

## LUXEMBOURG REVIEW

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### I. Justice system

#### B. Quality of justice

*Accessibility of courts (e.g. court/legal fees, legal aid, language)*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to further improve access to justice by victims of discrimination and domestic violence by providing free legal aid, promoting greater awareness on proper legal remedies and strengthening the competence of institutions and public officers ([A/HRC/54/12](#)).

*Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In the context of the fourth Universal Periodic Review, Luxembourg accepted recommendations to continue to strengthen efforts to counter and prevent trafficking in persons, including increasing victim services funding, improving training for judges on the impact of trafficking on victims, and developing more safeguards to protect victims against traffickers freed on suspended sentences ([A/HRC/54/12](#)).

*Other*

**Effective investigation and prosecution of hate speech-** In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to continue its efforts to prevent and combat hate speech directed at groups that are at risk of racial discrimination and ensure that all reported cases of racial hate speech were investigated effectively and, where appropriate, prosecuted and punished ([A/HRC/54/12](#)).

**Sexual and gender-based violence-** In its concluding observations on Luxembourg, the UN Committee against Torture expressed concern that Luxembourg law does not criminalize femicide and recommended that all cases of gender-based violence, including domestic violence, especially those involving actions or omissions by State authorities or other entities that entail the international responsibility of the Luxembourg under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are thoroughly investigated, that alleged perpetrators are prosecuted and, if found guilty, punished appropriately, and that the victims or their families obtain redress, including adequate compensation. The Committee also urged Luxembourg to raise the statute of limitations for rape, which – currently set at 10 years – it found abnormally low ([CAT/C/LUX/CO/8](#) paras. 33, 34).

#### C. Efficiency of the justice system

*Other*

**Juvenile justice** – In the context of the fourth Universal Periodic Review, Luxembourg accepted recommendations to align the juvenile criminal justice system to the standards set up by the Convention on the Rights of the Child, ensure the minimum age for penalties of deprivation of

liberty and that under no circumstances, children be subjected to isolation and establish alternative mechanisms to reclusion and punishment ([A/HRC/54/12](#)). In its 2023 concluding observations on Luxembourg, the UN Committee against Torture took note of the ongoing reform of the youth protection system, including bills No. 7991 introducing a juvenile criminal procedure and No. 7992 on the rights of child victims and witnesses in criminal proceedings. The Committee urged Luxembourg, among other things, to continue the ongoing reform of the system for the protection of young persons so that young persons in detention are kept strictly separate from adults and to actively promote the use of alternatives to pretrial detention within the prosecution service and among judges ([CAT/C/LUX/CO/8](#) paras. 21, 22).

**Pretrial detention** – In its concluding observations on Luxembourg, the UN Committee against Torture expressed concern about the existence of a presumption of risk of flight when the person is a foreigner or does not have legal residence in Luxembourg. The Committee recommended that Luxembourg adopt the necessary measures, including legislative measures, to put an end to the presumption of a risk of flight in criminal cases based solely on the fact that the person concerned is a foreigner or does not have legal residence in Luxembourg, and, as regards a coercive measure involving deprivation of liberty, base the imposition of pretrial detention on an individualized determination that it is reasonable and necessary in all the circumstances ([CAT/C/LUX/CO/8](#) paras. 11, 12).

**Trafficking in persons** – In its 2023 concluding observations on Luxembourg, the UN Committee against Torture noted the efforts made by Luxembourg to eliminate trafficking in persons, while expressing concern about the increase in the number of cases and the emergence of forced labour as a new predominant form of exploitation in Luxembourg, particularly in the construction and catering sectors. The Committee recommended, among other things, that Luxembourg establish formal procedures for evaluating the vulnerability of a person subjected to human trafficking, including for the purpose of sexual exploitation, and ensure that cases of human trafficking in its various forms are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims have access to effective protection and redress and the means for as full rehabilitation as possible. It was also recommended that Luxembourg continue to provide specialized training to law enforcement officials, border guards, immigration officials, prosecutors, labour and mining inspectors, medical professionals and other relevant actors on detecting and identifying victims of trafficking in persons, with a specific focus on persons in vulnerable circumstances. ([CAT/C/LUX/CO/8](#) paras. 31, 32).

## II. Anti-Corruption Framework

### B. Prevention

*Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

In the context of the fourth Universal Periodic review, Luxembourg supported recommendations to transpose European Union rules on whistleblower protection, enabling the reporting of breaches of European Union rules in a confidential manner and to swiftly adopt and implement the law on the protection of whistleblowers, Draft Law No. 7945 ([A/HRC/54/12](#)).

*Sectors with high-risks of corruption in your Member State: List other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to make efforts to reduce financial opacity in the country, given the harmful aspects related to respect for human rights that may result; and to pursue efforts to step up the fight against tax evasion and fiscal fraud, particularly concerning funds from third countries ([A/HRC/54/12](#)).

#### **IV. Other institutional issues related to checks and balances**

##### **B. Independent authorities**

*Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions.*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to strengthen its efforts to enhance the effectiveness and independence of the Advisory Commission on Human Rights including by providing adequate financial and human resources to allow the Commission to discharge its mandate fully ([A/HRC/54/12](#)).

##### **D. The enabling framework for civil society**

*Measures regarding the framework for civil society organisations and human rights defenders.*

In the context of the fourth Universal Periodic review, Luxembourg accepted recommendations to ensure the implementation of a support platform for human rights defenders ([A/HRC/54/12](#)).