, the Appeal Court considered that mediation and visiting rights requested by the appellant cannot be regulated in the framework of a domestic violence procedure and therefore confirmed the legality of the decision of the first instance court in this regard.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>Firstly, the Appeal Court declares that, in deciding a <b>prohibition of return to the family home</b>, an assessment must be conducted of whether the facts to justify the measure are established and constitute evidence of preparation of an offence against the life or physical integrity of the victim, the violence having to be of a certain gravity. Secondly, it recalls that the <b>right to access the family home in the presence of a police officer</b> is exceptional in nature and requires the existence of an ongoing need to access the family home. The burden of proof of both these conditions lies with the applicant. Thirdly, regarding <b>mediation and visiting rights</b>, it clarifies that, in the interest of protecting the victim, Act of 8 September 2003 on domestic violence only allows either for the extension of the expulsion measure on the initiative of the victim or its cessation on the initiative of the perpetrator. It excludes any decisions on mediation and visiting rights in the framework of a domestic violence procedure, which must be dealt with in a divorce procedure.</p>



<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Appeal Court considered the appeal unfounded and therefore: i) maintained the order of the first instance court of Luxembourg City which had imposed a prohibition of return to the family home for a 3-month period, refused a weekly access to the family home in the presence of a police officer and denied mediation and visiting and hosting rights regarding a common child ii) ordered the appellant to pay the costs of the procedure.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Le but du législateur était de protéger les personnes vivant dans une communauté de vie d’actes de violence exercés par un conjoint ou un proche parent. La juridiction saisie d’une demande d’interdiction de retour au domicile doit apprécier si les faits invoqués pour justifier la mesure de protection de la victime sont établis et s’ils constituent des indices de la préparation d’une infraction contre la vie ou l’intégrité physique de cette victime, les violences devant être d’une certaine gravité et être clairement établies.(...) ”</p> <p>PERSONNE1.) insiste néanmoins à se voir autoriser à accéder régulièrement au domicile commun, jusqu’à la fin de la mesure d’expulsion. Ce faisant, l’appelant reste en défaut d’établir tant la nécessité persistante d’accéder au domicile familial que le caractère exceptionnel que ce droit d’accès doit revêtir. (...)</p> <p>La représentante du Ministère public relève à juste titre que la compétence accordée au juge aux affaires familiales de prendre des mesures en matière de violence domestique est très limitée et circonscrite dans le but de protection de la victime des violences. Ainsi, la mise en œuvre des mesures prévues par la loi du 8 septembre 2003 est subordonnée à la qualité d'auteur, mais aussi de victime de violences domestiques Seuls deux recours sont légalement prévus endéans un délai de 14 jours à partir de l’entrée en vigueur de la mesure d’expulsion, à savoir celui de la personne protégée tendant à la prolongation de la mesure pendant un délai maximal de trois mois et celui de la personne expulsée tendant à la mainlevée de la mesure d’éloignement. ”</p> <p>The aim of the legislator was to protect persons living in a lifelong union from acts of violence by a spouse or close relative. The court hearing an application for a prohibition of return to the family home must assess whether the facts invoked to justify the victim's protection measure are established and whether they constitute evidence of the preparation of an offence against the life or physical integrity of the victim, the violence having to be of a certain gravity and clearly established. (...)</p>

	<p>PERSON1.) nevertheless insists on being allowed regular access to the common home until the end of the expulsion measure. In so doing, the appellant fails to establish both the ongoing need for access to the family home and the exceptional nature of this right of access. (...)</p> <p>The representative of the Public Prosecutor's Office rightly points out that the competence of the family court to take measures in cases of domestic violence is very limited and circumscribed to the protection of the victim of violence.</p> <p>As such, the implementation of the measures provided for by the Act of 8 September 2003 is subject to the status of perpetrator as well as that of victim of domestic violence.</p> <p>Only two appeals are legally provided for within 14 days of the entry into force of the expulsion measure, namely that of the protected person seeking the extension of the measure for a maximum period of three months and that of the expelled person seeking the cessation of the restraining measure.</p>
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<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> <b>Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b>
<b>Decision date</b>	No case law has been identified for this thematic area.