

France National contribution to the Fundamental Rights Report 2022

LUXEMBOURG

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<p>Law on prohibition of incitement to violence, hatred in media:</p> <p>The Act of 26 February 2011 on electronic media transposed European Parliament introduced explicit prohibition of incitement to violence, hatred, and terrorism in the audio-visual media.</p>
EU Charter of Fundamental Rights	<p>The Chapter on Rights and Liberties of the Constitution under debate: Fundamental rights was at the heart of the debate of Constitutional Bill no. 7755, which focuses on the chapter on rights and liberties. Professional chambers, government, National Data Protection Authority, Luxembourg District Court, Ombudsman for children and youngsters (OKaJu), Public Prosecutor's Office are amongst the institutions that have issued opinions invoking the Charter of Fundamental Rights. A national LGBTIQ rights NGO, <i>Rosa Lëtzebuerg</i>, issued a statement commending the articles on the right to found a family and children's rights and suggesting amending wording related to equal treatment to include explicit reference to sexual orientation and replacing gender binary wording with more inclusive language.</p>
Equality and non-discrimination	<p>Simplifying criteria for voting in municipal elections for non-nationals: The government removed the restriction of 5 years of residency for non-nationals to be eligible to vote for the next elections in 2023.</p>
Racism, xenophobia & Roma integration	<p>The gap in defending discriminated groups based on nationality: National Equality body (CET) regretfully pointed at the gap of not having any public body supporting discrimination based on nationality. This type of discrimination was added to several legislative texts in the previous years.</p>
Asylum & migration	<p>Border management: The number of police patrols increased due to: first, 1) reduction in flights during the pandemic, 2) controlling COVID-19 measures; 3) monitoring and checking near the Extra-Schengen border at the airport.</p>
Data protection and digital society	<p>Launch of the Cyber Defence Strategy in Luxembourg: The national strategy for cyber defense underpins the "defense" component of the current and forthcoming national cybersecurity strategies. The long-term objective of this strategy is to develop expertise and capabilities for NATO and EU partners.</p>
Rights of the child	<p>Housing Pact 2.0: The government is currently working on bill N°7648 regarding the Housing Pact 2.0 to support families in vulnerable situations, most often single parent with children. To ensure that, the new plan foresees more public housing and subsidies for the creation of affordable housing.</p>

<p>Access to justice, including victims of crime</p>	<p>New Voluntary Programme and centralized statistics on domestic violence:</p> <p>A new initiative for perpetrators of domestic violence: to decrease recidivism, the Ministry of Equal Opportunities (<i>Ministère de l'Égalité des Chances</i>) proposed a new intervention programme "a New step against violence" (<i>Ee Schrëtt géint Gewalt</i>) to the perpetrators of domestic violence.</p> <p>The new Observatory of Equality will centralise data on domestic violence: The Ministry of Equal Opportunities launched a new Observatory of equality that includes 7 areas: domestic violence, employment, decision-making, work-life balance, education, income, and health. One of the objectives of the Observatory is to centralise statistics on domestic violence from national actors.</p>
<p>Convention on the Rights of Persons with Disability</p>	<p>Need for more inclusive internet space: National human rights actors urged the government to provide information accessible to various groups and translate official information into easy-to-read language, including Covid-19 measures, vaccination, etc. The 2021 National action plan 2019-2024 was adapted into easy-to-read language, followed by information on the vaccination campaign^{ns}, including German sign language.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

Discrimination against EU citizens based on their nationality

In spring 2021 the Luxembourgish Government proposed a bill on family allowances, which is currently being drafted.¹ The proposed bill will introduce changes following the decision of the European Court of Justice (ECJ) on unequal treatment of nationals and cross border workers regarding family allowances. Following the ECJ decision of 2 April 2020², the proposed changes would include any worker working in Luxembourg who has a parental link with the child for whom he/she receives family allowances.³ In that way it would abolish exclusion criteria for a child who is not related to his/her family member, and is a cross-border worker (i.e. stepparent).⁵

Following the second ECJ decision of 25 February 2021⁶, the criterion for the right to family allocation, i.e., being affiliated to social security at the time of the birth of the child in order to be able to benefit from parental leave, will also be removed from the bill.⁷

To elevate hindrances to employment for EU workers in certain professions, Luxembourg adopted Act of 30 July 2021⁸ that transposed Directive 98/5/EC

¹ Luxembourg, [Parliamentary question N°4217 from MP Fred Keup on the indexation of child allowances](#) (question parlementaire n° 4217 de Monsieur le Député Fred Keup).

² European Court of Justice, [Caisse pour l'avenir des enfants vs. FV, GW](#), Case C-802/18, 2 April 2020.

³ Official page of the Government of the Grand Duchy of Luxembourg. [Summary of Proceedings, 21 May 2021](#) (*Résumé des travaux du 12 mai 2021*).

⁴ Luxembourg, The Children's Future Fund (Caisse pour l'avenir des enfants - CAE), [Child of the spouse](#) (*Enfant du conjoint*) press release of 20 July 2021.

⁵ Urbe, R. (2021). [Luxembourg: the Government announces a rise in child benefits](#).

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⁶ European Court of Justice, [Case C-129/20, XL vs. Caisse pour l'avenir des enfants](#), 25 February 2021.

⁷ Luxembourg, [Family allowances and parental leave: the legislation is adapted following two judgments of the CJEU](#) (*Allocations familiales et congé parental: la législation est adaptée suite à deux arrêts de la CJUE*), Stradalex, press release 21 May 2021.

⁸ Luxembourg, [the act of 30 July 2021 amending: 1 ° the amended act of 9 December, 1976 on the organisation of the notary; 2 ° the amended act of 10 August 1991 on the profession of lawyer; 3 ° the amended act of 13 November 2002 transposing into Luxembourg law Directive 98/5 /EC of the European Parliament and of the Council of 16 February 1998 aiming to facilitate the permanent exercise of the profession of lawyer in another Member State than the one where the qualification was acquired](#) (*Loi du 30 Juillet 2021 modifiant :1° la loi modifiée du 9 décembre 1976 relative à l'organisation du notariat ; 2° la loi modifiée du 10 août 1991 Sur la profession*

facilitating the profession of lawyer in Luxembourg. The new law allows a lawyer, who is an EU member with a qualification received in another EU member state, to practice law in Luxembourg. Lawyers with a non-EU nationality can only register for the list of lawyers on a reciprocity basis, i.e. if he/she provides proof that a person with Luxembourg nationality could join the bar in his country of origin⁹.

In September 2021 Luxembourg government proposed simplifying criteria for voting in municipal elections for non-nationals^{10 11 12 13}. For that it eliminated a restriction of 5 years of residency for non-nationals (both for EU and non-EU nationals who comprise 47% of the country residents) to be eligible to vote. For the next 2023 elections anyone residing in the country and registered to vote, would be eligible to vote.

Discrimination against LGBTI people

2021 was the year of debates and developments regarding intersex. In May 2021, NGO organisation Intersex Transgender Luxembourg published an open letter calling the national Government to introduce a law against intersex genital surgery (including medical treatment, its reimbursement) that is still done in the country. Since 2013 the bill was at the stage of preparation¹⁴, but then replaced by an action plan¹⁵. To protect the physical integrity of minors, human as well as civil rights organisations advocate for a new law that should include criminal penalties

d'avocat ; 3° la loi modifiée du 13 novembre 2002 portant transposition en droit luxembourgeois de la Directive 98/5/CE du Parlement européen et du Conseil du 16 février 1998 visant à faciliter l'exercice permanent de la profession d'avocat dans un État membre Autre que celui où la qualification a été acquise).

⁹ Luxembourg, Stradalex, [Lawyers: end of discrimination on the basis of nationality](#) (*Avocats : fin d'une discrimination sur base de la nationalité*). News release of 24 August 2021.

¹⁰ Luxembourg, note: the bill has not come out yet in: Luxembourg Parliament, [Reform of the Municipal Elections](#) (*Réforme des Elections Communales*), Press release 02 September 2021.

¹¹ Luxembourg. Official page of the Gouvernement of the Grand Duchy of Luxembourg. [Corinne Cahen, Taina Bofferding and Sam Tanson presented the changes for the next municipal elections](#) (*Corinne Cahen, Taina Bofferding et Sam Tanson ont présenté les modifications en vue des prochaines élections communales*). Press release 02 September 2021.

¹² Luxembourg, radio 100,7. [ASTI: Voting rights reform is a step forward](#) (*ASTI: Reform vu Wahlrecht ass ee Fortschrëtt*), 05 September 2021.

¹³ Luxembourg, Official page of the Gouvernement of the Grand Duchy of Luxembourg. [Corinne Cahen, Taina Bofferding and Sam Tanson presented the changes for the next municipal elections](#) (*Corinne Cahen, Taina Bofferding et Sam Tanson ont présenté les modifications en vue des prochaines élections communales*). Press release 02 September 2021.

¹⁴ Luxembourg, [Bill N ° 7674 on the organisation of access to knowledge of one's origins in the context of adoption or medically assisted procreation with third-party donors](#) (*Projet de loi N° 7674 portant organisation de l'accès à la connaissance de ses origines dans le cadre d'une adoption ou d'une procréation médicalement assistée avec tiers donneurs*).

¹⁵ Luxembourg, Ministry of Family, Integration and the Greater Region. [National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights](#) (*Plan d'action national pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes*).

for wrongful medical interventions¹⁶. Therefore, medical interventions should be conducted with the consent of the person, as there is no urgency to do it at an early age. Furthermore, activists insist that the national action plan (already in place) be considered a supplementary to such law, as "national action plan, training or medical guidelines, the application of which is optional and does not provide the necessary framework for informed consent of the families and individuals."¹⁷. Also, the Intersex organisation advocates for the prohibition of all forms of intersex genital mutilation in criminal law, including hypospadias surgery and "feminisation" surgery on children born with congenital adrenal hyperplasia. Last but not least, the organisation calls to ensure the collection of independent, continuous, and comprehensive data on all births of children with variations in gender characteristics and all procedures for intersex genital mutilation.¹⁸ There are no statistics on the number of intersex children up until now.¹⁹ In response to the parliamentary question, the Minister of Health confirmed that a possible draft bill to ban the assignment of sex in new-borns is underway for the end of 2021²⁰. The ministerial committee has analysed and prepared the first follow-up on introducing the third sex in the civil registrar to formulate a future draft bill. The third sex option could then be available to anyone born intersex and anyone who does not identify with the gender binary system (male/female).²¹

Following the declaration of the European Parliament, eight Luxembourgish municipalities joined the LGBTI+ Freedom zones as a statement against LGBTI discrimination in Poland and Hungary. With this action, they committed to carrying out public policies which promote and protect the rights of LGBTIQ + people. ²²

¹⁶ Luxembourg, Consultative Commission on Human Rights of the Grand Duchy of Luxembourg, [Observations on the 5th and 6th periodic reports of Luxembourg in application of art 44 of the Convention on the Rights of the Child](#) (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant*), p.5

¹⁷ Luxembourg, Intersex and transgender Luxembourg (2021). [No legal protection against intersex genital mutilation?](#) (*Pas de protection législative contre les mutilations génitales intersexes ?*), Press release 25 May 2021.

¹⁸ Luxembourg, Intersex and transgender Luxembourg (2021). [No legal protection against intersex genital mutilation?](#) (*Pas de protection législative contre les mutilations génitales intersexes ?*), Press release 25 May 2021.

¹⁹ Luxembourg, [Parliamentary question N°4023 regarding intersex people](#) (Question parlementaire n° 4023 du 2 avril 2021 concernant Personnes intersexes).

²⁰ Luxembourg, [Parliamentary question N°4023 regarding intersex people](#) (Question parlementaire n° 4023 du 2 avril 2021 concernant Personnes intersexes).

²¹ Luxembourg, [Parliamentary question N°4521 on situation of non-binary and intersex people in Luxembourg](#) (Question parlementaire N° 4521 concernant situation des personnes non binaires et intersexes au Luxembourg).

²² Luxembourg, Municipality Sanem, [Sanem becomes an LGBTIQ + Freedom Zone](#) (Sanem devient une LGBTIQ+ Freedom Zone), Press release of 18 June 2021.

Some members of Parliament filed a motion that the Parliament declares the whole Grand Duchy of Luxembourg an LGBTI+ Freedom zone²³²⁴.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

In 2021 the national equality body (*Centre pour l'égalité de traitement- CET*) published statistics for 2020. For that year 6% of registered cases (12 cases of 203) of filing a complaint regarded discrimination on the grounds of sex.²⁵

Regarding the developments around discrimination against EU citizens based on their nationality in 2021, the national equality body (*CET*)²⁶ regretfully pointed at the gap of not having any public body representing and defending discrimination based on nationality, whereas this type of discrimination was added to several legislative texts in the previous years (under the act of 7 November 2017²⁷). Neither has the national equality body been mandated to defend the interests of this group.

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Luxembourgish Parliament and the Ministry of Family, Integration and the Greater Region (*Ministre de la Famille, de l'Intégration et à la Grande Région*)²⁸ have mandated two research institutions to carry out a national survey on racism, opinions on immigration and perceptions of ethno-racial discrimination in

²³ Luxembourg, [Resolution of the Pirate Party, Plenary Session 29 June 2021](#). Resolution (Résolution), Press release of 01 July 2021.

²⁴ Luxembourg, Pirate Party. [LGBTIQ+ Freedom Zone](#), Plenary Session 29 June 2021

²⁵ Luxembourg, the Centre for Equal Treatment (2021), [Activity report 2020](#) (Rapport d'activités 2020).

²⁶ Luxembourg, the Centre for Equal Treatment (2021), [Activity report 2020](#) (Rapport d'activités 2020), p. 34.

²⁷ Luxembourg, [the Act of 7 November 2017](#) (*Loi du 7 novembre 2017*).

²⁸ Luxembourg, The Parliament of the Grand Duchy of Luxembourg, [Summary of the Plenary Session](#). N°21, 2019-2020-

Luxembourg.²⁹ The study aims at a representative sample of 8000 respondents³⁰, EU as well as non-EU nationals. ³¹ It furthermore aims at identifying "groups at risk" and discriminatory areas, situations and contexts. The study does not focus exclusively on Afro-descendants but encompasses all ethno-racial minorities who are discriminated against or feel discriminated against. The project closes by the end of 2021 and final results are expected by 2021-2022. ³²

Throughout 2021³³ the national equality body (*Centre for Equal Treatment - CET*) has been communicating its own results of the quantitative survey on victimisation and discrimination of the study conducted in 2020³⁴. The survey comprised responses of 1014 residents regarding the following variables: age, sex, place of living, nationality, occupation. According to the study, 20% of respondents reported being discriminated against in the last three years (26% in 2015). Among these respondents, 46% indicated nationality as the reason for discrimination, 28% sexuality, 22% languages, 22% physical appearance, 19% age. The report states that 27% of the victims of discrimination do not take any further action. 79% reported continuing suffering from having been discriminated against. Only 10 % have filed a complaint.

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

In February 2021, the Luxembourgish Parliament adopted the law on electronic media, which transposed European Parliament and Council Directive (EU) 2018/1808.³⁵ The law introduced explicit prohibition of incitement to violence,

²⁹ Luxembourg, Official page of the Government of the Grand Duchy of Luxembourg. [Launch of a national survey on racism and ethnic-racial discrimination in Luxembourg](#), Press release 18 June 2021.

³⁰ Luxembourg, the Ministry of Family, Integration and the Greater Region, [Report of the meeting of the Interministerial Committee for Integration, Wednesday, 24 February 2021](#), (*Compte-rendu de la réunion du Comité interministériel à l'intégration, mercredi, le 24 février 2021*), 24 February 2021.

³¹ Luxembourg, Le Quotidien.lu [Investigating Racism: Behind the Scenes](#) (*Enquête sur le racisme : les coulisses*), Press release 10-11 July 2021.

³² Luxembourg, note: the report is to be submitted in early 2022 to the Ministry (last update January 2022).

³³ Luxembourg, note: The results were analysed in October-November 2020 and became published in December 2020.

³⁴ Luxembourg, TNS Ilres (2020). [Discrimination Observatory](#) (*Observatoire des discriminations*). Conference presentation report. Presented on 01.12.2020.

³⁵ Luxembourg, [the Act of 26 February 2021 amending the amended law of July 27, 1991 on electronic media](#) (*Loi du 26 février 2021 portant modification de la loi modifiée du 27 juillet 1991 sur les médias électroniques*).

hatred, and terrorism in the audiovisual media. Article 26bis specifies that content provided by audiovisual media service providers shall not contain (i) any incitement to violence or hatred directed at a group of persons or a member of a group based on any of the grounds; or (ii) any public provocation to commit a terrorist offense as referred to in the Luxembourg Penal Code. Article 28septies specifies that video-sharing platform providers shall take appropriate measures to protect the general public from programs, user-created videos and commercial audiovisual communications i) which harm children physically, mentally, or morally ii) which include any incitement to violence or hatred directed at a group of persons or a member of a group based on any of the grounds; iii) which contain content whose dissemination constitutes a criminal offense, namely any public provocation to commit a terrorist offense (article 135-11, paragraphs 1 and 2 of the Luxembourg Penal Code), child pornography (article 379 point 2 of the Luxembourg Penal Code) and racism and xenophobia (articles 457-1 and 457-3 of Luxembourg Penal Code). Earlier, national bodies criticised the bill for imprecisions of definitions regarding i.e., dangerous and discriminatory content, as well as a definition of discrimination for not being consistent throughout the legislative draft.

However, legislative measures need to be reinforced by practices. In 2021 several public figures published official statements addressing hatefué communication in social media³⁶. In autumn 2021, members of the Green party launched a raising awareness video concerning hate speech in online media. This campaign preceded a parliamentary discussion on hate speech online in the national Parliament on 18 November 2021. Then, the Parliament approved the need to strengthen the Government's efforts in terms of awareness, prevention and intervention to fight against hate speech and promote non-discriminatory, inclusive and fair communication in social media.³⁷

2021 saw efforts on fighting against racism on the local level. In particular, the second biggest city in the country Esch-Sur-Alzette joined the Coalition of European cities against racism (Unesco initiative). This network allows cities to

³⁶ Luxembourg, Support Association for Immigrant Workers (*Association de Soutien aux Travailleurs Immigrés-ASTI*), [Stop hate speech in Luxembourg politics!](#) (*Halte au discours de haine dans la politique luxembourgeoise !*), News press release, 26 March 2021.

³⁷ Luxembourg, Parliament of Luxembourg, [Continuation of the Government's efforts in terms of awareness, prevention and intervention to fight against hate speech and promotion of non-discriminatory, inclusive and fair communication on social networks by: President: Ballot paper 2 \(n° 3671\)](#) (*Poursuite des efforts du Gouvernement en matière de sensibilisation, prévention et intervention pour lutter contre le discours de haine et promotion d'une communication non-discriminatoire, inclusive et juste sur les réseaux sociaux par: Président :Bulletin de vote 2 (n°3671)*).

create an exchange of experiences in the fight against racism, discrimination, and xenophobia.³⁸

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	n.a.
Please add a hyperlink if the strategy is publicly available.	n.a.
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	n.a.
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	n.a.
Was Roma civil society involved in the development of the strategy? Please provide examples?	n.a.
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	n.a.
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	n.a.

From 2020 the Government does not develop any specific integration measures for Roma people. Nevertheless, the Ministry of Family and Integration and the Greater Region follows the EU Commission Recommendations and is ready to

³⁸ Luxembourg, Municipality of Esch-sur-Alzette, [ECCAR - European Coalition of Cities Against Racism](#) (*ECCAR -Coalition européenne des villes contre le racisme*).

integrate them into overall, general integration plans and policies of the country without any discrimination.³⁹

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

Nothing to report.⁴⁰

³⁹ Luxemburg, e-mail exchange with the Ministry of Family, Integration and the Greater Region, 01 October 2021.

⁴⁰ Luxemburg, e-mail exchange with the Ministry of Family, Integration and the Greater Region, 01 October 2021.

Chapter 4. Asylum, visas, migration, borders and integration

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Luxembourg	1 ⁴¹	n.a. ⁴²	n.a. ⁴³	n.a.

⁴¹ Luxembourg, the Ministry of Foreign and European Affairs, [Statistics concerning international protection in the Grand Duchy of Luxembourg Month of November 2021](#) (*Statistiques concernant la protection internationale au Grand-Duché de Luxembourg mois novembre 2021*).

⁴² Luxembourg, note: the Ministry of Foreign affairs does not specify reasons for refusal. Also due to low numbers, any additional information is omitted to protect the identity and privacy of the person(s).

⁴³ Luxembourg, note: the provided numbers do not differentiate between these categories.

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities? ⁴⁴
LU	The act of 11 April 2010 ⁴⁵	Ombudsman	Yes ⁴⁶	no	In-land Police controlling-468 ⁴⁷ -Intervention of the UIP/PNR /Reporting to	Not provided ⁴⁹

⁴⁴ Luxembourg, information provided through the exchange with the representative of the airport police in Luxembourg on 15 October 2021

⁴⁵ Luxembourg, [the Act of 11 April 2010](#) (1) approving the optional protocol relating to the Convention against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly of the United Nations Organization in New York, on December 18, 2002 and (2) designating the Ombudsman as the national prevention mechanism and setting out its powers (*Loi du 11 avril 2010 (1) portant approbation du protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, adoptée par l'Assemblée Générale de l'Organisation des Nations Unies à New York, le 18 décembre 2002 et (2) portant désignation du médiateur en tant que mécanisme national de prévention et fixant ses attributions*).

⁴⁶ <https://www.ohchr.org/EN/HRBodies/OPCAT/Pages/AnnualreportsreceivedfromNPM.aspx>

⁴⁷ Luxembourg, note : latest update. end of September

Luxembourg. Information is provided based on the exchange with the representative of the airport police in Luxembourg on 15 October 2021.

⁴⁹ Luxembourg, the representatives from the Police did not provide this information.

					SIS/Interpol Intra -53. ⁴⁸	

⁴⁸ Luxembourg, note: the number of patrols is higher following the reduction in flights during the pandemic. These patrols were also aimed at controlling COVID measures. Information is provided during e-mail exchange with members of the airport police in Luxembourg on 15 October 2021. In addition, these patrols were carried out near the Extra-Schengen border at the airport.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

Luxembourg Cyber Defence Strategy⁵⁰ was presented by the Ministry of Foreign and European Affairs in 2021. The national strategy for cyber defense « underpins the "defense" component of the current and forthcoming national cybersecurity strategies. The long-term objective of this strategy is for Luxembourg to have one of NATO and EU's most cyber secure Defences, and to develop expertise and capabilities which can be offered to Allies and partners ».

Since 2016 Luxembourgish parliament has been discussing the draft bill N°6961⁵¹ on the creation of National Security Authority that would strengthen the legal security of the protection of parts classified on Luxembourg territory. The National Safety Authority (*l'Autorité Nationale de Sécurité*) would be responsible for the classification rules, safety investigation, the procedure for granting or refusing security clearance, the establishment of a Commission advisory.

5.2 Artificial intelligence and big data

Actor*	Type*	Description	Are Human Rights issues mentioned? (please clarify briefly which ones and how these rights are mentioned in the initiative)	Reference
state	Adopted Acts	Stratégie Gouvernance électronique 2021-2025	No	Luxembourg, the Ministry of Digitalisation,

⁵⁰ Luxembourg, Ministry of Foreign and European Affairs (2021), [Luxembourg Cyber defence strategy](#).

⁵¹ Luxembourg, [Bill N° 6961 on the ceration of the National Security Authority](#) (*Projet de loi N° 6961 sur la création de l'Autorité nationale de sécurité*).

		The 2021-2025 strategy highlights the principles to be observed when digitizing public services to offer citizens and businesses public services that meet their needs. The aim is to promote transversal digital accessibility, develop user-centered services, offer attractive online public services, and invest in citizens' trust in state online services.		Electronic governance strategy 2021-2025 (Stratégie Gouvernance électronique 2021-2025)
state	Adopted Acts	National Cybersecurity Strategy IV (2021-2025)	Yes (in general sense) Objectives are aligned along with human rights i.e. protection of human rights online, protection of children and young people's rights, safe digital inclusion, raising cybersecurity awareness and promoting education civil, political, economic, social, cultural, as well as the environmental –	Luxembourg, The Government of Luxembourg, National Cybersecurity Strategy IV (2021-2025)
Institut Luxembourgeois de et Normalisation, de l'Accréditation, de la Sécurité et	Adopted Acts	White paper · Artificial Intelligence · Technology, Use Cases and Applications, Trustworthiness and Technical Standardization · V. 1.1 is intended to inform the national market about relevant AI standardization activities in the context of the AI technology landscape, market overview and trustworthiness challenges.	no	Luxembourg, Institut Luxembourgeois de la Normalisation, de l'Accréditation, de la Sécurité et

<p>qualité des produits et services</p>		<p>With this white paper, ILNAS aims to provide a general survey of the opportunities offered by AI, to encourage the national market's future involvement in the standards development process for the benefit of Luxembourg's economy.</p>		<p>qualité des produits et services Agene pour la Normalisation et l'Economie de la Connaissance (2021). White paper. Artificial Intelligence.</p>
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>For the second year, public schools offered "Summer School" to any interested child. These additional classes are organised before the school year for primary and secondary school pupils. Developed for any pupil who might have a gap in certain subjects due to the Covid-19 pandemic, this measure is primarily an instrument to promote social justice in education. In addition, the "summer school programme" offers support to parents via the helpline 8002-9090 Was developed for parents who have any further questions. Subjects that are included in the summer school range from Maths, to German French.⁵²</p> <p>In 2021 the national Government has continued family support, to allow families to organise work and education of children during the pandemic. In 2021 the Government extended leave for family reasons during the Covid-19 pandemic in 2021. The parental leave has been granted to one of the working parents during the closure of educational institutions, as well as to parents with children vulnerable to Covid-19⁵³. The parent support is planned to end by 25 November 2021.</p> <p>The Government is currently working on bill N°7648 relating to the Housing Pact 2.0 defining the future collaboration between the State and the municipalities to stimulate affordable housing in Luxembourg⁵⁴. The new bill aims at supporting families in vulnerable situations, who is most often single parent with children. The new plan foresees</p>
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⁵² Luxembourg, Official page of the Government of the Grand Duchy of Luxembourg, [Summerschool 2021: free remedial classes at primary and secondary level](#) (*Summerschool 2021 : des cours de rattrapage gratuits au fondamental et au secondaire*).

⁵³ Luxembourg, The Ministry of the Interior, [Circular N°3953 to municipal administrations, municipal unions, social offices and other public establishments placed under the supervision of municipalities](#) (*Circulaire aux administrations communales, aux syndicats de communes, aux offices sociaux et autres établissements publics placés sous la surveillance des communes*), 26 January 2021.

⁵⁴ Luxembourg, the Luxembourgish Parliament, [Bill N° 7648 relating to the Housing Pact with the cities in order to increase the supply of affordable and sustainable housing](#) (*Projet de loi*

	more public housing and subsidies for the creation of affordable housing.
Measures to protect children from violence	<p>The Gov/NGO telephone Helpline telephone organisation Kanner-Jugend Telefon (KJT) has launched chat counselling, in addition to their online and phone support. The anonymous and free chat counseling is available on Tuesdays, between 18-21 hrs. It is particularly aimed at teenagers and young adults, who could be in environments not suitable to speak in confidence and are not alone.⁵⁵</p> <p>Campaign "Stop sexual violence against children"⁵⁶ was launched by Helpline Kanner-Jugendtelefon and ECPAT in September 2021. The campaign consists of various information-sharing events that fall into three phases: 1) campaigning for the use of a more appropriate vocabulary; 2) understanding how to report any illegal material, 3) organising a round table will be organized to discuss the situation in Luxembourg with national actors.^{57 58}</p>

6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>Up until now Directive 2016/800 has not been proposed to the Parliament. No bill has been developed to transpose this directive in 2021⁵⁹.</p> <p>As mentioned and discussed in previous national annual reports, bill N°7276⁶⁰ establishing a youth protection system has not advanced further since 2019. It was supposed to be redrafted and presented as a new law in</p>
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⁵⁵ Luxembourg, Helpline telephone organisation Kanner-Jugendtelefon (KJT) , [Chat counselling](#) (Chatberodung) ,

⁵⁶ Luxembourg, official site of the [Stop Cam campaign](#).

⁵⁷ Luxembourg, Helpline telephone organisation Kanner-Jugend Telefon (KJT), [Launch of the campaign "Stop sexual violence against children"](#) (Lancement de la Campagne « Stop aux violences sexuelles contre les enfants) , Press release 20-09-2021.

⁵⁸ Luxembourg, [facebook page of the campaign Stop-Cam](#).

⁵⁹ Luxembourg, Ministry of State - Central Legislation Service (2021), [List of projects](#) (*Liste des projets*), 11.10.2021, p.27.

⁶⁰ Luxembourg, [Bill° 7276 establishing a youth protection system](#) (Projet du loi N° 7276 instituant un régime de protection de la jeunesse)

	<p>2021.⁶¹ The new law seeks to reform juvenile criminalisation, and it would guarantee that no minor will be placed in a detention establishment for adults.</p> <p>In 2021 the Parliament developed a draft bill (<i>proposition de loi</i>) that aims to extend the time limit from 10 years to 30 years in criminal matters to prescribe public action for certain offenses committed against a minor.⁶²</p>
Policy developments	n.a. ⁶³
Other measures or initiatives	<p>Exceptionally, in 2020⁶⁴ One minor was placed in an adult juvenile detention centre as there are currently no appropriate structures. The minor was isolated as he/she was separated from adult detainees, yet there were no other minors of his/her age in the centre. As one of the alternatives, the Government considered possible alternatives of placing a minor in the appropriate structures abroad ⁶⁵.</p>

⁶¹ Luxembourg, the Parliament, [Parliamentary question N°1778 regarding placement of a minor at the the Luxembourg Prison Centre](#) (*Réponse de la Ministre de la Justice à question N°1778 de Monsieur Gilles Roth et de Monsieur Laurent Mosar concernant Placement d'un mineur au Centre pénitentiaire de Luxembourg*).

⁶² Luxembourg, Parliament of Luxembourg, [Draft bill aiming to extend the limitation period for public action for certain offenses committed against a minor and amending the Code of Criminal Procedure](#) (proposition de loi ayant pour objet de prolonger le délai de prescription de l'action publique pour certaines infractions commises sur mineur et portant modification du Code de procédure pénale).

⁶³ Luxembourg, note: in the sense that none have been developed within the transposition of the directive

⁶⁴ Luxembourg, the Parliament, [Parliamentary question N°1778 regarding placement of a minor at the the Luxembourg Prison Centre](#) (*Réponse de la Ministre de la Justice à question N°1778 de Monsieur Gilles Roth et de Monsieur Laurent Mosar concernant Placement d'un mineur au Centre pénitentiaire de Luxembourg*).

⁶⁵ Luxembourg, note: there is no any further information on what country the minor was sent to or whether the transfer happened.

Chapter 7. Access to justice

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

In late 2021 three ministries (the Ministry of Gender equality, *le Ministère de l'Égalité entre les femmes et les hommes*, the Ministry of justice, *le Ministère de la Justice*, the Ministry of Interior security, *le Ministère de la Sécurité intérieure*) presented a national strategy aiming to strengthen the protection system against domestic violence in Luxembourg. Within the announced strategy, the ministries pledge to take specific measures to reinforce victim support, which includes the following actions:

- 1) the Ministry of Gender equality revised the national victim support platform⁶⁶. The platform now focuses more on the aid and needs of victims, perpetrators, and witnesses of domestic violence. Also, the Ministry launched a prevention campaign against domestic violence aimed at perpetrators (developed by the Richt Eraus service of the Luxembourg Red Cross in cooperation with a Hospital Center with the objective to organise an awareness and training day on domestic violence).⁶⁷
- 2) The Ministry of Justice plans to develop a form containing information on the author's release from prison that will be provided by the Police. For the victims of violence, a file "Info-rights" (*Infodroit fiche*) will become available digitally: it will be equipped with a QR code, directing the victim to the information on rights as well as to the various assistance services that are available to them. The Ministry of Justice will also update the Penal Code by including provisions penalizing new forms of cyber-violence that have arisen with new technologies and social networks. Last, the Ministry of Justice confirmed the introduction of the (mobile) electronic bracelet (with geo-location) in the legal framework of the fight against domestic violence.
- 3) The Ministry of Internal Security will set up a psychological unit specialising in domestic violence within the Police department, that will be trained for this purpose. The proposed activity would offer skills for

⁶⁶ Luxembourg, the national victim support platform [violence.lu](https://www.violence.lu) official website.

⁶⁷ Luxembourg, Gouvernement of Luxembourg, Taina Bofferding says no to violence against women and girls(Taina Bofferding dit non à la violence à l'égard des femmes et des filles), 21.11.2021.

better identification, not only of the perpetrators but also high-risk situations.⁶⁸

7.2 Measures addressing violence against women

In 2021 the Ministry of Equal Opportunities (*Ministère de l'Égalité des Chances*) has proposed a new initiative "a New step against violence" (*Ee Schrëtt géint Gewalt*). It is voluntary training that is offered to perpetrators of domestic violence, both men and women⁶⁹. It is a new approach adding to the existing Riicht Eraus organisation supporting perpetrators. The new project offers 80 hours of joint sessions, during which they discuss and confront (in an interactive, pragmatic manner) their situations.⁷⁰

During Covid-19 pandemics, anticipating a higher number of domestic violence cases, the Ministry of Equal Opportunities has increased several beds in facilities for victims of violence. In 2020 the ratio was 2,5 beds for 10.000 inhabitants, whereas in 2021 17 more beds were added. The ratio increased to 2,8 beds per 10.000. In emergency, it was still possible to accommodate victims in the hotels.⁷¹ Moreover, the Ministry for 2020 has shown that there was not a dramatic peak in the numbers of cases connected to Covid-19.⁷²

In 2021 the Ministry of Equal Opportunities presented a new Observatory of Equality⁷³ ⁷⁴. The Observatory is divided into seven areas: domestic violence, employment, decision-making, work-life balance, education, income, and health. One of the objectives of the Observatory is to centralise statistics on domestic violence from national actors, including Police, to forensic documentation of violence unit at the National Health Laboratory. The Observatory data will be

⁶⁸ Luxembourg. The Ministry of Gender Equality (*le Ministère de l'Égalité entre les femmes et les hommes*), Taina Bofferding, Sam Tanson et Henri Kox présentent la stratégie et les actions concertées pour améliorer la protection des victimes de violence domestique (Taina Bofferding, Sam Tanson and Henri Kox present the strategy and concerted actions to improve the protection of victims of domestic violence), 12.11.2021.

⁶⁹ Luxembourg, Ministry of Gender Equality, [New program for perpetrators of domestic violence](#) (*Nouveau programme pour les auteur-e-s de violence domestique*)

⁷⁰ Luxembourg, [Parliamentary question N° 3615 concerning domestic violence](#) (*Parliamentary question N°3615 concernant Violence domestique*).

⁷¹ Luxembourg, [Parliamentary question N°4564 concerning domestic violence](#) (*Question N°4564 concernant Violences conjugales*).

⁷² Luxembourg, Ministry of Gender Equality Reference ministry of equal opportunities -

⁷³ Luxembourg, Ministry of Gender Equality, [Taina Bofferding presents the new Equality Observatory](#) (*Taina Bofferding présente le nouvel Observatoire de l'égalité*), 09 March 2021.

⁷⁴ Luxembourg, Ministry of Gender Equality, [Observatory of Equality](#) (*Observatoire de l'égalité*), official website.

publicly available.⁷⁵⁷⁶ In late 2021, data from Police has become available and includes several indicators, such as: interventions of Police in the context of domestic violence, number of (attempted) murdered in the context of domestic violence, number of expulsions, number of victims of domestic violence, etc.⁷⁷.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy & legal developments

On 02 December 2021, the law on accessibility to all places open to the public⁷⁸ was approved unanimously by all political parties in the Parliament. From now on, all new buildings open to the public must meet new accessibility standards. Existing buildings will have ten years to become compliant.

Parallel to this, several initiatives are being prepared to complement law. Following examples from the USA, the national Government evaluates the possibility of developing shopping trolleys integrated with room for children with disabilities. ADAPT has prepared studies and evaluated several models for possible implementation⁷⁹. Shops are open to this possibility.

- **Rapport national sur l'éducation au Luxembourg** : Le rapport national sur l'éducation au Luxembourg est disponible. « Il dresse un portrait du système éducatif luxembourgeois dans son ensemble et jette un regard analytique sur les opportunités et les défis auxquels il est confronté. Le rapport sur l'éducation 2021 est [...] consacré aux thèmes de la digitalisation et de l'éducation au développement durable [...]. » Voilà l'introduction du [site-même de ce rapport](#). Pour des informations plus spécifiques en relation avec les enfants et jeunes en situation de handicap, veuillez consulter les pages 69 (Structures de soutien en faveur de l'inclusion scolaire), 70-71 (Education

⁷⁵ Luxembourg, Official webpage of the [Observatory of Equality](#)

⁷⁶ Luxembourg, Ministry of Gender Equality, [Taina Bofferding presents the new Equality Observatory](#) (Taina Bofferding présente le nouvel Observatoire de l'égalité), 09 March 2021.

⁷⁷ Luxembourg, Ministry of Gender Equality [Indicators of domestic violence](#) (Indicateurs violence domestique).

⁷⁸ Luxembourg, parliament of Luxembourg, the law of on accessibility to all places open to the public (*la loi portant sur l'accessibilité à tous des lieux ouverts*).
au public, des voies publiques et des bâtiments d'habitation collectifs

⁷⁹ Luxembourg, [Parliamentary Question on the supermarket for children with disabilities](#) (Question N°4113 de supermarché pour enfants handicapés)

physique inclusive - Les enseignant(e)s de l'enseignement fondamental à la loupe), 75-79 (L'inclusion au Luxembourg : définitions, opinions et disposition à la mise en œuvre de pratiques éducatives inclusives) et 80-81 (Influence des modules de formation initiale et continue sur les compétences perçues et l'attitude des enseignant(e)s vis-à-vis de l'éducation inclusive).

At the beginning **of the Covid-19** outbreak in 2020 many institutions for people with disabilities had to stop the admission of new residents. In 2021 as well, the institutions had little work and were only filled to 64% of their capacities. In May 2021, the institutions were filled up to 79%. As of 22 February 2021, new regulations were implemented to coordinate the reception of new residents in residences for people with disabilities. Accordingly, it is recommended that residents are either tested a minimum of twice a week (PCR test or a rapid test). Also, the management of each establishment has leeway to adopt sanitary criteria for admission of new residents (tests, quarantine, social distancing) according to the type of disability.⁸⁰

In 2021, the members of Parliament addressed the question of quotas for employees with disabilities. Under the amended law of 12 September 2003⁸¹ the public sector⁸² must comply with the obligation to employ at a rate of 5% of their total staff full-time employees who have been recognised as having a disability; private companies must hire a worker with impairments per the size of their organisation.⁸³ In 2021, similarly to 2020 overall, 81,7 % of companies had not fulfilled the quotas. For companies that have over 300 employees, that makes 98%.⁸⁴ At the same time, no companies have been sanctioned.⁸⁵ Currently, the State has several incentives to promote employment of people with disabilities, that include: 1) state aid for wages of 40% -100%, including employer charges; contribution to training costs; 2) special assistance to manage the workplace and the working environment; 3) provision of specialized work equipment; Contribution to transport costs.⁸⁶ The Government also proposes certain activities

⁸⁰ Luxembourg, [Parliamentary Question N ° 4335 concerning New admissions to reception facilities for the elderly and disabled](#) (*Question N°4335 concernant Nouvelles admissions en structures d'accueil pour personnes âgées et handicapées*)

⁸¹ Luxembourg, [the act of 12 September 2003 on people with disabilities](#) (Loi du 12 septembre 2003 relative aux personnes handicapées) Art. 10

⁸² Luxembourg, Insitute for societal development (IMS) (2016). [Handi\(cap\) emploi. A practical guide to disability in the workplace](#). IMS Luxembourg.

⁸³ Luxembourg, Labour Code, Art. L. 562-3.

⁸⁴ Luxembourg, Pq 3122

⁸⁵ Luxembourg, note: that is potentially due to a lack of applications rather than discrimination during the recruitment process

⁸⁶ Luxembourg, [Parliamentary question N ° 3112 concerning antigenic tests](#) (*Question N°3112 concernant tests antigéniques*).

of inclusive support (*Assistant à inclusion*)⁸⁷, which allows a company, together with the employee to plan and accompany the inclusion of the employee in the company.⁸⁸

Covid-19 pandemics pushed people to use the internet more. The equality body emphasised the need to make internet space more inclusive and provide more information accessible to various groups. In 2021, Centre for Equal Treatment (CET) and civil rights organisations also called for the translation of official details regarding Covid-19, vaccination, etc., into easy-to-read language.⁸⁹ In 2021 National action plan 2019-2024 was adapted into easy to read language.⁹⁰, followed by information on the vaccination campaign⁹¹, including German sign language.

In Luxembourg, vaccination centers were accessible to people with reduced mobility. If necessary, a person could be accompanied during the visit to the vaccination centre. Vaccination centres could receive support from support groups for people with hearing impairment (*Hörgeschädigten Beratung*) via Skype.

In 2021, a “Waringo report”⁹² (conducted by 11 experts) disclosed a situation of Covid-19 in care institutions, mostly elderly homes. According to the report, 53 infection clusters appeared across different care institutions due to unclear guidance and instructions from the Ministries. The report stressed that no plan was developed for before an emergency. One institution where many deaths

⁸⁷ Luxembourg, [the act of August 1, 2019 supplementing the labor code by creating an activity to assist with inclusion in employment for employees with disabilities and employees on external reclassification](#) (*Loi du 1er août 2019 complétant le code du travail en portant création d'une activité d'assistance à l'inclusion dans l'emploi pour les salariés handicapés et les salariés en reclassement externe*).

⁸⁸ Luxembourg, note: these actions go along with the 2019-2024 National Action Plan for the Implementation of the UN Convention on the Rights of Persons with Disabilities, which aims to: Emphasize the skills and added value of people with disabilities in the world of work and projects of the European Social Fund (FSE) which supports initiatives of employment from other private and public actors.

⁸⁹ Luxembourg, APEMH (2021), [Annual report 2020](#) (*Rapport d'activités 2020*), p.44

⁹⁰ Luxembourg, Official center for easy to read language (*offizielle Zentrum für Leichte Sprache*), [Action plan easy to read language](#) (*Aktions-Plan in Leichter Sprache*).

⁹¹ Luxembourg, Official center for easy-to-read language (*offizielle Zentrum für Leichte Sprache*), [Covid-19: Invitation for vaccination](#) (*Covid-19: Invitation pour la vaccination*).

⁹² Luxembourg, Official page of the Government of the Grand Duchy of Luxembourg, Working group in charge of carrying out an independent study on the clusters observed in certain accommodation structures for the elderly (*Groupe de travail en charge de la réalisation d'une étude indépendante au sujet des clusters observés dans certaines structures d'hébergement pour personnes âgées*) [Report of the Working Group](#) (*Rapport du Groupe de travail*).

occurred was too old, not adapted for the vaccination campaign, and was late with the vaccination plan realisation.⁹³

8.2 CRPD monitoring at the national level

There has been no change regarding the structures and roles established under article 33 of the Convention, i.e. Act of 28 July 2011.⁹⁴

In 2021 in its report, the ENNHRI drew attention to the relations of Consultative Commission on Human Rights (CCHR, *la Commission consultative des Droits de l'Homme- CCDH*) monitoring body) and the Government. There it was stressed that the Parliament rarely considers the institution's opinions on legislation. For instance, it noted that the "Government accepted the CCDH's recommendation to establish an independent mechanism to monitor and analyse the situation of older persons or persons with disabilities living in care facilities.⁹⁵". However, "it entrusted this mission to the Commission without giving it the necessary resources to do so."⁹⁶

⁹³ Luxembourg, rtl.lu, [Faced with the Covid, structures for seniors were poorly prepared](#) (*Facé au Covid, les structures pour seniors étaient mal préparées*), 12.07. 2021.

⁹⁴ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des droits de l'homme*) (2018). [Discussion paper: Rights of persons with disabilities. Institutions and organisations for the defense of the rights of people with disabilities](#) (*Document de réflexion: Droits des personnes en situation de handicap. Les institutions et organismes de défense des droits des personnes handicapées*).

⁹⁵ Luxembourg, note: reference is made to 2020

⁹⁶ ENNHRI (2021), [Annual contribution to the EU's rule of law monitoring cycle](#), p.235

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	LGBTI Inclusion at the workplace
Title (EN)	LGBTI Inclusion at the workplace
Organisation (original language)	IMS Luxembourg
Organisation (EN)	IMS Luxembourg (Institute for societal development)
Government / Civil society	Civil society
Funding body	Private
Reference (incl. URL, where available)	https://indd.adobe.com/view/eef2549e-10c2-4822-aaa1-687a89acb93a

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	n.a.
Type of initiative	informative
Main target group	Enterprises, emoyers, employees
Indicate level of implementation: Local/Regional/National	National, international
Brief description (max. 1000 chars)	Good practices, testimonials and useful resources : This guide is a collection of ideas that have already been implemented in companies or institutions, mainly in Europe, which has proven to be effective in the fight against lgbt-phobic acts. All of the practices are intended to be inspiring. Each person is free to share, reproduce or adapt them to his or her own reality.
Highlight any element of the actions that is transferable (max. 500 chars)	This guide collexts best experience from different countries that could be picked up by own choosing, depending on the needs of the company.
Give reasons why you consider the practice as sustainable (as	Such a guide could be regularly updated; information could be exchanged among the memembrs.

opposed to 'one off activities')	
Give reasons why you consider the practice as having concrete measurable impact	n.a.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Such a guide could be regularly updated; information could be exchanged among the members.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and	n.a.

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

Thematic area	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	Month of respect Mois du Respect
Title (EN)	Month of respect
Organisation (original language)	Ville de Dudelange
Organisation (EN)	Community of Dudelange (with the support of state as well as NGO organisations)
Government / Civil society	state
Funding body	Municipality of Dudelange, Ministry of Family and Integration

Reference (incl. URL, where available)	http://moisdurespect.lu
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	16.05.2021-18.06.2021
Type of initiative	educational
Main target group	residents
Indicate level of implementation: Local/Regional/National	local
Brief description (max. 1000 chars)	<p>The month of respect, organized for the first time in 2021, is supposed to draw the attention of the population of the commune to the values that are hidden behind this little word so innocuous in appearance, but so important for the good living together and therefore in fine for the survival of our democratic societies. These values are resilience, equality, solidarity, perspectives, empathy, communication, tolerance. This month was divided into a variety of activities organized:</p> <ul style="list-style-type: none"> o for the staff of basic schools. o for the staff of Lycée Nic-Biever; o for the staff of the relay houses, of the youth centre; o for the staff of the City of Dudelange; o for the general public.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>It is an educational event that could be organised by the municipality. Experts in the field are needed.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Impact of educational practices are long lasting: their effect is tangible in later in the future. The activities embrace a wide range of the population (young, adults, elderly) and it together, it educated citizens to alter their minds.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>nab</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>It is an educational practice, which could be organised with the support of experts in the field who would bring their skills and experience together in one meaningful action.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The practice involves various state and non-governmental actors. Some are involved in the funding of the event, others are in the organisation and realisation.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>n.a.</p>

Thematic area	<p style="text-align: center;">ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</p>
Title (original language)	<p><u>No promising practice has been identified for this thematic area</u></p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Title (original language)	Cybersecurity week
Title (EN)	Cybersecurity week
Organisation (original language)	
Organisation (EN)	
Government / Civil society	Private companies
Funding body	Private companies
Reference (incl. URL, where available)	https://www.cybersecurityweek.lu/about/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	18 October-28 October 2021
Type of initiative	Information, raising awareness, networking event
Main target group	Companies, citizens,
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	Cybersecurity Week Luxembourg is an advocacy-campaign week, which aims to raise awareness about cybersecurity threats, promote cybersecurity among citizens and professionals, and provide the latest information available in this field through education and sharing of good practices.
Highlight any element of the actions that is transferable (max. 500 chars)	The event addresses most recent, important topics in the field of cyber security.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>It is a regular event, it has been taking place for the 5th time. It changes foci, it is agile and picks up the trends in the field.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>N.a. it will happen in the coming month.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>It is an agile event. It takes the most recent trends (i.e. hacking during Covid-19, ransom, phishing, DDoS attacks, etc.) and provides tools for dealing and finding alternative remedies to it. Every company, government needs to know how to address most recent trends.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>It is a private event. Private companies become sponsors of the event, and in that way, they learn the most recent information, from the most recent trends. Also funding companies become sponsors that awards various prizes to participants.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>n.a.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Stop aux violences sexuelles contre les enfants
Title (EN)	Stop sexual violence against children
Organisation (original language)	ECPAT Luxembourg, (KJT) Child/Youth-Telephone
Organisation (EN)	ECPAT Luxembourg, (KJT) Kanner-Jugendtelefon
Government / Civil society	Civil society
Funding body	ECPAT Luxembourg, (KJT) Kanner-Jugendtelefon
Reference (incl. URL, where available)	https://stop-csam.lu

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	20 September 2021-
Type of initiative	Raising awareness
Main target group	Children, youth, adults,
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	The main objective of the campaign is to raise awareness of Luxembourg on the nature of the Sexual Abuse Equipment (CSAM), the importance of good use of terms, means of signalling this illegal material, as well as because it is sexual violence against children, a crime that requires effective prevention and appropriate consequences.
Highlight any element of the actions that is transferable (max. 500 chars)	The campaign promotes and encourages to use a neutral terminology in the field of child violence. "CSAM" is an abbreviation of the English term: Child Sexual Abuse Material, in French " Matériel daubs Sexuels d'Enfants » " currently employed in the professional environment, by organizations such as Interpol and Europol. The term CSAM replaces erroneous terms such as "pedopornography" and "child pornography." The campaign encourages all members use this term.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>It is a raising awareness activity, it is easy to organise, needs support from only several actors, it is easily prepared and distributed via digital sources.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>n.a.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Child Sexual Abuse Material (CSAM) is a form of sexual violence; over the last years it has become an important and very harassing source in Internet. This increase was not only observed in Luxembourg, but also at European and global level.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>All actors in the field of child protection, child abuse- are involved in the activity. It is not known how and where each organisation is involved.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>It is an on-going campaign.</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	#BrightSky application
Title (EN)	#BrightSky application - free of charge
Organisation (original language)	Vodafone Foundation and NGO Femmes en Détresse
Organisation (EN)	Vodafone Foundation and NGO Femmes en Détresse
Government / Civil society	Private and civil society
Funding body	Private company (Vodafone Foundation)
Reference (incl. URL, where available)	#BrightSky

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	ongoing
Type of initiative	Victim support, signalling violence measure
Main target group	Women victims of domestic violence
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	the "Bright Sky" app offers--free of charge--is the possibility to assess the safety of a relationship, locate support centres and learn about different types of abuse. Additional special features have also been added specifically for victims, with more in the works over the year ahead.
Highlight any element of the actions that is transferable (max. 500 chars)	Luxembourg is the latest country to launch the app, which is already live in the United Kingdom, Ireland, Italy, the Czech Republic, Romania, Portugal and South Africa. More countries could join in the application distribution

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>It has been implemented in several countries and has solid support from own beneficiaries.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>n.a.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>It exists in several companies. The app is already available in English, French, Luxembourgish and Portuguese, with Arabic and Serbian expected to be added in the coming year.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Vodafone Foundation Luxembourg has worked in partnership with Luxembourg NGO Femmes en Détresse and the UK-based Thames Valley Partnership and Aspirant to create the app.</p> <p>Various companies in the Luxembourg have also supported the creation of this new app. For instance, Post Luxembourg is making data on the app free for its customers in the Grand Duchy.</p> <p>Other companies have come forward as well with pro bono offers, including JC Decaux, which has helped arrange an awareness campaign</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>n.a.</p>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Covid-19: Invitation pour la vaccination
Title (EN)	Covid-19: Invitation for vaccination
Organisation (original language)	<i>Offizielle Zentrum für Leichte Sprache</i>
Organisation (EN)	Official centre for easy-to-read language
Government / Civil society	Civil society
Funding body	n.a.
Reference (incl. URL, where available)	https://drive.google.com/file/d/1Vayq65wF6uA19uEiyp_qq5OVVshBONOu/view?usp=sharing

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2021
Type of initiative	informative
Main target group	People with disabilities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The centre has translated several important documents related to the vaccination campaign to make it accessible to people with disabilities.
Highlight any element of the actions that is transferable (max. 500 chars)	Translation important information related to Covid-19 vaccination campaign allows people with disabilities obtain information in an autonomous way.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Such information could be shared; translation into easy read language could be used in other official documents used by the Government during campaigns.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>n.a.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>n.a.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>n.a.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>It is a one-time campaign. Not applicable</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	24 March 2021
Reference details	Court of Appeal Judgement no. 106/21 X (Not. 17467/19/CD) anonymised judgement.
Key facts of the case (max. 500 chars)	The public prosecutor accused Mr X of disseminating hate speech via social media (Facebook and VK). He shared anti-black racist, xenophobic (against people from Northern Africa and the Maghreb), transphobic and anti-semitic content. Mr X appealed, apologising for his remarks, informing he is undergoing psychological treatment and requesting a dropping of the prison sentence. The Court of Appeal judgement dropped the prison sentence.
Main reasoning/argumentation (max. 500 chars)	Mr X's dissemination of transphobic, anti-black racist, xenophobic against people from Northern Africa and the Maghreb and anti-semitic content via social media networks was considered an infringement of the Luxembourg Criminal Code article 457-1 regarding inciting hate. However, the court views the case as more severe given the scale of the dissemination - publicly on social media - and that the defendant's reputable social status as a physician.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The judgement clarified that disseminating racist, xenophobic, transphobic, and anti-semitic content on social media is an infringement of Luxembourg Criminal Code article 457-1.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Luxembourg District Court (17 December 2020) sentenced the defendant to 9 months in prison and a EUR 2,000 fine. However, the Court of Appeal judgement increased the fine to EUR 3,500 and dropped the prison sentence due to the defendant's income.

**Key quotation in original language
and translated into English with
reference details (max. 500 chars)**

« (...) le contenu des propos d'incitation à la discrimination, à l'hostilité et à la violence diffusés par le prévenu (...) visaient (...) des personnes en raison de leur origine, fûtelle nord-africaine ou maghrébine, (...) à raison de leur (...) religion, à savoir la religion juive ou (...) leur orientation sexuelle, à savoir les personnes transgenres. (...) les propos (...) ont été diffusés et partagés par une personne d'un certain statut social. Cette diffusion a eu lieu sur des réseaux sociaux, de sorte qu'ils ont pu être facilement lus par un large public. L'ampleur et l'impact majeur des propos d'incitation à la haine sur les réseaux sociaux ne laissent dès lors subsister de doute quant à la gravité des infractions commises »

(...) the content of the remarks of incitement to discrimination, hostility and violence disseminated by the defendant (...) were aimed (...) at people because of their origin (Northern African or from the Maghreb), because of their (...) religion, namely the Jewish religion or their sexual orientation, namely transgender people. (...) a person of reputable social status shared the remarks. Moreover, this dissemination took place on social media so that a large audience could easily read them. Therefore, the scale and the significant impact of incitement to hatred on social networks leaves no room for doubt as to the seriousness of the offences committed.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	8 March 2021
Reference details	Diekirch Labour Court judgement no. 310 / 21 (anonymised judgement)
Key facts of the case (max. 500 chars)	Between 2008 and 2015, the plaintiff, Ms X, was an employee of cleaning company X. In 2015, company Y took over the contracts of Company X and sent an amendment to the original contract to the plaintiff to be signed. The plaintiff refused to sign the amendment. In 2016, company Y changed her work schedule and locations as foreseen in the original contract. Ms X did not agree with these changes. She claims that company Y is discriminating against her based on her age and Maghreb origin. She claims that company Y hired a replacement who is younger and not of North African origin.
Main reasoning/argumentation (max. 500 chars)	The judgement indicates that the principle of non-discrimination does not require equal treatment on a basic level but simply prohibits the use of specific criteria (gender, age, disability etc.) to justify a difference in treatment. ⁹⁷ However, the court insists that the employee has the burden of proof and must show facts that demonstrate a causal link between the employer's decision and the discriminatory criteria. ⁹⁸ The judge ruled that the employee failed to prove the causal link between the employer's decision (to change the employee's schedule and work location) and the alleged discrimination criterion – age and origin. The facts presented by the employee did not prove that the employer replaced her with a younger person who is not of North African origin.

⁹⁷ According to the [Luxembourg Labour Law \(Code du Travail\)](#), article L.251-1, direct discrimination is when one person is treated less favourably than another person who is in a comparable situation on the basis of religion or beliefs, disability, age, sexual orientation, nationality,

race or ethnicity. Indirect discrimination is when an apparently neutral provision, criteria or practice results in a disadvantage for persons of a particular religion or belief, persons with disability, of certain age or sexual orientation, race, ethnicity or nationality.

⁹⁸ [Court of Appeal Judgement no. 35832 of 15 December 2011](#) p. 7

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The judgement discussed the burden of proof in discrimination cases. The ruling states that the burden in discrimination cases lies with the employee, and it must establish the facts that underpin her allegation. Furthermore, the facts must show a causal link between company Y's decision and one of the specific discrimination criteria defined in Labour Law (Code du Travail) article L.251. Subsequently, the employer – company Y - bears the burden of proving there has not been a violation of the principle of non-discrimination.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Diekirch Labour Court ruled in favour of company Y. No sanctions related to discrimination allegations were imposed by the court to either party.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>« Il appartient (...) au salarié (...) d'établir les faits qui permettent de présumer l'existence d'une discrimination (...) il appartient à l'employeur de prouver qu'il n'y a pas eu violation du principe de l'égalité de traitement. Les éléments apportés par le salarié doivent laisser supposer l'existence d'un lien de causalité entre la décision de l'employeur et un quelconque critère discriminatoire. (..) la salariée (..) n'a notamment pas prouvé que l'employeur aurait pourvu à son remplacement sur le site par une personne plus jeune et n'étant pas d'origine maghrébine. »</p> <p>"It is for (...) the employee (...) to establish the facts which allow the existence of discrimination to be ascertained (...) it is for the employer to prove that there has not been a violation of the principle of equal treatment. The information provided by the employee must suggest the existence of a causal link between the employer's decision and any discriminatory criterion. (..) the employee (..) in particular has not proven that the employer replaced her by a younger person who is not of North African origin."</p> <p>Diekirch Labour Court judgement no. 310 / 21 (anonymised judgement) p. 12</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	20 October 2021
Reference details	Luxembourg District Court 9 th Chamber correctional/criminal judgement no. 2120/2021 (Not. 31577/18/CD) anonymised judgement
Key facts of the case (max. 500 chars)	The public prosecutor accused a police officer Mr X of disseminating anti-Roma hate speech via social media. Mr X publicly apologised for his remarks. As a result, the Luxembourg District Court suspended his sentence.
Main reasoning/argumentation (max. 500 chars)	Mr X's dissemination of anti-Roma content via social media was considered an infringement of the Luxembourg Criminal Code article 457-1 regarding inciting hate. Mr X's defence admitted to the offence and added that the defendant was angry and drunk when committing the crime as attenuating circumstance. The court decided to convict the defendant for the criminal offence but suspended the sentencing for a duration of three years, given that the defendant had no prior criminal record and because of his genuine repentance.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court decided that for the content of hate speech to be considered a criminal offense of incitement to hate, it suffices for the content to arouse feelings of hate, violence or discrimination. However, the content does not need to incite hate, violence or discrimination explicitly.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Luxembourg District Court convicted the defendant of having committed the offence foreseen in the Criminal Code article 457-1 regarding inciting hate but suspended the sentencing for a duration of three years based on article 621 of the Criminal Procedure Code, as the offence is punishable with less than two years of imprisonment. As a result, the defendant was only liable for paying legal fees. However, the court was clear that this is a favour that can be revoked if he is convicted of a crime punished with at least six months imprisonment, and in that case, both condemnations will not be confused.

**Key quotation in original language
and translated into English with
reference details (max. 500 chars)**

« (...) Pour que l'infraction soit établie dans le chef du prévenu, il faut que les propos soient susceptibles d'entraîner un sentiment de haine à l'encontre du groupe de personnes visé, à savoir un sentiment violent qui pousse à vouloir du mal ou une aversion profonde. Il n'est pas nécessaire que les messages contiennent une exhortation à la haine, à la violence ou à la discrimination. Il suffit, pour que l'infraction soit constituée, que les messages soient de nature à susciter ces sentiments. »

"(...) For the offense to occur, the content must likely lead to a feeling of hate against the group of people targeted, namely a violent feeling that leads to wanting evil or deep aversion. Content does not need to contain an incitement to hate, violence or discrimination. For the offense to be constituted, it suffices for the content to arouse these feelings. "

(Luxembourg District Court 9th Chamber correctional/criminal judgement [no. 2120/2021](#) ([Not. 31577/18/CD](#)) anonymised judgement p. 4)

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
Decision date	11 January 2021
Reference details	Grand Duchy of Luxembourg Administrative Tribunal 2 nd Chamber No. 45241 Tribunal administratif du Grand-Duché de Luxembourg 2eme chambre Numéro 45241 du rôle
Key facts of the case (max. 500 chars)	A national of Nigeria and international protection applicant currently residing at the Emergency Shelter Structure in Kirchberg, Luxembourg (<i>Structure d'Hebergement d'Urgence um Kierchbiereg – SHUK</i>) is requesting not to be transferred back to Italy, where he first applied for international protection in 2015. Furthermore, the applicant requests an annulment of the transfer decision issued by the Minister of Immigration and Asylum.
Main reasoning/argumentation (max. 500 chars)	The applicant argued that Italy's systemic deficiencies and lack of adequate reception could not ensure his fundamental rights. A transfer to Italy would amount to a real risk of inhuman or degrading treatment. He cited Luxembourg Administrative Tribunal case law no. 41401/2018 that resulted in the annulment of the transfer to Italy on the same grounds. He also claimed that if transferred to Italy, he risks arbitrary refoulement to Nigeria, given that Italy systematically disrespects the principle of non-refoulement.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The judgement clarified that the evidence of inhuman treatment presented by the plaintiff, including the Luxembourg Administrative Tribunal case law no. 41401/2018 , is insufficient to prove that (i) he would be likely to suffer inhuman treatment upon reception in Italy, (ii) Italy does not offer the right to an effective remedy, or (iii) he would not be able to assert his rights before the Italian courts.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The tribunal ruled for the transfer to Italy of the applicant of international protection.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>« Dans le cadre de la procédure « Dublin », il ne revient pas aux autorités luxembourgeoises d'analyser les risques d'être soumis à des traitements inhumains au sens de l'article 3 CEDH dans votre pays d'origine, mais dans l'Etat de destination, en l'occurrence l'Italie. Vous ne faites valoir aucun indice que l'Italie ne vous offrirait pas le droit à un recours effectif conformément à l'article 13 CEDH ou que vous n'aviez ou n'auriez pas la possibilité de faire valoir vos droits quant au fond de votre demande devant les juridictions italiennes, notamment en vertu de l'article 46 de la directive < Procédure > > »</p> <p>"In the context of the "Dublin" procedure, it is not for the Luxembourg authorities to analyse the risks of being subjected to inhuman treatment within the meaning of Article 3 ECHR in your home country, but in the destination state, in this case, Italy. You do not show any evidence that Italy does not offer you the right to an effective remedy per Article 13 ECHR or that you did or would not have the possibility to assert your rights as to the substance of your claim before the Italian courts, in particular under Article 46 of the Procedures Directive.⁹⁹"</p> <p>Grand Duchy of Luxembourg Administrative Tribunal 2nd Chamber No. 45241 p. 5</p>

⁹⁹ [Directive 2013/32/EU](#) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

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

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

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	1 April 2021
Reference details	Court of Cassation judgement N° 58 / 2021 (CAS-2020-00095) (anonymised judgement)
Key facts of the case (max. 500 chars)	The court accused urologist Dr X of sexual contact with three female patients examined and treated for kidney-related ailments between 2015 and 2017. The sexual contact involved touching their breasts and pubic area, hugging the patients from behind, rubbing his erect penis against them, and making sexual remarks.
Main reasoning/argumentation (max. 500 chars)	The defendant claims that he acted professionally and strictly adhered to medical procedures/protocols when examining the patients; thus, his acts did not constitute indecent assault. The court dismissed this reasoning. The Court of Cassation considers that the Luxembourg District Court and the Court of Appeal adequately applied the Luxembourg Criminal Code Chapter V on indecent assault and rape (articles 372 – 378) in this case.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Dr X invoked that the principle of no punishment without law had been violated. He sustains that the Criminal Code of Luxembourg articles on indecent assault is not clear enough. The Court of Cassation key legal question, in this case, was whether the Luxembourg District Court and Court of Appeal's judgements appropriately applied the Luxembourg Criminal Code within Chapter V on indecent assault and rape (articles 372 – 378).
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Luxembourg District Court (N°1954/2019 of 11 July 2019) charged him for indecent assault with the aggravating circumstance of abusing his position of authority as a physician, and the fact that one of the victims was particularly vulnerable (in pain and a wheelchair). As a result, the court sentenced him to 36 months in prison and prohibited him from exercising his professional activity for five years. The judgements of the Court of Appeal (No. 256/20 of 14 July 2020) and Court of Cassation (N° 58 / 2021 (CAS-2020-00095 of 1 April 2021)) upheld this decision.

Key quotation in original language and translated into English with reference details (max. 500 chars)

« Concernant la circonstance aggravante prévue à l'article 377 du Code pénal en ce qui concerne la personne qui abuse de son autorité (...) Dans le cadre de l'exercice de sa profession de médecin D) a profité de cette position pour réaliser les agissements qui lui sont actuellement reprochés sur des victimes qui étaient en état de choc au moment des faits et démunies de tout moyen pour se défendre contre les agissements impudiques du prévenu intervenus au moment de l'examen médical. »

"Regarding the aggravating circumstance of abuse of authority, as per Criminal Code Article 377 (...) doctor D,) took advantage of this position as a doctor to carry out the acts (...) on victims who were in a state of shock at the time of the events and deprived of any means to defend themselves against the indecent acts (...) during the medical examination."

Court of Cassation judgement [N° 58 / 2021 \(CAS-2020-00095\) of 1 April 2021](#) p. 23

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	31 May 2021
Reference details	Administrative Tribunal No. 45844
Key facts of the case (max. 500 chars)	A Colombian national claims he was kidnapped, tortured and rendered disabled by the paramilitary group "Autodefensas Campesinas del Casanare" in Colombia in 2000. In 2016 he requested compensation from the Government of Colombia for the disability and then received death threats. The Government of Colombia denied him police protection. In 2017, he left Colombia and requested international protection in Germany. He applied and was rejected international protection in Luxembourg twice – once in 2018/2019 and 2021. In both instances, the courts upheld the MoFA rejection decision.
Main reasoning/argumentation (max. 500 chars)	The plaintiff appealed the decision before the Administrative Tribunal. He argues that the CRPD is applicable as it obliges all signatory states to ensure access for people with disabilities to fundamental rights. Returning him to Colombia would expose him to reliving a traumatic situation; sending him to Germany would amount to disregarding the principles enshrined in the CRPD. Furthermore, the German authorities had not provided him with dignified and adequate treatment, considering his disabled status.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The judgement of the Administrative Court (19 November 2020 No. 44967C) dismissed the plaintiff's appeal, upholding the MoFA's rejection of international protection. In 2021 he applied for international protection for a second time, alleging he would not be safe in Colombia given the violence against human rights defenders, social activists, amongst others. The Administrative Tribunal (31 May 2021 No. 45844) dismissed the appeal stating that there were no new facts to support the application for international protection. Furthermore, the tribunal indicated that different procedures apply to disability concerns instead of international protection procedures.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court dismissed the plaintiff's appeal; therefore, the administrative decision rejecting his request for international protection was upheld, and the Government ordered him to leave the territory.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>« En ce qui concerne (...) violation des dispositions de la Convention des Nations-Unies relatives aux droits des personnes handicapées (...), la Cour rappelle que le juge administratif (...) se prononce exclusivement sur la reconnaissance du statut de réfugié (...), l'invocation de problèmes de santé, y compris de handicap, relève d'une autre procédure que celle de la demande de protection internationale. (...) ». Tribunal administrative audience public du 31 may 2021 (Numéro 45844 du role) p.7</p> <p>"With regards to the (...) violation of the provisions of the United Nations Convention on the Rights of Persons with Disabilities (...), the court recalls that the administrative judge (...) rules exclusively on the recognition of refugee status (...), health concerns, including disability, are dealt with under a different procedure than that of the application for international protection. (...)". Administrative Tribunal judgement No. 45844 of 31 May 2021 p. 7</p>