

# Coronavirus pandemic in the EU – Fundamental Rights Implications

**Country:** Luxembourg

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# 1 Measures taken by government/public authorities

## 1.1 Emergency laws/states of emergency

Compliance with safety measures and police actions: In March 2020 Luxembourg declared state of emergency, allowing the government to make rapid and exceptional legislative decisions in the context of the coronavirus outbreak through regulations or decrees.<sup>1</sup> As of 11 May 2020, new measures aiming at a gradual exit from the confinement have been applied, which are still subject to strict compliance with sanitary measures and barrier gestures.<sup>2</sup> For example, visits of a private nature organized at home are allowed up to six people in addition to the people living in the same household, and outdoor gatherings in a public place for a maximum of twenty people became available as well.<sup>3</sup> Compliance with safety measures (i.e. obligatory social distancing, wearing of face masks where physical distancing cannot be guaranteed and complying with the strict rules of social gatherings) are, however, still to be respected and thus frequently controlled by the Grand Ducal Police. Between 11 and 19 of May 2020, around 115 police checks had been carried out on a daily basis. Approximately 25 fines were issued per day during this period, primarily to members of the public not wearing masks where needed. 80 infractions were counted on the beaches of the Upper Sûre Lake where people continued gathering despite the site being officially closed.<sup>4</sup> Between 19 and 26 May 2020, approximately 100 checks had been carried out each day, leading to 15 fines issued. According to the police, 90% of those charged were not wearing masks in circumstances where masks are compulsory. The remainder of the fines were issued to those who were not respecting social distancing rules.<sup>5</sup>

Parliamentary discussion on the end of state of emergency: The state of emergency has a maximum duration of three months, ending on 24 June 2020 when all regulations adopted under the state of emergency will lapse. However, effective measures to handle the COVID-19 situation will still be needed. To this end, the government presented the so called COVID-19 act before the parliament on 13 May 2020.<sup>6</sup> The first draft of the bill aimed at covering broadly the COVID-19 situation following the end of the state of emergency, and proposed to regulate particular situations through specific grand-ducal regulations. The opposition expressed its disapproval towards the bill arguing that they prefer regulating through individual laws, rather than an “empty shell” which would require the use of grand-ducal regulations and thus delegate too much power to the executive. The opposition emphasised that the parliament remains fully operational and can very well meet in plenary session

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<sup>1</sup> Luxembourg, [grand-ducal decree of 18 March 2020 introducing a series of measures to combat the Covid-19](#) (*règlement grand-ducal du 18 mars 2020 portant introduction d’une série de mesures dans le cadre de la lutte contre le Covid-19*) and Luxembourg, [act of 24 March 2020 extending the state of crisis declared by the Grand-Ducal regulation of 18 March 2020 introducing a series of measures as part of the fight against Covid-19](#) (*Loi du 24 mars 2020 portant prorogation de l’état de crise déclaré par le règlement grand-ducal du 18 mars 2020 portant introduction d’une série de mesures dans le cadre de la lutte contre le Covid-19*).

<sup>2</sup> Luxembourg, [grand-ducal regulation of 6 May 2020 amending the modified grand-ducal regulation of 18 March 2020 introducing a series of measures in the fight against Covid-19](#) (*règlement grand-ducal du 6 mai 2020 portant modification du règlement grand-ducal modifié du 18 mars 2020 portant introduction d’une série de mesures dans le cadre de la lutte contre le Covid-19*).

<sup>3</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [COVID-10 exit phase 2](#), accessed on 29.05.2020.

<sup>4</sup> Luxembourg, RTL Today, [25 fines issued per day as police monitor sanitary infractions](#), News press release on 19.05.2020.

<sup>5</sup> Luxembourg, RTL Today, [People fined for ignoring health measures at Upper-Sûre Lake](#), News press release on 26.05.2020.

<sup>6</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [COVID-19: Towards a specific law](#) (*COVID-19 : Vers une loi spécifique*), 13.05.2020.

to vote rapidly on a particular bill necessary to fight against the spread of the virus.<sup>7</sup> After taking into consideration the arguments of the opposition, the government abandoned its original idea and presented its new proposal about drafting two new laws.<sup>8</sup> The first deals with measures concerning natural persons with limitations on meetings and gatherings, protective measures and sanctions in the event of breaching the rules. The second bill deals with measures relating to economic activities and welcoming the public. The two new laws will enter into force for duration of one month.<sup>9</sup>

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

Phase 2 of the deconfinement: On 11 May 2020 the second phase of the deconfinement has entered into force.<sup>10</sup> Accordingly, several measures have been put in place in order to gradually ease the nationwide restrictions while maintaining, however, the obligation to respect social distancing and the necessary sanitary measures. Deconfinement Phase 2 allows:

- visits of a private nature organized at home up to six people in addition to the people living in the same household;
- outdoor gatherings in a public place for a maximum of twenty people;
- visiting National Archives, public libraries, museums and exhibition centres;
- full reopening of businesses (except for cinemas, sports halls and restaurants);
- practicing certain types of sports, including golf, tennis and football (i.e. without any physical contact, in the absence of any activity of a competitive nature and without the public).<sup>11 12</sup>

Phase 3 of the deconfinement: On 27 and 29 May 2020 the third phase of deconfinement has entered into force, bringing along several further measures leading to an eventual full deconfinement.<sup>13</sup> These are:

- as of 27 May 2020 outdoor areas of cafes, restaurants and bars could reopen, however, with respecting several precautionary safety measures, such as (i) guests always have to be seated and a maximum of 4 people can sit at one table (unless they are from the same household); (ii) staff and guests have to wear masks except for when sitting at the table; (iii) at least 1.5

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<sup>7</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [The opposition against a COVID-19 law](#) (*L'opposition contre une loi COVID-19*), 19.05.2020.

<sup>8</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [Exit from crisis: towards two COVID-19 laws](#) (*Sortie de crise: vers deux lois COVID-19*), 19.05.2020.

<sup>9</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [Two covid laws and one end of crisis law](#) (*Deux lois COVID et une loi fin de crise*), 29.05.2020.

<sup>10</sup> Luxembourg, [grand-ducal regulation of 6 May 2020 amending the modified grand-ducal regulation of 18 March 2020 introducing a series of measures in the fight against Covid-19](#) (*règlement grand-ducal du 6 mai 2020 portant modification du règlement grand-ducal modifié du 18 mars 2020 portant introduction d'une série de mesures dans le cadre de la lutte contre le Covid-19*).

<sup>11</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [COVID-10 exit phase 2](#), accessed on 29.05.2020.

<sup>12</sup> Luxembourg, RTL Today, [What changes to expect in Luxembourg as of Monday?](#), Press news release on 10.05.2020.

<sup>13</sup> Luxembourg, [grand-ducal regulation of 26 May 2020 amending the modified grand-ducal regulation of 18 March 2020 introducing a series of measures in the fight against Covid-19](#) (*règlement grand-ducal du 26 mai 2020 portant modification du règlement grand-ducal modifié du 18 mars 2020 portant introduction d'une série de mesures dans le cadre de la lutte contre le Covid-19*).

- meter distance must be maintained between tables or a plexiglas must be installed; (iv) restaurants can only receive guests upon bookings, (v) bars have to close at midnight;
- as of 29 May 2020 indoor areas of cafes, bars and restaurants can reopen as well with respecting the abovementioned rules;
- gatherings of people are still limited to six persons when the gathering takes place in a closed place and to twenty people when the gathering takes place outdoors and in a public place, however, exceptions to the rule can be made for special events such as funerals, weddings, protests, congresses and cultural events (i.e. more that more than 20 people can attend these events);
- gyms can reopen as well, with measures in place to ensure that physical distancing is guaranteed.<sup>14 15</sup>

Furthermore, in the course of the month of May the government has announced the distribution of 50 face masks for each resident of Luxembourg above age 16, as well as to cross-border workers. The distribution points were communicated to the public on the government's COVID-19 website<sup>16</sup> and by each commune. The government sent information to each resident with directions on how to receive masks.

## 1.2.2 Education

Luxembourg's secondary schools partially reopened for final year students on 4 May 2020. All other secondary school students returned to school on 11 May 2020. On 25 May 2020 primary schools, day-care centres and out of school centres across the country opened their doors as well.<sup>17</sup> In order to minimise the number of pupils present at the same time in school buildings, the reopening has been organised by way of alternating weeks. This means that each class has been divided into two groups, thereby pupils study separately in week A and week B. In order to handle the increased need of staff during the alternating weeks study sessions, approximately a thousand people have been hired to provide supervised studies, together with another 300 people to oversee afternoon childcare sessions.<sup>18</sup> Part of these recruits are students of University of Luxembourg. The new recruits, who must have a secondary school diploma, work in pairs with the teachers. The main teacher provides the lessons during week A, while the additional staff provides supervision during week B, which is optional and during which the student can repeat or consolidate the subjects learnt from home or at school. The contracts for additional staff run until 21 July 2020.<sup>19</sup> According to data provided by the Ministry of National Education, Children and Youth, 52% of the 52,000 pupils in Luxembourg attend

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<sup>14</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [COVID-10 exit phase 3](#), accessed on 29.05.2020.

<sup>15</sup> Luxembourg, RTL Today, [Gyms, restaurants, bars to reopen - social distancing remains key](#), Press news release on 26.05.2020.

<sup>16</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [The distribution of masks to residents: places of pick-up](#) (*La distribution des masques aux résidents: lieux de retrait*), 18.05.2020.

<sup>17</sup> Luxembourg, website of the Ministry of National Education, Children and Youth, [Schouldoheem.lu](#), accessed on 29.05.2020.

<sup>18</sup> Luxembourg, website of the Ministry of National Education, Children and Youth, [Successful start in elementary school in terms of security and fair educational](#) (*Gelungene Start an der Grondschoul am Zeeche vun der Sécherheet a vu faire Bildungschancen*), 25.05.2020.

<sup>19</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [Fundamental in crisis mode: 872 recruits](#) (*Fondamental en mode crise : 872 personnes recrutées*), 20.05.2020.

school in the mornings only for their weekly sessions. 42% of the students enrolled to participate in supervised studies in the morning and around 30% are also supported in the afternoon.<sup>20</sup>

The final year exams for secondary school students remained scheduled despite the health crisis. 3,545 students took the written test on 25 May 2020.<sup>21 22</sup> In order to ensure that no candidate is adversely affected by the exceptional circumstances, the examination procedure was adapted. The questionnaires relate only to the material dealt with in class before 13 March 2020. The final average of the graduating class are based for 1/3 on the annual average and for 2/3 on the exam marks. The results of the school year cannot be considered to the disadvantage of the pupil. To ensure this, the pupil has the choice between one of the following three options:<sup>23</sup> (i) the average of the first semester is considered as an annual average; (ii) the mark obtained in the second semester is considered the semester average (at the student's request, an optional class assignment may be given in maximum three disciplines during the week of 18 May, the mark of which is added for the calculation of the semester average); (iii) in the absence of a mark/average from the second semester on the last day of class, there are two possibilities: either a class assignment may be given in maximum three disciplines during the week of 18 May, the mark of which constitutes the semester average; or the mark from the first semester is considered as the annual average. Criteria for admission, deferment or refusal remain unchanged.<sup>24</sup>

At the same time, the ministry received heavy criticism from teachers' trade unions. The Union for Education and Science (SEW) within OGBL, the Independent Luxembourg Trade Union Confederation, together with the *Landesverband* trade union have addressed an open letter to Prime Minister emphasising the teaching staff's disapproval towards the implemented model. Among others, the unions stressed that physical distancing between the children could not be respected in school buses and some municipalities had not yet found solutions to ensure the necessary classrooms and teaching staff. In certain cases it was not possible to split the classes into two groups.<sup>25 26</sup> The Ministry of National Education, Children and Youth was criticised by the association Together for Inclusion (*Zesammen fir Inklusioun*) as well, arguing that there should be more details elaborated in respect of

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<sup>20</sup> Luxembourg, website of the Ministry of National Education, Children and Youth, [Successful start in elementary school in terms of security and fair educational](#) (*Gelungene Start an der Grondschoul am Zeeche vun der Sécherheet a vu faire Bildungschancen*), 25.05.2020.

<sup>21</sup> Luxembourg, Le Quotidien, [As of Monday, 3,545 candidates will take their final exam](#) (À partir de lundi, 3 545 candidats passeront leur examen de fin d'études), News press release on 22.05.2020.

<sup>22</sup> Luxembourg, note: Notwithstanding, faced with the COVID-19 crisis and the prospect of long confinement, the European schools had cancelled the European final exam tests, as well as the Vauban high school in line with the cancellation of the tests in France, see at RTL Today, [Final exams cancelled](#), Press news release on 22.04.2020.

<sup>23</sup> Luxembourg, website of the Ministry of National Education, Children and Youth, [Resumption of activities in schools and childcare facilities : Questions and Answers - How will the secondary school leaving examination take place?](#), accessed on 08.06.2020.

<sup>24</sup> Luxembourg, website of the Ministry of National Education, Children and Youth, [Resumption of activities in schools and childcare facilities : Questions and Answers - How will the secondary school leaving examination take place?](#), accessed on 08.06.2020.

<sup>25</sup> Luxembourg, website of the Independent Luxembourg Trade Union Confederation (OGBL), [Concerned: reprise of the elementary schools on 25 May](#) (*Betrëfft : Reprise vun de Grondschoulen de 25. Mee*), accessed on 29.05.2020.

<sup>26</sup> Luxembourg, RTL Today, [SEW and Landesverband unions criticise reopening of schools](#), News press release on 18.05.2020.

the return to school of children with special needs.<sup>27 28</sup> On 25 May 2020, in response to an earlier parliamentary question, the minister of education confirmed that students who belonged to the vulnerable population and who could prove this fact with a doctor's certificate, would continue to benefit from distance education.<sup>29</sup>

### 1.2.3 Work

As of 11, 27 and 29 May 2020 several sectors have reopened in Luxembourg, thus a considerable part of the population could return to work. Measures to protect employees in the workplace are put in place, as the Ministry of Health has published a comprehensive set of recommendations to follow in different sectors.<sup>30</sup> This list includes recommendations on working conditions for, among others, agents of the State, employees in shops, in essential food stores, in construction sites, in educational establishments, in establishments offering sports and wellness activities, in restaurants, bars and cafés, in the cultural sector, in the delivery sector and in public transport.

According to the official communication of the government on 5 May 2020, the right to leave for extraordinary family reasons in the context of the COVID-19 ends in principle on 25 May 2020, as all schools and child day-care centres reopen. Exceptionally, leave for extraordinary family reasons can still be granted to parents (i) caring for vulnerable children (to be certified on the basis of a medical certificate), (ii) who cannot find a place to take care of their children, or (iii) whose children under the age of 3 have not yet been enrolled in a day-care.<sup>31</sup>

During the crisis certain sectors have encountered more difficulties than others. A social workers' association, ANASIG (*Association Nationale des Assistantes d'Hygiène Sociale, Assistantes Sociales et Infirmières Graduées du Luxembourg*) have published a statement containing testimonies of several social workers working in different fields, for example in socio-educational support, high school social services, mental health services for young people, social housing service or social services for refugees. They had to cope with various difficulties, for example when working with children who had no proper technical means to follow distance education during the confinement or when working with refugees who suffered from higher infection rate and from lack of information in respect of the pandemic.<sup>32 33</sup>

Caritas Luxembourg has reported about the difficulties encountered by the more vulnerable part of the population as well. According to the statement of Caritas, an increased number of people have contacted the humanitarian organisation to ask for financial help as a consequence of difficulties

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<sup>27</sup> Luxembourg, website of Zesammen fir Inklusioun, [Open letter of SPEBS-CGFP - The incoherence and the contradictions in the argument of Mr. Minister Meisch](#) (*Oppene bréif vum SPEBS-CGFP - Die Inkohärenz und die Widersprüche in der Argumentation des Herrn Minister Meisch*), 18.05.2020.

<sup>28</sup> Luxembourg, RTL Today, [Minister of Education criticised for inadequate plans for pupils with additional needs](#), News press release on 19.05.2020.

<sup>29</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), Parliamentary question n ° 2048: Home schooling, [Written response from Claude Meisch, Minister of National Education, Children and Youth](#) (*Réponse écrite de Monsieur Claude Meisch, Ministre de l'Education nationale, de l'Enfance et de la Jeunesse*), 25.05.2020.

<sup>30</sup> Luxembourg, website of the Ministry of Health, [Temporary health recommendations](#) (*Recommandations sanitaires temporaires*), accessed on 30.05.2020.

<sup>31</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [Resumption in basic education and reception structures: joint efforts for a new organization](#) (*Reprise dans l'enseignement fondamental et les structures d'accueil: des efforts communs pour une organisation inédite*), 05.05.2020.

<sup>32</sup> Luxembourg, website of ANASIG, [Luxembourg social workers facing the health crisis](#) (*Les travailleurs sociaux luxembourgeois face à la crise sanitaire*), 25.05.2020.

<sup>33</sup> Luxembourg, RTL Today, [Luxembourg social workers hope to make profession more visible](#), News press release on 25.05.2020.

caused by the COVID-19 epidemic. The majority of requests came from individuals who, before the crisis, earned their monthly incomes through temporary or occasional works. While all sectors are affected, the construction, catering and temporary work sectors are particularly represented among the people who contacted Caritas Luxembourg for emergency assistance.<sup>34 35</sup>

#### 1.2.4 Access to justice

As of 25 May 2020 the administrative court resumed to its normal course of activity even in non-urgent cases, with applying, however, several precautionary measures.<sup>36</sup> For example, the parties are strongly suggested to communicate via postal mail or electronically with the court, as well as the court clerks' communication towards the legal representatives takes place via email. During hearings the court will assess the need to limit access of persons other than the parties on a case-by-case basis. Wearing of face mask is compulsory when interpersonal distance of two meters cannot be respected for all persons entering and circulating in the buildings of the courts as well as in the courtrooms. Moreover, during the crisis a regulation allows optional attendance at the hearing, meaning that the representatives of the parties are invited to appear at the hearings only to the extent that they still intend to usefully add elements of oral argument. In other words, cases pending before the administrative courts that are subject to written procedure and are ready for judgment may be assessed without the appearance of the representatives of the parties, in case they agreed to it.<sup>37</sup>

From 2 June 2020 the whole justice system will resume its operation to normal. Due to the delays accumulated during the period of reduced service, the judicial administration has decided to extend the hearing schedule by more than two weeks, from 16 July to 3 August 2020.<sup>38</sup>

#### 1.2.5 Freedom of movement

Border situation: Since the beginning of the COVID-19 pandemic, Luxembourg has not closed its borders, neither has implemented any medical checks or tests at the borders.<sup>39</sup> Considering the high percentage of cross-border workers employed in Luxembourg, the restrictions on freedom of movement implemented by the neighbouring countries, however, became an issue of utmost importance. The Ministry of Foreign and European Affairs has thus closely monitored the border situation with the three neighbouring countries. The borders with France and Belgium are in principle

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<sup>34</sup> Luxembourg, website of Caritas, [Caritas corona-helpline: already 300 open files](#) (*Caritas corona-helpline : déjà 300 dossiers ouverts*), 11.05.2020.

<sup>35</sup> Luxembourg, RTL Today, [Influx of financial help applications in wake of pandemic](#), News press release on 12.05.2020.

<sup>36</sup> Luxembourg, website of the Luxembourgish judiciary, [Tribunal administratif - circulaire sur la reprise de l'activité dans le contexte de déconfinement](#) (*Tribunal administratif - circulaire sur la reprise de l'activité dans le contexte de déconfinement*), 22.05.2020.

<sup>37</sup> Luxembourg, article 1 of the [Grand-ducal regulation of 17 April 2020 relating to the holding of public hearings during the state of crisis before the court in cases subjected to written procedure and carrying temporary adaptation of the exceptional summary procedure before the judge of family affairs](#) (*règlement grand-ducal du 17 avril 2020 relatif à la tenue d'audiences publiques pendant l'état de crise devant les juridictions dans les affaires soumises à la procédure écrite et portant adaptation temporaire de la procédure de référé exceptionnel devant le juge aux affaires familiales*).

<sup>38</sup> Luxembourg, website of the Luxembourgish judiciary, [The judiciary continues the deconfinement and the reopening of services \(some only by appointment\) closed to the public since the month of March](#) (*La justice poursuit son déconfinement et procède à la réouverture des services (pour certains seulement sur rendez-vous) fermés au public depuis le mois de mars*), 22.05.2020.

<sup>39</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [The situation at the borders of the Grand Duchy](#) (*La situation aux frontières du Grand-Duché*), 04.05.2020.

open while the Belgian and French police carry out occasional checks. Following the announcement by the French government of imposing a 14-day quarantine on people entering French territory, the minister received confirmation from France that this measure would not apply to cross-border workers working in Luxembourg.<sup>40</sup> The situation on the German border had been more burdensome considering that Germany had implemented more serious border checks.<sup>41</sup> The government was in a permanent dialogue with Germany to improve the situation which resulted in the opening of 8 border crossings where control has been completely lifted on 16 May 2020.<sup>42</sup>

Asylum situation: According to the statistics published by the Ministry of Foreign and European Affairs,<sup>43</sup> the number of asylum applications has dropped significantly since the beginning of the crisis. In the course of April 2020, the authorities have received only 10 applications for international protection (for comparison, the number for the same month in 2019 was 170).

According to the testimony of a social worker working with refugees which was published by ANASIG (*Association Nationale des Assistantes d'Hygiène Sociale, Assistantes Sociales et Infirmières Graduées du Luxembourg*), refugees suffered from a higher infection rate. A special page on Facebook was set up by the service for refugees in Arabic and Tigrigna to pass on important information regarding the measures implemented by the government.<sup>44</sup>

### 1.3 Impact of measures on particular groups

Persons with disabilities: The website of Info-handicap - National Council of People with Disabilities, a non-profit civil society organisation<sup>45</sup>, contains a comprehensive list of information and contact details that could be relevant for persons with disabilities during the COVID-19 pandemic:<sup>46</sup>

- The Ministry of Health, in collaboration with the Luxembourg League of Mental Hygiene (*la Ligue Luxembourgeoise d'Hygiène Mentale*), created the website that focuses of mental health in times of health crisis ([www.covid19-psy.lu](http://www.covid19-psy.lu)).

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<sup>40</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [The situation at the borders of the Grand Duchy](#) (*La situation aux frontières du Grand-Duché*), 04.05.2020.

<sup>41</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [The situation at the borders of the Grand Duchy](#) (*La situation aux frontières du Grand-Duché*), 04.05.2020.

<sup>42</sup> Luxembourg, Parliament of the Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), Parliamentary question n ° 2081: Border with Germany, [Written answer by Mr Jean Asselborn, Minister for Foreign and European Affairs, Mr Claude Meisch, Minister for Higher Education and Research, Mr François Bausch, Minister for Homeland Security, Mr Pierre Gramegna, Minister for Finance](#) (*Réponse écrite de Monsieur Jean Asselborn, Ministre des Affaires étrangères et européennes, Monsieur Claude Meisch, Ministre de l'Enseignement supérieur et de la Recherche, Monsieur François Bausch, Ministre de la Sécurité intérieure, Monsieur Pierre Gramegna, Ministre des Finances*), 26.05.2020.

<sup>43</sup> Luxembourg, website of the Ministry of Foreign and European Affairs, [Statistics on international protection in the Grand Duchy of Luxembourg in April 2020](#) (*Statistiques concernant la protection internationale au Grand-Duché de Luxembourg mois d'avril 2020*), 14.05.2020.

<sup>44</sup> Luxembourg, website of ANASIG, [Luxembourg social workers facing the health crisis](#) (*Les travailleurs sociaux luxembourgeois face à la crise sanitaire*), 25.05.2020.

<sup>45</sup> Luxembourg, note: Info-Handicap - National Council of People with Disabilities (*Info-Handicap – Conseil national des personnes handicapées*) is an NGO and umbrella organisation bringing together 60 associations of and for people with disabilities who are active in many fields; see the website of Info-Handicap, [Info-Handicap service - National Center for Information and Meeting Disability](#) (*Le service Info-Handicap – Centre national d'information et de rencontre du handicap*), accessed on 07.06.2020.

<sup>46</sup> Luxembourg, website of Info-handicap, [COVID-19: Important information](#) (*COVID-19: Informations importantes*), accessed on 31.05.2020.



- *Laboratoires Réunis* offers drive-in coronavirus tests upon doctor's prescription.
- ParkinsonNet Luxembourg has created a helpline during the crisis (+352 4411 6635) for people living with Parkinson's disease and their family members.
- Vulnerable people can shop online on the [www.corona.letzshop.lu](http://www.corona.letzshop.lu) site.
- ADAPTO, an on-demand transport service intended for citizens with a handicap or a physical, mental or sensory disability, runs with reduced availability, while sanitary measures are put in place in these transport vehicles as well, such as obligatory face masks and distance between passengers. Also, at the pick-up points when passengers access the vehicle, drivers are reminded not to touch them before asking for permission. Passengers who are vulnerable, fear contagion and wish to avoid direct contact, whereas people with autism find it difficult to cope with new situations and often cannot tolerate physical contact.<sup>47</sup>
- Family-related leave for parents of children with disabilities of age 13 to 18 has been extended.<sup>48</sup>
- Leave for family support was made available for persons who take care of an adult family member with a disability whose day-care structure is closed due to the crisis.

At the same time, the National Council for Persons with Disabilities - Info-Handicap has expressed its concerns about several issues that touch upon the situation of persons with disabilities during the crisis. Among others, they mentioned the fact that face mask instructions were not translated into Braille or the difficulty of social distancing for people who need physical contact to be guided.<sup>49</sup>

Homeless people: According to the joint communication by the Ministry of Families, Integration and the Greater Region, Caritas, Luxembourg Red Cross and Inter-Actions on 27 May 2020, Wanteraktioun<sup>50</sup>, a 24/7 winter refuge for homeless people, will remain open until 30 June 2020. Inter-Actions welcomes the new arrivals and informs them about the various services of Wanteraktioun. Employees of the Luxembourg Red Cross serve a midday meal and guarantee an active presence and listening to people in need. They also manage building B, which welcomes people who are symptomatic of COVID-19. The Caritas employees take care of overnight accommodation, supervision of people in the evening and morning, providing snack in the evening and breakfast. Médecins du monde provides medical presence on Wednesday mornings from 10 a.m. to 12 p.m.<sup>51</sup>

Detainees: No case of COVID-19 has been reported to date in Schrassig prison, other than the case of a newcomer on 18 April 2020. As a result of the isolation procedure put in place, the infected prisoner had no contact with other detainees.<sup>52</sup> As of mid-May visits in Schrassig prison have been gradually resumed. For each visit, visitors have to request a permission via email.<sup>53</sup> The detainees have five

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<sup>47</sup> Luxembourg, Ministry of Mobility and Public Works, [Notice to operators - Concerns: Deconfinement phase, CAPABS / ADAPTO transport](#) (*Avis aux exploitants - Concerne : Phase de déconfinement, transports CAPABS / ADAPTO*), 04.05.2020.

<sup>48</sup> Luxembourg, Paperjam.lu, [The Covid-19 makes life more difficult for the disabled](#) (*Le Covid-19 complique la vie des moins valides*), News press release on 23.05.2020.

<sup>49</sup> Luxembourg, Paperjam.lu, [The Covid-19 makes life more difficult for the disabled](#) (*Le Covid-19 complique la vie des moins valides*), News press release on 23.05.2020.

<sup>50</sup> Luxembourg, website of Caritas Luxembourg, [Wanteraktioun](#), accessed on 31.05.2020.

<sup>51</sup> Luxembourg, Luxembourgish Government (*Gouvernement Luxembourgeois*), [Extension of the Winter Action \(Prolongation de l'Action hiver\)](#), 27.05.2020.

<sup>52</sup> Luxembourg, Le Quotidien, [In Schrassig, the visits resumed](#) (*À Schrassig, les visites ont repris*), News press release on 22.05.2020.

<sup>53</sup> Luxembourg, website of the Luxembourgish judiciary, [The judiciary continues the deconfinement and the reopening of services \(some only by appointment\) closed to the public since the month of March](#) (*La justice poursuit son déconfinement et procède à la réouverture des services (pour certains seulement sur rendez-vous) fermés au public depuis le mois de mars*), 22.05.2020.

secure visiting rooms at their disposal where they are separated from visitors by a barrier. The maximum duration of a visit is 30 minutes and wearing a mask and hand disinfection are compulsory for all visitors. After each visit, the visiting rooms are disinfected. At the same time, eight rooms were set up to organise visits via Skype, which is equally used by family members and lawyers. In terms of detainee activities, the prison is slowly returning to normal. Workshops have been resumed, as well as certain sport activities.<sup>54</sup>

## 2 Impact on fundamental rights of older people

*Please provide information under each title / sub-title; and indicate n/a when no information available.*

### 2.1 Data/statistics

*Where available, data should be disaggregated by age groups and sex.*

#### 2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

The most affected group by COVID-19 is the age group between 70-74 (9% of the total)<sup>55</sup> Most recent statistics allows to see the percentage of infected people by age:

- 4% are people between 60-64
- 5% are people between 65-69
- 9% are people between 70-74
- 7% are people between 75-79
- 4% are people between 80-84
- 4% are people between 85-89
- 1% are people between 90-94

- Recovered from COVID-19

n.a.

- Died in relation to COVID-19

67% of deaths occurred among people above 79 years, 24% of deaths were among age group 70-79, 6% within 60-69 age group, 3% within 50-59 group.<sup>56</sup>

By 1 June 2020 there have been a total of 110 deaths since the outbreak. There have been no deaths since 24 May 2020.

- Place of death of COVID-19 deaths

66% of deaths occurred in hospitals, 34% - elsewhere.<sup>57</sup>

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<sup>54</sup> Luxembourg, Le Quotidien, [In Schrassig, the visits resumed](#) (À Schrassig, les visites ont repris), News press release on 22.05.2020.

<sup>55</sup> Luxembourg, The Ministry of Health (*Ministère de la Santé*), [Covid-19 statistics](#).

<sup>56</sup> Luxembourg, The Ministry of Health (*Ministère de la Santé*), [Covid-19 statistics](#).

<sup>57</sup> Luxembourg, The Ministry of Health (*Ministère de la Santé*), [Covid-19 statistics](#).

### **2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.**

There is no official statistics on persons in institutional settings for the month of May<sup>58</sup>. Some information is shared by officials and media. For instance, in the parliament press release of 13 May 2020 it is noted that no deaths have occurred in care homes since 30 April 2020.<sup>59</sup>

- Infected by COVID-19  
63 residents have been infected,
- Recovered from COVID-19  
75 have recovered,
- Died in relation to COVID-19  
35 have deceased.<sup>60</sup>

### **2.1.3 Number and type of institutions affected**

n.a.

### **2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?**

There is no official statistics on persons in institutional settings for the month of May. Some information is shared by officials and media. For instance, in the parliament press release of 13 May 2020 it is noted that no deaths have occurred in care homes since 30 April 2020 or special data collection for this segment. Only special reports (i.e. above when the Minister of Family addressed the Parliament on 13 May 2020 to share some specific data on elderly people).

### **2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19**

*Please reference up to three studies and provide brief information on their focus.*

n.a.

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<sup>58</sup> Luxembourg, note : we were able to provide some data for the month of April in report II: "Until 21 April 2020, 99 residents and 18 different nursing homes for elderly people were infected with COVID-19 (infections that were still acute). Since the beginning of the review, 126 members of staff in 23 different nursing homes have been infected with the virus. 29 care home residents have died. 34 nursing homes for the elderly (corresponding to 65.4%) had no case of COVID-19 among its inhabitants (based on : Luxembourg, Chamber of Deputies of Grand Duchy of Luxembourg (*Chambre des Députés de Grand Duché de Luxembourg*), [Urgent parliamentary question n° 2068: Situation in care facilities for the elderly and nursing homes in the context of the coronavirus pandemic](#) (*Question urgente n° 2068 : Situation dans les structures d'accueil pour personnes âgées et maisons de soins dans le contexte de la pandémie du coronavirus*) 28.04.2020."

<sup>59</sup> Luxembourg, The parliament (*Chambre des Députés*), [Situation of older people in care institutions](#) (*La situation des personnes âgées en institution*), press release of 13 May 2020.

<sup>60</sup> Luxembourg, The parliament (*Chambre des Députés*), [Situation of older people in care institutions](#) (*La situation des personnes âgées en institution*), press release of 13 May 2020.

## 2.2 COVID-19 measures targeting older people

Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.

Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures).

Please report on developments for the reference period 1 May – 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.

### 2.2.1 National guidelines/protocols in response to COVID-19 addressing older people

- in residential care homes (including protective equipment, visits etc.)

On 15 May 2020, the Ministry of Family issued recommendations relating to the access of health professionals and professionals providing personal care in accommodation structures for the elderly and people with disabilities.<sup>61</sup>

On 20 May 2020, the Ministry of Health released an (updated) guideline on measures for elderly people living in special structures and care homes<sup>62</sup>. This document has been constantly updated (14 April, 28 April and 30 April); the preventive recommendations regard measures within the third national exist phase (deconfinement) and explains visitation rules, rules for personnel, rules for the directory.

Visits of elderly people in care homes have been allowed since 20 May 2020. The visitation recommendations have been outlined by the Ministry of Family in a special document once visits have been allowed under special conditions<sup>63</sup>, preferring a place outdoors or a designated place indoors, which is to be disinfected after each visit.<sup>64</sup>

The document on specialised personnel (i.e. doctors) has been updated on 20 May 2020 and explains procedures of doctors' visits of elderly people as well as doctors visiting the premises.<sup>65</sup>

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<sup>61</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Recommendation concerning access for healthcare professionals and professional prestant care for the person to accommodation for the elderly and for people with disabilities](#). (*Recommandation relative à l'accès des professionnels de santé et des professionnels prestant des soins à la personne aux structures d'hébergement pour personnes âgées et pour personnes en situation de handicap*).

<sup>62</sup> Luxembourg, The Ministry of Health (*Ministère de la Santé*), [Recommandations of SARS-COV-2 infections in accommodations structures for the elderly](#) (*Recommandations prévention des infections à A SARS-COV-2 dans les structures d'hébergement pour personnes âgées*).

<sup>63</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Visits to structures for older people in the context of gradual deconfinement: Recommendations for the prevention of SARS-COV-2 infections](#) (*Visites dans les structures pour personnes âgées dans le cadre du déconfinement progressif : Recommandations pour la prévention des infections à SARS-COV-2*), 20 May 2020.

<sup>64</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Visits to structures for older people in the context of gradual deconfinement: Recommendations for the prevention of SARS-COV-2 infections](#) (*Visites dans les structures pour personnes âgées dans le cadre du déconfinement progressif : Recommandations pour la prévention des infections à SARS-COV-2*), 20 May 2020, p.3.

<sup>65</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Alignment of exits from accommodation structures for the elderly with](#)

During the confinement period, elderly people have never been forbidden to leave the premises, however they were strongly recommended to stay indoors for their own well-being. While the ministries provide general provisions for visits, each institutional direction defines the measures<sup>66</sup>. As a result, rules regarding leaving of the premises vary across different institutions. The latter caused misunderstanding and critique both by the residents and their relatives who are confused by different rules<sup>67</sup>. The rules vary depending on the degree infections in each institution, the ability of residents of care homes to “deal with security measures” (wear masks, keep the distance).<sup>68</sup> The Patient association addressed an open letter to the government to precise and widen the visitation rules since a more relaxing framework in the society has already been implemented in the country<sup>69</sup>.

- in the community in general

There have been no special measures particularly for elderly people in the community. Nor have they been updated, changed during the deconfinement phases. The general rule is that vulnerable to COVID-19 people, including the elderly, are particularly encouraged to stay indoors, keep social distancing and stick to hygiene rules (wearing masks, wash hands, etc.).

### **2.2.2 National guidelines/protocols on patient triage that apply age as the main and decisive criterion**

There are no guidelines on triage system using age as a decisive criteria. The Government developed strategies for providing maximum room and bed in emergency hospitals to avoid the former.

### **2.2.3 Targeted testing of residents and staff in residential care homes**

- Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?

The government runs targeted tests in residential care homes since registered COVID-19 cases.

In the parliamentary statement addressed by the Ministry of Family, it is noted that every employee, resident of the care homes has to be tested<sup>70</sup>. To 13 May 2020, 3742 people were tested, 147 cases were positive.

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[recommendations for the general population](#) (*Alignement des sorties des structures d'hébergements pour personnes âgées aux recommandations pour la population Générale*), 20 May 2020.

<sup>66</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Coronavirus : FAQ and Recommendations](#) (*Coronavirus: FAQ et Recommandations*).

<sup>67</sup> Luxembourg, Tageblatt, [Confusion about visiting rules / "Nobody talks about old people's homes anymore"](#) (*Verwirrung um Besuchsregeln / „Niemand spricht mehr über die Altenheime“*), 28 May 2020.

<sup>68</sup> Luxembourg, Tageblatt, [Confusion about visiting rules / "Nobody talks about old people's homes anymore"](#) (*Verwirrung um Besuchsregeln / „Niemand spricht mehr über die Altenheime“*), 28 May 2020.

<sup>69</sup> Luxembourg, Patient representation (*Patientevertriedung*), [Open Letter: Retirement homes and care homes must receive right to visits](#) (*Oppene Breif : Altesheemer a Spideeler müssen nees e Besuchrechn kréien*) 28 May 2020.

<sup>70</sup> Luxembourg, The parliament (*Chambre des Députés*), [Situation of older people in care institutions](#) (*La situation des personnes âgées en institution*), press release of 13 May 2020.

- Data/statistics on testing & frequency of testing – institutions, residents, staff

Screening in care homes started on 20 April 2020 and included up to 10 000 tests over the period of 2 weeks of testing. The first results of over 1000 tests have been finalized, showing an infection rate of 1.3% (staff 0.7% and residents 2.14%). Final results will be published in the near future.<sup>71</sup>

#### **2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions**

*Please report on the conditions applied.*

During the third exit phase the framework of visits to residential care homes and similar institutions has been enlarged (visits allowed since 28 April 2020<sup>72</sup> in restricted environment).

Visits of elderly people have recommenced on 20 May 2020 following certain rules:

- Prior to visits, visitors should fill in a questionnaire about their health and confirm they have no COVID-19 symptoms,
- During visits, hygienic measures should be strictly followed by visitors and patients (masks, disinfectants),
- If possible, outdoors, if not – in a specially assigned place indoors within 2m distance (if a person cannot move, visits could be made in the room but under strict hygienic rules and of maximum 2 people).<sup>73 74</sup>

#### **2.2.5 Restrictive measures for older people living in the community**

*Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).*

There have been no special measures set in place; the government strongly recommended older people to stay indoors during the confinement. New measures during the de-confinement have been applicable to general public, including older people without particular exceptions.

#### **2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19**

*Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).*

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<sup>71</sup> Luxembourg, The Parliament (*Chambre des Députés*), [Parliamentary question n° 2088 Covid-19 tests](#) (*Question écrite n° 2088 Tests du Covid-19*).

<sup>72</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Alignment of exits from accommodation structures for the elderly with recommendations for the general population](#) (*Alignement des sorties des structures d'hébergements pour personnes âgées aux recommandations pour la population Générale*), 20 May 2020, p.4.

<sup>73</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Coronavirus : FAQ and Recommendations](#) (*Coronavirus: FAQ et Recommandations*).

<sup>74</sup> Luxembourg, The Ministry of Family Affairs, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*), [Alignment of exits from accommodation structures for the elderly with recommendations for the general population](#) (*Alignement des sorties des structures d'hébergements pour personnes âgées aux recommandations pour la population Générale*), 20 May 2020.

Doctor visits have been granted on 4 May 2020 to all residents of Luxembourg<sup>75</sup> <sup>76</sup>. People have to wear masks, in special places rubber gloves are provided, temperature of every person visiting doctors is tested. Older people are also allowed to recommence doctor visits under general hygienic rules. There are no special rules particularly assigned to older people visiting doctors. There have been no special measures designed for older people. During the confinement, medical practices were closed down (only emergencies, 3 dentist practices for urgencies, etc.). Furthermore, online consultations were soon provided to the general public, older people could also benefit from them.

### **2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology**

*Please also report on any targeted measures for people with dementia.*

Since the confinement in March 2020 the government launched an online shopping platform<sup>77</sup> for older people and/or with health issues. The website is easy to use, it provides basic products, the payment is done through the hotline or via the phone, invoice is provided with the delivery. The products are delivered at the door and direct contact is avoided. Other online shopping platforms (luxcaddy.lu) have been reserved for people in vulnerable situations as well; some shops have reserved the hours between 8 and 10 am for vulnerable people.

Since the beginning of the pandemics, members of Scout organisations of Luxembourg have been helping older people and people in need with groceries, walking dogs, etc. <sup>78</sup>

No further practices have been developed and used with regard to older people with the exit phase 2 and 3.

### **2.2.8 Consultation of older people's organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures**

n.a.

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<sup>75</sup> Luxembourg, The Ministry of Health (*Ministère de la Santé*), [Recommandations of SARS-COV-2 infections in accommodations structures for the elderly](#) (*Recommandations prévention des infections à A SARS-COV-2 dans les structures d'hébergement pour personnes âgées*).

<sup>76</sup> Luxembourg, Official page of the Government, [Ensuring access to care for all patients during the pandemic: Medical recovery](#) (*Garantir l'accès aux soins de tous les patients pendant la pandémie: la reprise médicale*), 28 April 2020.

<sup>77</sup> Luxembourg, [Official page of internet shop Coronaletzshop.lu](#)

<sup>78</sup> Luxembourg, National Federation of (Girl) Scouts of Luxembourg (*Fédération Nationale des Éclaireurs et Éclaireuses du Luxembourg*), [Actions during Covid-19](#).