

**National Analytical Study
on Racist Violence and Crime**

RAXEN Focal Point for LUXEMBOURG

DISCLAIMER: This study has been compiled by the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). The opinions expressed by the author/s do not necessarily reflect the opinion or position of the EUMC. No mention of any authority, organisation, company or individual shall imply any approval as to their standing and capability on the part of the EUMC. This study is provided by the National Focal Point as information guide only, and in particular does not constitute legal advice.

EXECUTIVE SUMMARY

This report, prepared by the National Focal Point Luxembourg in October and November 2003, serves to analyse the situation regarding racial violence in Luxembourg. It is based in general on the RAXEN racial violence report done in October 2002. As data is little in Luxembourg and as only 10 months separate the two reports, actual and new data is almost completely absent.

Summary of the main findings, key arguments and recommendations:

We will repeat here the main problem encountered by the luxembourgish National Focal Point by producing this report: the lack of data. As the main findings by analysing the situation we will mention here the non-existing data. The monitoring system in place fails to produce interesting and representative data. This problem leads to the difficulty to analyse an area, which is unfortunately not yet monitored. As then, the report will give more an overview on existing organisations, on reports that have been produced, on different problems from the side of the government, rather than being able to describe the results of already collected data. This lead us to conclude that the main recommendations by our NFP are to establish a coherent monitoring system, which does not fail to produce the data that are necessary to fight racial violence.

TABLE OF CONTENTS

Executive summary.....	3
Table of contents	4
Index of Tables	5
Glossary	6
1. Introduction.....	8
2. The political climate	9
2.1. Short overview of xenophobic/populist parties, racist parties and right wing extremist organisations and their recent activities.	9
2.2. Measurements of majority population's attitudes towards migrants and minorities	9
2.2.1. European Values Study Luxembourg	9
2.2.2. The EVS study and its relation to immigration, racism and tolerance	10
2.3. Research and other analysis of the political situation.	11
2.3.1. Political discourse.....	11
2.3.2. The 700,000 inhabitants	12
2.3.3. The security discourse at government level	13
3. Legislation and policies concerning racist violence and racist crimes	14
3.1. Description of monitoring system(s)	17
3.1.1. Ombudsman	17
3.1.2. National Council for Foreigners and its committees	17
4. Description and analysis of existing data and sources on racist violence and racist crimes	19
4.1. Complaints (official sources from governmental institutions)	19
4.2. European survey on discrimination in Europe	22
4.3. Data gap analysis.....	22
5. Analysis of racist violence and racist crimes	23
5.1. Theory-led analysis of victims of racist violence and racist crimes	23
5.1.1. The identity question and the language question	23
5.1.2. EVS Study	23
5.1.3. Institutional violence	24
6. Strategies, initiatives and good practices for reducing racist violence and crimes.....	25
7. Summary and conclusions	27
8. References and Bibliography (Alphabetical order)	28
9. Annex 1. History of immigration in Luxembourg	30
10. Annex 2. Asylum seekers in Luxembourg	31
11. Annex 3: Cross-borderers	43
12. Annex 4: List of organisations consulted	44
13. Annex 5: Undocumented migrants	45
14. Annex 6: Grand-Ducal regulation 29.03.1995, National Council for Foreigners .	57
15. Annex 7: Voting rights of non-Luxembourg nationals in local elections held in October 2005.....	63
16. Annex 8: Good practice	64

INDEX OF TABLES

Table 1:	Racial complaints	20
Table 2:	Formalities which third country nationals who reside in Luxembourg have to take care of.....	46
Table 3:	The different kinds of work permit which can be issued	50
Table 4:	Visa requirements	54

GLOSSARY

GROUPS IN FOCUS:

The following definitions present the terms used in the context of this report.

Immigrant (Immigré): A person of a foreign origin, with a European or non European language, who migrated from his/her country of origin in order to settle in Luxembourg, with or without changing his/her origin nationality to the Luxembourgish one.

Foreigner (Etranger): According to the article 1st of the law of March 28, 1972, on the entry and stay of foreigners, the medical control from abroad and the use of the foreign workforce, "is regarded as foreigner, with regard to the application of this law, any person who does not hold any means of proof that he or she has the Luxembourgish nationality"

Community-member (Communautaire): Any person who has the nationality of a Member State of the European Union

Non-community member (Non-communautaire): A person who has the nationality of a country that is not member of the European Union. One should bear in mind that at the level of the legislation regarding employment and residing in Luxembourg, there is an important divergence between the Community citizens and the non-community citizens. (Work permits, residence permit, etc)

Applicants of asylum (Demandeurs d'asile): Defined according to the Convention of Geneva of 1951. Admissibility to the asylum procedure is generally dependent on whether Luxembourg is the state responsible under the convention of Dublin. A person is considered as long as an "applicant of asylum" until the final decision regarding his status: Refugee or refused (débouté du droit d'asile)

Refugee (Réfugié): According to the Geneva Convention, a refugee is a person "who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" Geneva Convention, Article 1, 1959

First/ second generation (Première/ seconde génération): This term is used regarding the immigrants. The first generation comprises the people who lived in their country of origin before coming to Luxembourg (Cf. point 1 of this chapter). The second generation are the people born in Luxembourg of immigrant parents, who are either Luxembourgers or foreigners, but who grew up in Luxembourg.

RACIST VIOLENCE AND RACIST CRIMES - DEFINITIONS

In order to be in harmony with the European Union, and in order to enable a better comparison with the 14 other member states, we would have liked to base our work on the definition by the International Convention on the Elimination of any form of Racial Discrimination (CERD). However, as the convention does not define the term, we are

working on the basis of the term racial discrimination: “racial discrimination includes any distinction, exclusion, restriction or preference based on race, colour, ancestry or national or ethnic origin, which has the aim or effect of destroying or compromising the recognition, enjoyment or exercise, under conditions of equality, of human rights and fundamental liberties in the political, economic, social and cultural domain or in any other realm of public life”.¹

As regards the term “racial violence”, we think it would be wrong to reduce the term to physical violence. So for the purposes of this report, we are taking into consideration any sort of violence, whether physical, psychological or moral. Therefore, we include harassment, ill treatment of persons because of their “race”, ethnicity, religion, foreign background etc., racist verbal abuse and intimidation.

At a national level, the Luxembourg law on racism (July 19, 1997)² is restricted to defining the term racial discrimination. The **Luxembourg definition** is presented as follows: Article 454 of the criminal Code specifies that “discrimination is any distinction drawn between physical persons by virtue of their origin, the colour of their skin, their sex, their sexual orientation, their family situation, their state of health, their handicap, their morals, their political or philosophical opinions, their union activities, their belonging or not belonging, whether real or supposed, to a specific ethnic group, race or religion. Discrimination is also any distinction drawn between legal entities, groups or communities of people, by virtue of the origin, the colour of skin, the sex, the sexual orientation, the family situation, the state of health, the handicap, the morals, the political or philosophical opinions, the union activities, the belonging or not belonging, whether real or supposed, to a specific ethnic group, race or religion, of members or certain members of those legal entities, groups or communities.”³

¹ International Convention on the Elimination of any form of Racial discrimination, first part, article 1.

² Law of 19 July 1997 completing the Criminal Code and amending the criminalisation of racism and relating criminalisation to revisionism and other acts based on illegal discrimination.

³ Law of 19 July 1997 completing the Criminal Code and amending the criminalisation of racism and relating criminalisation to revisionism and other acts based on illegal discrimination.

1. INTRODUCTION

This report aims at giving a significant overview of the present situation in Luxembourg, important activities carried out and recent developments, from 2000 to October 2003. It presents and analyses the situation, the causes of that situation as it is at present in Luxembourg as well as its consequences. As a reference period, our main data range from the years 2000 to 2003, but in order to place some information in its proper context we will on several occasions look at data prior to the reference period.

In order to understand the data and information presented in this report, it is vital to define the term racial violence.

The theoretical considerations are explained in the glossary. Therefore, we describe the political climate in Luxembourg, as well as we try to reflect the population's attitude to make it possible to place the data in the context of the Luxembourgish society. We then try to focus the political scene in a more detailed way by analysing the political discourses.

Chapter 3 is entirely devoted to the legislation in Luxembourg. We explain in detail the legislation and policy in place in Luxembourg, as well as the possibilities that exist in Luxembourg to monitor the situation.

The existing data and sources are then explained in chapter 4, but are however limited due to the specific situation of lack of data in Luxembourg. This problem has already been mentioned and explained in many different reports produced by the NFP Luxembourg. Chapter 5 offers a more in-depth analysis of who are the victims of racial violence and why.

Finally, before concluding and giving recommendations, we present a set of chosen good practices, which are currently carried out in Luxembourg for reducing racist violence and crimes.

As we mentioned in the executive summary, a report reflecting the present situation, independent from the 2002 one, is impossible for Luxembourg. In order to be in harmony with the 14 other EU member states our report is structured in a new way. Some of the 2002-report information will be found again in this report, it concerns especially the background information, which did not change since the 10 months that separates the two reports (RAXEN3 and RAXEN4). As explained in the executive summary, figures and other information have been updated. Other new information and data will be found on good practice, implementation of European legislation, violence figures, etc.

As no extra background information on demographic figures, employment, etc is requested in the guidelines for this racial violence report, we choose not to include them in this report. However, some figures, based on the report on racial violence from 2002 and updated, are presented in the annex of the present report.

2. THE POLITICAL CLIMATE

2.1. SHORT OVERVIEW OF XENOPHOBIC/POPULIST PARTIES, RACIST PARTIES AND RIGHT WING EXTREMIST ORGANISATIONS AND THEIR RECENT ACTIVITIES.

At the time of reporting there is no extremist or racist party in Luxembourg. The last extreme right party, the “Nationalbewegung” (National Movement) was established in 1989. At the legislative elections that same year it gained fewer than 3% of the votes and failed to elect a deputy. Since its appearance in the political scene, this group had sought to establish its main focus in xenophobia. In the mid-1990s the party closed down, since other extreme right movements had settled more or less permanently in other countries neighbouring Luxembourg. In fact, the NB (Nationalbewegung) was dissolved during 1996⁴. This failure was not surprising in a country where the suffering inflicted by the Nazi occupiers is far from being forgotten. We would note that extremist movements were born and died in rapid succession in Luxembourg after the Second World War. And it is unlikely an extreme right or racist party could settle definitively in the Grand Duchy. Nevertheless it is as a consequence of the absence of extreme right parties that their unifying themes like anti-Semitism, xenophobia, racism and fears for the national identity can become large-scale vehicles.

2.2. MEASUREMENTS OF MAJORITY POPULATION'S ATTITUDES TOWARDS MIGRANTS AND MINORITIES

2.2.1. European Values Study Luxembourg⁵

In 1999 the SESOPI Intercommunity Centre carried out a study in Luxembourg concerning the perception of foreigners by Luxembourg people, within the context of the European Values Studies, along with 35 other countries. The publication of all the results was in 2003. On the basis of the result of the survey carried out in Luxembourg among 1211 people, the authors endeavour to highlight the tendencies currently present within the Luxembourg society by a detailed photograph of the social representations, which exist in Luxembourg.

⁴ BLAU, L., (1998), History of the extreme right in Luxembourg, Ed. Le Phare, 1998

⁵ European Values studies Luxembourg, Editions Saint-Paul, ISBN 2-87963-418-0, 877 pp
SESOPI Intercommunity Centre, www.sesopi-ci.lu

2.2.2. The EVS study and its relation to immigration, racism and tolerance.⁶

The EVS is a rather complex study on the values in Luxembourg. We limit ourselves to refer some, and this in a summarised way, of the elements which can be useful for us to understand the relation of the population of Luxembourg (Luxembourg and not-Luxemburgish) with their multicultural environment. We try here to analyse some results, which seem to us to be able to depict indicators of tolerance, rejection, solidarity etc towards the immigrant people, the refugees, and the people of a purported " race".

In the chapter which is most interesting for this report, the authors wondered about the sociability forms of the inhabitants of Luxembourg, their relations with other people (tolerance or rejection), the attitudes with regard to asylum and immigration policy, the concept of integration and the relation that foreigners keep with their country of origin. A certain number of elements presenting real incidences on social cohesion or having with it close relations could be gained from the study.

If the EVS mentions and studies the phenomenon of tolerance, it doesn't mean that this only relates to the relation with the different social groups according to nationality or ethnicity (foreigners, immigrants, refugees); and, in fact, the EVS in Luxembourg clearly emphasises a more intolerant attitude with regard to those which one could call " social deviated", which are felt like presenting a certain degree of danger, than with regard to ethnic groups, immigrants or refugees.

In addition, if the inhabitants of the Grand Duchy seem at first sight rather tolerant with regard to the foreigners, their reserves appear more clearly when it comes they are questioned about the consequences of the presence of people from abroad in terms of chance or risk for the Luxembourg society. The fears of the inhabitants, are first and foremost, the danger of "overpopulation from abroad", but also the risk to see unemployment increasing and the threat which they would represent for the Luxembourg language. In this context, preference is given to the residents that hold Luxembourg nationality at the time of recruitment in the event of scarcity of employment. One can justifiably wonder which reception the Luxembourgers would give to the foreigners, but also the whole of the inhabitants of the country, if the economic situation worsened durably. This question seems all the more relevant as in the eyes of the Luxembourgers the reason of the presence of the immigrants in the country seems to be limited to their only economic function.⁷

⁶ Nénad Dubajic, Les relations aux autres dans une société multiculturelle, SESOPI, 2003, <http://www.sesopi-ci.lu> (12-10-2003)

⁷ More details on the EVS study will be found in chapter 5.1

2.3. RESEARCH AND OTHER ANALYSIS OF THE POLITICAL SITUATION.

2.3.1. Political discourse

The Luxembourg Minister of Co-operation and Humanitarian Action summarised the situation in Luxembourg at the Stockholm Summit in January 2000. According to him, if one might trust the figures advanced by the statisticians, between 2% and 3% of the Luxembourg population would be inclined to racism. Well aware “that a single racist in a society is already too many”, the Minister was nonetheless reassured as to Luxembourg society which he saw as clear of overt racism: the good economic and social situation, historic experience and the traditional openness of Luxembourg to foreigners are all factors which enable active and violent racism to be nipped in the bud.

Furthermore, the Prime Minister’s position and the policy, which he advocates in matters of immigration, asylum and vis-à-vis cross-borders, plays its role in the fight against xenophobia and racism. In fact, a great openness and a «yes» to immigration, a position which is also defended at the European level, mark the statements of the Prime Minister. Against this background we would quote from the principal declarations which were made on 28 September 2002 during a speech at the Luxembourg University Centre inaugurating the ASTI campaign “Migrations: the stakes”. He demonstrated that political circles were taking very seriously the fears of the Luxembourg people of finding themselves a minority in their own country within 20 years and/or of their national identity being weakened. The fact is, according to statistics, that each day, from 9 o’clock in the morning, Luxembourgers are already in the minority.

According to the Prime Minister, economic growth, the basis of the true well being of the population, should continue to run in parallel with a demographic increase possible only as a consequence of a well managed immigration policy.

Distinguishing between immigration of installation and the “there-and-back immigration of cross-borders, the Prime Minister, in view of the already significant and necessary immigration of instalment on an even greater scale in the future, would like to avoid a minority taking decisions for the majority. Against this background he declared himself in favour of double nationality⁸ which would enable more citizens to participate actively in the political life of the country. The grant of the latter should be made a part of the next government programme and be set in motion as soon as possible.

Within the context of cross-borders, with union traditions much different to those of Luxembourgers, more often revolving around the search for a consensus, the Prime Minister deemed it necessary to realign the union dialogue in order to guarantee maintenance of social peace in the country. In fact, he does not agree with the experts

⁸ According to a survey carried out by ILR (Luxembourg Institute for Social Research), published in October 2002, 75% of 494 persons questioned were in favour of the introduction of double nationality. The survey was carried out between 16 and 23 September 2002 by telephone. 66% of Luxembourgers are in favour of double nationality, 88% of Portuguese. 81% of young people aged 15-24 and 58% of persons over 65.

who suggest that as a consequence of the ageing of populations, the reservoir of work force in the Greater Region will be exhausted within a few decades.

The Prime Minister is sure of being able, by analysing past experiences, to predict that there will not be an invasion of immigrants following the enlargement of Europe towards the East. These countries also count an ageing population, which is not so mobile, above all only moving in neighbouring regions.

It will therefore be immigrants from non-community countries, from the South probably, which should provide the majority of work force needs in Luxembourg. Immigrants of different cultures and religions will blend with the autochthonous population. In order to avoid any sort of blur, the Prime Minister considers it useful to recognise Islam as a religion within the State.

The Prime Minister emphasised the importance, which he accords to the Luxembourg language, first of all as foundation of the nation, and then as a language of intersection in companies where there should be one language for everyday communication. In this order of ideas, he pleads for the cause of Lëtzeburegësch during working hours.

The Prime Minister does not, for the majority of his speech, neglect the humanitarian aspect of immigration and the problem of refugees. Nobody, he claims, leaves his homeland lightly, for any reason. For the majority of people concerned, immigration represent a personal drama.

2.3.2. The 700,000 inhabitants⁹

A study ordered by the Government from the BIT (Bureau international du Travail – International Employment Bureau) which established a projection of population evolution expecting there to be some 700,000 inhabitants by the year 2050 provoked lively debate within the population and in political circles. The Prime Minister following the conclusion of the Round Table on Pensions launched the debate at a national level with declarations. The Prime Minister declared “that once the new pensions measures were adopted, the Luxembourg population should increase to 700,000 inhabitants in order that Luxembourg might be in a position to pay the increased volume of pensions”.¹⁰ The prospect of a substantial increase in the population, as well as the consequences of such an increase, worried Luxembourg people and triggered an emotional debate. In the many letters from readers, part of the fears expressed were in relation to the loss of their identity as a consequence of massive levels of immigration, but they also expressed their concerns as to the lack of infrastructure necessary to the proper running of a State with 700,000 inhabitants. The fact is nonetheless that the discussion aroused great many protectionist speeches on Luxembourg identity, speeches often characterised by racist, xenophobic and populist stereotypes. Politicians were forced in the meantime to moderate the debate in order, *inter alia*, to avoid the awakening of xenophobic currents in the population. To quote the most eminent Luxembourg historian Gilbert Trausch, “Xenophobia is fed by fears as to the maintenance of the national identity, which is not to say that all those who

⁹ Population in 2003 : 448,300 inhabitants ; 277,300 Luxembourgers ; 171,000 foreigners. ; source <http://www.statec.lu>

¹⁰ <http://www.gouv.lu>

have that fear at heart are *ipso facto* xenophobes. Patriotism is neither right nor left. The interest in the national identity is not suspect in itself. This legitimate concern may however be transformed into an obsession which sees dangers everywhere and particularly in the foreigners who have come to set up their lives on national territory”¹¹. One of these adversaries of the idea of 700,000 is the President of the “Biergerinitiative” (citizens’ initiative) from Mamer in Luxembourg. He created a non-profit making association “What future for Luxembourg”, through which he defended his ideas in the direction of a security and protectionist line. As mentioned in the weekly journal *Le Jeudi* published on 10 October 2002, he “does not exclude a new incursion into the national political scene.”¹²

Since this last time, the discussion on the 700 000 inhabitants has slowed down again. The subject is not so more of actuality anymore.

2.3.3. The security discourse at government level

The fear that Luxembourgers have of no longer being understood in their own language, of “infiltration” by other cultures and religions and of the criminality of foreigners must be taken seriously. The fear of general insecurity, well spread through all strata of the population, is however contradicted by the activity report of the Grand Ducal Police, which shows a slight fall concerning the general trend of cases observed by the police, by 0.74% in comparison to 2000. It is all the more surprising that the Minister of Justice recently fed the security debate. The newspaper “Le Quotidien” makes a critical analysis of the situation in its editorial of 28 May 2002. “I would like there to be systematic proceedings in all the fields provided by the law.’ declared the Minister. He gave orders to the public prosecutors in the various jurisdictions to proceed against all breaches of the Criminal Code, ‘even the smallest’... The announcement of this turn to the repressive right, in a Luxembourg, which has no major security problems, may be a surprise. The Minister reasons for making this security statement are purely political ... In the Grand Duchy, where the fear of the people is easily exploitable, it is easy for the Minister to drive in the nail and exaggerate the concept of criminality. Is it by chance that the Minister, at the time when he announces this “zero tolerance” policy, also speaks of the law relating to foreigners? Is it by chance that he mentions 34% of offences are committed by non-residents? Is it by hazard that he cites the “illegal immigrants” who will be systematically repulsed? This analogy between criminality and immigration may bring about prejudice. And prepare fertile but dangerous ground, in view of the elections.”¹³

Such speeches exploiting the fear of Luxembourg people with regard to foreign criminality risk nourishing xenophobic sentiment. In fact, the massive presence of refugees from the former Yugoslavia has already strengthened the feeling of insecurity among Luxembourgers¹⁴, as shown by the ILRes study made in September 2000 concerning the cohabitation of the resident population of Luxembourg with refugees from

¹¹ Professor Gilbert Trausch, preface to the book “History of the extreme right in the Grand Duchy of Luxembourg in the 20th century” by Lucien Blau

¹² Vanderbroucke, P (2002), No to the 7000,000, in: *Le Jeudi*, (10.10.2002)

¹³ *Le Quotidien*, 28 May 2002

¹⁴ ILRes study made in September 2000 concerning the cohabitation of the resident population of Luxembourg with refugees from the former Yugoslavia

the former Yugoslavia. 53% of people questioned think that criminality has increased since their arrival in Luxembourg. That opinion is broadly spread through all strata of the population, whether educated or not, and as much among elderly people (58% for those older than 50) as in the sector from 15 to 49 years, 50% of whom were of an unfavourable opinion. Foreigners' associations and other humanitarian circles are trying to demolish this opinion with concrete figures, and some left-wing politicians are attempting to demystify the foreigner-criminality equation. We would nevertheless mention that previous surveys, carried out by the CLAE, the Ministry of Education, and similarly the results of the Euro-barometer in 1997, show that young Luxembourg people are very tolerant with regard to people belonging to other nationalities or races. The CLAE survey taken in 1994 demonstrates that for 68% of Luxembourgers the presence of foreigners constitutes somewhat of a cultural enrichment, for 53% a guarantee of a good standard of life, and for 53% the opportunity of demographic renewal.¹⁵ All in all the balance sheet is positive and leads to the hope that Luxembourg people are not inclined to fall into the snare of identity, security or xenophobia discourse.

3. LEGISLATION AND POLICIES CONCERNING RACIST VIOLENCE AND RACIST CRIMES

The legislation against discrimination on racial, ethnic, religious or cultural grounds is based on the immigration and integration legal acts and policies. At the national level, the Luxembourg law on racism has its basis in article 454 and subsequent articles of the Criminal Code, as amended by the Law of the 19 of July 1997, which defines, prohibits and specifies penal sanctions for the specific discriminatory practices.

Regarding the questions if the wearing of neo-nazi symbols is considered as a crime and if hate speech is considered a crime, the following articles will give information:

The desecration, by some means, of tombs or memorials, is punished with one month to 2 years imprisonment and with a fine that goes from 10.001 to 1.000.000 francs. This includes:

1. Whoever, either by speeches, cries or threats uttered in places or public meetings, or in writings, printed paper form, drawings, engravings, paintings, emblems, images or any other written support, word or image, sold or distributed, put on sale or exposed in places or public meetings, or by wall cupboards or posters exposed to the public, or by any audio-visual mean of communication, encourages the acts envisaged in article 455, hatred or violence with regard to a person, physical or moral, of a group or a community considered under article 454;
2. Whoever belongs to an organisation whose objectives or activities consist in carrying out the type of acts envisaged in the paragraph 1 of this article;
3. Whoever prints or makes print, manufactures, holds, transports, imports, exports, puts in circulation on the Luxembourg territory, sends from the Luxembourg

¹⁵ National Report on Youth, CeSiJe and the Ministry of National Education, 2001

territory, gives to the post office or another professional in charge of the distribution of the mail on the Luxembourg territory, distributes on the Luxembourg territory writings, printed papers form, drawings, engravings, paintings, posters, pictures, films, emblems, images or any other written support, the word or the image, likely to incite to acts envisaged in article 455, hatred or violence with regard to a person, physical or moral, of a group or a community, while being based on one of the elements under article 454. The confiscation of the objects enumerated here will be done in all this cases.

For a more general overview on the current legal basis for crimes with a racist/ ethnic/ religious/ cultural motivation against individuals and groups of individuals, we will give here brief explanation on the legislation in use.

In Luxembourg, **article 10 B of the Grand-ducal Constitution** guarantees the equality before the law of all the Luxembourgers. Article 111 of the luxemburgish Constitution guarantees that “every foreigner on the luxemburgish territory, benefit from the protection accorded to persons and goods, except the exceptions established by the law.” Administrative jurisprudence says that this means that non-nationals are assimilated to Luxembourgers as long as no law is in contradiction with this assimilation. Concerning the legal effect of the constitutional provision, article 2 of the law of July 27, 1997 on the organisation of the constitutional Court lays out that the Court will rule on the constitutionality of the legislative acts, except for the acts concerning approval for treaties.

Luxembourg ratified the **Convention of New York of 1966** on the elimination of all the forms of racial discrimination; convention that has been ratified by Luxembourg on the 1st May 1997s. A law of August 9, 1980, pursuant to the aforementioned convention, thus came to supplement the Penal code while inserting there articles **454 and 455**, which punish various forms of racial discrimination. These articles were modified by a law of July 19, 1997, which gives to new article 454 of the penal code a definition of discrimination and increases the penalties planned for the racist offences by creating new incriminations.

It should be emphasised that, according to the Bank of Data of jurisprudence of the Legal Information Centre of the General Parquet floor of the Grand Duchy of Luxembourg, no court order was still returned on the basis of articles 454 to 457-4 of the Penal code.

Moreover, **law of July 27, 1993** relating to the integration of non-nationals comes to facilitate the process of integration for non-nationals in the Grand Duchy of Luxembourg and organises the social action in their favour. (For example as regards housing, formation, organisation of the leisure, reception, voyage or repatriation, assistance to be taken part in the social life, etc.) This law, in its article 3, prohibited any discrimination based on “race”. To date, there is not any jurisprudence on the matter.

In **1997**, at the time of the European year against racism, the Parliament adopted various amendments of the Penal code and introduced a detailed anti-discrimination legislation, which includes the reasons based on the “race” or the ethnic origin and on the religion or belief. The Code covers in particular the labour market, the supply of products and services and the recruitment and dismissal.

For information purposes, a working group, instituted in July 1994 by the Minister for Justice within the Commission of legislative studies and responsible for the reform of the Penal code, whose sub-group is elected to be firstly devoted to the problems related to racism in order to propose possible legislative modifications.

The **law of July 19, 1997** is a result of this work. It grants in particular to associations the right to constitute civil part for the infringements against the articles **453 to 457-4** of the penal code.

The concept of equality and the prohibition of discrimination is a concept with multiple facets.

- Luxembourg has ratified the convention n°111 from the International Organisation for Employment regarding discrimination.
- Protocol N°12 from the European Convention on Human Rights, which previews a general interdiction of discrimination.

Already signed in 1998 by the principal political parties, the Charter of the European political parties for a non-racist society was approved, at the instigation of the ASTI (Association of support for the immigrant workers), by all the parties having taken part in the national and European elections in 1999.

Art. 457-2.

When the infringements defined in article 453 were made on grounds of membership or non-membership, true or supposed, of people belonging to a certain ethnic group, a specific nation, race or a religion, the punishment is six months to three years with a fine from 10.001 to 1.500.000 francs or one of these punishments only.

Art. 457-3.

Who, either by speeches, cries or threats uttered in places or public meetings, or in writings, printed papers form, drawings, engravings, paintings, emblems, images or any other written support, word or image sold or distributed, put on sale or exposed in places or public meetings, or by wall cupboards or posters exposed to the public, or by any audio-visual mean of communication, disputes, minimises, or justifies several crimes against humanity or war crimes such as they are defined by article 6 of the statute of the International Military Tribunal attached to the treaty of London of August 8, 1945 and which were a clerk either by the members of an organisation declared criminal pursuant to article 9 of the aforesaid statute, or by a person found guilty by a Luxembourg foreign or international jurisdiction for having done such crimes, is punished of an eight days to six months imprisonment and of a fine from 10.001 to 1.000.000 francs or one of these punishments.

The same punishment is valid for those that, by one of the means mentioned in the preceding paragraph, disputed, minimised, justified or denied the existence of one or several genocides such as they are defined by the law of 8 August 1985 bearing repression of genocide and recognised by a Luxembourgish or international jurisdiction.

3.1. DESCRIPTION OF MONITORING SYSTEM(S)

3.1.1. Ombudsman ¹⁶

July 16, 2003, the Luxembourg House of Commons adopted the bill relating to the setting up of a mediator in Luxembourg. The mediator should be a facilitator between the administrations and the civil society. The idea of setting up a mediator emphasises the will of the government to create the conditions of a more participative population, allowing to the citizen to best express his complaints. Any citizen who estimates that a public authority did not function in accordance with the mission which it must ensure or contravenes the texts in force, can ask that the affair is brought to the mediator. This can be interesting in cases of discrimination on behalf of the public office. The mediator is attached to the House of Commons and is an independent authority, which depends neither on the administration, nor on the government.¹⁷

E-mail address: Ministry for the Family.

Within the framework of the campaign launched by the Ministry for the Family in July 2003 (see chapter 5), concerning the two European directives 2000/78/Ce and 2000/43/CE, the same Ministry created the following e-mail address: ounidiskriminatioun@fm.etat.lu (last accede on 12-10-2003).

This address is placed at the disposal with any person who estimates to have been victim of discrimination or which simply wishes to have information in this respect.

We do not have any information if complaints have been sent to this e-mail address or how many.

3.1.2. National Council for Foreigners and its committees

The National Council for Foreigners operates with the Government Foreign Persons Commission. It works as a consultative body and is charged with studying the problems concerning foreigners and their integration. It also passes opinions on draft legislation and regulation in relation to policy regarding foreigners.

The Council consists of the Government Foreign Persons Commissioner, four representatives of the Inter-Ministerial Committee co-ordinating foreigners policy, two representatives of the Inter-Communal Association, four representatives of employers organisations, four representatives of the main union organisations, fourteen representatives of foreigners, and one representative of refugees.¹⁸

¹⁶ www.gouv.lu/salle_presse/actualite/2003/07/16mediateur/index.html

¹⁷ Started his new function end of April 2004, 30 cases have already been transferred to him : We do not have information on the content of these complaints, or if the complaints have anything to do with racism or discrimination.

¹⁸ The Grand Ducal Regulation dated 29 March 1995 determines the terms of appointment of representatives of foreigners as well as their nationality breakdown. (the regulation is annexed in French)

Within the Council, there are three committees:

- A special permanent committee charged with studying questions relating to cross-border workers
- A special permanent committee charged with handling subjects related to the communal consultative committees for foreigners (there must be such a committee in each commune where the population includes more than 20% foreigners)
- A special permanent committee against racial discrimination (CSP-Rac).

CSP-Rac: The Special Permanent Committee Against Racism created in 1996 by the National Council for Aliens existing in Luxembourg is mentioned several times in the EUMC annual report 2000 (p.14, 62, 63, 72). Therefore, we consider it useful to see how the claims office, installed by the CSP-Rac works: in fact, “the CSP-Rac has not yet received any real claim. Until April 2002, the CSP-Rac has only received a very restricted number of files. According to the Convention against Racial Discrimination none of these cases could be considered as a complaint due to the fact that there is no discrimination (no discrimination defined by the legislation). Generally, the other cases were not within the competence of the complaints office, because there was no violation of rights according to the Convention..”¹⁹

This phenomenon can be explained by the fact that this Committee was established by the National Council for Aliens and depends on the Luxembourg Government. An independent body could be more successful and consequently more effective. It could also show more objectively the situation regarding racism and discrimination in Luxembourg.

¹⁹ GRINBERG O., CSP-RAC (April 2002), the *Special Permanent Committee against Racial Discrimination in Luxembourg*

4. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES ON RACIST VIOLENCE AND RACIST CRIMES

4.1. COMPLAINTS (OFFICIAL SOURCES FROM GOVERNMENTAL INSTITUTIONS) ²⁰

The figures of the complaints that we mention in this report come from the Grand-Ducal Police force. We know that the figures are not representative, considering the very restrictive number of complaints registered every year. The steps that one has to follow to introduce a complaint after having been victim of a racist act are not obvious for each victim. The phenomenon of the double victimisation, not-listening, the lack of evidence, the fear of the revenge of the author make that only one part of the victims go until the end with their complaint. The few victims which present a complaint don't seem representative to us for a phenomenon like racial violence. Thus, to give an outline of the proportionality between the complaints against racial violence and violence in general, we decided to put them in connection with the phenomenon of general violence and the overall complaints in Luxembourg. This relation could, with limits of course, give indications on the importance of the phenomenon of racial violence.

In 2000, 12 complaints were registered on the basis of the Law against racism. Of these 12 complaints, the offenders in 11 were identified.

The 12 complaints related to the acts of 19 parties, of whom:

- 13 Luxembourg citizens (residing in Luxembourg)
- 6 non-Luxembourg citizens (residing in Luxembourg)

Of the 19, 15 were adults (9 men and 6 women) and 4 minors (4 boys)

The 12 complaints represent 0.1% of all complaints registered in 2000.

For these 12 complaints, there were 6 victims: 2 men and 4 women, of which 4 were Luxembourg citizens living in Luxembourg and 2 non-Luxembourg citizens also living in Luxembourg.

This category of complaint comes under complaints for offences against the person, which constituted 10.3% of all offences in 2000. The details of these 12 complaints were not available at the moment of reporting.

In 2001²¹, 16 complaints were registered on the basis of the Law against racism. Of these 16 complaints, the offenders in 12 cases were identified.

²⁰ Grand Ducal Police, report on activity 2000, p.15, (2000), <http://www.police.lu>
Information given by the vice-chairman of the Grand-Ducal Police (phone calls)

²¹ Grand Ducal Police, report on activity, 2001 <http://www.police.lu>

The 16 complaints related to the acts of 21 parties, of whom:

- 9 Luxembourg citizens (residing in Luxembourg)
- 7 non-Luxembourg citizens (residing in Luxembourg) and 3 non-Luxembourg citizens (not residing in Luxembourg) and 2 of unknown nationality.

Of the 21, 17 were adults (16 men and 1 women) and 4 minors (3 boys and 1 girl)

The 16 complaints represent 0.1% of all complaints registered in 2001.

For these 16 complaints, there were 6 victims: 2 men, 3 women and a minor, of which 1 were a Luxembourg citizen living in Luxembourg and 5 Luxembourg citizens not living in Luxembourg.

All this complaints had somehow a racial background, most of the time a racial offence. 2 of these offences came by post, the victims found in their letterbox post-cards with racist messages.

In 2002²², 11 complaints were registered on the basis of the Law against racism. Of these 11 complaints, the offenders in 10 were identified.

(The 11 complaints related to the acts of 14 parties, of whom:

- 6 Luxembourg citizens (residing in Luxembourg)
- 4 non-Luxembourg citizens (3 residing in Luxembourg) and 1 non-residing
- 3 without precision on residing and nationality

Of the 13, 12 were adults (9 men and 3 women) and 2 minors (2 boys)

The 11 complaints represent 0.1% of all complaints registered in 2002.

No figures at all are available for 2003.

Table 1: Racial complaints

Year	Number of complaints	Actors - Nationality	Actors - Age	Victims Nationality
2000	12	13 Luxembourg. 6 non-Luxembourg	15 adults 4 minors	4 Luxembourg 2 non-Luxembourg
2001	16	9 Luxembourg 7 non-Luxembourg	17 adults 4 minors	5 Luxembourg
2002	11	6 Luxembourg 4 non-Luxembourg 3 without info	13 adults 2 minors	/

²² Grand Ducal Police, report on activity, 2002, <http://www.police.lu>

The figures of the complaints concerning racial discrimination are included in the category "Other infringements against the people". This category contains various subcategories:

- Rebellions
- Insults against Threats
- Diffamations/ calumnies/ injures
- Racial discrimination
- Non-assistance to people in danger
- Maintenance obligation
- Protection of private life
- Others

The sum total of all these infringements is 1116 cases for the year 2002. 11 relate to racial discrimination. The tables with the details for these categories are annexed to the present report.

Regarding the authors of the infringements, 12,5% are minors. 78,7 % are male and 21,3 % female. With regard to their nationality, 38,8% are Luxembourgers, 58,4 are not-Luxembourgers and 2,8% of unknown nationality.

For the foreigners, 59,7 are residents in Luxembourg, 40,3 non-residents.

On the level of the victims of infringements against the people 7,8 are minor. 56,57 % are men and 43,3 % are women. 55,5 % of the victims are Luxembourgers, 43,5 % are non-Luxembourger and 1 % are of unknown nationality. On the level of their residence, 75 % of the victims are resident to Luxembourg and 25 % non-resident.

However, the Public Prosecutor in Luxembourg has not taken any decision on these complaints, and there are also no court proceedings relating to them. We may conclude that the complaints were classified as "no further action". The possibility remains that the complaints ended in criminal mediation which exists in Luxembourg for the purpose of finding an agreement between the offender and the victim and to avoid long drawn out court proceedings. Given that in the two cases there was no sentence, the complaints leave no trace at judicial level.

So as regards **complaints in Luxembourg**, the Law provides that "the offences provided by the present chapter, committed against individuals, with the exception of slander and the offences provided in article 444 (2), may only be proceeded for on the complaint of the person who claims to have been offended against."²³

Constitution of civil party: "Any association, on a national scale, with a legal identity and approved by the Minister of Justice, may exercise the rights recognised to a civil party as regards facts constituting an offence within the meaning of articles 444 (2), and 453 to 457 of the Criminal Code and relating to a direct or indirect prejudice to the collective interests which it has the objective of defending, even if they do not justify a material or moral interest or even collective interest (...) Nonetheless, when the offence has been committed against persons considered individually, the association may only exercise the

²³ Section V paragraph 1 of Article 450 of the Criminal Code

rights recognised to a civil party (...) if those persons expressly declare in writing that they do not object.”

4.2. EUROPEAN SURVEY ON DISCRIMINATION IN EUROPE²⁴

The European Commission did a survey regarding discrimination in the 15 EU member states. The survey enquired on racial, ethnic, religious, physical and other discrimination. The findings showed the following: “*There were some differences between European countries. The widest differences concerned racial origin and ethnicity. For example, the Dutch were the most likely to report discrimination on grounds of racial or ethnic origin (seven per cent), followed by Luxembourg (six per cent) and France (five per cent) all compared with just one per cent in Spain, Italy, Finland, Ireland and Germany*”.²⁵ 6 % of Luxembourg citizens, with ethnic minority background, say that they suffered from discrimination. Only the Netherlands has a higher percentage: 7%. Luxembourg also differs regarding religious intolerance, which seems to be twice more than in most of the other European countries. The report distinguishes between felt and noticed discrimination: 6 % say they felt discrimination, but 20 % say that they noticed it.

4.3. DATA GAP ANALYSIS

- Not much detailed data on complaints introduced at the police. The only data existing are mentioned in this report. However, no details are available, such as the exact reason of the complaint, the nationalities of the authors and the victims.
- No data available from the court regarding the follow-up of these complaints. (decisions to follow up by the prosecutor)
- No data about racial violence in schools. No statistics or data is available about if there are racial problems in school, and if yes, how much. No data regarding the victims or the authors.
- No data regarding specific antisemitic acts of violence or islamophobic acts of violence. Maybe these data could be found in the police statistics, but as these statistics, like mentioned earlier are not detailed, one cannot point out antisemitism or islamophobia.
- No sufficient data on population attitude towards migrants

²⁴ EB57.0 ; Discrimination in Europe : Executive summary [350kb] 02-04/ date of publication 0205/03

²⁵ Eurobarometer. <http://www.stop-discrimination.info>

5. ANALYSIS OF RACIST VIOLENCE AND RACIST CRIMES

5.1. THEORY-LED ANALYSIS OF VICTIMS OF RACIST VIOLENCE AND RACIST CRIMES

5.1.1. The identity question and the language question

Against this background, there have been a lot of questioning regarding the Luxembourg language, which, some people say, is an expression of the Luxembourg identity, and others describe as the essence of the nation, the language of integration or the language of communication in society. According to a CLAE survey carried out by the ILReS in 1994, 36% of Luxembourgers see a risk for the Luxembourg language. In the Eighties, the parties of the extreme right, which have in the meantime disappeared actually made the linguistic problem the central theme of their electoral campaigns. In fact, the linguistic situation in Luxembourg is extremely complex. The foreigner residing in Luxembourg is confronted with an “official” trilingualism with Lëtzebuergesch, French and German, established by the Law of 24 February 1984²⁶. That Law, who fixed Lëtzebuergesch²⁷ as the national language, governed the use of the three languages at a legislative, judicial and administrative level. The development of immigration and the recourse to a cross-border work force have widen the complexity of the linguistic situation of the country. If 79% of Luxembourgers confirm using French in their relations with foreigners, they sometimes show themselves to be frustrated in everyday life, for example when they cannot make their studies in Lëtzebuergesch. This leads to a judgement being made by Luxembourg people according to which foreigners do not want to integrate because they do not learn the Luxembourg language. The Baleine study notes “Lëtzebuergesch is the language of integration”. At present, learning the Luxembourg language is always outside working hours (Source SeSoPi). The proposal by the Prime Minister to put slots in timetables for the learning of Lëtzebuergesch during working hours would therefore be a good way to put an end to certain prejudices and to facilitate the integration of foreigners. A similar solution would avoid the never ending discourse on the danger of the Luxembourg language disappearing and with it the disappearing of the Luxembourg identity.

5.1.2. EVS Study ²⁸

As we have difficulties to gather reliable data on the situation concerning racial violence, its victims and its authors, we are compelled to base ourselves on the only supplies in hand. We may therefore in this chapter come back to the EVS study mentioned earlier in

²⁶ [http:// www.legilux.lu](http://www.legilux.lu), 24/02/1984

²⁷ Luxemburgish in luxemburgish language

²⁸ European Values studies Luxembourg, Editions Saint-Paul, ISBN 2-87963-418-0, 877 ppSESOPi Intercommunity Centre, www.sesopi-ci.lu

this report. We try to point out some elements noted in the EVS study, which seem important to us to show certain attitudes towards the foreigners in Luxembourg. As a conclusion, the report points out certain figures.

- 16% of the questioned people never give favourable answers regarding foreigners
- 60% of the questioned people accept the foreigners with some restraints.
- 24% of the questioned people always give favourable answers regarding foreigners whatever the conditions are.

The EVS study obviously studied a whole broad of phenomenon on the level of the values in Luxembourg. We cannot point them out all. What however seems to us to give an essential element for this report is one of the chapters of the EVS, which describes an interesting phenomenon: Who is accepted as a neighbour and who is not. The findings show certain alarming figures: thus, for example. 14% of the population (mixed nationalities) do not want Muslims as neighbours, 14% do not accept refugees as neighbours.

5.1.3. Institutional violence

Some incidents took place this year between the police force and the Muslim community in Luxembourg. These incidents triggered a broad discussion among the population, but especially at the governmental level and at the NGO's one. Amnesty International has, in addition, in its 2003 report criticised the Luxembourg police force for this treatment. The level of force used by senior police officers at the time of raids carried out in a block of apartments and offices in a deprived zone in Luxembourg, the morning of March 31, 2003, raised concerns that were voiced by NGO's. The raids were carried out within the framework of a criminal investigation into the activities of a certain number of people suspected for the implication in an international "Islamist" network.

The allegations of excessive use of force and without notice were mainly concentrated on the treatment of a family of asylum seekers from Montenegro during a raid in their building. An investigation of police force had been opened about these incidents. This family was not the only one concerned, but the media pointed out this special case, as it seems that it was the most shocking one.

The mother and some of her children were tied up without precautions and they were all immobilised during three hours, whereas the policemen searched their apartment. The family reports that the police officers were masked, that they threatened them with guns, that when they entered the apartment, they did not ask them any question and did not show any paper to justify their action. None of the members of the family finally was stopped or accused of any infringement. The family says that when they were released and that the police officers left the place, they excused themselves and said that they had entered their apartment by mistake. Certain sources report that the genuine target of the police operation was in fact an individual residing in the apartment on the upper floor.

The couple was hospitalised after the facts. Apparently, only two individuals were arrested at the time of the raids of March 31. They were held under the reason that they illegally resided in Luxembourg and were returned to Tunisia (their country of origin) at

the beginning of April 2003. The raids (around the 31st of March 2003) were carried out within the framework of a criminal investigation into the activities of a certain number of people suspected for the implication in an international Islamist network. We are actually aware of more than 20 people concerned, but do not have any information about how many people have been suspected and checked by the police. Even weeks later, ASTI received a phone call from one of the victims, saying that he did not want to talk about the police checks they did in his house to the public. His family was still under stress and scared to leave the house. Unfortunately, exact numbers of concerned people have never been published.

6. STRATEGIES, INITIATIVES AND GOOD PRACTICES FOR REDUCING RACIST VIOLENCE AND CRIMES

1. NATIONAL LAW

Both the civil and the administrative codes do not state any antiracist or anti-discriminatory provision. These two codes do not present an article to counter racist violence and crimes. The law of July 19, 1997 against racism is made up of modifications of the Penal code and is entirely inserted in this last.

2. EUROPEAN DIRECTIVES

The "racial equality" directive 2000/43 was adopted at the Council of Ministers and must be transposed into the national law. Even if the luxembourgish penal code, by the law of July 19, 1997, contains a whole series of measurements of sanctions opposable to the authors of racism, the major obstacle to this law remains the fact that it is part of the Penal code and that thereafter the law is not easily applicable. Conversely, there is thus indeed a deficit on the level of the civil and administrative codes.²⁹

In October 2001, an MP, adding together different aspects of discrimination related to nationality, asked a parliamentary question. The Luxembourg Government was required to answer this question and the answers given by the Ministry of the Family, Social Solidarity and Youth, the Ministry of Justice and the Ministry of Transport were as follows:

“The penalty imposed by the Law of 19 July 1997 concerning racism, is sufficient as a fighting tool”.³⁰

²⁹ For more details, a comparative report between national law state of affairs and the race equality directive 2000/43 implementation has been done for Luxembourg by Mr. Ardavan FATHOLAZADEH et Mr. Olivier LANG, under the guidelines of Migration Policy Group, EUMC, Vienna, 2002

³⁰ Co-ordinated response of the Ministry of the Family, Social Security and Youth, the Ministry of Justice and the Ministry of Transport, to the parliamentary question No 1345. 22.01.2002

“The draft law transposing the Council Directive 2000/43/CE of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, into the national law is developing and should be ready for summer 2002.”³¹

According to the question in favour of the creation of independent control bodies or mechanisms on the principle of equality, the governmental answer was the following:

“In the present state of considerations about the transposition of the Council Directive (2000/43/CE), it does not seem to be necessary to create other control mechanisms on the equality principle; the options available at this time seem in fact to be enough”.³²

Regarding the actual state of the transposition of directives 2000/78/ EC and 2000/43/ EC in the national law, at the time of reporting Luxembourg did still not reply to all the elements of the directives. With regard to the directive known as "of racial equality", it would have had to be transposed into the national law for at the latest July 13, 2003. However, nothing occurred on behalf of our legislators. A part of the directive is covered by our national legislation, however the latter does not cover all measurements of the directive. In July, around the date of transposition, certain newspapers have dealt with this question, as well as the ASTI and ENAR (European Network against Racism), which have both called the attention for the directives and the lack of transposition at the national level.³³

Good practices are in annex. As there are no new one for the year 2003, apart the campaign described earlier, we will be obliged to reproduce in the annexes the practices from last report.

³¹ Co-ordinated response of the ministry of the Family, Social Security and Youth, the Ministry of Justice and the Ministry of Transport, to the parliamentary question No 1345. 22.01.2002, *ibid.*p.5

³² *ibid.*

³³ (note by the NFP : in May 2004, the directives have not been transposed to national legislation)

7. SUMMARY AND CONCLUSIONS

Visible acts of racial violence as they occur in our neighbour countries are rare, or even non-existent in Luxembourg. Demonstrations of a more collective type, as of the regroupings of extreme-right parties do not exist. There is a total absence of organisations or of political parties promoting racism. Nevertheless, the situation is not calm as one could think by this description.

Indeed, racism is expressed in a subtle way . Prejudices and stereotypes of the Luxembourgers, but also foreign population, the political debate on immigration, the legislation which sometimes fosters discrimination towards certain social groups from abroad, the linguistic situation of the country and some minor incidents of violence prove that Luxembourg is not safe from racist phenomena. It will be however difficult to analyse the situation in an objective way as long as the lack of reliable data will remain in Luxembourg. And without reliable data, without analysis of the situation, the country is likely to be disarmed in front of a possible surge of racism.

8. REFERENCES AND BIBLIOGRAPHY (ALPHABETICAL ORDER)

BLAU, L., (1998), History of the extreme right in Luxembourg, Ed. Le Phare, 1998

Case study, NFP Luxembourg, Findel proceedings, October 2002

CeSiJe, Ministry of the Family, Social Solidarity and Youth, SNJ, National Report on Youth in Luxembourg, 2001

Consultative Commission on Human Rights, opinion on the draft European Union Charter on Fundamental Rights, 5 October 2000

Co-ordinated response of the Ministry of Family, Social Security and Youth, the Ministry of Justice and the Ministry of Transport, to the parliamentary question No 1345. 22.01.2002, *ibid.*p.5

EB57.0 ; Discrimination in Europe : Executive summary [350kb] 02-04/ date of publication 0205/03

Economic and Social Council, Economic, social and financial evolution of the country, 2001, CES/EV.EC.SOC&FIN (2001), notice 03.04.2001

Economic and Social Council, Economic, social and financial evolution of the country, 2002, CES/EV.EC.SOC&FIN (2002), notice 09.04.2002

Grand Ducal Police, report on activity 2000, p.15, (2000)

Grand ducal Regulation dated 29 March 1995 determining the terms of appointment of representatives of foreigners and their nationality breakdown

GRINBERG O., CSP-RAC (April 2002), The Special Permanent Commission against Racial Discrimination in Luxembourg (The Special Permanent Commission against Racial Discrimination in Luxembourg)

International Convention on the elimination of all forms of racial discrimination, Part 1, Article 1

Law of 19 July 1997 completing the criminal Code by amending the criminalisation of racism and incriminating revisionism and other acts founded on illegal discrimination

Luxembourg Constitution, Article 111

Northern Sections of the Young Christian Socialists, the Young Liberal Democrats and the Young Socialists taking positions

Passerelles No 22, 13th year, a century of immigration in Luxembourg, records of the colloquium organised by the CLAE, literature and migrations, Spring-Summer 2001, No 22, 13th year, 2001, pp199-204

Section V paragraph 1 of Article 450 of the Criminal Code

SESOPI Intercommunity Centre, Chance for some, risk for others, in: Le Voix, (16.03.2002)

SPIELMANN, A., Luxembourg in the face of racism and extremism, Annals of Luxembourg Law, 2000

STEFFGEN,G., RUSSON,C., KIEFFER,T., WORRE,F., Preventing and reducing violence in school, Catalogue of actions in secondary schools in Luxembourg, Centre for Psychology and Scholastic Orientation, (CPOS), 2001, 76p, (763 kB, format Adobe.pdf)

The employment of foreign workers section V, social action in favour of foreign workers, <http://www.itm.etat.lu/droit/fr/6/3/5.htm>

Vanderbroucke, P (2002), No to the 700,000, in: Le Jeudi, (10.10.2002)

9. ANNEX 1. HISTORY OF IMMIGRATION IN LUXEMBOURG

Since the end of the 19th century, Luxembourg has been a country of immigrants. The exploitation of iron ore around 1870 put an end to the agricultural era of poverty and emigration. That exploitation brought about a period of economic and demographic growth, when immigrants were to make a decisive contribution.

Two distinct immigration models were practiced in Luxembourg: the first was rotation and the second family immigration.

9.1. THE FIRST MODEL: ROTATION

Immigration is synonymous in Luxembourg with industrialisation: from the discovery of iron ore and its exploitation, Luxembourg called upon an immigrant work force: the majority of workers in the steel industry were Germans and Italians until the First World War.

Workers were hired for a specific term, for two or three years. They then had to leave, to be replaced by others. It was not a matter of bringing wife and children: this was a work force made up of single men.

Concern for a population immigration did not appear until the end of the Fifties.

9.2. THE SECOND MODEL: FAMILY IMMIGRATION

When at the end of the Fifties the declining birth rate was being felt, at a time when the economy had need of a new work force, and when many Italian masons, leaving in the autumn for Italy to return in the spring, found work in Friuli, the lack of work force was accentuated. The Luxembourg government then favoured family reunification. This had a transient effect on the Italians, but an immediate effect on the new immigrants, the Portuguese.

This arrival of families posed new questions both with regard to housing and to schooling. It was only in this period that schools were called upon to adapt to the new situation.

10. ANNEX 2. ASYLUM SEEKERS IN LUXEMBOURG

10.1. ASYLUM PROCEDURE IN LUXEMBOURG

Who is in charge of handling the asylum request?

In Luxembourg, the “Ministère de la Justice” (Ministry of Justice) is responsible for dealing with asylum applications. The “Commissariat du Gouvernement aux Etrangers” (CGE) (Commissariat of the Government for the foreigners) / “Ministère de la Famille, de la Solidarité Sociale et de la Jeunesse” (Ministry of the Family, Social Solidarity and Youth) is responsible for the reception of the person seeking asylum (lodging, material and financial aid, medical aid, advise and social and medical follow-up)

Where can you make your asylum request?

The asylum request can be done either at the border (e.g. at Luxembourg airport), either inside the country. The request done at the border will be transmitted, as soon as possible, to the Ministry of Justice. Actually, most applications are made inside the country as there are no outside borders anymore.

Inside the country, the application must be done at the “Bureau d’accueil pour demandeurs d’asile”.

<p>“Bureau d’accueil pour demandeurs d’asile” (Reception Office for asylum seekers) 5-7, rue Joseph Junck Galerie Kons (3rd floor), Luxembourg-City (in front of the Railway Station).</p>

Has an asylum seeker the right to have an interpreter?

From the first day on, the seeker has the right to be assisted, on a free basis, by an interpreter for each interview.

Has an asylum seeker the right to have a lawyer?

Yes. The Asylum seeker can choose a lawyer and he may benefit from the free legal assistance. He may request a lawyer as soon as he makes his application. During the first interview he is informed of his right to be assisted by a lawyer. In order to have a lawyer, the asylum seeker can contact one of the organisations working with the asylum applicants and refugees (see attached list).

In order to benefit from the free legal assistance, related application forms are available at the “Service Central d’Assistance Sociale” (Central Social Assistance Service)

In the case of a minor seeking asylum, a lawyer will be automatically assigned, who will have to be there during the all proceedings. No interview can be done without the lawyer being there.

Any minor is reported to the “Juge des Tutelles” (Judge of the Guardianship), by the Social Service of the CGE, in order to name a guardian (the guardian may be either a graduated monitor or a social worker or a member of the minor’s family living in Luxembourg).

SCAS
19-21, boulevard Royal (Forum Royal)
L-2449 Luxembourg.
Open Monday to Friday from 8-12h and 13-17h.
! The SCAS will move during Summer 2002 to Galerie Kons 1st and 2nd floors.

How is the recording of the asylum request taking place?

Once at the Reception Office for asylum seekers, an interview with an agent of the Justice Ministry will take place in front of a member of the Criminal Investigation Department. The goal is to clarify the seeker’s identity, how he came to Luxembourg and to get his first declarations on the reasons why he ran away. Usually, adults of the family are interviewed separately. The asylum seeker may ask a lawyer and a translator for this first interview. He is informed of these rights.

He must deliver his identity paper, passport, wedding act, driving licence, etc. All asylum seekers of at least 14 years old receives a certificate of the registering of the request (pink sheet), which will work as an identity card. The minors under 14 years old are automatically recorded on the head of the family’s pink sheet. This “pink sheet” must be renewed each month at the Reception Office for Asylum Seekers, until the end of the asylum proceedings (Galerie Kons, 5th floor).

The Criminal Investigation Department must then check the seekers identity, his trip to Luxembourg and the sincerity of his declarations. They can interview the asylum seeker later and even take pictures and/or his fingerprints if his identity could not be verified. The Criminal Investigation Department must make a report and send it to the Reception Office for Asylum Seekers of the Ministry of Justice.

If Luxembourg is responsible for the asylum request according to the Dublin Convention, the asylum seeker will be summoned for an interview with a person of the Ministry of Justice, within two days up to a few months following the introduction of the request (average: 3 months). In case the asylum seeker does not answer to the summon twice, without advising the Ministry of Justice, his asylum request will be considered as non-founded. Therefore, he must go to every summon and interview.

Usually, communications of the Ministry for justice are sent in the form of a registered letter to the asylum seeker and to his lawyer.

Which country is responsible for the asylum request?

In 1990, the EU Member States signed the Dublin Convention, which serves to establish the EU Member State responsible for the analysis of the asylum request. This Convention has been made in order to prevent “in orbit refugees” (asylum seekers sent from one member state to another, without any one of them acknowledging being competent), as well as multiple requests either successive or simultaneous. The member states are, on the 1st May 2002, Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Ireland, Italy, Luxembourg, The Netherlands, Portugal, the United Kingdom and Sweden.

If the asylum seeker has already made a request in another EU State, or if he has an entry or residence visa from another EU Member State, it is the other state that is competent for the asylum request. If there is no visa, the responsible State is the one in which the asylum seeker entered first. If Luxembourg finds that another State is responsible, a request is sent to take the person in charge, to the competent State. In that case, the Asylum Seeker will be sent back to that State. The Asylum seeker may appeal to the Administrative court against this decision; however, the appeal has no suspensive effect. It means that the Asylum Seeker may be sent back before the Administrative Court takes its decision. In 2001, Luxembourg made 33 Asylum seekers transfers to other EU Countries.

Luxembourg must send its “Taking in Charge” request to the assumed responsible State within 6 months, otherwise Luxembourg is responsible and the Minister must take a decision about this request. The Asylum Seeker will then be summoned to an interview with the Justice Ministry (between a few days to a few months later).

What steps must be done then?

Once the request has been registered, the Asylum Seeker must go to the CGE with its pink sheet (12-14, av, Emile Reuter). During the first meeting, the immediate lodging, daily maintenance and health needs are evaluated. During the whole procedure, Asylum seekers are entirely in the care of the CGE.. Qualified staff, according to each personal situation does a social and/or sanitary follow-up.

The Asylum Seeker must go to the CGE at least once a month (by appointment only) in order to get his monthly allowance. An employee of the Reception Service will take care of all the material and financial aspects. After each monthly visit, the Asylum Seeker is informed of the date and time of the next meeting.

What is the CGE’s Social Service mission (social workers, nurses, and graduated monitors)?

Their work consists in giving to individuals and families:

- General information on the asylum procedure progress, on the rights and obligations of the Asylum Seeker, on the social help and on various aspects concerning their lives in Luxembourg.
- A social, sanitary, individual educational helps from a prevention point of view, depending on the problem.

Has the Asylum Seeker the right to social help?

Each Asylum Seeker, for as long as he does not have his own revenues, can receive specific asylum seeker's social help, which consists in various measures and household benefits. It is drawn up according to the household composition, the age and health of its members.

Asylum seekers are not entitled to family allowances (child benefit, maternity benefit, birth allowance, and education allowance).

Has the asylum seeker the right to lodging?

Yes, asylum seekers who cannot afford to finance their lodging, have the right to have one, put at their disposal by the CGE during the whole proceedings. The lodging can be:

- In a reception home owned by the State and run by the CGE (Don Bosco, Heliar Institute, the annex of the healthcare home in Differdange)
- In a home owned and run by a third party (Caritas, Youth hostels, private...)
- In hotel, pubs and boarding houses
- Or in lodging placed at their disposal by the municipality. It is the CGE who gives out lodging to the asylum seekers.

Once the lodging is assigned, the asylum seeker must go to the municipality (population office) in order to give his address and to have a seal on his asylum request-recording certificate (pink sheet). The seal must be renewed each month in the same office.

Has the asylum seeker the right to medical help?

Yes. During the first meeting at the CGE or during the first week after his arrival in Luxembourg, the asylum seeker receives a "general ticket", valid for a month. With it, he may consult any general practitioner, specialist and pharmacist, with a medical prescription. There are also special tickets for dentists that the asylum seeker may get at the CGE. For families with children, children are indicated on the ticket. The "general ticket" is renewed whenever necessary, until the end of the period after which the person may access to the voluntary medical insurance. At that time, the CGE helps the asylum seeker in his administrative steps to get a voluntary health insurance from the CMO³⁴ (Caisse de Maladie des Ouvriers/ Workers Health Insurance); the monthly fee is paid by the CGE.

The free medical help includes the costs due to the visit to general and specialist practitioners, hospitalisation costs and surgery, chemist's costs and other medical prescriptions. The CGE uses the same refunding rates as the health care fund; the patient must pay the difference. In case of young children illnesses, chronic or lengthy disease, the CGE can grant special help.

For dental cares the patient is asked to pay around 30% of the costs.

³⁴ CMO: 125, route d'Esch, L- 1471 Luxembourg

Does the asylum seeker have the right to a monthly financial allowance?

Yes, but the allowances vary depending on the kind of lodging given.

- If the lodging is made in an independent house, it means that people must provide for themselves, help is 100%
- If the accommodation is made full board, they get monthly pocket money.

Independent accommodation – Monthly Rates 100% (01/05/2002)

1 adult	273 Euros
household with 2 adults	476 Euros
child between 0 and 12 years old	124 Euros
child between 12 to 18 years old	161 Euros
other adult in the household	199 Euros

Full-board accommodation – Monthly pocket money (01/05/2002)

adult	50 Euros
child	25 Euros

Once the asylum seeker receives a first negative answer to his request, the financial help is decreased by 20%.

How can the asylum seeker move in Luxembourg?

The asylum seeker is granted, after 3 months living in Luxembourg, a transport ticket valid for the whole national public transport. He may move freely around the country, but he is not allowed to leave the country.

Each year, during the month of January, the asylum seeker receives a special certificate from the CGE. With it and a picture, he may get a free transport ticket from the CFL office (Luxembourg railways), in the railway station of the town where he lives. For the asylum seekers, which arrive in Luxembourg during the year, they receive transport tickets valid 1 month until the month of January, when they will receive their one-year ticket.

Does a clothing help exist?

Each asylum seeker receives tickets for free clothes, given by the Red Cross. Caritas also offers free tickets for Kleederstuff in Esch/Alzette and Diekirch.

The CGE may grant, in exceptional situations, gift vouchers for new clothes and shoes.

For the birth of a child, 124 Euro are given to pregnant women in order to buy essential items for the baby. Beds for babies and young children are available for families.

Must the asylum seekers children go to school? Do specific help for asylum seekers children schooling exists?

Schooling of asylum seekers children is compulsory until the age of 15, whatever the parents status is. In Luxembourg, schooling in primary and secondary school is free, that means that the parents don't pay an entrance fee.

For the beginning of term, in September, parents receive, from the CGE, a contractual amount, by child, depending on the type of teaching:

Pre-school:	25 Euros
Primary:	50 Euros
Secondary:	75 Euros

For primary school students, books are free. For secondary and high school, reimbursement is granted.

In order to make the asylum seekers children integration easier, the Education Ministry has, since 1999, intercultural mediators to which he can refer if in need. The mediators are natives from the Balkans, from where most asylum seekers in Luxembourg come.

From 16 years old on, asylum seekers may take free French or German language courses at the Language Center of Luxembourg/ National Education Ministry). They can register when showing the asylum seeker certificate given by the Justice Ministry (pink sheet). Number of seats is limited. There are also several associations giving free language courses for asylum seekers (see attached list).

Centre de Langues 21, boulevard de la Foire L-1528 Luxembourg ☎ 26 44 301

Does the asylum seeker have the right to work?

No. The asylum seeker does not have the right to work in the Grand-Duchy of Luxembourg during the whole proceeding, appeals proceedings included.

Do the asylum seeker have the right, according to the Geneva Convention, to family regrouping?

No. He must get the refugee status first.

How is the examination of the request taking place?

The analysis of the asylum request may take from a few months to a few years. During the whole time, the asylum seeker is in the care of the CGE, which is part of the Family Ministry.

Once the request is registered, the asylum seeker will be convoked, by letter, to the Ministry of Justice (this summon may take place from two days to a few months after

the request is done). In case the asylum seeker does not answer the summon twice, without advising the Ministry of Justice, his asylum request will be considered as non-founded. Therefore, he must go to every summon and interview.

At the Ministry, an agent will interview the asylum seeker. The hearing consists of an interview during which the asylum seeker must describe, truly and completely, his story, the risk he is exposed to in his country, how he arrived in Luxembourg, etc. He must not simply describe the political situation in his country, but tell his own personal route and the reasons that made him run away from his country. For the hearing, the asylum seeker can have an interpreter and a lawyer; he may wait until the lawyer is present before answering the questions. The hearing is very important as it gives the asylum seeker the opportunity to explain problems faced in his native country and the facts proving that he is personally endangered if he went back to his native country.

During the hearing, the Ministry agent writes down the declarations. The hearings report will be submitted to the asylum seeker as a hearing protocol. It may happen that further hearings are necessary, then, the seeker may be summoned several times.

He must carefully read or listen to the hearing protocol and it is important for interpreter and lawyer to be there. If he thinks of something he hasn't said yet or of something he wanted to say in another way, he must say it and correct it. It is always possible to modify the protocol before signing it.

The hearing report is sent to the Minister, who will have to take a decision. The Ministers' decision is personally conveyed to the asylum seeker and his lawyer if he has one.

Decisions

The request is unacceptable

The request might be considered unacceptable if the asylum seeker went through other countries, non-EU members (called third receiving party countries), before arriving in Luxembourg. In this case the asylum seeker will be sent back to that country.

Third receiving party countries are countries which signed the Geneva Convention and in which the asylum seeker:

- Already received protection or had the opportunity to ask for protection.
- Must be safe from driving out measures according to the Geneva Convention and must be treated according to the humanitarian norms.
- Must not be under persecution and where his safety and freedom won't be endangered.

Luxembourg must take into account the third party country practices on the subject before sending an asylum seeker there.

The request is judged obviously unjustified

The request may be rejected if:

- The asylum seeker is not considered being in the “refugee” category as defined in the Geneva Convention, that is, if he does not refer to the fear of being persecuted because of one of the five reasons (race, Religion, nationality, membership in a particular social group or political opinions) found in the definition of the refugee.
- The asylum seeker uses a false identity, if he makes false declarations or if he doesn't mention that a request has already been made in another country.
- The authorities consider that the asylum seeker comes from a safe country where there is no, generally speaking, serious persecution risks, or that he could get effective protection in another part of his own country (intern flight), the request is declared obviously unjustified.

Resort

In those cases, the asylum seeker may introduce via a lawyer, a cancelling resort before the Administrative Court. The resort must be done within a month after the notification. This resort has a suspensive characteristic, which means that the asylum seeker may not be sent back until the Court decides. The Administrative Court only controls the legality of the Minister decision and does not decide on the contents of the case. He may confirm or cancel the Minister decision:

- If the Court confirms the negative Ministers decision, the asylum seeker may appeal before the Administrative Court within a month after the notification. The appeal also has a suspensive effect. If the Administrative Court confirms the Minister decision, the decision is final and the asylum procedure is closed.
- If the Court cancels the Ministers decision, the file is sent back to the Justice Ministry, who must decide on the contents of the case.

Request treated on the contents

The authorities analyse whether the asylum seeker corresponds with the criteria of the refugee definition of the Geneva Convention: fear of being persecuted because of:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political opinions

There is persecution if the life or freedom are endangered for one of those.

The applicant is excluded from the asylum procedure if he committed an important crime in his native country or in another country.

The Minister makes a decision on the validity of the asylum request, decision that will be communicated in writing to the asylum seeker:

- If the decision is positive, the Minister grants the acknowledged refugee status according to the Geneva Convention. Acknowledged refugees have the right to a residence permit with the right to work and to guaranteed minimum revenue (RMG), independently of the length of time he is in the country. The acknowledged refugee may be reunited with his family (husband or wife, minor children)
- If the decision is negative, a resort may be made before the Administrative Court, within a month from the notification date. The resort has a suspensive effect.

The Administrative Court analyses the content of the request:

- If the answer is positive, the Minister's decision is not valid anymore.
- If the administrative Court confirms the Ministers decision, appeal may be made before the Administrative Court within a month after the notification. If the Administrative Court reforms the minister's decision, the refugee status is given. If the Administrative Court confirms the minister's decision, the refugee status is refused; the asylum seeker will be asked to leave the country.

In case the Government Department estimates that it is impossible for the asylum seeker to return to his country, the Department may grant the residence permit for humanitarian reasons. The Minister may also decide to temporarily tolerate the asylum seeker in the country, if the moving away is impossible. In that case, the asylum seeker receives a tolerance certificate that serves as identity card. This certificate grants social help.

In Luxembourg, there are several legal situations

- The asylum seeker according to the Geneva Convention
- The acknowledged refugee according to the Geneva Convention. He receives a foreigner identity card valid 5 years, which may be renewed. He is allowed to work and has the right to the family reunion.
- The asylum seeker who has seen his request refused. Normally, he is asked to leave the country and is not considered as an asylum seeker anymore and cannot have social help. However he still receives material help, in the form of vouchers, for 15 days. This help may be renewed several times if the person has concrete projects to go back home or if other relevant reasons exist.
- The temporary protection system may be established in case of numerous arrivals from armed conflict, war or generalised violence situation zone. The whole temporary protection system may not last more than 3 years. This status has been created with the new law on asylum of the 18th March 2000. During the whole temporary protection duration the asylum request stay suspended but may start again, if the asylum seeker wants, once the temporary protection is over. People benefiting from the temporary protection receive the same help as the asylum seekers and may ask to be reunited with their family.

- The new law on asylum of the 18th March 2000 establishes that asylum seekers who have been rejected and for whom the departure to another country is materially impossible, may be granted a tolerance certificate. This certificate may be renewed, serves as identity card and grants social help.
- The refugees who have been rejected and those for whom the temporary protection has been refused may ask to the Ministry of Justice a residence permit for humanitarian reasons, on a legal basis according to the European or International Conventions (CEDH). In several cases, residence authorisations may also be given for humanitarian reasons. These do not have a legal basis and it is the Justice Minister who decides. In practise, people who are allowed to stay for humanitarian reasons may ask for a work permit.

10.2. DATA ON ASYLUM SEEKERS

As regards refugees, we will limit ourselves here to the recent past, in order not to go beyond the context of this report. We would only note that according to available statistics³⁵, the number of asylum seekers over the past century was very low. The conflict in the Balkans led for the first time to a major wave of refugees to Luxembourg. From 1992 to 1995, by government decision, Luxembourg introduced additional legislation, first of all for persons coming from the former Yugoslavia and then for those coming from Bosnia, opening the possibility of rapid regularisation for some 2,000 persons concerned by integration into the employment market. It was only in 1996 that legislation was introduced to govern the application of the Geneva Convention. When later Luxembourg saw the massive influx of some 5,000 people fleeing the war in Kosovo, placing Luxembourg in 1999 at the top of the list of countries on the basis of the number of asylum seekers per inhabitant, refugees were and still are obliged to seek asylum according to the Geneva Convention and must submit to a relatively protracted procedure. In brief, Luxembourg, which had previously had recourse to well governed immigration following the conclusion of work force agreements with various countries, saw itself confronted by arrivals who had not been invited, and who in addition were generally of the Muslim religion. According to the law on residence and work in Luxembourg, these asylum seekers must be clearly distinguished from immigrant workers, in view of the fact that they are excluded from the employment market (they do not have a right to a work permit in Luxembourg).

It is also necessary to take into account the great dominance of white Europeans on the employment market in Luxembourg. This is clearly the result of a planned immigration policy followed by successive governments favouring certain nationalities and religions. The major proportion of immigrants were recruited in the traditionally catholic countries of Southern Europe, first of all Italy and then Portugal. In the year 2000, the proportion of refugees from Yugoslavia went from 89% to 44% of the overall number of asylum seekers, 628 in all. It should otherwise be mentioned that the rate of recognition in Luxembourg is the lowest. In 2000, for example, 1,942 decisions were taken, and in 0.9% of cases only status was granted under the Geneva Convention.³⁶

³⁵ Ministry of Justice

³⁶ Sesopi Intercommunity, <http://www.sesopi-ci.lu>

This massive influx of Balkan refugees aroused some fears among Luxembourg society, and reawakened old prejudices, fed by the security discourse among certain Luxembourg and foreign politicians. We will come later to some surveys recently carried out, which demonstrate this factor.

For the year 2001, 423 asylum applications were made, for a total of 686 persons. Of those 686, 396 came from the Balkan region.

The black population in Luxembourg is not very high and is constituted primarily by persons originally from the Cape Verde Islands, a great many of whom came with Portuguese nationality, given the islands were once a Portuguese colony.

Today, 37% of the Luxembourg population are non-nationals, but only 4.8% of the total population are non-community foreigners (around 22,000 people). As at 31 March 2001 the overall active population consisted of 39% Luxembourg citizens and 61% foreigners.

The Minister for Justice Luc Frieden presented on October, 17 2003 last statistics relative to the requests of asylum recorded in Luxembourg and the returns of applicants of asylum «déboutés»: the number of requests is in rise since 2002, the number of countries of origin also increases and Ex-Yugoslavia remains by far the most important country of origin of the applicants of asylum. In 2003, 586 returns of applicants of asylum «déboutés» were organised.

Since 2002, the number of requests has amounted to 1.042 per 2002 and 1.010 for the period from January to September 2003. For the statements of the minister, one has to expect more than 1.300 requests for asylum for 2003.

The majority of the applicants of asylum comes from the countries of Ex-Yugoslavia (352 in 2003), preceding by far Bielo-russia (54), Albania (51) and Algeria (51). 43 applicants are originating in Russia and 30 of Georgia.

Parallel to the increase in the number of requests, the diversity of the countries of origin of the applicants of asylum is accentuated, noticed the minister Luc Frieden. The number of African countries among the countries of origin also increases.

10.3. RETURNS OF APPLICANTS OF ASYLUM «DÉBOUTÉS»

For the period of 2001 to 2003, the government considerably increased the number of returns of applicants of asylum «déboutés» towards their country of origin, which increased by 180 in 2001 to 586 in 2003.

Moreover, 107 people were transferred in other countries of the EU, qualified to treat the requests for asylums of these people (Convention of Dublin). These figures do not hold account of the people who are turned over voluntarily in their country, without the assistance of the government.

All in all, although one cannot speak of a complete absence of phenomena of racial violence in Luxembourg, it can nonetheless be confirmed that such cases are rather rare. The consensus mentality of the Luxembourg people, the custom of living together rather harmoniously in a multicultural society since the beginning of the last century, awareness actions on the part of the Government and social actors to some extent explains this.

11. ANNEX 3: CROSS-BORDERERS

In this context, the extremely favourable economic situation of the Grand Duchy should not be ignored. The rate of unemployment is very low, to be exact 2.8% according to the latest data from the Employment Service, for September 2002³⁷. It moreover emerges from the 2002 report by the Economic and Social Council that the employment market has experienced considerable momentum, for example with an increase in jobs of 6.5% between October 2000 and October 2001, or the creation of 15,000 additional posts. These figures are not exceptional to the extent that the same body states that since 1990 there has been a constant progression of salaried employment, with growth varying from 3.5% to 6.5%. So once a specific phenomenon is encountered: in order to cope with job demand, employers must have recourse more and more to a work force from the border regions. At present around 100,000 employees residing in border regions (commonly called cross-borderers or cross-border workers) have a job in Luxembourg, 53% of these coming from France, 29% Belgium and 18% Germany.

³⁷ Employment Service, Luxembourg, <http://www.adem.lu>

12. ANNEX 4: LIST OF ORGANISATIONS CONSULTED

ASTI, 10-12 Rue Auguste Laval, L-1922 Luxembourg,
++352 43 83 33
Fax: ++352 40 08 71

CLAE, 26 Rue de Gasperich, L-1617 Luxembourg
++352 29 86 86
Fax: ++352 29 86 01

SESOPI, 5 Avenue Marie-Therese, L- 2132 Luxembourg
++352 447 43 503
Fax: ++352 447 43 515

CARITAS, B.P. 1721, L-1017 Luxembourg
++352 40 21 31

National Council for Foreigners,
12-14 Avenue E. Reuter, L- 2919 Luxembourg
++352 478 65 28
Fax: ++352 478 36 72

Special Commission against Racism – CSP-RAC,
12-14 Avenue E. Reuter, L- 2919 Luxembourg
++352 478 65 28
Fax: ++352 478 36 72

13. ANNEX 5: UNDOCUMENTED MIGRANTS

13.1. RESIDENCE PERMIT

13.1.1. Fundamental principles

According to the Grand-Ducal Regulation of 28 March 1972, concerning the entry and residence of foreigners, the national authorities can refuse the entry and residence in Luxembourg to an individual who wants to cross internal borders, when:

- He/she is not able to produce the necessary documents: a valid passport and visa for entry where required;
- He/she could represent a threat to the public policy, national security or public health;
- He/she does not have sufficient financial means to pay the residence and travel's charges;

The latter point means that the authorisation of residence is only granted when the applicant has sufficient means of subsistence.

13.1.1.1. How to prove the means of subsistence?

The individual has two ways to prove that he/she has the adequate means of subsistence: he/she can either prove that he/she depends on someone else, or that he/she works.

Only the spouse, minor children and elderly parents can prove that they depend on someone else. People other than the spouse, the parents, and the children cannot assume the financial responsibility for the applicant.

In order to prove that the work provides him/her with sufficient means of subsistence, a third country national must be in possession of a work permit or have been authorised to work as self-employed.

Therefore, it exists a parallelism between the grant of a residence permit and of a work permit.

First of all, it is necessary to apply for a work permit before introducing a request for the grant of the authorisation of residence (except in case of self-employment)

Regarding the authorisation of residence for students, see the form on studies.

13.1.1.2. The authorisation of residence (Modalities)

A written request for the grant of the authorisation of residence has to be lodged with the Ministry of Justice. The applicant has to join to the request the proof of the means of

subsistence (work contract, work permit, form specifying the person who is financially responsible for the applicant (déclaration de prise en charge)).

If the Ministry of Justice grants the authorisation of residence, the latter will be a temporary authorisation valid for one year. The authorisation may be prolonged, provided that the means of subsistence are still possessed.

After three years of residence, that is to say after the grant of 3 temporary authorisations for one year, or in case of grant of a B permit, the third country national is entitled to apply for a foreigner identity card, which is valid for 5 years.

At each renewal of the authorisation, the individual has to prove his/her means of subsistence.

13.1.1.3. Judicial review:

Appeals can be lodged with the Administrative Tribunal against a refusal or if the Ministry of Justice does not take a decision within 3 months.

13.1.1.4. Formalities which third country nationals who reside in Luxembourg have to take care of

Part 1

Duration of the envisaged residence	3 months	12 months	More than 12 months
Formalities to be taken care of	The arrival has to be declared within 3 days to the local authorities of the municipality where residence will be taken up; If the individual does not pursue a gainful activity, the inscription in the landlord's register stands as declaration of arrival	Within 3 days after being granted authorisation of residence, the individual has to make a declaration of arrival to the local authorities of the municipality where residence will be taken up;	Within 3 days after being granted the authorisation which entitle the third country national to apply for an identity card, he/she has to submit a request for a foreigner identity card to the municipality where residence will be taken up; The latter stands as declaration of arrival
Delivering of the residence permit	The declaration of arrival's receipt valid for 3 months	The receipt of the declaration of arrival by way of residence permit valid for 12 months	The receipt of the request for an identity card by way of the residence permit valid for 1 year; Foreigner identity card valid for 5 years.
Conditions		Proof of the means of subsistence	Proof of the means of subsistence

Part 2

Duration of the envisaged residence	3 months	12 months	More than 12 months
Change of residence	Declare the departure to the local authority Declaration of arrival in the new municipality within 3 days	Declare the departure to the local authority Declaration of arrival in the new municipality within 3 days	Declaration of departure to the local authority Declaration of arrival in the new municipality within 8 days
Permit's renewal	The request has to be submitted to the Ministry of Foreign Affairs on the ground of a valid reason	The request has to be submitted, at least one month before the expiration of the permit, to the Ministry of Justice	The request has to be submitted, within one month after the permit has expired, to the municipality of residence
Formalities to be taken care of in case of absence from Luxembourg longer than 6 months		Declare the departure to the municipality	Declare the departure to the local authority; Give back the identity card
Expiration and withdrawal of the residence permit		Residence outside Luxembourg for more than 6 months	Residence outside Luxembourg for more than 6 months

13.1.1.5. Loss or refusal to grant the permit

The grant of the authorisation of residence or its renewal is refused when the third country national cannot prove the adequate means of subsistence. The authorisation of residence is no longer valid in case of absence for more than 6 months.

13.1.1.6. And what about self-employed people?

The right of entry of third country nationals coming for the purposes of self-employed activity is settled in the law of 1972, as it has been modified by the Law of 4 November 1997.

The request for self-employment has to be submitted before the Chamber of Commerce, which will send the application to the Ministère des Classes Moyennes (Ministry of Classes Moyennes).

Third country nationals who are legally resident in Luxembourg have to follow the same procedure required from EU citizens wishing to acquire the status of self-employed in Luxembourg.

Third country nationals who wish to establish themselves in the Grand-Duché for the purpose of self-employment have to follow the following procedure.

The applicant has to apply to the Chamber of Commerce, which will send the file to the Ministry of Classes Moyennes. The latter may give a provisional agreement or not (the Ministry will not give a definitive agreement because the applicant does not yet have an authorisation of residence). Second, the applicant has to submit a request for a self-

employed residence permit (the form can be found in the Ministry of Justice), joining the agreement of the Ministry of Classes Moyennes.

Even if the Law does not expressly provide it, the Ministry has introduced the following conditions and limits:

- Constitute a bank guarantee of 12. 350 Euro per adult, deposited in favour of the Ministry of Justice;
- the right to family reunification can be recognised only after a minimum of 3 years of legally residence.

The forms and the list of the necessary documents and conditions to be fulfilled for the grant of the right to pursue a trade activity are available at the Chamber of Commerce (<http://www.cc.lu>)

13.1.2. MAIN POINTS

- The authorisation of residence is linked to the proof of sufficient means of subsistence;
- The authorisation is linked to the grant of a work permit;
- The applicant can prove that he/she depends on someone else only in case of marriage (on the spouse) or if he is a minor child or an elderly parent (in case of family reunification)

Useful addresses:

Ministère de la Justice

(Ministry of Justice)
16, boulevard Royal
L-2934 Luxembourg
Service des étrangers (Service for foreigners)
Tel: 478-4513/4543 (open to public from 8.30 to 11.30)

Chambre de Commerce

(Chamber of Commerce)
31, bd. Konrad Adenauer
L-2981 Luxembourg
Tel: 423939-1
Fax.: 438326
e-mail: chamcom@cc.lu

13.2. WORK PERMIT

13.2.1. General framework

According to the Grand-Ducal Regulation of 28 march 1972³⁸, concerning the entry and residence of foreigners, third country national workers who wish to engage in an economic activity in Luxembourg may not take up and pursue a paid, intellectual or manual, employment unless they have obtained permission to do so. Moreover, they are bound to apply for an authorisation also in case of change of employer or occupation.

Third country nationals who are spouses of EU citizens (nationals of a Member State) do not need to have (en principe) a work permit. (see form on marriage).

13.2.2. How to obtain a work permit?

It is up to the future employer to submit the application for a work permit.

- First, the employer has to declare to the Employment Administration (ADEM) that a job is available. The right of third country national workers to answer to any offer of employment is subject to the priority that Member State workers registered as belonging to the labour force of Luxembourg enjoy over them;
- Therefore, only if ADEM does not propose a EU worker may they be offered the job;
- The employer has to submit to ADEM two copies of an engagement's declaration. This declaration countersigned by the employee stands as a request for the grant of a work permit. The employer has to join to the declaration a copy of the work contract, not yet signed, and a letter explaining the reasons of his choice (particular skills which are not easy to find in the EU labour market, as for example sushi's cooking, do improve the chances of obtaining a work permit);
- The future employee has to send to ADEM a copy of his/her passport.

During the procedure for the grant of the work permit (which will normally take from 6 to 8 weeks), the work contract cannot be signed and **the employee is not entitled to work**. Only after the application has been accepted and the work permit is issued, may the worker can be engaged.

13.2.2.1. The obtention of a work permit

The work permit is granted by the Ministry of Labour on the advice of the "commission d'avis spécial" (a special commission). ADEM plays the role of a mediator between the

³⁸ Law of 28 March 1972, (*Loi concernant (1) l'entrée et le séjour des étrangers ...*) (Mémorial A. 1972, p. 818).

employer, the worker and the Ministry. Indeed, the employer and the worker will not have any direct contact with the Ministry.

The Ministry of Labour may require from the employer a bank guarantee of at least 1487 Euro, whose interests will be due to the employer quarterly.

The employer shall recover the guarantee:

- If the third country national leaves the country;
- If the third country national seeks new employment and the new employer deposits a new guarantee;
- After two years from the obtention of a C work permit (that is, after 7 years).

13.2.2.2. The different kinds of work permit which can be issued

KINDS OF PERMIT	A PERMIT	B PERMIT	C PERMIT	D PERMIT
Maximal duration	1 year	4 years	Unlimited	According to the duration of the training or apprenticeship period
Professional field of application	One profession (job)	One profession	All professions	For trainees and learners
Employer's field of application	One (specified) employer (several in case of part-time workers)	All employers	All employers	
Conditions for obtention		Completion of at least one year of uninterrupted residence and legal employment in the host country and a work contract of unlimited duration	Completion of at least five years of uninterrupted residence and legal employment in the host country	Training or apprenticeship for study's reasons

In case of possession of a B or C permit, any change of employer has to be previously notified to the Ministry of Labour.

It is important to note that the grant of the different types of permit follows a rational scheme. The worker is first given an A permit, then a B permit and finally a C permit which gives more certainty to the worker.

Besides, the work permit and the authorisation to reside in Luxembourg are inextricably linked. As a matter of fact, the right of third country national to reside in Luxembourg depends on the possession of a work permit and normally the residence permit cannot be prolonged if the applicant does not have, at the time of the request, a work permit (but in particular cases, see form on marriage)

Moreover, if the workers in possession of an A permit are not allowed to claim unemployment allowances. In fact, one of the conditions to be fulfilled for the grant of these social benefits is that the applicant is available for the labour market. However, the possession of an A permit means that the worker is actually linked to an employer and that he is no longer available for the labour market.

13.2.2.3. Renewal of the work permit

One month before the expiration of the work permit the Ministry of Labour notifies it to the employer. Copy of the letter sent by the Ministry is also sent just for information to the employee.

Thus, it is the task of the employer to apply for the renewal of the permit before its expiration.

In Luxembourg the right to access the labour market is not guaranteed through the automatic renewal of the work permit. Indeed it is strictly necessary that the employer applies for a B permit before the expiration of an A permit, and for a C permit before the expiration of a B permit.

The work permits (A, B, C) are withdrawn when the worker has left Luxembourg for more than six months. This is not the case if the absence is due to the job and the worker has to move abroad with the agreement of his employer in the context of his actual work relationship.

13.2.2.4. The refusal to deliver a work permit

Among the reasons which can justify a denial to give a work permit, the following are the most frequent:

1. non compliance with the procedure for the grant of the permit (for example the employer has not declared that a job was available);
2. the state, evolution and organisation of the labour market;
3. the priority given to EU citizens and to those of the E.E.A.³⁹

³⁹ The European Economic Area comprises the European Union, Norway, Iceland and Liechtenstein.

13.2.2.5. Permit's withdrawal

The permit is withdrawn when:

1. the third country national has been issued a work permit on the basis of dishonest practices and false declarations on his part;
2. the third country national is working in an occupation that is not authorised by his work permit;
3. the authorisation of residence in Luxembourg has been revoked

13.2.2.6. Judicial review

The decision refusing a request for a work permit can be appealed before the Administrative Tribunal.

13.2.2.7. And what about self-employed people?

Self-employed persons who wish to establish themselves in Luxembourg have to fulfil the special conditions concerning the authorisation of residence. (see form on residence permit)

13.2.3. MAIN POINTS

- The employer must declare to ADEM that a job is available;
- It is important to verify whether the future employer has already introduced a request for a work permit;
- Do not begin to work until the grant of the permit;
- Remind the employer of applying for the permit's renewal;
- A B work permit cannot be granted but after the grant of an A permit, and only if the contract has an indeterminate duration;
- The work permit and the residence permit are linked;
- A change of employer has to be notified to the Ministry of Labour, if the worker holds a B or C permit,.

Useful addresses:

Ministère du Travail

(Ministry of Labour)
26, rue Sainte-Zithe
L-2763 Luxembourg

Administration de l'Emploi (ADEM, Luxembourg)

(Employment Administration of Luxembourg)
10, rue Bender
L-1299 Luxembourg
Tel: 478-5300

Administration de l'Emploi (ADEM, Esch/Alzette)

(Employment Administration of Esch/Alzette)

21, rue Pasteur

L-4276 Esch-sur-Alzette

Tel: 541054-1

Administration de l'Emploi (ADEM, Wiltz)

(Employment Administration of Wiltz)

25, rue du Château

L-9516 Wiltz

Tel: 958384

Administration de l'Emploi (ADEM, Diekirch)

(Employment Administration of Diekirch)

2, rue Clairefontaine

L-9220 Diekirch

Tel: 802929-1

13.3. VISA

A short term tourist visa (visa “tourisme”) is valid for a maximum period of three months. It does not entitle its holder to take up a gainful activity in Luxembourg.

Applications for a short term visa have to be submitted to the diplomatic mission of Luxembourg (or to the Belgian Embassy or Dutch Consulate) in the country of origin of the person wishing to enter in Luxembourg. Finally, the authorisation is issued by the Ministry of Foreign Affairs of Luxembourg.

Visa requirements

Formalities to be taken care of by the host resident in Luxembourg	Form on the assumption of the financial responsibility (prise en charge) for the guest to be filled by the local authority where he or she has his/her residence; A certified letter of invitation to be transmitted to the guest
Formalities to be taken care of by the guest or by the tourist	Apply for a visa before the diplomatic mission of Luxembourg in the country of origin; Join to the application certified true copies of the documents requested by the Ministry of Foreign Affairs; Certified true copy of the passport for the envisaged residence duration; Evidences of the means of subsistence (statements of banking account, credit cards); Round trip travel ticket; Sometimes health insurance or a travel insurance can be required
Ancillary formalities to be fulfilled by the tourist	Proof of a reservation in hotel
Decision adopted by the Ministry of Foreign Affairs	When the file is complete, the Embassy or the consular mission will send the applications to the Ministry of Foreign Affairs in Luxembourg who will refuse or accept the request

The tourist visa cannot be prolonged (except in a very exceptional and rare cases). The host resident in Luxembourg has to guarantee that the guest will leave the country at the expiry of the visa.

Useful addresses:

Bureau des passeports

(Office of passports)

43, bld Roosevelt

L-2450 Luxembourg

Open from Mo to Fry from 9.00 to 11.30 a.m. and from 1.00 to 4.30 p.m.

Tel: 478-2300

13.4. FAMILY REUNIFICATION

On 22 September 2003, the Council has finally adopted the Directive on the right of third country nationals residing lawfully in the territory of the Member States to family reunification.⁴⁰ The Directive does not apply to members of the family of a Union citizen. This means that the conditions for the family reunification of third country national members of the family of an EU citizen are not determined by the Directive. Member States shall implement the Directive by 3 October 2005 at the latest. Before implementation, national legislation will continue to apply.

In Luxembourg there is no specific legislation concerning the right to entry and residence by family members of a third country national residing lawfully in Luxembourg in order to preserve the family unit. What is usually done is to apply for a residence permit for the family member for whom the reunification is sought. As for the grant of the authorisation of residence, the sponsor (the third country national, residing lawfully in Luxembourg, who applies for it) has to prove that he/she has the sufficient means of subsistence. Indeed, the sponsor has to assume the financial responsibility for the person whom he/she wishes to come to Luxembourg.

Thus, the authorisation may only be granted to minor children and to elderly parents who are no longer capable to provide for their own needs. Children over 18 years old and other members of the family (except the spouse) have to prove that they work and that they have the personal means of subsistence (see forms on work permit and residence permit).

13.4.1. Documents required

- Copy of the passports (sponsor's passport and family members' passports);
- Documentary evidence of the family relationship (birth certificate);
- Documentary evidence of the parental authority when the family member for whom the authorisation is requested is a minor;
- Declaration of assumption of the financial responsibility for the family member (déclaration de prise en charge);
- Proof that the sponsor has stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family (copy of the work's contract; wage's slips);
- Proof that the sponsor has an adequate accommodation;
- Proof that there isn't in the country of origin any member of the family who could take care of the person for whom the application is submitted;
- Proof that the sponsor has regularly backed the family member.

The two latter conditions are required by the Ministry although they are not established by Luxembourg legislation. There is no specific legal basis for those two conditions.

The application has to be submitted to the Ministry of Justice.

⁴⁰ Directive 2003/86/EC, of 22 September 2003, on the right to family reunification.

13.4.2. MAIN POINTS

- The family reunification only refers to parents and minor children (it cannot be used for brothers, sisters, etc....);
- Evidence of sufficient means of subsistence and of an adequate accommodation;
- Assumption of the financial responsibility for the family member.

Useful addresses:

Ministère de la Justice
(Ministry of Justice)
16, boulevard Royal
L- 2934 Luxembourg
Tel: 478-1

14. ANNEX 6: GRAND-DUCAL REGULATION 29.03.1995, NATIONAL COUNCIL FOR FOREIGNERS

Règlement grand-ducal du 29 mars 1995 portant détermination des modalités de désignation des représentants des étrangers au Conseil National pour Etrangers, ainsi que leur répartition par nationalités.

Nous JEAN, par la grâce de Dieu, Grand-Duc de Luxembourg, Duc de Nassau;

Vu l'article 22 de la loi du 27 juillet 1993 concernant l'intégration des étrangers au Grand Duché de Luxembourg ainsi que l'action sociale en faveur des étrangers;

Notre Conseil d'Etat entendu;

Vu l'article 27 de la loi du 8 février 1961 portant organisation du Conseil d'Etat et considérant l'urgence notamment en ce qui concerne les articles 2, 4, 6, 7 et 16;

Sur le rapport de Notre ministre de la Famille et après délibération du Gouvernement en Conseil;

Arrêtons:

I. Répartition des représentants des étrangers au conseil national pour étrangers par nationalités

Art. 1er. Sur base de l'importance proportionnelle des diverses nationalités présentes au Grand-Duché de Luxembourg, constatée par le dernier recensement de la population effectué par le service central de la statistique et des études économiques (STATEC), le nombre de représentants de pays qui font partie de l'Union européenne est fixé à 12; celui de représentants de pays ne faisant pas partie de l'Union européenne est fixé à 2.

Art. 2. Les représentants des pays qui font partie de l'Union européenne se répartissent comme suit, étant entendu que pour le Portugal, l'Italie, la France, la Belgique, l'Allemagne, les Pays-Bas et la Grande-Bretagne il y a autant de membres suppléants que de membres effectifs. Pour l'ensemble des autres pays de l'Union européenne il y a deux membres effectifs et deux membres suppléants, qui sont proposés dans l'ordre du nombre de voix obtenues, les deux candidats ayant obtenu le plus de voix étant proposés comme membres effectifs, sans qu'il ne puisse y avoir plus d'un membre effectif ou suppléant proposé par pays.

	Membres effectifs	Membres suppléants
Portugal	3	3
Italie	2	2
France	1	1
Belgique	1	1
Allemagne	1	1
Pays-Bas	1	1
Grande-Bretagne	1	1
Espagne	-	-
Danemark	-	-
Grèce	-	-
Irlande	2	2
Autriche	-	-
Finlande	-	-
Suède	-	-

Art. 3. Les 2 membres effectifs et les 2 membres suppléants représentant les pays qui ne font pas partie de l'Union européenne se répartissent comme suit, dans l'ordre du nombre de voix obtenues, étant entendu que les 2 candidats ayant obtenu le plus de voix sont proposés comme membres effectifs:

1 ressortissant des Etats-Unis

1 ressortissant du CapVert

2 ressortissants d'autres pays non-membres de l'Union européenne.

Art. 4. Pour chaque membre du conseil il est nommé un suppléant. Le suppléant siège en lieu et place du membre effectif en cas d'empêchement de ce dernier. Les membres effectifs du conseil peuvent décider de se réunir en présence des membres suppléants pour des questions qui revêtent une importance particulière. Dans ces réunions, seuls les membres effectifs ou les membres qui siègent en lieu et place d'un membre effectif ont le droit de vote. En cas de décès ou de démission d'un membre du conseil, son suppléant le remplace jusqu'au renouvellement du conseil. Le mandat individuel d'un représentant des étrangers prend fin, hormis le cas de décès ou de démission, dès qu'il acquiert la nationalité luxembourgeoise. Il en est de même en cas de transfert du domicile en dehors du territoire du Grand-Duché. Dans ces cas le membre suppléant est remplacé, suivant les dispositions prévues aux articles 29 et suivants, de façon à respecter les modalités de représentation fixées aux articles précédents.

II. Associations admises à proposer les représentants des étrangers au ministre ayant dans ses attributions la famille.

Art. 5. Sont admises à proposer les représentants des étrangers au ministre ayant dans ses attributions la famille, d'après les modalités ci-après désignées:

- a. les associations des étrangers ayant une activité sociale, culturelle ou sportive, l'association des étrangers étant celle dont soit la majorité des membres fondateurs, soit la majorité des membres actuels, sont d'une nationalité autre que luxembourgeoise;
- b. les associations oeuvrant, à titre principal, en faveur des étrangers. Les associations visées à l'alinéa qui précède doivent être inscrites au Commissariat du Gouvernement aux étrangers au plus tard le quinzième jour avant le jour du scrutin défini à l'article 15.

Art. 6. Sont inscrites au Commissariat du Gouvernement aux étrangers en vue d'exercer le droit de vote pour le conseil national pour étrangers, les associations visées à l'article 5 ci-dessus, à condition qu'elles soient constituées conformément aux dispositions de la loi modifiée du 21 avril 1928 sur les associations et les fondations sans but lucratif et que les statuts aient été publiés selon les dispositions de la même loi. Pour les premières élections il suffit que les statuts de l'association aient été dûment déposés aux fins de publication.

Art. 7. La demande d'inscription se fait sur papier libre, adressée au Commissariat du Gouvernement aux étrangers en joignant:

1. une copie conforme de l'acte de constitution
2. une copie conforme attestant la publication des statuts au Mémorial C, recueil spécial des sociétés et associations. Pour les premières élections une copie conforme attestant le dépôt des statuts aux fins de publication suffit.
3. la liste des administrateurs désignés en conformité des statuts pour l'exercice en cours. Afin d'examiner la conformité de l'association aux articles 5 et 6, le Commissariat du Gouvernement aux étrangers peut exiger la production de la liste des membres, établie conformément à l'article 10 de la loi du 21 avril 1928 précitée. Le Commissariat du Gouvernement aux étrangers donne acte à l'association de son inscription en cas de décision positive. Le refus d'inscription est dûment motivé.

Art. 8. La liste des inscriptions est révisée annuellement avec effet au 1er juillet.

Art. 9. Toutes les associations inscrites auprès du Commissariat du Gouvernement aux étrangers sont admises à proposer les représentants des étrangers au ministre ayant dans ses attributions la famille.

III. Modalités de désignation des candidats parmi lesquels sont élus les représentants des étrangers à proposer au ministre compétent.

Art. 10. Les représentants des étrangers à proposer au ministre compétent sont élus parmi les personnes figurant sur la liste des candidats déclarés, sauf ce qui est prévu aux articles 30 et suivants.

A. LES CANDIDATURES

Art. 11. Pour être candidat, il faut:

- être d'une nationalité autre que luxembourgeoise
- être âgé de vingt et un ans accomplis le jour du scrutin
- être domicilié au Grand-Duché de Luxembourg
- ne pas être placé sous un régime de tutelle des majeurs
- ne pas avoir subi de condamnation à une peine criminelle ou une condamnation en matière correctionnelle emportant privation du droit de vote.

La candidature peut être posée par la personne concernée elle-même ou par une ou plusieurs associations inscrites auprès du Commissariat du Gouvernement aux étrangers avec l'accord écrit du concerné.

Art. 12. Le Commissariat du Gouvernement aux étrangers fait un appel aux candidatures au moins 40 jours avant la date fixée pour le scrutin, par publication dans les principaux quotidiens paraissant au Grand-Duché de Luxembourg, ainsi que dans les principaux journaux étrangers édités au Luxembourg et, en cas de besoin, par radio ou télédiffusion sur les chaînes s'adressant spécialement aux étrangers résidant au Luxembourg.

Art. 13. Les candidats doivent se déclarer ou être déclarés auprès du Commissariat du Gouvernement aux étrangers au moins huit jours avant la date fixée pour le scrutin. La déclaration marque les nom, prénom, nationalité, date de naissance, domicile et profession du candidat. Elle porte engagement de sa part de ne pas retirer sa candidature. Elle est datée et signée.

La déclaration de candidature est accompagnée:

1. d'un acte de naissance
2. d'une pièce documentant la nationalité du candidat
3. d'un extrait du casier judiciaire.

La liste des candidats déclarés est affichée au Commissariat du Gouvernement aux étrangers du quinzième jour précédant les élections jusqu'au jour fixé pour les élections. Elle est provisoire jusqu'au huitième jour précédant les élections, où elle est arrêtée définitivement. Elle peut être consultée par tout intéressé.

Art. 14. Celui qui ne remplit pas les conditions des articles 11 et 13 ci-dessus n'est pas éligible. Il ne peut se porter candidat et peut retirer sa candidature. Si l'éligibilité d'un candidat, du point de vue des condamnations encourues, paraît être douteuse, le Commissaire du Gouvernement aux étrangers fait réviser d'urgence les conditions d'éligibilité par le Parquet et invite le candidat à présenter ses observations. Lorsque sur le vu des extraits de casier judiciaire ou de tous autres renseignements produits par le Parquet, l'inéligibilité est constatée, le Commissaire doit rayer le candidat en question.

B. LE SCRUTIN

Art. 15. Le jour du scrutin est fixé par le ministre ayant dans ses attributions la famille de façon à se situer au moins deux mois avant l'expiration du mandat des représentants sortants. Le premier scrutin se déroule dans les deux mois suivant l'entrée en vigueur du présent règlement grand-ducal.

Art. 16. Le bureau de vote est nommé par le ministre ayant dans ses attributions la famille. Il est composé de cinq membres, à savoir:

- trois fonctionnaires ou employés du Commissariat du Gouvernement aux étrangers
- deux représentants des étrangers à proposer par les membres sortants du conseil national pour étrangers.

Pour les premières élections ces représentants sont proposés par les membres sortants du conseil national de l'immigration. Ni les candidats, ni leurs parents ou alliés jusqu'au deuxième degré inclusivement, ne peuvent siéger comme membre du bureau de vote. Le président du bureau de vote est désigné par le ministre ayant dans ses attributions la famille. Le bureau de vote établit une proposition de règlement d'ordre relatif au déroulement des opérations électorales pouvant contenir des instructions pour les électeurs. Ce règlement est arrêté par le ministre ayant dans ses attributions la famille.

Art. 17. Chaque association inscrite auprès du Commissariat du Gouvernement aux étrangers a le droit de vote et dispose d'autant de voix qu'il y a de représentants à désigner. Étrangers au plus tard le quinzième jour avant la date du scrutin, les nom, prénom, profession, nationalité et domicile de son mandataire ayant qualité de voter en son nom. Ce dernier ne peut pas figurer sur la liste des candidatures.

Art. 19. Les mandataires représentant les associations sont convoqués par les soins du Commissariat du Gouvernement aux étrangers au moins huit jours avant le scrutin.

Art. 20. Le jour du scrutin, l'assemblée des mandataires représentant les associations inscrites auprès du Commissariat du Gouvernement aux étrangers est présidée par le président du bureau de vote.

Art. 21. Les bulletins de vote comportant les nom, prénom, nationalité et domicile de tous les candidats éligibles et déclarés dans les délais prévus à l'article 13, sont distribués à tous les mandataires dûment déclarés.

Art. 22. Les candidats ont le droit d'assister et de se présenter aux mandataires des associations durant un laps de temps prédéfini ne pouvant excéder 5 minutes par personne.

Art. 23. Les présentations faites, il est procédé au vote. Les opérations de vote sont secrètes et s'effectuent dans un cadre adapté à garantir le secret des votes.

Art. 24. Le vote s'effectue au scrutin simple à un tour.

Art. 25. Chaque mandataire dispose de 14 voix conformément à l'article 17. Nul ne peut être mandataire de plus d'une association. Chaque candidat ne peut obtenir qu'une seule voix.

Art. 26. Sont nuls:

- les bulletins comportant plus de 14 votes exprimés
- les bulletins comportant plus d'un vote exprimé pour le même candidat
- les bulletins rendus manifestement reconnaissables par leur auteur.

Art. 27. Les membres du bureau de vote recueillent tous les bulletins exprimés dans une urne spécialement destinée à ces fins.

Art. 28. Le dépouillement des bulletins est public et se fait par proclamation orale en assemblée à la suite du vote.

Art. 29. En suivant la répartition définie par nationalité aux articles 2, 3 et 4, les représentants proposés par les associations se dégagent à partir des votes obtenus. Celui qui a obtenu le plus de voix dans le compartiment de nationalité(s) considéré(s), est représentant effectif proposé, le suivant de même, sinon en cas d'unicité de représentant effectif, il est suppléant et ainsi de suite. En cas d'égalité des voix, le bénéficiaire d'âge joue en faveur du plus âgé.

Art. 30. Pour autant que le scrutin ne dégage point de représentant effectif ou suppléant pour une ou plusieurs nationalités, soit par manque de candidats, soit par défaut de voix obtenues, le président du bureau de vote y supplée après avoir consulté la ou les associations d'étrangers représentant la nationalité qui n'est pas représentée.

Art. 31. Les représentants désignés selon les articles qui précèdent sont proposés au nom des associations désignatrices par l'intermédiaire du Commissariat du Gouvernement aux étrangers au ministre qui a dans ses attributions la famille.

Art. 32. Les représentants des étrangers sont nommés respectivement membres effectifs et membres suppléants du conseil national pour étrangers pour une durée de trois ans par le ministre au vu des propositions lui transmises conformément à l'article 31.

Art. 33. En cas de démission, de décès ou d'acquisition de la nationalité luxembourgeoise par des représentants ainsi proposés et sous réserve de nomination par le ministre compétent, les candidats venant après ceux qui ont été désignés membres effectifs et membres suppléants, sont appelés, suivant le rang des voix obtenues, à prendre la place des membres défaillants, jusqu'à épuisement des candidatures. En cas d'épuisement d'icelles, il est procédé conformément aux dispositions de l'article 30. Les membres ainsi nommés achèveront le mandat de leur prédécesseur. Notre ministre de la Famille est chargée de l'exécution du présent règlement qui est publié au Mémorial et qui entre en vigueur le premier jour du troisième mois qui suit sa publication. Château de Berg, le 29 mars 1995.

Jean

La Ministre de la Famille

Marie-Josée Jacobs

Editeur : Service Central de Législation, 43, boulevard F.-D. Roosevelt, L-2450 Luxembourg.

Imprimeur: Imprimerie de la Cour Victor Buck, s. à r. l., Luxembourg

15. ANNEX 7: VOTING RIGHTS OF NON-LUXEMBOURG NATIONALS IN LOCAL ELECTIONS HELD IN OCTOBER 2005

A new Election Act came into force in February 2003 in the Grand Duchy of Luxembourg. The Act allows non-Luxembourg nationals resident in the Grand Duchy of Luxembourg to vote and stand as candidates in local elections in 2005, regardless of whether they are EU citizens or not, without losing their voting rights in local elections in their country of origin.

The main changes resulting from the new law

Under the new law, non-EU nationals are permitted to register on the electoral roll for local elections for the first time.

The law also extends the application period for registration on the electoral roll until the end of March 2004.

It reduces the period of residence required of non-Luxembourg nationals who wish to register on the electoral roll in our country.

Lastly, it amends the age criterion in that voters merely need to have reached the age of 18 by the date of the elections.

Criteria for voting and/or standing as a candidate in local elections

- Applicants must be at least eighteen years old on the date of the elections.
- Applicants must have civil rights and must not be disqualified from voting in the Grand Duchy of Luxembourg or in the State of origin.
- Applicants must have been domiciled in the Grand Duchy of Luxembourg and have lived here for at least five years when applying to be included on the electoral roll.

Non-Luxembourg nationals who meet these criteria need to register on the electoral roll before 1st of April 2004.

How to register on the electoral roll

You may obtain special forms to apply for registration from local authorities.

16. ANNEX 8: GOOD PRACTICE

As explained in the reports, no good practice apart from them mentioned in the report took place in 2003. We are forced to repeat the good practice activities that we choose already for the 2003 racial violence report.

ASTI AND THE CAMPAIGN "MIGRATION: THE STAKES!"

At national level, with a number of partners and under the patronage of the Luxembourg Government, ASTI (Association de Soutien aux Travailleurs Immigrés – Association for the Support of Immigrant Workers) launched a campaign to take place over a period of one year (from March 2002 to March 2003) entitled "Migration: the stakes! Challenges to the economy and social cohesion". ASTI considers this campaign of reflection vital at a time when Luxembourg society is undergoing and will for future decades be undergoing massive change. Wishing it to be more than just a simple platform for discussion and information, this initiative has the aim, on the one hand, of drawing up the bases of concepts which are original, current and future-oriented, and on the other hand of animating public debate and proposing concrete political solutions in matters of immigration. The action will take place in four stages, and begins with a cycle of conferences dealing with subjects such as migration policies around the world, racism and exclusion, women and migration as well as EU immigration and asylum policy. The colloquium on 18 and 19 October consisted of two parts, each handled by eminent specialists in the field: the first day was dedicated to economic aspects, and the second to social cohesion. Discussions with the public, interventions by delegates expressing sometimes divergent views on the various subjects and round tables all added to the colloquium. Themed workshops enabled more restricted numbers of participants to tackle more specific points in greater depth, such as the cost of the cross-border work force, social policy and immigration, work force supply and demand and training. A scientific publication, expected to be published in January 2003, will gather together texts presented by participants in the colloquium. The third stage will consist of communicating the results and conclusions of the colloquium to the general public and with them, and above all with children and young people tackling those same subjects. This action is closely followed by the media, who unanimously agreed to support the awareness campaign. It will close in March 2003 with a great face-to-face between young people, scientists and other figures in the political and civil life of Luxembourg. The conclusions and proposals coming from that face-to-face, ahead of the 2003 State of the Nation debate, and likewise the lessons learned from the colloquium, will certainly have repercussions in that debate.

"LËTZ MULTI", AN AWARENESS PROJECT PROPOSED BY THE NATIONAL YOUTH SERVICE

"Lëtzi Multi" is a project to make young people aware of the implications of a multicultural society, proposed by the National Youth Service. This project is aimed at youngsters from 12 years of age. It has the aim of urging young people to indulge in cultural dialogue and of promoting understanding, tolerance and acceptance of others. Moreover, it aims at awakening curiosity in the face of differences by reducing the anguish of the other "Other". In order to avoid the trap of creating cultural ghettos, the project proposes contact and exchange between the different cultures which exist side by side in the country. It is therefore against the background of intercultural teaching that the

National Youth Service wishes to realise “Lëtzt Multi”⁴¹. It consists of a Forum for a Multicultural Europe, different projects and three regional festivals. In October 2002, the NYS is for the twelfth time promoting an inter-school encounter between Luxembourg secondary schools and those in other member states or EU candidate states. On the theme of multicultural society, the Forum consists of working and discussion groups. The other projects consist of workshops of a multicultural nature: a culinary evening, theatre, dance workshop, painting and sport. The projects are arranged by youth centres, secondary schools, youth organisations and youth clubs. The first projects began in the northern and eastern regions of the country and were great successes. At the beginning of 2003 there will be a similar project in the southern region and at the end of 2002 in the central region.

THE CARNIVAL OF CULTURES

Another initiative, organised by ASTI together with a significant number of organisations and with the support of the City of Luxembourg, has taken place each year since 1997. This Carnival of Cultures has become an extremely popular urban event, each year attracting tens of thousands of visitors. The Carnival of Cultures sets out above all to be an event serving to bring communities closer together, an event which enables the public to discover the cultures of others, giving them the opportunity to learn to accept the differences which underline the richness of diversity. It is therefore a matter of making the general public aware of cultures elsewhere by encountering them in the streets and squares of the city centre and opening the way to intercultural dialogue. The focal point of the event is a grand multicultural procession through the streets of the Capital. With hundreds of participants from all origins, the procession is always highlighted by originality and transforms its route into a place of discovery and surprise. A gastronomic village installed on the Place du Marché, offers visitors a wide range of culinary specialities from the four corners of the world. The event is closed by the “Nuit blanche de toutes les couleurs” (the white night of all colours), an evening of dance and music from around the globe. The less visible face of the Carnival of Cultures, but certainly not the least important, is the organisation of workshops presented by artists in schools throughout the month preceding the Carnival. A hundred young people can show those who attend the Carnival of Cultures what they have learned during those workshops. The Carnival of Cultures is more than just a festive and convivial event. In fact it attaches great importance to the educational dimension, of teaching awareness of the cultures of others.

So children are urged to make an active contribution to the Carnival, by taking different courses in the lead-up to the event, in various fields such as art, sport, culture and so on.

In the year 2002, some 200 young people benefited from this experience. The majority were from deprived backgrounds, who would not normally have the opportunity to follow courses outside their school curriculum, courses which are often at a financial charge.

⁴¹ <http://www.letzmulti.lu>, (French)

CLAE, THE FESTIVAL OF MIGRATIONS, CULTURES AND CITIZENSHIP

CLAE, the “Comité de Liaison et d’Action des Etrangers” (Foreign Persons Liaison and Action Committee), is an associative platform representing the numerous cultures present in Luxembourg. For almost twenty years, the CLAE has organised the “Festival of migrations, cultures and citizenship”, which has become an indispensable rendezvous in the month of March each year, when for several days a blend of all sorts of cultural activities takes place. Music, films, books, gastronomy and debates provide the opportunity to create a picture of the cultural richness and diversity in Luxembourg and its associative world. A cross-border collaboration throughout the Saar-Lorraine-Luxembourg region recently gave rise to the Festival “Sans frontières – Grenzenlos – Ouni Grenzen” (with no boundaries). This festival is intended to spotlight the cultural productions coming from contemporary migrations from the area as a whole and to emphasise the importance of artistic creation in our Greater Region. Thus, artists, painters, dramatists and musicians invite visitors to take the path of cultural cross-breeding beyond borders.

QUINZAINE CARITAS AGAINST VIOLENCE

After the Quinzaine Caritas last year, on the theme of violence, the heads of Caritas observed that there is considerable demand concerning the subject of violence both on the part of teachers and private people. So Caritas is putting forward various activities within the context of its Quinzaine 2002, on the theme of violence out of the ordinary. Peace and violence, a question of conflict here and elsewhere, is the subject of training aimed at people who work in the psycho-socio-educational field and who are interested in studying and experimenting as a group in practiced methods which might reinforce understanding and the implementation of models for non-violent management of conflicts. Caritas also provides primary and secondary educationalists with a teaching tool aimed at children from 8 to 15 years old. Through education and play, children are encouraged to become aware of prejudice, discrimination, rumour, scapegoat and so on. The texts and the games invite them to reflect on themselves from their own experience. A media corner “Promotion of peace and non-violence” provides those interested with a complete range of books, videos, slides and other educational material. Another strong point is the creation of a national “Promotion of peace and non-violence” network. The Fondation Caritas Luxembourg launched this project with the aim of making public opinion aware in Luxembourg of peace and non-violence. It includes the training and dynamic commitment of multipliers who have the task of developing and promoting thematic material and programmes adapted to various target groups. With the aim of feeding understanding and an exchange of experiences between the various actors involved in peace, Caritas invites peace promoters to create links within the Grand Duchy and its frontiers.

SURVEY BY POLITICAL PARTIES AMONG YOUNG PEOPLE IN THE NORTH OF THE COUNTRY

A somewhat different initiative may also be classed as good practice: a survey carried out in the spring of 2000 in the north of the country (a rural region with a number of tiny villages) by the young persons sections of various political parties (Christian Socialist Party, Democratic Party and the Socialist Party), and run by the survey institute ILRes, had the aim of knowing more about their concerns, their desires and their opinions. The

sample, which cannot be regarded as representative, consisted of 1,723 youngsters between 12 and 25, both Luxembourg nationals and foreigners. 30% of these young people indicated that they did not feel safe in schools and felt threatened by “racketing” (a sort of blackmail). 30% no longer felt safe in their respective communes, in view of the lack of police on the ground. They confirmed being confronted with phenomena of racism or xenophobia, vandalism and physical violence (above all between themselves). Another result giving cause for reflection is that 35% of these young people considered that Luxembourg opens its doors too easily to foreigners and to refugees. On the question of whether Luxembourg is a welcoming country to foreigners 26% answered “very welcoming”, 30% “sufficiently welcoming”, 6% “not welcoming enough”, 35% “too welcoming” and 3% did not answer. The responses are similar to the question of whether Luxembourg is a xenophile country: 24% “very xenophile”, 37% “sufficiently xenophile”, 25% “too xenophile” and 4% did not answer. Although this survey is not representative and cannot be compared with other studies, it may be observed that Luxembourg is not immune from all forms of xenophobia. If, however, all surveys are considered which have been carried out during recent years (there are none more recent), it appears that the percentage of those who speak openly in favour of the presence of foreigners is low, and that young people are particularly less inclined to manifestations of xenophobia.⁴² However the political parties are taking the results of this survey very seriously, and plan to take greater account of the concerns of young people, and this beyond party squabbling. In an article written by Claude Frisoni⁴³, published in the book “Passerelles”⁴⁴, he stated that, “the statistician who is alongside me might relativise the scientific value of this survey, but for all that 670 young people were questioned and the results are extremely worrying! Of the 620 responses to questions on attitude with regard to refugees, 171 youngsters had the courage to write very clearly that they had a deep problem with regard to refugees. (...) In the figures one realises that there is something worrying, but in the attitudes one realises there is something much more worrying.”

The authors of the survey, the northern sections of the Young Christian Socialists, the Young Liberal Democrats and the Young Socialists also took positions in relation to the interpretation and utilisation of their survey, notably in relation to the presentation of their survey within the context of the National Report on Young People in Luxembourg prepared by the Ministry of the Family, Social Solidarity and Youth, as well as the National Youth Service. In taking positions, they announce that they are of the opinion “the results have not been taken into consideration in accordance with their true value”, and they think “that the survey should have been interpreted in greater detail in order to be able to exploit it fully and to draw more precise conclusions from it”⁴⁵.

⁴² CeSiJe, Ministry of the Family, Social Solidarity and Youth, SNJ, National Report on Young People in Luxembourg, 2001

⁴³ Director of ALAC, Luxembourg and writer

⁴⁴ Passerelles, a century of immigration in Luxembourg, notes on the colloquium organised by CLAE, No 22, 13th year, 2001, pp199-204

⁴⁵ Northern sections of the Young Christian Socialists, Young Liberal Democrats and Young Socialists take positions.

EUROPEAN VALUES STUDY LUXEMBOURG⁴⁶

In 1999 the SESOPI Intercommunity Centre carried out a study in Luxembourg concerning the perception of foreigners on the part of Luxembourg people, within the context of the European Values Studies, along with 35 other countries. The publication of all the results is planned for this month (October), but the SESOPI already published some results in March 2002. This study encompassed three enquiries: cultural identity, the economy, demography and language. The question which interests us more particularly within the context of this report was entitled by the SESOPI as follows: “on a personal basis, how do you regard the presence in Luxembourg of persons from other origins and cultures?” The persons questioned were given four pairs of proposals:

1. The risk of losing your identity / the chance of cultural enrichment
2. The risk of increased unemployment / a necessity of maintaining a standard of life
3. A threat to the Luxembourg language / the chance to learn other languages
4. A risk of there being too many foreigners in our population / a chance to renew and to rejuvenate the population.

For each pair of proposals, those questioned had a line of 10 figures, 1 being to the left and 10 to the right. If they agreed with the proposal on the left, they ringed the 1, and if rather with the proposal to the right they selected the 10. The intermediate figures served to add nuance to the response.

In order to present a very brief summary of the results, we are only concentrating in this report on certain data. So, “the responses are on average 6.58 of the scale of 1(maximum risk) to 10 (maximum chance) for the question dealing with identity, 6.06 for language, 5.50 for the economy and 5.47 for demography. For the entire population, the two fields of economy and demography are therefore considered as more representative of a risk of losing something that the fields of identity and language. (...)”

On the side of “risk” which we will therefore call the xenophobe pole, we find in the sample a population in general older and less trained than the total population. It is composed essentially of Luxembourg people. On the other hand, among those who regard the presence of foreigners as a chance, one observes a strong over-representation of foreigners (other than Portuguese) and a higher level of education. (...)”

The risk of losing identity appears the least problematical for Luxembourg people.”⁴⁷
The study is clearly more exhaustive than the part which we have presented here.

SPENCER COMMITTEE

An act of violence caused a stir in the Grand Duchy at the beginning of 2002. A young black person was killed in an argument at the exit from a discotheque. Although it was not expressly an act of racial violence, the death of this young man provoked discussions on racism and violence, and action was taken. Emphasis: the affair did not end in innumerable discussions, but in action. The Committee was created under the aegis of the

⁴⁶ SESOPI Intercommunity Centre, www.sesopi-ci.lu

⁴⁷ SESOPI Intercommunity Centre, Chance for one, risk for another, in: La Voix, (16.03.2002)

Federation of Cape Verde Associations (OCL asbl). The Committee's objective is to give scholastic support to the youngest and to strengthen the integration of young Cape Verde Islanders into Luxembourg society. So it fights against any sort of violence and above all violence among young people. Within the context of the International Day of Peace, on 21 September 2002, the Spencer Committee organised a march to the centre of the Capital against violence and for peace throughout the world. By organising this march, the Spencer Committee wanted to make the public aware of the fact that, sadly, violence is present in our society, and to pay particular homage to Spencer, a victim of juvenile violence.

Another event occurred in January 2000. A young person was stabbed to death. The offender was of Yugoslav nationality. After this tragic event, the parents of the victim organised an association and launched an appeal against violence. That appeal was reflected by a collection of signatures, 15,000 of which they obtained for their appeal "Against Increasing Violence", and the organisers of the petition have an appointment with the Commission for Petitions of the Chamber of Deputies on 22 October 2002.

OTHER INITIATIVES

If the degree of racial violence in the broadest sense of the term is, as we have already indicated, extremely low in Luxembourg, the Government, political, educational and associative circles, the NGO and youth organisations continue to align themselves to information, awareness and education. We do not intend to list all the good practices here, but would however mention that in many schools initiatives are being taken against juvenile violence, both by teachers and by pupils, that the religious communities are increasingly opening their doors, that the survivors of concentration camps are trying to make young people more aware of the violence of the Holocaust and that in general the theme of violence, which had perhaps tended to be under-estimated in peaceful Luxembourg, is the subject dealt with at many round tables.