

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

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Part I: National standards

1. Cells

a. Cell space

There are no defined national standards for minimum cell space in m².

The cells of Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) are compatible with the CPT standards of 6m² for a single occupancy cell. The CPT report on Luxembourg of 2003¹ notes that the single² cell's surface is 12 m², and it includes an intercom, a bed (bunk bed), a table, a W.C., a closet, and two chairs suitable for a maximum of two detainees.

The preventive detention centre (*Centre pénitentiaire d'Uerschterhaff – CPU*), constructed in 2022, comprises four buildings (100 detainees each). In each of the buildings, there are three types of cells: single cells with a surface of 11 m² (for most of the inmates); 60 double cells with a surface of 16.5 m² and 4 double cells for persons with reduced mobility with a surface of 18.5 m².³ These cells are equipped with a toilet and washbasin, a free television, a kettle, an alarm clock, and a small fridge free of charge.⁴ Showers, an equipped kitchenette, activity rooms, a telephone booth, a laundry room, and offices complement these cell spaces. Each double cell has a partitioned toilet to provide some privacy.⁵

The official presentation video from the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*) shows an individual cell⁶ of 11 m²⁷ with its facilities.⁸ These standards meet the minimum requirements under the Dorobantu ruling of the EU Court of Justice. The European

¹ Council of Europe (2003). [Report to the Government of the Grand Duchy of Luxembourg on the visit to Luxembourg by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) (*Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants* (CPT)).

² Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 48.

⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁶ Luxembourg, Luxembourg Prison Service (*Administration pénitentiaire Luxembourg*) (2023), youtube presentation of the Uerschterhaff Prison ([Centre pénitentiaire d'Uerschterhaff](#)).

⁷ Luxembourg, note: CPT report (2023) notes the size of 20m², p.48.

⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 48.

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT (2023) confirmed cell standards and conditions of common space as adequate.⁹

In the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*) there are only individual cells. The cellular space at the facility is between 9.25 m² and 14.5 m².

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

In detention facilities during the night, the cells are equipped with a lighting system (Article 116)¹⁰

In each cell in the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) there is a large window which can be opened for ventilation¹¹.

Regarding the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), all the cells have a large window with a ventail for natural ventilation and a curtain, and the bars are arranged horizontally rather than vertically, which is less intrusive.¹² The accommodation units' flat roofs contain an open-air courtyard accessible via a staircase outside the unit. The courtyards, which have a surface area of 150 m², are screened, open to the air, and equipped with a covered area for protection from the weather.¹³ However, the Luxembourgish government has been criticised for poor windows and was recommended to install windscreens during lousy weather.¹⁴

In the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*), a ventilation system is installed for fresh air in cells, and windows can be opened in a tilted position. An air extraction system is installed in most of the rooms.¹⁵

⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

¹⁰ Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹² Luxembourg, paperjam.lu (2022), The Uerschterhaff prison is ready ([Le centre pénitentiaire d'Uerschterhaff est prêt](#)), 1 December 2022.

¹³ Luxembourg, paperjam.lu (2022), The Uerschterhaff prison is ready ([Le centre pénitentiaire d'Uerschterhaff est prêt](#)), 1 December 2022.

¹⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 48.

¹⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

c. Video-surveillance of cells

Under the Act of 20 July 2018, the security of prisons is the responsibility of the director of the centre in question (Article 36).¹⁶ There are specific national provisions on presence/absence of the video-surveillance inside the cells¹⁷ except for two observation cells where there is a permanent video surveillance.¹⁸ These two cells are used for the confinement of inmates in a state of agitation. Video surveillance is located in the hallways of the facilities and their medical units.¹⁹

The Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*) has only 4 cells equipped with permanent video surveillance, mainly for medical purposes (Article 30(c)).²⁰

At the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*), no cells allow permanent video surveillance of the inmate.²¹

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regarding a report on the Holding centre (*Centre de rétention*) (2021) and a report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>La délégation a noté qu'il y avait peu de vidéosurveillance dans les unités de détention du</i>	The delegation noted that there was little video surveillance in the CPL's detention units, apart from

¹⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁷ Luxembourg, note: note: While not explicitly regulated, the absence of vidéosurveillance in cells is confirmed in : Luxembourg, [Parliamentary Question N°2597 concerning the situation of women detainees in Luxembourg](#) (*Réponse de la Ministre de la Justice à question N°2597 de Monsieur Marc Baum concernant Situation des femmes détenues au Luxembourg*), 27 August 2020.

¹⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁹ Council of Europe (2023). [Report to the Government of the Grand Duchy of Luxembourg on the visit to Luxembourg by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) (*Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT)*), p. 53.

²⁰ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

<p><i>CPL, hormis les cours de promenade et les couloirs, mais qu'au contraire, un important dispositif avait été déployé au CPU, en périmétrie mais aussi à l'intérieur de l'établissement.</i></p> <p><i>Le CPT recommande aux autorités luxembourgeoises de prendre les mesures nécessaires pour que l'unité disposant de cellules de sécurité au sous-sol du bloc P1 soit supervisée de manière continue par des agents pénitentiaires lorsque des personnes détenues y sont placées, afin de garantir qu'elles soient vues à des intervalles plus réguliers (toutes les heures).²²</i></p>	<p>the exercise yards and corridors, but that, on the contrary, a significant system had been deployed at the CPU, at the perimeter, and also inside the establishment.²³</p> <p>The CPT recommends that the Luxembourg authorities take the necessary measures to ensure that the unit with security cells in the basement of block P1 is continuously supervised by prison officers when detained persons are placed there and that they are seen at more regular intervals (every hour).</p>
<p><i>Au CPU, les neuf cellules de sécurité étaient placées dans une unité du bloc E. Il y avait cinq cellules vidéosurveillées et quatre équipées de caméras mais qui n'étaient pas fonctionnelles, au moment de la visite. Cinq cellules de sécurité étaient équipées d'un matelas à même le sol et de toilettes (trois disposaient de toilettes ordinaires et d'un lavabo, alors que deux avaient des toilettes à même le sol). Il y avait également cinq cellules d'observation, dont deux équipées d'un matelas à même le sol, de toilettes et d'un lavabo, deux disposant d'un bat-flanc en béton avec matelas et d'une assise et table en béton, ainsi qu'une équipée d'un matelas et d'une assise en matériel souple. Toutes ces cellules étaient équipées d'une montre digitale et d'une sonnette d'appel. Une petite cour de promenade (32 m2), ouverte mais grillagée, était accommodée pour les prévenus placés en cellule de sécurité. Pendant la visite, la délégation a noté le manque de vidéosurveillance dans la cage d'escalier</i></p>	<p>At the CPU, the nine security cells were located in a unit in block E. Five of these cells were video-monitored, and four were equipped with cameras, but were not operational at the time of the visit. Five security cells were equipped with a mattress on the floor and a toilet (three had ordinary toilets and a washbasin, while two had toilets on the floor). There were also five observation cells, two of which were equipped with a mattress on the floor, toilet and washbasin, two with a concrete bench with mattress and concrete seat and table, and one with a mattress and soft seat. All these cells were equipped with a digital clock and a call bell. A small (32 m2), open but screened courtyard was provided for remand detainees placed in security cells. During the visit, the delegation noted the lack of video surveillance in the stairwell leading to this unit. This shortcoming needs to be remedied.</p>

²² Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.57.

²³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, pp.57-58.

<p>menant à cette unité. Il convient de remédier à cette lacune.²⁴</p>	
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Authorities of the Penitentiary Administration of Luxembourg confirm the fact that video surveillance is not foreseen in the cells. In fact, in the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg- CPL) only has 6 cells allow permanent video surveillance²⁵, and this is mainly for medical purposes, namely 4 cells in section G1 (infirmary) and 2 cells in section P2 (psychiatry) (Article 30).²⁶

2. Allocation of detainees

a. Geographical allocation

There are no geographical allocation criteria as the Grand Duchy of Luxembourg is a small country (2.586 Km², 80 km long by 35 km wide). The country has three main detention facilities. Each facility accommodates different types of detainees and has a different concept, geographical allocation is not taken into account.

b. Allocation within detention facilities

In Luxembourg, the legal framework defines the allocation of detainees within the detention facilities. Detainees are allocated to establishments and wards according to the prison regime to be applied to them, considering their gender, personality, the reasons for their detention, and, as far as possible, their age and previous record (Article 137).²⁷ Male convicts and minors may be transferred to the Givenich agricultural prison for appropriate penological treatment (Article 18 (2)²⁸ and Article 137 paragraph 2²⁹; Article 674 (2).³⁰ However, such transfer is a discretionary decision, assessed on the basis of legal criteria

²⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.58.

²⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

³⁰ Luxembourg, Code of Criminal Procedure ([Code de procédure pénale](#)).

such as the offender's personality, behaviour and evolution in the prison environment (Article 673 (2)³¹) and may therefore be reverted (Article 674 (3)³²) (as in the court decision of 2023³³ and 2024).³⁴

Detainees in pre-trial detention are separated from convicted detainees in different detention facilities. The first ones are placed in the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), and the convicted persons are placed in the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) and Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*). Even before the construction of the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), the applicable regulations indicated that in the measure of possible, pre-trial detainees must be separated from convicted detainees (Article 10).³⁵

c. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>Au CPL, les appels en visioconférences ne pouvaient être permis que si la famille du détenu vivait à plus de 250 km de la prison. Cette limitation ne semble pas être justifiée et devrait être levée. Le Comité invite les autorités luxembourgeoises à revoir leur politique en</i>	At the CPL, videoconference calls were only permitted if the inmate's family lived more than 250 km from the prison. This limitation is not justified and should be lifted. The Committee invites the Luxembourg authorities to review their policy and extend this right to all detained detainees.

³¹ Luxembourg, Code of Criminal Procedure ([Code de procédure pénale](#)).

³² Luxembourg, Code of Criminal Procedure ([Code de procédure pénale](#)).

³³ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 42/23 chap](#), 31 March 2023.

³⁴ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 20/24 chap](#), 15 February 2024.

³⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

<i>la matière et étendre ce droit à tous les personnes détenues de la prison.</i> ³⁶	
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According to the authorities of the Penitentiary Administration of Luxembourg, convicted persons are often placed far from their families and complain about this. To compensate for this, the persons have access to videoconferencing with their families, and families coming from afar have the possibility of staying for the visit beyond the maximum duration of one visit, which is one hour. National authorities confirm that there is no possibility of geographically distributing detainees to facilitate their reintegration, as there is only one closed penitentiary centre for convicted persons. However, detainees can apply to serve their sentence in another EU member state under EU Framework Decision 2008/909.

³⁷

The Authorities of the Penitentiary Administration of Luxembourg confirm that since the opening of the Preventive detention centre (Centre pénitentiaire d'Uerschterhaff – CPU) the principle advocated by the European penitentiary rules of separating detainees from convicted individuals is generally respected. However, as a penitentiary centre housing detainees, it happens daily that detainees change from status detainees to convicted individuals. It is specified, however, that in such cases, convicted detainees are transferred to the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg- CPL), which accommodates, among others, male convicted detainees. This transfer usually takes place within two working days following the judicial decision that has become final. Under Article 113 of the Code of Criminal Procedure³⁸, the accused person may request provisional release.³⁹ The authorities note that throughout this process, the members of the psycho-social-educational service supervise the detainees to facilitate their detention and easier reintegration later on.

3. Hygiene and sanitary conditions

a. Access to toilets

The toilets are located in every cell, so detainees (pre-trial and convicted) have access all day long.

³⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, P.59.

³⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³⁸ Luxembourg, Code of Criminal Procedure ([Code de procédure pénale](#)), 22 August 2023.

³⁹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), each cell (1-2 persons max) is equipped with a toilet and a washbasin; double cells have partitioned toilets.⁴⁰

b. Access to showers and warm and running water

Under the national legislation personal hygiene is required of all inmates (Article 270).⁴¹ The detaining centres have suitable facilities within the assigned time daily (Article 270). Detainees must go to the bath or shower at least once weekly (Article 272).⁴²

The pre-trial detainees have access to showers in each unit of the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*).⁴³ The same happens with the units for the convicted detainees in Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*) and the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*).

c. Access to sanitary products

Detainees receive necessary sanitary products free of charge (Article 270).⁴⁴ Detainees may be provided with electric/disposable shavers (free of charge) (Article 271). The detainees can buy other articles from the canteen (Article 253).⁴⁵ Purchases are made once per week.⁴⁶

In the preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*) each detainee receives a hygiene kit (4 rolls of toilet paper, 1 toothbrush, 1 toothpaste, 1 soap, 1 shower gel, 1 razor (if needed), 1 dish soap, 1 sponge, garbage bags) once a month. Additionally, detainees can exchange their towels every week, and bed linens are changed twice a month. Last, pre-trial detainees receive laundry products upon request, as they can access a communal washing machine.⁴⁷

⁴⁰ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁴¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴⁶ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁴⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

d. Hygienic conditions in cells

The national law states each detainee has an individual bed with the necessary bedding that is changed regularly to guarantee the detainee's health (Article 259).⁴⁸

The doctor of the facility provides a report (every 3 months) regarding the hygiene and cleanliness of the establishment and detained persons; 3) the sanitary installations, heating, lighting and ventilation of the cells and the establishment; 4) the quality and cleanliness of detained persons' clothing and bedding (Article 89).⁴⁹

e. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC*) (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>(Au CPU): Les cellules étaient lumineuses et équipées d'une télévision, bouilloire, toilettes et lavabo. Une douche commune, en bonne état de maintenance, était accessible aux personnes en situation d'handicap physique. Une cellule « time out » dotée de toilettes et d'un lavabo en acier était utilisée en attente de transferts médicaux à l'hôpital, si nécessaire.⁵⁰</i>	In CPU: The cells were bright and equipped with a television, kettle, toilet, and washbasin. A communal shower, in good repair, was accessible to people with physical disabilities. A "time out" cell with a steel toilet and washbasin was used to await medical transfers to the hospital, if necessary.

Authorities of the Penitentiary Administration of Luxembourg confirm that convicted inmates are provided with necessary hygiene products. Sanitary products are distributed once a month, and toilet

⁴⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁴⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.53.

paper once a week. All inmates have access to toilets and showers; each inmate has a toilet in their cell and daily access to a shower.⁵¹

Authorities of the Penitentiary Administration of Luxembourg confirm that each cell has an individual toilet at the Semi-open prison in Givenich (Centre pénitentiaire de Givenich - CPG). Regular inspections and adequate maintenance are carried out to prevent health issues. Showers are communal. Inmates have daily access to showers. The showers are well-maintained and clean, and there are enough of them to avoid long waits.⁵²

4. Nutrition

a. Quality and quantity of food

The detainees receive meals three times a day (breakfast, lunch (12-13h) and dinner (17-19h)⁵³ of sufficient nutritional value to maintain their health and strength (Article 251). Unless under special sanctions, detainees can buy food in the canteen (Article 253).⁵⁴

b. Drinking water

Every detainee has access to water as much as they need (Article 251).⁵⁵

c. Dietary requirements

The director sets the diet's composition under the supervision of the prison health service (Article 251).⁵⁶ Religious regimes are considered as much as possible (Article 251). Sick detainees with a prescription receive special dietary food (Article 252).⁵⁷ Supplement food may be provided to the sick detainees who are required to perform work and to detainees performing heavy work⁵⁸ (Article 252).⁵⁹

⁵¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁵² Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁵³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁵⁸ FRA (European Union Agency for Fundamental Rights (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022.

⁵⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
No relevant comments identified in the CPT report (2023)	

Authorities of the Penitentiary Administration of Luxembourg confirm that inmates receive various dietary options. In the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg - CPL), the following diets are offered: normal, Muslim, fat-free, vegetarian, vegan, low-fat, low-calorie, salt-free, potassium-free, peanut/nut-free, ground, lactose-free, fish-free, gluten-free, diabetic, pregnant, suicidal, hunger-strike, and residue-free. Furthermore, authorities adhere to the national dietary recommendations of the Ministry of Health. The average inmate receives 2,750 kcal/day; the Ministry of Health recommends 2,200-2,800 kcal/day for men and 1,800-2,300 kcal/day for women.⁶⁰

Authorities also note that the Preventive Detention Centre's (Centre pénitentiaire d'Uerschterhaff – CPU) health service is also responsible for food hygiene, thus allowing for control over the quality, quantity, preparation, and distribution of food. With a medical prescription, inmates can follow a different diet provided by the CPU.⁶¹

⁶⁰ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁶¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

5. Time spent outside the cell and outdoors

a. Time spent outdoors

In all penitentiary centres, inmates are generally placed in communal life (Article 29 (1)).⁶² Except when persons are placed in solitary (confinement) cells (Article 29 (2)).⁶³

The detention centre offers an "open door" regime during which detainees can leave their cells and move freely within their unit during the day.⁶⁴ Detainees are allowed to walk in the open air for at least one hour and a half every day (Article 274).

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), the pre-trial detainees have 1 hour 50 min of walking time in the courtyards located on the roofs of the wings of their respective units.⁶⁵

b. Time spent indoors

According to the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), in Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) detainees benefit from an "open door" regime during which they could leave their cell and move freely within their unit during the day. The CPT also noted that the detention regime in Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) had improved since the transfer of pre-trial detainees to the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*). As a

⁶² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁶³ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁶⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.49.

⁶⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

result, they benefit from increased visiting hours, sports, and activities.⁶⁶ The open-door regime (afternoon until 9 pm)⁶⁷ also applies to the women's ward (Block F).⁶⁸

Detainees may be authorised, while in their cells, to engage individually in activities of their choice as long as they do not trouble order and security (Article 319).⁶⁹

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), the cells are kept open from 8 a.m. to 9 p.m., during which the detainees may move freely within their living unit, i.e. in the corridor and the two standard rooms, the telephone room, and the shower. The cells are closed only during the distribution of meals and medication.⁷⁰

c. Recreational facilities

The law states that all measures are taken to provide detainees access to culture and other appropriate activities to promote their integration (Article 28 (1)).⁷¹

Detainees may gather in small groups for certain activities or to play games (without "profit" objective) (Article 318)⁷², which includes social games, as well as cards, which could be bought at the kiosk inside

⁶⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 49.

⁶⁷ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

⁶⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

⁶⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁷⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

⁷¹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁷² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

the establishment⁷³. For security reasons, chess is not allowed.⁷⁴ Additionally, sports sessions and competitions may be organised by the detention centre director with the possible assistance of persons or teams from outside (Article 317).

Detainees are allowed to watch TV (they have to pay a caution for the TV set and a monthly fee) and listen to radio programs approved by the director (Article 320).⁷⁵

Each establishment has a library with books, newspapers, and journals⁷⁶ (Article 321 and 324).⁷⁷ Each detainee is entitled to 5 books per week. Detainees may also request books beyond the centre's catalogue (Article 324-325).⁷⁸

According to the legal framework, a portion of the detained individual's daily routine is allocated for physical exercise, overseen by a designated instructor. (Article 28 (1)⁷⁹ (Article 273).⁸⁰

The Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*) has an extensive sports hall and a large central courtyard with a sports field. All are modern and well-equipped.⁸¹ Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*) also has an extensive sports hall.

⁷³ Luxembourg, [Parliamentary question N°3687 concerning Hygiene at the Schrassig penitentiary centre](#) (*Réponse du Ministre de la Justice à question N°3687 de Monsieur Fernand Kartheiser concernant Hygiène au centre pénitentiaire de Schrassig*).

⁷⁴ Luxembourg, [Parliamentary question N°3687 concerning Hygiene at the Schrassig penitentiary centre](#) (*Réponse du Ministre de la Justice à question N°3687 de Monsieur Fernand Kartheiser concernant Hygiène au centre pénitentiaire de Schrassig*) ; in FRA (European Union Agency for Fundamental Rights (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022:

⁷⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁷⁶ FRA (European Union Agency for Fundamental Rights (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022.

⁷⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁷⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁷⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁸⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁸¹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 49.

d. Educational activities

To develop socio-educational competencies, detention centres provide various educational sessions, study circles, and other activities by professionals outside the centres (Article 317).⁸² This applies to conferences, film screenings, theatrical performances, and musical concerts.

Detainees who do not speak the languages of the country are provided with language classes (Article 28).⁸³

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), the defendants attend school (basic instruction course and general secondary education preparation course) for one hour and forty minutes a day, three times a week. The defendants can learn French and Luxembourgish and are sometimes allowed to use the computer.⁸⁴

After release, detainees can acquire or develop the necessary knowledge to better adapt to society. This is why the prison administration promotes the education and vocational training of detainees under the Public Prosecutor Office (Article 313).⁸⁵ Detainees (convicted and minors) can finish primary and secondary education (Article 314).⁸⁶

Regarding vocational training, the detainees have access to all facilities compatible with the discipline and security requirements (Article 313).⁸⁷

Detainees can follow correspondence courses at their expense (Article 316, par. 2).⁸⁸

⁸² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁸³ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁸⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.56.

⁸⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁸⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁸⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

⁸⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

Women at Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*) can learn languages and computer science in a specific classroom. They can pass their baccalaureate, but they do not have access to university courses.⁸⁹

However, the CPT criticises the fact that female detainees placed in solitary confinement had no right to school or activities. They were also denied access to the library or work.⁹⁰ Furthermore, the CPT noted that that went against the law of 2018, which stipulates that solitary confinement must not negatively affect an adapted activities programme.

In the case of minor detainees in Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg—CPL*), they can attend school beginning at 8:30 a.m. for two hours per day in the common room four mornings per week. During these classes, the instructor teaches French, Luxembourgish, German, and English and general notions of mathematics, history, natural sciences, and computers.⁹¹ During the time of school, the minors have internet access.⁹²

In general, the CPT recommends that the Luxembourgish authorities continue their efforts to increase activities for detainees at the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*). The aim should be for each detainee to be able to spend a reasonable part of the day, eight hours or more, outside their cell, engaged in motivating activities of a varied nature: work, study, sport, and leisure activities, adapted to the needs of each individual and in particular of women.⁹³

⁸⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 50.

⁹⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.52.

⁹¹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 18.

⁹² Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 21.

⁹³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

e. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regarding: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>La délégation a cependant relevé quelques problèmes relatifs aux cours de promenade situées sur le toit de chaque aile des blocs de détention du CPU. Ces cours extérieures, d’une surface d’environ 150m2 chacune, étaient équipées de bancs et permettaient une vision longue sur l’environnement rural des alentours et vers le ciel à travers des grilles barreaudées. Une partie des détenus avec lesquels la délégation s’est entretenue a indiqué préférer ne pas sortir en raison du manque de protection contre la pluie, le vent et le froid ressentis sur les toits. S’agissant de la situation sécuritaire, et notamment de l’existence des angles morts de vision malgré le déploiement de la vidéosurveillance dans ces cours et de l’absence de présence physique d’agents pénitentiaires durant les temps de promenade.</i></p> <p><i>Le Comité recommande que les autorités luxembourgeoises améliorent les conditions au sein des cours de promenade extérieures, notamment en installant des pare-vents, afin d’offrir une meilleure protection à l’encontre des intempéries. Lors de la visite, la direction du CPU a informé la délégation d’un plan en cours d’élaboration pour mettre en place un accès pour des personnes en situation d’handicap physique ou à mobilité réduite à la grande cour centrale équipée d’un terrain de sport. Cette cour, conçue pour permettre à tous les personnes détenues de faire des activités sportives avec terrains de football et de basketball, n’était pas encore ouverte d’accès au moment de la visite. Le</i></p>	<p><i>The delegation did, however, note some problems with the courtyards on each wing’s roof of the CPU detention blocks. These outdoor courtyards, each with a surface area of approximately 150m2, were equipped with benches and allowed a long view of the surrounding rural environment and the sky through the barred gates. Some detained persons with whom the delegation spoke said they preferred not to go outside because of the lack of protection against the rain, wind, and cold on the roofs. Regarding the security situation, particularly the existence of blind spots despite the deployment of video surveillance in these yards and the absence of a physical presence of prison officers during exercise time.</i></p> <p><i>The Committee recommends that the Luxembourg authorities improve conditions in the outdoor exercise yards, mainly by installing windscreens to provide better protection from the elements. During the visit, CPU management informed the delegation that a plan was being drawn up to provide access to the large central courtyard, equipped with a sports field, for people with physical disabilities or reduced mobility. This courtyard, designed to enable all detained persons to participate in sporting activities with football and basketball pitches, was yet to be available at the time of the visit. The Committee would like to be informed when the planned facility in the central courtyard is operational so that detained persons with reduced mobility or physical disabilities can take advantage of it.</i></p>

<p>Comité souhaiterait être informé lorsque le dispositif envisagé à la cour centrale sera opérationnel afin de permettre aux personnes détenues à mobilité réduite ou présentant un handicap physique d'en bénéficier.⁹⁴</p>	
<p>CPT : Cependant, le nombre de places de travail restait insuffisant. Plusieurs détenus avec qui la délégation s'est entretenue s'étaient plaints qu'il n'y avait pas assez de places au travail. Au moment de la visite, 60 détenus seulement travaillaient en atelier. Les autres possibilités de travail se réduisaient à la corvée et à la buanderie. Lors d'entretiens, certaines personnes avaient aussi mentionné le manque d'activités variées. À titre d'exemple, un détenu purgeant une longue peine travaillait à la corvée depuis 11 ans et, en parallèle, ne participait à aucune activité, à l'exception d'un projet artistique.⁹⁵</p>	<p>CPT: However, the number of workplaces needed to be increased. Several detained persons with whom the delegation spoke had complained that there were not enough places to work. Only 60 detained persons were working in the workshops at the time of the visit. Other work opportunities were limited to drudgery and laundry. During interviews, some people also mentioned the lack of varied activities. For example, a detained person serving a long sentence had been working in the drudgery for 11 years and, at the same time, did not participate in any activities except for an art project.</p>
<p>Concernant le travail, à part la corvée et la cuisine, il n'y avait que très peu activités organisées offertes aux prévenus, au moment de la visite. Celles-ci incluait notamment des ateliers thématiques (social, culinaire et créatif) et des séances d'informations. De plus, il y avait seulement 17 postes pour la corvée et 12 postes pour la cuisine, ce qui voulait dire que la plupart des prévenus n'y avaient pas accès. Des ateliers de fabrication de produits essentiels et d'autres projets d'expression artistiques étaient cependant prévus.⁹⁶</p>	<p>Concerning work, apart from chores and cooking, there were very few organised activities available to the remand detainees at the time of the visit. These included themed workshops (social, culinary and creative) and information sessions. In addition, there were only 17 chore stations and 12 kitchen stations, which meant that most of the remand detainees did not have access to them. However, workshops on making essential products and other artistic expression projects were planned.</p>

⁹⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.48.

⁹⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.49.

⁹⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

Regarding the daily routine of the convicted persons in the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg - CPL), the authorities of the Penitentiary Administration of Luxembourg confirm that most inmates work during the day. After work, inmates participate in courtyard walks and sports activities, attend school, or visit other inmates, spending very little time in their cells. If inmates do not work, the cell door opens at midday and closes at 9:00 pm.⁹⁷

6. Solitary confinement

a. Placement in solitary confinement

Detained people may be put into solitary confinement under certain legal conditions. In this context, they are separated from others into their cells, without prejudice to a programme of adapted activities (Article 29(2)).⁹⁸ The following groups may be put into solitary confinement on the basis of an individual decision:

- (a) detainees waiting for trial by decision of the judge (Article 29(2)(a))⁹⁹;
- (b) detained persons who, because of their personality or behaviour, are unfit for community living (Article 29(2)(b))¹⁰⁰ (as in court decision of 27 March 2023,¹⁰¹ as well as 6 September 2023,¹⁰², 5 March 2024¹⁰³), but only for as long as this is the case (Article 29(2)(b))¹⁰⁴ (also court decision of 5 March 2024)¹⁰⁵;
- (c) Minors, as well as pregnant or breastfeeding women and mothers with infants, but only if solitary confinement is manifestly in their interest or if the circumstances described under (b) apply (Article 29(3)).¹⁰⁶

⁹⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

⁹⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

⁹⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁰⁰ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁰¹ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 39/23 chap](#), 27 March 2023.

¹⁰² Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 106/23 chap](#), 6 September 2023.

¹⁰³ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 30/24 chap](#), 5 March 2024.

¹⁰⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁰⁵ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 31/24 chap](#), 5 March 2024.

¹⁰⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

Detained persons whose behaviour is likely to 1) endanger their own or other persons life or physical integrity , 2) seriously and imminently jeopardise the order and security of the prison centre may be temporarily placed:

- (a) in a single cell;
 - (b) in a security cell specially equipped to prevent acts of vandalism, aggression, and self-aggression; or
 - (c) in an observation cell in which the detained person is under permanent video surveillance.
- (Art 30(1)).¹⁰⁷

The duration of the placement is limited to strictly necessary. It may be at most twenty-four hours unless it is extended by the reasoned decision of the director of the penitentiary centre for periods of twenty-four hours (Article 30 (3)).¹⁰⁸

b. Monitoring of detainees

A person may be temporarily placed in an observation cell (*cellule d'observation*) under video surveillance (Article 30(1)(C)).¹⁰⁹

The placement in solitary confinement in a punishment cell may only be imposed with the doctor having examined the prisoner and certified in writing that the latter can withstand it (Article 200 par. 1).¹¹⁰

The doctor visits the detainees undergoing this disciplinary measure at least twice a week (Article 201 par. 1).¹¹¹ The punishment is suspended if the doctor finds that its continuation is likely to compromise the physical or mental health of the prisoner (Article 201 par. 2).¹¹²

According to the 2021 Annual Report of the Ombudsman of the Grand Duchy of Luxembourg, 424 persons were placed in solitary confinement during 2021 (this reflected a clear increase of 39,5% compared to 2020). The average time of placement in confinement was 56 hours, with a minimum duration of one hour.¹¹³

¹⁰⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁰⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁰⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹¹⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹¹¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹¹² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹¹³ Luxembourg, External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*)(2021), Annual Report 2021 ([Rapport annuel 2021](#)), p. 17.

The CPT has considered that confinement to an individual cell is the most severe sanction (Article 32 (3) 9)¹¹⁴ and can be imposed for a maximum of 14 days, during which time detainees may continue to enjoy their rights to visit and correspond with others and to go outside (but on their own) (Article 32 (4)).¹¹⁵

c. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - UNISEC) (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p>À l'unité sanitaire du CPU, quatre des neuf cellules – dont les deux cellules d'isolement médical pour risque infectieux – étaient équipées de caméras de vidéosurveillance reportées dans le bureau des surveillants mais toutes n'étaient pas activées. Le directeur a informé la direction qu'il considérait que s'il y avait un risque suicidaire, la personne concernée devait être placée à l'unité de sécurité dans le bloc E qui disposait de cellules de sécurité et d'observation et était dotée d'un personnel formé et en nombre suffisant ; s'il y avait une nécessité de surveillance médicale rapprochée, celle-ci devait être réalisée à l'hôpital.¹¹⁶</p>	<p>In the CPU health unit, four of the nine cells - including the two medical isolation cells for infectious risks - were equipped with video surveillance cameras displayed in the warden's office, but not all were activated. The director informed the management that he considered that if there was a risk of suicide, the person concerned should be placed in the security unit in block E, which had security and observation cells and was staffed by sufficient numbers of trained personnel; if there was a need for close medical surveillance, this should be carried out at the hospital.</p>
<p>2023 : Dans les deux établissements visités, différentes cellules de sécurité pouvaient être utilisées lorsqu'une personne détenue avait un comportement agressif. Elle pouvait y être placée pour une durée maximale de 24 heures, avec</p>	<p>When a detained person behaved aggressively, various security cells could be used in the two establishments visited. The detainee could be placed in these cells for a maximum of 24 hours, with the possibility of extending the placement for additional periods, each not exceeding 24 hours and based on a</p>

¹¹⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹¹⁵ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹¹⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.53.

<p><i>possibilité de proroger le placement pour des périodes supplémentaires, chacune ne dépassant pas les 24 heures et sur la base d'une décision du directeur du centre. Certaines de ces cellules étaient équipées de caméras de surveillance et pouvaient aussi être utilisées en tant que cellules d'observation. Les détenus qui y étaient placés devaient être vus sans délai, par un médecin ou un infirmier faisant rapport au médecin.</i>¹¹⁷</p>	<p>decision by the centre's director. Some of these cells were equipped with surveillance cameras and could be used as observation cells. Detained persons placed in these cells had to be seen by a doctor or nurse reporting to the doctor without delay.</p>
<p><i>Au CPL, les 14 cellules de sécurité (mesurant chacune 8 m2) étaient localisées à différents endroits : au sous-sol du bloc P1, au bloc B et au bloc E. Parmi ces cellules, il y avait quatre cellules de sécurité renforcée (besonders gesicherter Haftraum – BGH), équipées d'un bat-flanc en béton, d'un matelas, d'une assise et table en béton, d'une toilette en acier et d'une sonnette d'appel. Les autres cellules (également appelées « cellules de réflexion ») étaient équipées d'un épais matelas souple, de toilettes à même le sol et d'une sonnette d'appel</i>¹¹⁸.</p>	<p>At the CPL, the 14 security cells (each measuring 8 m2) were located in different places: in the basement of block P1, block B, and block E. Among these cells were four <i>besonders gesicherter Haftraum (BGH)</i> cells, equipped with a concrete bench, a mattress, a concrete seat and table, a steel toilet and a call bell. The other cells (also known as "reflection cells") were equipped with a thick, soft mattress, a toilet on the floor and a call button (buzzer).</p>
<p><i>Les cellules au sous-sol du bloc P1 n'étaient pas équipées de caméras de vidéosurveillance.</i></p> <p><i>Comme constaté lors de la visite en 2015, elles étaient sous le contrôle des agents pénitentiaires affectés aux autres étages du bloc P1. Cependant, lors d'un placement, les agents n'étaient pas présents en permanence à l'unité et faisaient seulement des contrôles à intervalles irréguliers (entre deux à quatre fois par service de huit heures).</i>¹¹⁹</p>	<p>The cells in the basement of P1 block were not equipped with video surveillance cameras.</p> <p>As noted during the 2015 visit, they were under the control of prison officers assigned to the other floors of P1 block. However, during one placement, officers were not permanently present at the unit and only carried out checks at irregular intervals (between two and four times per eight-hour shift).</p>
<p><i>Le CPT recommande aux autorités luxembourgeoises de prendre les mesures nécessaires pour que l'unité</i></p>	<p>The CPT recommends that the Luxembourg authorities take the necessary steps to ensure that the</p>

¹¹⁷ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.57.

¹¹⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.57.

¹¹⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.57.

<p><i>disposant de cellules de sécurité au sous-sol du bloc P1 soit supervisée de manière continue par des agents pénitentiaires lorsque des personnes détenues y sont placées, afin de garantir qu'elles soient vues à des intervalles plus réguliers (toutes les heures)¹²⁰.</i></p>	<p>security cells in the basement of the P1 block are continuously supervised by prison officers when detained persons are placed there so that they are seen at more regular intervals (every hour).</p>
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Authorities of the Penitentiary Administration of Luxembourg confirm that there are no cases of constant extension of solitary confinement periods in the Luxembourg closed detention centre. They further confirm that solitary confinement is used as a disciplinary sanction for a maximum period of 14 days and as an administrative measure for up to one month. In the latter case, solitary confinement may be extended by a reasoned decision. However, extensions are very rare.¹²¹

Furthermore, authorities emphasise that the well-being of inmates placed under the cellular regime is sufficiently monitored, as the doctor must examine the inmates subjected to the cellular regime without delay and no later than 24 hours after placement, and thereafter at least once a week. Additionally, the doctor must submit a report to the director of the Preventive detention centre (Centre pénitentiaire d'Uerschterhaff - CPU) whenever they believe that the physical or mental health of an inmate has been or will be affected by any aspect of the regime or by the extension of the placement under the cellular regime. Moreover, access to healthcare remains guaranteed during cellular isolation.¹²²

Authorities of the Penitentiary Administration of Luxembourg confirm that in the Semi-open prison in Givenich (Centre pénitentiaire de Givenich - CPG), the practice of isolating inmates in solitary confinement does not exist. However, withdrawal from individual and communal activities can be imposed for disciplinary reasons. After working and training hours, the inmate is confined to their cell (from 4:30 PM to 6:30 AM). The confinement hours for inmates with a semi-liberty work contract are adjusted according to their work entry and exit times.¹²³

¹²⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.58.

¹²¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹²² Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹²³ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

According to the Act of 20 July 2018 reforming the prison administration, the prison administration provides psycho-social monitoring and socio-educational supervision for all detainees (Article 21 (1)).¹²⁴

The law also states that the psychosocial and socio-educational services shall coordinate the development and implementation of the voluntary integration plan (Article 21 (2)).¹²⁵ Each convicted detainee is offered a voluntary integration plan to determine the measures to be taken during detention to promote integration (Article 21 (3)).¹²⁶

Thus, detained individuals are actively encouraged to participate in a voluntary reintegration program tailored to their triumphant return to society (Article 27(1)).

The voluntary integration plan is drawn up as soon as the sentence is final, with the convicted detainee's participation and coordination with the probation officer of the central social assistance service responsible for the convicted person (Article 21 (4)).¹²⁷ The content of the voluntary integration plan may include:

1. programs to develop the offender's employability skills and work attendance.
2. education or training programs.
3. psychosocial follow-up and socio-educational supervision programs.
4. psychotherapeutic or psychological follow-up programs;
5. compensation and reparation for the harm caused to victims.

This voluntary integration plan can also include other aspects (Article 21 (6))¹²⁸ and it shall be periodically reviewed and adapted, depending on the execution of the sentence, the active participation of the convicted person, and his progress (Article 21 (6)).¹²⁹ The "Good Life Plan" and the "Voluntary Integration Plan" are the reference tools to guarantee the coherence and continuity of the various services that work with the detainee. The integration advisor in co-production with the prisoner draws them up. When a prisoner is transferred from one penitentiary centre to another, the new professionals consider these working tools, and all the data is collected in the prisoner's social integration file.¹³⁰

In the case of detainees at the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*), the director of the prison may authorise temporary accompanied outings for convicted detainees when it is in the interests of their integration for them to take part in psychological or psychotherapeutic

¹²⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹²⁵ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹²⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹²⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹²⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹²⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹³⁰ Luxembourg, *tiarytiary administration (Administration pénitentiaire), Penological treatment (Traitement pénologique)*.

follow-up measures or educational, socio-pedagogical, sporting or cultural activities, work, training or teaching activities organised outside the prison or to carry out administrative procedures with a view to their release. The prison director determines the duration of the temporary accompanied outing but may not start before 6.00 a.m. and end after 10.00 p.m. (Article 21 (7)).¹³¹

Penological treatment consists of individualised work carried out by the Prison Service with the detainee during his stay in prison. This treatment is adapted to the prisoner's needs, resources, and interests. In this sense, it is a differentiated treatment. Each detainee is automatically accompanied by an integration counsellor from the Psychosocial and Socio-Educational Service (SPSE). Depending on their needs and choices, other professionals may also monitor them.¹³²

Penological treatment comprises an "assessment" component and an "intervention" component. The prisoner's participation in the assessments and interventions is voluntary. The assessments provide a multi-dimensional and multi-perspective analysis of the inmate's needs and resources and enable the professional staff and the detainee to work together to set the objectives to be achieved through interventions appropriate to the inmate's situation.¹³³ The interventions offered to detainees increase the opportunities for exchange and reflection with them and develop their responsibility and capacity to act.¹³⁴

According to the legal framework, all the detainees of the different prisons are placed under a regime known as the "common regime," which allows them to live and associate in common and working areas and take part in activities organised by the centre (Article 29 (1)).¹³⁵

b. Access to work

Convicted persons in detention are required to perform the work assigned to them. Age, sex, physical and mental capacities, health, and personality are considered when assigning work (Article 27(1)).¹³⁶ An unjustified refusal to do the assigned work may result in disciplinary action. Work and other activities offered as part of the voluntary integration plan are reimbursed based on the principle of equivalent pay (Article 28(1)).¹³⁷

¹³¹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹³² Luxembourg, Penitentiary administration (Administration pénitentiaire), Penological treatment ([Traitement pénologique](#)).

¹³³ Luxembourg, Penitentiary administration (Administration pénitentiaire), Penological treatment ([Traitement pénologique](#)).

¹³⁴ Luxembourg, Penitentiary administration (Administration pénitentiaire), Penological treatment ([Traitement pénologique](#)).

¹³⁵ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹³⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹³⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

Work is optional for all other detainees (e.g., provisional detention, etc.) (Article 27(1)).¹³⁸ Pre-trial detainees must apply with a request to the prison's director (Article 288).¹³⁹ The remuneration is fixed by a Grand-Ducal Regulation, which indicates that the salary is fixed by the Minister of Justice (Article 300).¹⁴⁰ The salaries can increase with time.¹⁴¹

c. Access to education

As part of the voluntary reintegration program, detainees are strongly urged to enhance their skill sets. Within the prisons, all measures are taken to provide primary education to the detainees to promote their integration (Article 28 (1)).¹⁴²

Detainees receive access to primary education, engage in physical activities, participate in cultural events, and undertake other relevant activities to facilitate their transition back into the community. (Article 28)¹⁴³

After release, detainees can acquire or develop the necessary knowledge to better adapt to society. The prison administration promotes education and vocational training of detainees (Article 313).¹⁴⁴ Detainees (convicted detainees as well as minors) can finish primary and secondary education (Article 314).¹⁴⁵

In the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich* - CPG), accompanied detainees can assist in educational, socio-pedagogical, sporting, or cultural activities outside the detention centre leading to their release (Article 21(7)).¹⁴⁶

Detainees may pursue vocational training and education by distance, provided these do not overlap with their work hours (Article 316).¹⁴⁷

¹³⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹³⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁴⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁴¹ Luxembourg, RTL.lu, How Schressig prison works ([Comment fonctionne le centre pénitentiaire de Schressig](#)), 8 March 2024.

¹⁴² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁴³ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁴⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989..

¹⁴⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁴⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁴⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989..

Detainees can follow correspondence courses at their expense (Article 316, par. 2).¹⁴⁸

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff – CPU*), education service plays a crucial role in the rehabilitation of the inmates. The training courses are based on two pillars, each designed to provide significant benefits:

- Introductory instruction courses: These are aimed at beginners in French literacy and those who have been literate in German or French and wish to improve their basic skills (reading, writing, arithmetic, and navigating an increasingly digital world).
- Preparatory pathway for general secondary education: This is a modular education system, including courses in Allux (German with Luxembourgish connotations), French, general culture (Geography, Ethics, Computer Science, and Science), and Mathematics. The English language instruction is also planned. The modular education system allows for consideration of the individual's profile and pace. Upon successfully completing a module, the person is granted a report detailing their competencies.¹⁴⁹

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>CPT: Cependant, le nombre de places de travail restait insuffisant. Plusieurs détenus avec qui la délégation s'est entretenue s'étaient plaints qu'il n'y avait pas assez de places au travail. Au moment de la visite, 60 détenus seulement travaillaient en atelier. Les autres possibilités de travail se réduisaient à la corvée et à la buanderie. Lors d'entretiens, certaines personnes avaient aussi mentionné le manque d'activités variées. À titre d'exemple, un détenu purgeant une longue peine travaillait à la corvée</i>	CPT: However, the number of workplaces needed to be increased. Several detained persons with whom the delegation spoke had complained that there were not enough places to work. Only 60 detained persons were working in the workshops at the time of the visit. Other work opportunities were limited to drudgery and laundry. During interviews, some people also mentioned the lack of varied activities. For example, a detained person serving a long sentence had been working in the drudgery for

¹⁴⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁴⁹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

<i>depuis 11 ans et, en parallèle, ne participait à aucune activité, à l'exception d'un projet artistique.¹⁵⁰</i>	11 years and, at the same time, did not participate in any activities except for an art project.
<i>Concernant le travail, à part la corvée et la cuisine, il n'y avait que très peu activités organisées offertes aux prévenus, au moment de la visite. Celles-ci incluaient notamment des ateliers thématiques (social, culinaire et créatif) et des séances d'informations. De plus, il y avait seulement 17 postes pour la corvée et 12 postes pour la cuisine, ce qui voulait dire que la plupart des prévenus n'y avaient pas accès. Des ateliers de fabrication de produits essentiels et d'autres projets d'expression artistique étaient cependant prévus.¹⁵¹</i>	With regard to work, apart from chores and cooking, there were very few organised activities available to the remand detainees at the time of the visit. These included themed workshops (social, culinary and creative) and information sessions. In addition, there were only 17 chore stations and 12 kitchen stations, which meant that most of the remand detainees did not have access to them. However, workshops on making essential products and other artistic expression projects were planned.

According to the authorities of the Penitentiary Administration of Luxembourg, currently, there are approximately 200 job positions available for 270 inmates in the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg- CPL). In addition to work opportunities, convicted persons also have the chance to participate in training courses provided by the education service. These courses are designed to help inmates develop new skills and improve their qualifications, which can be beneficial for their reintegration into society upon release.¹⁵²

8. Healthcare

a. Access to healthcare

Every detained person has the right to an adequate and appropriate right to the health care best suited to their state of health. The prison staff ensures that the health care provided to each detained person is equivalent to that to which they would be entitled in the absence of imprisonment. Medical services are provided by respecting proportionality: what's needed and should be given in the most efficient way

¹⁵⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.49.

¹⁵¹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.50.

¹⁵² Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

possible, following medical rules and ethics. The prison administration organises access to healthcare and covers the related costs and expenses (Article 26(1)).¹⁵³

b. Availability of medical staff

Medical staff in establishments consist of a general practitioner, a dentist, a doctor specialising in psychiatry or neuropsychiatry, and nurses (Article 28).¹⁵⁴ The general practitioner is responsible for the centre's health service (Article 29).¹⁵⁵

Approved doctors have the authority to request assistance from medical specialists for the examination and treatment of detained persons (Article 31.)¹⁵⁶ Each establishment has an infirmary (Article 32), which includes premises for medical consultation and treatment, storage and preparation of medicines, and a diet adapted to the needs of inmates, patients requiring psychiatric treatment, and chronic patients. Additionally, the infirmary must provide facilities for medical consultation and pharmacy (Article 33).¹⁵⁷

Although the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*) does not have an infirmary, nursing care, including consultations, is provided thrice daily for six hours. A general practitioner is usually available for consultations on Wednesday afternoons. Suppose the general practitioner cannot come to the Semi-open prison in Givenich. In that case, the transport service organises transfers to a medical centre in the region every Monday, Friday, and Wednesday. The transport service also takes inmates to appointments with specialist doctors on weekdays. For mental health support, a psychiatrist is available for consultation on Mondays. Additionally, psychiatric nursing staff from the penitentiary psychiatric medical service are present at the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich – CPG*) for two hours each day, ensuring continuous support. The neighbouring municipality has a rescue unit (*Corps grand-ducal d'incendie et de secours*) coordinating ambulance and fire services. In case of emergency, there is direct access to the ambulance.¹⁵⁸

¹⁵³ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁵⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁵⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁵⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁵⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁵⁸ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

c. Medical examination upon admission

The doctor assigned to the institution checks each person who is detained soon after they arrive (within 24 Hours)¹⁵⁹ and continues to check them regularly as needed. These check-ups are essential for finding any physical or mental health issues, separating those with contagious diseases, identifying any problems that might affect their reclassification, and figuring out what kind of work each person can do (Article 83).¹⁶⁰

d. Preventive care

According to Article 84,¹⁶¹ the doctor in charge is responsible for monitoring the physical and mental health of individuals admitted to the establishment. The doctor should ideally examine those who complain of illness or are reported ill on the same day. The frequency of the doctor's visits depends on the patient's condition and needs.

e. Specialised care

The doctor of each facility must examine each inmate after their admission and as often as necessary thereafter, particularly to detect any physical or mental illnesses and take appropriate measures. This includes ensuring the separation of inmates with contagious diseases, identifying any physical or mental impairments that could hinder reintegration, and determining each inmate's physical capacity for work. Additionally, the doctor is responsible for monitoring the physical and mental health of those admitted to the facility, promptly examining those who report illness and conducting regular check-ups as needed (Article 83-84).

The doctor provides written certificates detailing the health status of examined individuals, including essential information for the inmates' penological treatment, rehabilitation, and re-education when requested by the establishment's management. Without prior authorisation from the general management, the doctor is forbidden from issuing certificates to inmates, their families, or their legal representatives (Article 87).¹⁶²

In the in the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff – CPU*), the psychiatric care of inmates is provided by the penitentiary psychiatric medical service (SPMP), which is present every day, including holidays, Saturdays, and Sundays, from 6:30 AM to 9:30 PM. Medical on-call duty is also ensured during this time. The penitentiary medical service (SMP) provides somatic care and has a pharmacy. In addition, the SMP offers general medical consultations every weekday for at least 6 hours

¹⁵⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.54

¹⁶⁰ Luxembourg, [the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments](#) (*Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires*), 3 April 1989.

¹⁶¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁶² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

per day on the premises and is available for telephone consultations 24/7, ensuring the inmates' health needs are met promptly and effectively. The commitment to comprehensive healthcare is further ensured by providing specialized medical consultations, including dentistry, ophthalmology, infectious disease, and biomedical expertise, ensuring that all aspects of inmate health are addressed. Healthcare staff is also present at the premises 24/7. Additionally, a physiotherapist is present every weekday from 8:00 AM to 5:00 PM. There is also an X-ray service within the CPU.¹⁶³

f. Treatment of the detainee's choosing

A detained person may be treated at the detention centre by the doctor of their choice (26(2). Depending on the seriousness of the situation, the person may be transferred to the hospital by professionals either from the centre or from the hospital (Article 26(3)).¹⁶⁴

g. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>S'agissant des soins somatiques, les deux établissements offraient une très bonne couverture médicale, avec un ratio de personnel adéquat et une qualité de prestations de bon niveau, dont le Comité se félicite.</i> ¹⁶⁵	In terms of somatic (body) care, the two establishments offered very good medical coverage, adequate staffing ratio, and good service quality, which the Committee welcomes.
<i>L'accès au médecin généraliste dans les établissements visités était aisé. Pour accéder aux soins, les détenus devaient formuler une demande écrite, remise aux agents pénitentiaires ou bien à l'infirmier qui distribuait les médicaments. Il n'y avait</i>	Access to a general practitioner in the establishments visited was easy. To access treatment, detained persons had to make a written request, which was given to prison officers or the nurse who distributed the medication. No letterboxes were dedicated to

¹⁶³ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹⁶⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁶⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.53.

<p><i>pas de boîtes aux lettres placées dans les couloirs du CPL et du CPU dédiées à ces demandes. Cette procédure soulevait des problèmes de confidentialité. Plusieurs prévenus ont informé la délégation que les agents pénitentiaires étaient au courant de leur condition médicale. Le Comité recommande que les autorités luxembourgeoises revoient la procédure d'accès aux soins des détenus au CPL et au CPU afin de mieux préserver la confidentialité médicale, notamment en plaçant des boîtes aux lettres dédiées aux demandes médicales au sein de chaque unité et gérées exclusivement par le personnel soignant.¹⁶⁶</i></p>	<p>these requests in the corridors of the CPL and CPU. This procedure raised confidentiality issues. Several remand detainees informed the delegation that prison officers were aware of their medical condition. The Committee recommends that the Luxembourg authorities review the proceeding for detained persons' access to treatment at the CPL and CPU to preserve medical confidentiality better, particularly by placing mailboxes dedicated to medical requests within each unit and managed exclusively by healthcare staff.</p>
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According to the authorities of the Penitentiary Administration, proportionality is taken into consideration regarding access to healthcare. Furthermore, a convicted person may request to see a doctor at lunchtime. Every person has a sufficient and appropriate right to the care best suited to their state of health.¹⁶⁷

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

Several provisions of the amended Grand-Ducal Regulation of 24 March 1989 and the 2018 law stipulate the duty of the penitentiary staff to abstain from any act that could harm the detainees and the duty to rescue or protect the detainees in case of need (Article 50 and Article 52).¹⁶⁸

In carrying out these duties, prison officers may only use the physical and material means of restraint at their disposal in self-defence, attempted escape, invasion, or attempted invasion to compel a detained person to behave by the law and the instructions of prison staff by inhibiting or restricting his capacity for movement, to overcome the resistance of a detained person by violence or physical inertia to orders

¹⁶⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, pp.54-55.

¹⁶⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹⁶⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989, in: FRA (European Union Agency for Fundamental Rights) (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022.

given, or when it is a question of protecting the detained person against themselves. The choice and use of means of restraint must be justified, limited in time, and proportionate to the facts (Article 43 (1)).¹⁶⁹

The Director of the Prison Service may decide to set up a task force within each prison. This group consists of prison officers specially trained in the use of physical restraints. Their task is to intervene in incidents or situations that can no longer be carried out by other prison officers who are not members of the group.

b. Protection from violence by other detainees

Prison officers are responsible for

- (a) supervising and supervising detained persons;
- (b) ensuring the smooth running of detention;
- (c) ensuring respect for the physical integrity of detained persons, staff, and third parties present;
- (d) ensuring the security and safety of the prison to which they are assigned (Article 42).¹⁷⁰

The physical means of restraint include:

- a) metal or synthetic handcuffs, shackles, and any other means of restraint;
- b) (b) truncheons and defence batons;
- c) (c) devices acting by the remote projection of natural or synthetic pepper substances designed to have an inhibitive effect on persons;
- d) (d) firearms and non-firearms with non-penetrating ammunition, and
- e) (e) firearms with penetrating ammunition (Article 43(3)).

Prison officers are authorised to use firearms with penetrating ammunition only in legitimate self-defence to prevent escapes and invasions outside the facilities. Their use must be authorised in advance by the director of the penitentiary centre and approved by the director of the penitentiary administration (Article 43(4)).¹⁷¹

c. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

¹⁶⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁷⁰ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁷¹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>Le Comité n'a recueilli aucune allégation de mauvais traitements physiques de personnes détenues par les agents pénitentiaires au sein des deux établissements pénitentiaires visités. Si la plupart des personnes ont parlé positivement du personnel, la délégation a cependant reçu quelques allégations de propos inappropriés, y compris à caractère raciste, de la part de membres du personnel envers certains détenus. Les autorités luxembourgeoises devraient aussi redoubler d'efforts pour traiter le problème des violences physiques et verbales entre détenus.</i></p>	<p>The Committee received no allegations of physical ill-treatment of detainees by prison officers in the two prisons which were visited. While most people spoke positively about the staff, the delegation did receive a few allegations of inappropriate language, including racist language, being used by staff towards some detainees. The Luxembourg authorities should also redouble their efforts to tackle the problem of physical and verbal violence between inmates.</p>
<p><i>La délégation a été informée de plusieurs incidents de violences entre personnes détenues, physique et verbale, dans les deux établissements visités, qui était un problème connu des directions respectives. Par exemple, en 2021, certains détenus ont déclenché plusieurs incendies au CPL, à la suite desquels, un détenu est décédé. D'après les registres disciplinaires de cette prison, 23 détenus ont eu des sanctions disciplinaires pour « agression d'un détenu » ou « rixe avec un détenu » au cours du premier trimestre 2023. Ce chiffre était beaucoup plus élevé en 2022 avant le transfèrement de la majorité des prévenus au CPU, information qui a été confirmée par le chef de la sécurité du CPL. Dans la section des femmes, la délégation a constaté l'existence de violences verbales, sous forme d'insultes, entre détenues¹⁷².</i></p>	<p>The delegation was informed of several incidents of inter-prisoner violence, both physical and verbal, in the two establishments visited, which was a problem known to the respective management. For example, in 2021, some inmates set several fires at the CPL, as a result of which one inmate died. According to the prison's disciplinary records, 23 inmates were disciplined for "assaulting an inmate" or "fighting with an inmate" in the first quarter of 2023. This figure was much higher in 2022 before most remand detainees were transferred to the CPU, a fact confirmed by the CPL's head of security. In the women's section, the delegation observed verbal violence in the form of insults between inmates.</p>
<p><i>Plusieurs incidents des violences physiques entre détenus ont aussi eu lieu au CPU, durant les quatre premiers mois depuis son ouverture. L'un d'entre eux s'était produit en février 2023 dans l'une des cours de promenade situées sur le toit de l'établissement, alors que les détenus étaient hors de la surveillance directe des agents pénitentiaires. Si les cours disposaient de deux caméras de vidéosurveillance dont les images étaient renvoyées par un PC central aux postes de surveillance dans chaque bloc, il y avait plusieurs angles morts. Toutefois, il n'y avait pas de présence</i></p>	<p>There have also been several incidents of physical violence between inmates at the CPU in the first four months since it opened. One such incident occurred in February 2023 in one of the prison's roof-top exercise yards when inmates were outside the direct supervision of prison officers. Although the courtyards were equipped with two CCTV cameras whose images were sent by a central PC to the guard posts in each block, there were several blind spots. However, there was no physical presence of guards during walk times. This situation contributed to making areas not covered</p>

¹⁷² Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.47.

<p><i>physique d'agents durant les temps de promenade. Cette situation a contribué à rendre les zones non couvertes par les dispositifs de surveillance propices aux violences entre détenus. Lors de l'incident qui a eu lieu en février 2023, quatre détenus ont violemment agressé un codétenu pendant environ une minute, en le rouant de nombreux coups de poings et de coups de pieds. Un autre détenu avait dû alerter les agents pénitentiaires qui ne sont pas intervenus à temps pour y mettre un term.</i>¹⁷³</p>	<p>by surveillance devices conducive to inter-prisoner violence. In the incident that took place in February 2023, four inmates violently assaulted a fellow inmate for about a minute, punching and kicking him repeatedly. Another inmate had to alert prison officers, who did not intervene in time to put an end to the assault.</p>
<p><i>Les autorités luxembourgeoises ont informé la délégation des efforts entrepris pour réduire le temps de réaction des agents pénitentiaires et des formations qui leurs étaient proposées pour anticiper et réduire les situations de tension et d'agressivité, ainsi que pour évaluer les risques posés par les nouveaux arrivants et leurs besoins, y compris en termes de vulnérabilité et de protection. Selon les constatations faites durant la visite, cette dimension devrait être plus approfondie, notamment au CPU où beaucoup d'agents pénitentiaires n'avaient été que récemment recrutés. Pour faire face aux violences entre personnes détenues, le personnel devrait être particulièrement attentif aux signes de troubles. En particulier, le développement de relations positives entre le personnel et les personnes détenues, fondées sur les notions de protection et de sécurité dynamique, constitue un facteur décisif dans ce contexte.</i>¹⁷⁴</p>	<p>The Luxembourg authorities informed the delegation of their efforts to reduce the reaction time of prison officers and of the training offered to them to anticipate and reduce situations of tension and aggression, as well as to assess the risks posed by new arrivals and their needs, including in terms of vulnerability and protection. According to the findings made during the visit, this dimension should be further developed, particularly at the CPU, where many prison officers had only recently been recruited. To deal with violence between inmates, staff should be particularly attentive to signs of trouble. In particular, developing positive relationships between staff and inmates, based on the notions of protection and dynamic security, is a decisive factor in this context.</p>
<p><i>Le CPT appelle les autorités luxembourgeoises à redoubler d'efforts pour combattre et prévenir les violences entre personnes détenues en mettant en place une stratégie globale pour se faire. En ce sens, le Comité recommande que la couverture sécuritaire des cours de promenades au CPU soit renforcée, notamment par la présence physique d'agents</i></p>	<p>The CPT calls on the Luxembourg authorities to implement a comprehensive strategy to combat and prevent inter-prisoner violence. In this sense, the Committee recommends that security coverage of walking courses at the CPU be reinforced, notably by the physical presence of prison officers and by promoting a genuine dynamic approach to security by</p>

¹⁷³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.47.

¹⁷⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.47.

<p><i>pénitentiaires et par la promotion d’une véritable approche dynamique de la sécurité par le personnel. De plus, les membres du personnel, tous rangs confondus, devraient pouvoir bénéficier de programmes de formation initiale et continue qui traitent de la question de la gestion de la violence notamment entre détenus.¹⁷⁵</i></p>	<p>staff. In addition, staff of all ranks should be able to benefit from initial and in-service training programs that address the issue of managing violence, particularly inter-prisoner violence.</p>
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Authorities of the Penitentiary Administration of Luxembourg take claims of ill-treatment and abuse in the detention centres very seriously. According to their procedure, an inmate who claims to have been the victim of violent treatment by a member of staff may complain to management. A thorough investigation is then launched.¹⁷⁶

Authorities of the Preventive Detention Centre (Centre pénitentiaire d’Uerschterhaff – CPU) further specify that when an inmate claims to have been a victim of violence, the staff member who witnessed it or first became aware must prepare an incident report. The same procedure applies if a staff member notices injuries or signs of violence on an inmate or hears about it from others. The inmate is invited to the infirmary for an examination, and the doctor issues a medical certificate documenting the presence or absence of injuries. An internal investigation is opened, and management reports the incident to the State Prosecutor, including all relevant information and documents. Copies of the medical certificate and photos are provided to the inmate or their lawyer upon request.¹⁷⁷

¹⁷⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.47.

¹⁷⁶ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

¹⁷⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

10. Contact with the outside world

a. Visits

The legal framework regulates detainees' visiting rights (Articles 23 and 24¹⁷⁸; Article 228 to 243¹⁷⁹). The detained persons are encouraged to maintain and improve social relations with their close relatives insofar as they appear desirable in the interests of all parties (Article 217).¹⁸⁰

The procedure for obtaining authorisation to visit varies according to the status of the detainee receiving the visit. The visit permits for convicted detainees are granted by the director of the prison where the person in question is placed (Article 23 (1)).¹⁸¹ Visit permits for pre-trial detainees must be authorised by the investigating judge and granted by the prison director (Article 23 1).¹⁸²

Pre-trial detainees and minors can receive a visit from any person with a visit permit (Article 228).¹⁸³ Unless otherwise stated, such visit permit is only valid for a half-hour visit on the day indicated on the permit (Article 228).¹⁸⁴

Convicted individuals can receive visits from their parents and direct relatives, their legal guardian, spouse, siblings, uncles, and aunts, upon providing proof of the visitors' identity. Visits from any other individuals require prior authorisation from the director, who informs the social defence service (*service de défense sociale*). The director may issue permits to any person for visits to convicts, even outside the regular visiting days and hours. (Article 229).¹⁸⁵

The visits may be prohibited or restricted by decision of the Director in the interests of good order and the safety of the prison and third parties, or if there is a risk that the convicted person's integration may be compromised (Article 23(4))¹⁸⁶ as well as court decision of 5 April 2024).¹⁸⁷

¹⁷⁸ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁷⁹ Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸⁰ Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸¹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁸² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁸³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸⁶ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁸⁷ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 50/24 chap](#), 5 April 2024.

Furthermore, convicted persons punished by placement in a solitary cell may not receive any visits during the execution of this disciplinary sanction (Article 230).¹⁸⁸

At the semi-open Givenich penitentiary centre (*Centre pénitentiaire de Givenich*), visits are automatically organised in the form of temporary outings from the centre (Article 23(3)).¹⁸⁹

For sick detainees who are not able to move, the visit can exceptionally take place in the infirmary (Article 232).¹⁹⁰

Visits occur in shared visiting rooms, individual visiting rooms or specially adapted individual visiting rooms, depending on the detainee status (Article 232).¹⁹¹ Visits take place in shared visiting rooms in the presence of a warden whose task is to prevent any improper contact between the visitor and the prisoner. If visiting rights are abused, fraud is committed, misconduct occurs, or any other incident occurs during the visit, the warden may terminate the interview, remove the inmate, and expel the visitor (Article 233).¹⁹²

Foreigners can receive the visit of diplomatic representatives of their country of origin without the warden's presence (Article 235).¹⁹³

Judicial authorities, the Ombudsman and Ombudsman for Children and Youth (*Ombudsman fir Kanner a Jugendlecher- Okaju*), Members of Parliament, persons duly delegated by these authorities and institutions, consular and diplomatic agents of other countries, as well as staff of the prison administration and the central social assistance service, shall have free access to prisons and communication with detained persons for the performance of their duties or the accomplishment of their tasks (Article 24(1)).¹⁹⁴

The members of philanthropic or charitable works or associations (e.g. Luxembourg Prison Visitors Association - ALVP)¹⁹⁵) may be authorised by the Public prosecutor to visit convicts freely and in individual visiting rooms. The Director may also grant the same right to visit a convicted person to a

¹⁸⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁸⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁹⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁹⁵ Luxembourg, Luxembourg Association of Prison Visitors ([Association Luxembourgeoise des Visiteurs de Prison - ALVP](#)).

teacher, a private correspondence teaching institution member, or a technical instructor in the interests of the convicted person's vocational training (Article 238).¹⁹⁶

b. Correspondence

Convicted persons (subject to authorisation), as well as pre-trial detainees (*les prévenus*), may correspond in writing with any person of their choice (Article 25(1)).¹⁹⁷ The number of letters each detainee can write is unlimited (Article 220).¹⁹⁸ The detainees may obtain paper for correspondence from the canteen. However, in case a person is unable to obtain their correspondence paper, it is provided to them free of charge (Article 222).¹⁹⁹ Postage fees are the responsibility of the sender (Article 222). In case the detainee cannot read, a member of the centre would assist them write or read their correspondence, upon request (Article 220). All mail may be subject to control, except exchange correspondence the letters between detainees and their lawyers or national or international administrative and judicial authorities. When the prison administration decides to withhold an inmate's mail, it notifies them of the decision (Article 25(1-2)).²⁰⁰

Any money attached to a letter is given to the accountant to be credited to the inmate's account. All the other objects, such as photographs and postage stamps, are placed in the personal file (Article 225).²⁰¹

Convicted detainees and, subject to authorisation by the magistrate, pre-trial detainees may correspond in writing with any person of their choice. Except for correspondence between detainees and their lawyers or national or international administrative and judicial authorities, mail sent or received by detainees may be checked and retained by the prison administration. Mail sent or received by accused persons shall be communicated to the competent investigating judge by the procedures that s/he shall determine. When the prison administration decides to withhold a prisoner's mail, it shall notify the prisoner of its decision (Article 25)²⁰² (Article 218).²⁰³ There is no limitation on the number of letters

¹⁹⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

¹⁹⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

¹⁹⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰⁰ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁰¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁰³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

that a detainee can write or receive (Article 218 and 220).²⁰⁴ The detainee must buy the paper and the stamps (Article 222).²⁰⁵ In general, the prison staff would open all letters not coming from the investigation judge, ministries, public prosecutor, diplomatic representations, or lawyers (Article 223)²⁰⁶ or national /international administrative judicial authorities (Article 25(1)).²⁰⁷ The same happens with packages. The prison Director or a staff member delegated by them performs control and censure (Article 225).²⁰⁸

The CPT states that pre-trial and convicted detainees can now enjoy visits, as well as videoconferencing with their lawyer. It is also considered positive that visits have been maintained with relatives during periods when detainees were subject to disciplinary sanctions. However, at the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*), videoconference calls were only allowed if the detainee's family lived more than 250km away²⁰⁹ from the prison. This limitation is not justified and should be lifted.

c. Visits with children

Convicted individuals can receive visits from their parents and direct relatives (*leurs parents et alliés en ligne directe*), such as parents, siblings, children, and grandparents, upon providing proof of the visitors' identity (Article 229).²¹⁰

The visits with minors must be accompanied by an adult with parental authority or an adult possessing a power of attorney issued by the child's guardian. The adult must provide a family record book or birth certificate to prove their relationship with the minor. Only a maximum of two visitors per visit, including the minor, are allowed.²¹¹

²⁰⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁰⁸ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁰⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 59.

²¹⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²¹¹ Luxembourg, Luxembourg Prison (*Centre Pénitentiaire du Luxembourg* (2021), Information for visitors 2021 ([Informations aux visiteurs 2021](#)), 14 April 2021.

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within 2021-April 2024. The two reports released during [this period](#) regarding: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - UNISEC) (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>Au CPL, les appels en visioconférences ne pouvaient être permis que si la famille du détenu vivait à plus de 250km de la prison. Cette limitation ne semble pas être justifiée et devrait être levée. Le Comité invite les autorités luxembourgeoises à revoir leur politique en la matière et étendre ce droit à tous les personnes détenues de la prison²¹²</i>	At the CPL, videoconference calls were only permitted if the inmate's family lived more than 250km from the prison. This limitation is not justified and should be lifted. The Committee invites the Luxembourg authorities to review their policy and extend this right to all detained persons.
<i>Concernant les communications téléphoniques, la majorité des détenus avec qui la délégation s'est entretenue s'était plaint du caractère coûteux des appels émis dans les deux centres pénitentiaires visités. Les appels des détenus à leur avocat étaient aussi payants. Au CPU particulièrement, les communications étaient transférées via un opérateur téléphonique allemand. Le CPT invite aussi les autorités luxembourgeoises à revoir les modalités contractuelles des communications téléphoniques afin d'offrir aux personnes détenues un prix plus abordable.²¹³</i>	With regard to telephone communications, the majority of detained persons interviewed by the delegation had complained about the high cost of calls to the two prisons visited. There was also a charge for detained persons to call their lawyer. The CPT also invites the Luxembourg authorities to review the contractual terms and conditions of telephone communications to offer detained persons a more affordable price.

²¹² Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.59.

²¹³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.59.

Authorities of the Penitentiary Administration of Luxembourg facilitate communication with the outside world. Detainees can make contact with the outside world by mail, telephone, and visits. Detained persons are entitled to unsupervised visits at the Luxembourg closed detention centre. Authorities provide necessary facilities and adequate conditions for meeting with visitors. In the Luxembourg closed detention centre, a visiting room is set up for visits with young children, equipped with toys and carpets. Inmates whose families live far away have the right to communicate with their families by videophone.²¹⁴

The general concern is that the Act of 20 July 2018 was published, but the Grand-Ducal Regulation still needs to be approved. So, the Grand-Ducal Regulation of 24 March 1989 continues to apply. In this sense, the Consultative Commission on Human Rights criticises, when commenting on the draft of the new Grand-Ducal Regulation aimed at replacing the Grand-Ducal Regulation of 24 March 1989, that the list of people who may benefit from unsupervised visits seems to be limited to people who may be part of the detainee's family in the broadest sense of the term, and wonders "whether it would not have been possible to also allow them with close friends, as stable relationships are not limited to family and marital relationships".²¹⁵

In addition to the limit on the number of people who can benefit, the duration of unsupervised visits per month is minimal, which is highly regrettable. For example, "the time limit is set at 8 hours per month, at one hour per supervised visit, and slightly more for unsupervised visits and visitors who have to travel a certain number of kilometres (more than 100km). Maintaining this type of restriction can generate a certain degree of isolation among detainees and thus run counter to maintaining family and social ties."²¹⁶ This situation worsens when considering children who need to have a regular link with their parent who is in prison and need to adapt to the environment of the prison. Furthermore, although improvements are underway, the premises for unsupervised visits still need to be adapted to the needs of families and children.

²¹⁴ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²¹⁵ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.23.

²¹⁶ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.23.

11. Special measures for female detainees

a. General conditions of detention for women and girls

The national law states that the men's section and the women's section are distinctly separate (Article 7).²¹⁷

Moreover, at the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*) only adult women serve their sentences. Therefore, a particular focus is laid to ensure equal treatment between women and men. Women have the same opportunities (workshops, activities, classes, etc.) as men.²¹⁸

b. Separation from men

Women and male detainees are located in different places of detention establishments (Bloc F in Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) and in a house in a Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*).²¹⁹

c. Hygiene

No specific provisions are foreseen for women; under the national law, detainees are provided with toiletries for their health and cleanliness free of charge.

d. Healthcare

At the Luxembourg (closed) detention centre (*Centre pénitentiaire de Luxembourg - CPL*), gynecological care is provided at the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*). The gynecologist usually comes 4 to 5 times a year, either at the request of the patient, the general practitioner or the infirmary.²²⁰

e. Pregnancy and women with babies or young children

When a doctor confirms a pregnancy, the woman receives a medical certificate with the delivery date (Article 130).²²¹ In case of emergency, the Director orders the detainee's transfer to the nearest

²¹⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²¹⁸ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²¹⁹ Luxembourg, Ombudsperson, External control service for places of deprivation of liberty (*Service du contrôle externe des lieux privés de liberté*) (2017), The situation of women in prison ([La situation des femmes en prison](#)), in : FRA (European Union Agency for Fundamental Rights (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022

²²⁰ Luxembourg, Ombudsperson, External control service for places of deprivation of liberty (*Service du contrôle externe des lieux privés de liberté*) (2017), The situation of women in prison ([La situation des femmes en prison](#)), in : FRA (European Union Agency for Fundamental Rights (2021), [Criminal Detention in the EU Conditions and Monitoring; Update of FRA's Criminal Detention Database – Luxembourg](#), Publications Office of the European Union, Luxembourg, 2022.

²²¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

maternity hospital. Consultations and monitoring of pregnancy are conducted in accordance with conditions outside the detention establishment and take place in maternity wards.²²²

In the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) the women's section is equipped with 2 mother-baby cells²²³.

When a detained woman has given birth in the establishment, the establishment's Director declares the birth to the competent civil status officer. The place of birth is not mentioned in the birth certificate (Article 130).²²⁴

At the Semi-open prison in Givenich (*Centre pénitentiaire de Givenich - CPG*) only small children accompanying their incarcerated mothers are admitted to the CPG. In this case, a baby crib is set up in the mother's room, and the stairs are arranged so that a child cannot fall. If needed, necessary measures are taken to organize appropriate supervision for the mother and her child (monitored by the national child welfare agency, arranging a spot in a daycare to prevent the child's isolation, etc.).²²⁵

f. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - UNISEC) (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>En effet, telle la situation lors de la précédente visite, les condamnées et prévenues femmes continuaient à être hébergées dans une section exiguë du CPL, le bloc F, situé dans l'un des plus</i>	Indeed, as was the case at the time of the previous visit, women sentenced and pre-trial detainees continued to be accommodated in a cramped section of the CPL, Block F, located in

²²² Luxembourg, Ombudsperson, External control service for places of deprivation of liberty (*Service du contrôle externe des lieux privés de liberté*) (2017). The situation of women in prison ([La situation des femmes en prison](#)).

²²³ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²²⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²²⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

<p><i>vieux bâtiments de la prison. En 2015, le CPT avait émis des recommandations concernant leur situation et souligné la nécessité de séparer les femmes impliquées dans une même affaire ou celles qui ne s'entendaient pas entre elles. Il est apparu que les installations sont restées inchangées depuis la dernière visite du CPT. Seules les femmes placées sous régime cellulaire étaient mises à l'écart, ainsi que les filles mineures et les mamans avec leur enfant en bas âge, s'il y en avait. Le Comité réitère sa recommandation aux autorités luxembourgeoises de prendre les mesures nécessaires visant à améliorer, de manière substantielle, les conditions matérielles des femmes détenues au CPL.²²⁶</i></p>	<p>one of the oldest buildings in the prison. In 2015, the CPT issued recommendations concerning their situation and stressed the need to separate women involved in the same case or those who did not get on with each other. The facilities appeared to have remained unchanged since the CPT's last visit. Only women held in solitary confinement were segregated, as well as underage girls and mothers with young children, if any. <i>The Committee repeats its recommendation that the Luxembourg authorities take the necessary measures to substantially improve the material conditions of women detained at the CPL.</i></p>
<p><i>La délégation a aussi observé que certaines installations sanitaires dans les cellules hébergeant plus d'une personne, telles que celles des femmes placées sous régime cellulaire au bloc F, n'avaient toujours pas été cloisonnées, malgré la recommandation émise par le CPT à ce sujet en 2015. D'après les informations recueillies par la délégation, alors qu'un cloisonnement avait été fait dans un certain nombre de cellules, il restait toujours une centaine de cellules doubles qui n'en disposaient pas.</i></p> <p><i>Le Comité recommande une nouvelle fois que les autorités luxembourgeoises prennent, dans les plus brefs délais, les mesures nécessaires afin de cloisonner complètement (du sol au plafond) les installations sanitaires dans toutes les cellules qui détiennent plus d'une personne au CPL. À défaut,</i></p>	<p>The delegation also observed that some sanitary facilities in cells housing more than one person, such as those for women placed under solitary confinement in block F, had still not been partitioned, despite the CPT's recommendation on this subject in 2015. According to information gathered by the delegation, while partitioning had been carried out in a number of cells, there were still around a hundred double cells that did not have it.</p> <p>The Committee once again recommends that the Luxembourg authorities take, as soon as possible, the necessary measures to completely partition (from floor to ceiling) the sanitary facilities in all cells holding more than one person at the CPL. Otherwise, these cells should house only one person.</p>

²²⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.48.

<i>ces cellules ne devraient héberger qu'une seule personne.</i> ²²⁷	
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*In its opinion of the Grad-Ducal Regulations draft, the Consultative Commission on Human Rights criticised the lack of legislative proposals regarding women in criminal detention facilities. More specifically, the CCHD noted that pregnant women and those with young children should avoid imprisonment whenever possible, with the option of transferring them to the semi-open prison in Givenich if needed. If they must be detained, efforts should be made to ensure appropriate conditions, including medical care, food, delivery conditions, and physical and psychological support for the child's development, especially regarding emotional bonding. Luxembourg legislation should incorporate rules favouring pregnant or breastfeeding women and young children staying with a parent. Additionally, attention should be given to the general situation of women in prisons to prevent discrimination or unequal treatment in activities and freedoms granted.*²²⁸

12. Special measures for foreign nationals

a. General measures for foreign nationals

Detainees of foreign nationality may communicate freely and without the presence of a guard in the individual visiting room during working hours with the diplomatic and consular agents of their country, even though, as a punishment, the prisoner is deprived of the proper visitation unless the ban on communication has been ordered by the investigating judge (Article 235).²²⁹

The CPT stated that foreign nationals represent 75% of the detainees in the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*).²³⁰

²²⁷ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.48.

²²⁸ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft Grand-Ducal regulation on the organisation of internal prison regimes and the draft Grand-Ducal regulation on the organisation of juvenile detention regimes ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.9.

²²⁹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²³⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 46.

The usual rules for detainees apply to foreigners detained in Luxembourg (Article 331).²³¹

Regarding diplomatic representatives' visits, the foreigner has the right to receive the visit of their diplomatic or consular representative (even if the detainee is punished), and this visit is done in a separate room without a warden except if the investigation judge forbids it (Article 235 par. 1).²³² The same happens with the correspondence of these diplomatic representatives in which the correspondence cannot be subject to censorship (see above). Also, detainees who are nationals of a State that does not have diplomatic or consular representation in Luxembourg, as well as detainees who are refugees, may be visited by a representative of any other national or international authority whose task it is to protect them (Article 235 par. 2).²³³

Nevertheless, the most important example is the enforcement of sentences and communication (see also interpreting and translation). Convicted foreigners residing illegally in Luxembourg and under a removal order or an entry ban may, under certain circumstances, benefit from early release. The Criminal Procedure Code (Article 686 (1))²³⁴ establishes that non-resident foreign offenders may be released from prison without probation²³⁵ if they already served part of their sentence (Article 686 (1))²³⁶ and are eligible for conditional release. Early release leads to an entry ban (Article 112)²³⁷ to enter Luxembourg territory. If these offenders are found on Luxembourg territory while the ban applies, the remaining sentence will be enforced without further hearings or formalities (Article 686 (2)).²³⁸

The General Public Prosecutor's Office determines the conditions for early release, which usually include that offenders must pay the expenses for their trip back to their country of residence, the costs of their trial, and all or a part of the fine. The payment of civil damages may also be required. Furthermore, they can be banned from national territory for up to 10 years.²³⁹ The Probation officer can be requested to submit a report on the offender prior to the release.²⁴⁰

²³¹ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments (*Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires*), 3 April 1989.

²³² Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments (*Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires*), 3 April 1989.

²³³ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments (*Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires*), 3 April 1989.

²³⁴ Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), 22 August 2023.

²³⁵ Luxembourg, note: Insofar as the persons concerned have to leave Luxembourg, possibly for distant countries, compliance with any conditions attached to conditional release would not be verifiable. <https://justice.public.lu/fr/affaires-penales/execution-peine/liberation-anticipee.html>

²³⁶ Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), 22 August 2023.

²³⁷ Luxembourg, Act of August 29, 2008 on the free movement of persons and immigration) (*Loi du 29 août 2008 sur la libre circulation des personnes et l'immigration*), 10 September 2008.

²³⁸ Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), 22 August 2023.

²³⁹ Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), 22 August 2023.

²⁴⁰ Bisenius, Christiane, Sophie Gosselin, et al. Probation in Europe. Luxembourg, Confederation of European Probation, February 2021. <https://justice.public.lu/fr/affaires-penales/execution-peine/liberation-anticipee.html>

b. Interpretation and translation

Indirectly, the Act 20 July 2018 states that "when the detainee has not mastered basic education, including the languages used in Luxembourg, priority shall be given to learning them, as determined by the voluntary plan." (Article 28 (2)).²⁴¹

However, the use of languages in prisons is regulated by the amended Grand-Ducal Regulation of 24 March 1989. This regulation states that "in case of absolute necessity, if the detainee does not speak or understand one of the languages of the country and if there is no one on-site capable of providing a translation, the director may call upon the services of an interpreter." Also, it states that "visits and correspondence with foreign nationals may be conducted in their language" (Article 331).²⁴²

Finally, this regulation states that letters written in a foreign language may be translated for the abovementioned checks (Article 331).²⁴³

The prison administration shall bear the costs of the interpreter and translation (Article 331).²⁴⁴

c. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<i>De l'avis du CPT, le principe selon lequel la détention provisoire est une mesure de dernier recours implique en premier lieu l'application, si possible, de mesures non privatives de liberté. Cette question requiert l'implication de tous les</i>	In the CPT's view, the principle that pre-trial detention is a measure of last resort requires, first and foremost, the application of non-custodial measures wherever possible. This requires the involvement of all actors, including

²⁴¹ Luxembourg, the Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁴² Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁴³ Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁴⁴ Luxembourg, the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

<p><i>acteurs, y compris les magistrats, ainsi que la mise en place d'un ensemble de mesures afin de limiter le nombre de privations de liberté et d'appliquer des sanctions et mesures alternatives à la détention. Ces mesures alternatives devraient être également envisagées pour les ressortissants étrangers. Le fait d'être ni un ressortissant ni un résident du pays et de n'avoir aucun autre lien avec l'État en question ne devrait pas en soi être suffisant pour conclure qu'il y a un risque de fuite.</i></p> <p><i>À la lumière des précédentes remarques, le CPT souhaiterait être informé des mesures prises ou envisagées par les autorités luxembourgeoises afin de limiter l'augmentation de la population carcérale et de faciliter l'application de mesures alternatives à l'emprisonnement et à la détention provisoire dans la pratique.²⁴⁵</i></p>	<p>the judiciary, as well as the implementation of a range of measures to limit the number of deprivations of liberty and to apply alternative sanctions and measures to detention. These alternative measures should also be envisaged for foreign nationals. The fact of being neither a national nor a resident of the country and having no other connection with the State in question should not in itself be sufficient to conclude that there is a risk of absconding.</p> <p>In the light of the above remarks, the CPT would like to be informed of the measures taken or envisaged by the Luxembourg authorities to limit the increase in prison population and to facilitate the application of alternatives to imprisonment and pre-trial detention in practice.</p>
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Authorities of the Penitentiary Administration of Luxembourg facilitate communication for foreign nationals with the outside world. For instance, foreign inmates make extensive use of videophone technology to communicate with their families. Authorities note that the families of inmates who come from far away can stay for longer than the normal maximum duration of the visit. Inmates also have access to international television channels.²⁴⁶

Authorities of the Preventive Detention Centre (Centre pénitentiaire d'Uerschterhaff – CPU) note that, whenever possible, they try to group the detainees by nationality to facilitate their integration within the detention sections.²⁴⁷

The Consultative Commission on Human Rights, in their opinion on the proposed Grand-Ducal Regulation made certain remarks regarding the foreign population:

²⁴⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.46.

²⁴⁶ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁴⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

One of the principal problems encountered by foreign detainees who need to speak the country's languages is access to information, which is conditioned on access to interpretation.²⁴⁸ Recourse to interpretation is only possible if there is no other person at the premises capable of ensuring the interpretation (Article 331).²⁴⁹ In reality, the prison staff communicates with the foreign detainee through another detainee, which compromises the detainee's private life and personal information.²⁵⁰ Also, there is a risk of influencing the detainee by another co-detainee or a false translation.²⁵¹

Even though some information can be provided without the presence of an interpreter, it is indispensable that the majority of information be transmitted in order to guarantee their detainee's understanding, especially when dealing with disciplinary sanctions, searches, discussions with the socio-educative team, and medical consultations.²⁵² The Consultative Commission on Human Rights proposes that if the interpreter is not in situ, other means, such as videoconference or telephone, can be used.²⁵³

The presumption of the risk of absconding when the foreigner does not have a legal residence in Luxembourg raises the percentage of the foreign population in Luxembourgish prisons. The

²⁴⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 13.

²⁴⁹ Luxembourg, [the Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments](#) (*Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires*), 3 April 1989.

²⁵⁰ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.14.

²⁵¹ Ombudsman, CELPL, La privation de liberté de détenus particulièrement vulnérables, Rapport, pp. 72-75. URL : <https://www.ombudsman.lu/>

²⁵² Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.14.

²⁵³ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.15.

Consultative Commission on Human Rights recommends that this presumption be limited, as it has been recommended at the international and European levels.²⁵⁴

Maintaining family contacts for foreign detainees is limited. Even though the Consultative Commission on Human Rights (CCDH) recognises that Luxembourgish prisons allow longer visit times and videoconferencing, it recommends that the government and the prison administration find alternatives to make telephone contact more accessible, as it is too expensive for some detainees.²⁵⁵

Finally, the Consultative Commission considers that the placement of detention cannot be considered as an obstacle to detainees accessing their rights. For example, the detainees can apply for international protection or a residence permit and have administrative support.²⁵⁶

The Commission also criticised the practice of placing foreign detainees who are going to be liberated and who do not have a residence permit in administrative detention for the removal of the territory without giving them time to prepare mentally and juridically.²⁵⁷

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

The national framework regards minors under 18 at the time of the offence and thus referred to the Youth Court (Art 6).²⁵⁸

²⁵⁴ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁵⁵ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁵⁶ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁵⁷ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁵⁸ Luxembourg, Act of 10 August 1992 on youth protection (Loi du [10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

Furthermore, in cases where a minor over 16 years old has committed an infraction and a "normal" measure is considered inadequate, the judge can decide that the case should be treated in a regular (adult) tribunal. In such cases, the minor can be convicted and sentenced to a regular prison sentence (Article 32).²⁵⁹

b. General measures for detained children and young adults

During the proceedings, the juvenile court may take the necessary custodial measures regarding the minor (Article 24). If absolutely necessary, the minor may be held in temporary custody in prison for a maximum of one month. The minor is then held in isolation from adult detainees and is subject to a special regime which is determined by the prison administration regulations (Article 26).²⁶⁰

Also, if there is no appropriate placement in existing institutions due to the inappropriate behaviour of the minor, the minor could be placed in the detention/state disciplinary institution (Article 6).²⁶¹

Luxembourg has been reviewing child protection reform. The outstanding bill n°7991²⁶² aims to align the child protection system with the international standards.²⁶³ According to the reform, deprivation of liberty will become a measure of last resort, as well as children who have been convicted or sentenced may no longer be placed in an adult penitentiary but will be detained in a "juvenile penitentiary".²⁶⁴

c. Separation from adults

Minors who are detained in the penitentiary centre benefit from a particular regime, which is different from the adult detainees (Article 138).²⁶⁵ The regimes of defendants and minors are distinct from those

²⁵⁹ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

²⁶⁰ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

²⁶¹ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

²⁶² Luxembourg, Bill n°7991 introducing a criminal law for minors ([Projet de loi N.º 7991 portant introduction d'un droit pénal pour mineurs et portant modification : 1° du Code de procédure pénale ; 2° de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 3° de la loi modifiée du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres de l'Union européenne ; 4° de la loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 19 April 2022.

²⁶³ European Agency for Fundamental Rights (FRA), FRANET (2023), [Country research : Mapping child protection systems in the EU \(27\) Luxembourg](#), Publications Office of the European Union, Luxembourg, 2024.

²⁶⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.14.

²⁶⁵ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

of convicted persons (Article 138).²⁶⁶ Children of young age/small children are not placed in solitary cells unless in the children’s best interest (Article 29 (3)).²⁶⁷

In the detention centre, the minor is held in isolation from adult detainees and is subject to a special regime which is determined by the prison administration regulations (Article 26).²⁶⁸

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>Le CPT prend note de l'importante réforme du système de protection de la jeunesse, en cours d'adoption, qui prévoit la création d'un centre pénitentiaire pour mineurs. Cependant il considère important de souligner qu'une fois adoptée, plusieurs années seront nécessaires pour que la loi prenne effet et que ce centre soit ouvert. Le Comité appelle les autorités luxembourgeoises à trouver des solutions immédiates et appropriées pour placer temporairement les enfants dans un ou des lieux conformes avec les recommandations du Comité tout en respectant les droits des enfants afin de ne plus les incarcérer dans une prison pour adultes.</i>²⁶⁹</p>	<p>The CPT takes note of the important reform of the youth protection system currently being adopted, which provides for the creation of a juvenile detention centre. However, it considers it important to stress that, once adopted, it will take several years for the law to take effect and for the centre to be available. The Committee calls on the Luxembourg authorities to find immediate and appropriate solutions to temporarily place children in a place or places that comply with the Committee's recommendations while respecting children's rights, so that they are no longer incarcerated in a prison for adults.</p>

²⁶⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁶⁷ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁶⁸ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

²⁶⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26., p.10.

<p><i>Les conditions matérielles des enfants placés au CPL étaient pratiquement identiques à celles observées lors de la précédente visite. Comme en 2015, les enfants étaient détenus dans des cellules individuelles, équipées d'un lit, d'une toilette, d'un lavabo, d'étagères ainsi que d'un frigidaire et d'une télévision. Chaque cellule était munie d'une sonnette d'alarme. Les enfants avaient également à leur disposition une salle commune où se trouvaient un baby-foot, une table avec des chaises, un placard avec quelques livres et une cuisine basique, avec micro-onde et plaques de cuisson électriques. Toutes les installations étaient propres et dans un état de maintenance suffisant. Les enfants étaient placés dans la même unité de la prison qu'en 2015. Elle est localisée en proximité immédiate avec la section réservée aux condamnés adultes soumis au régime cellulaire ou à l'isolement disciplinaire, au premier étage du bloc E. Si les enfants étaient séparés physiquement des détenus adultes, la paroi les séparant était vitrée, opacifiée et mal insonorisée, pouvant permettre de communiquer depuis le couloir de la section disciplinaire vers celui de l'unité des enfants et vice versa. En outre, une des pièces au sein de l'unité des mineurs était dédiée aux détenus adultes placés sous régime cellulaire ou en isolement disciplinaire. Cependant, lorsqu'un détenu adulte l'utilisait, ce dernier y accédait en passant par le couloir de l'unité des mineurs. Le Comité rappelle que lorsque des enfants sont exceptionnellement détenus.²⁷⁰</i></p>	<p>The material conditions of the children held at the CPL were virtually identical to those observed during the previous visit. In 2015, the children were detained person in individual cells equipped with a bed, a toilet, a washbasin, shelves, a fridge and a television. Each cell was equipped with an alarm bell. The children also had a standard room with a football table, a table with chairs, a cupboard with a few books, and a basic kitchen with a microwave and electric hotplates. All the facilities were clean and well maintained. The children were placed in the same prison unit as in 2015. Although the children were physically separated from the adult detainees, the wall separating them was glazed, opaque and poorly soundproofed, making it possible to communicate from the corridor of the disciplinary section to that of the children's unit and vice versa. In addition, one of the rooms in the juvenile unit was dedicated to adult detainees placed in solitary confinement or disciplinary isolation. However, when an adult prisoner used it, he or she accessed it via the corridor in the juvenile unit.</p>
<p><i>Concernant leur régime, la loi du 10 août 1992 édicte que le mineur placé dans une maison d'arrêt est soumis à un « régime spécial qui est déterminé par les règlements de l'administration pénitentiaire ». Lors de la visite, la délégation a pu constater que les agents pénitentiaires affectés au bloc ignoraient l'existence de l'instruction de l'Administration pénitentiaire de 2016 intitulée « Traitement des mineurs ». La délégation a cependant été informée</i></p>	<p>With regard to their regime, the Act of 10 August 1992 stipulates that minors placed in a remand centre are subject to a "special regime which is determined by the regulations of the prison administration . During the visit, the delegation noted that the prison officers assigned to the block were unaware of the existence of the prison administration's 2016 instruction entitled "Treatment of minors". However, the delegation was</p>

²⁷⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.17.

<p><i>par les agents pénitentiaires de la politique de « portes ouvertes » mise en place pour les enfants, de 8h30 à 21 heures avec fermeture des portes de leurs cellules pour 30 minutes pendant chaque repas. En réalité, cette politique était beaucoup plus restreinte : s'il refusait de participer à une activité, telle que l'école les matins ou le sport à midi, le jeune restait enfermé dans sa cellule pendant les heures prévues pour ces activités. Pendant les moments de la journée où les portes des cellules étaient ouvertes, les enfants avaient accès à une salle commune. Une autre pièce dédiée aux adultes sous régime cellulaire ou des mesures disciplinaires et équipée d'une table de pingpong, d'un vélo d'intérieur et d'un appareil de musculation, pouvait aussi être utilisée par les enfants mais seulement sur demande et en présence d'un agent pénitentiaire qui en détenait la clef.²⁷¹</i></p>	<p>informed by prison officers of the "open door" policy implemented for children, from 8.30 a.m. to 9 p.m., with the doors to their cells closed for 30 minutes during each meal. In reality, this policy was much more restrictive: if they refused to take part in an activity, such as a school in the mornings or sport at midday, the young people remained locked in their cells during the hours set aside for these activities. During the times of the day when the cell doors were available, the children had access to a standard room. Another room, dedicated to adults under solitary confinement or disciplinary measures and equipped with a ping-pong table, an indoor bike and a body-building machine, could also be used by the children, but only on request and in the presence of a prison officer who held the key.</p>
<p><i>Le Comité considère que tous les enfants privés de liberté devraient être placés dans des centres spécialement conçus pour des personnes de cet âge, leur offrant un environnement différent de celui trouvé en milieu carcéral avec des conditions de détention favorables et personnalisés aux enfants, des régimes de détention adaptés à leurs besoins avec des activités physiques et des stimulations intellectuelles motivantes et des formations à la vie quotidienne nécessaires lors de leur réintégration dans la société à leur libération, et étant doté d'un personnel formé au travail avec les jeunes qui est régulièrement présent et assurant leur protection, ainsi que d'un programme de prise en charge multidisciplinaire(médico-psycho-social). Si un manque d'activités motivantes est préjudiciable à tout détenu, il nuit spécialement aux enfants qui ont un besoin particulier d'activités physiques, de stimulation intellectuelle et d'un soutien accru.²⁷²</i></p>	<p>The Committee considers that all children deprived of their liberty should be placed in centres specially designed for people of this age, offering them an environment different from that found in prisons, with detention conditions that are favourable and personalised for children, detention regimes adapted to their needs, with motivating physical activities and intellectual stimulation, as well as the life skills training they need to reintegrate into society when they are released, and with staff trained in working with young people who are regularly present and ensure their protection, as well as a multidisciplinary (medical, psychological and social) care programme. While a lack of motivating activities is detrimental to any prisoner, it is especially harmful to children who need physical activity, intellectual stimulation and increased support.</p>

²⁷¹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.18.

²⁷² Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de](#)

The Penitentiary Administration of Luxembourg emphasises that the duration of a minor's incarceration at the CPL is kept to a strict minimum. Minors in detention facilities receive daily school classes. Each minor is supervised by an educator from the State socio-educational centre (Centre socio-éducatif de l'Etat), who collaborates with them to develop a (n) (integration) project.²⁷³

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

The Code of Criminal Procedure states that the State Prosecutor-General take account of the following criteria when applying the procedures for the enforcement of sentences: the sentenced person's personality, state of health, living environment, behaviour and progress in prison, efforts to achieve integration, prevention of re-offending, objective risk of absconding, the sentenced person's attitude towards the victim and the victim's protection and interests, and compliance with the voluntary integration plan (Article 673).²⁷⁴

The Act of 20 July 2018 does not contain any explicit provision on specific measures for detainees with disabilities or serious illnesses. It only states that every prisoner has the right to sufficient and appropriate care that best corresponds to his health (Article 26 (1)).²⁷⁵

The Grand-Ducal Regulation of 24 March 1989 states that detainees with mental health cannot be maintained in prison, and they must be placed in closed psychiatric establishments or services (Article 268).²⁷⁶

In case of non-insane detainees who present symptoms of mental imbalance or psychopathic traits that prevent them from adapting to the internal order of the establishment may be transferred, upon the advice of a doctor, to a particular section of the Luxembourg prison infirmary (psychiatric annexe), where they receive appropriate treatment according to the indications and under the supervision of a

[Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.19.

²⁷³ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁷⁴ Luxembourg, Code of Criminal Procedure ([Code de procédure pénale](#)), 22 August 2023.

²⁷⁵ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

²⁷⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

doctor specialising in psychiatry. In this annexe, patients are placed under the supervision of a nurse; they may be engaged in activities or work appropriate to their condition (Article 269).²⁷⁷

Regarding non-voluntary placement, the Act of 10 December 2009 contains several guarantees for the patient. The judge must be informed in writing on the same day of involuntary admission, and it will verify if the formal requirements have been complied with but may also rule on whether the admission for observation is justified and decide whether to place the person under observation or discharge of the person admitted. The attending physician must request medical admission and decide on the appropriateness of continuing hospitalisation in a second report before the end of the observation period (Article 16).²⁷⁸ Before making his decision, the judge must hear the patient in question, who may - in theory - be assisted by a lawyer and a support person (Article 11, 12, 13, 18, 21 and 30).²⁷⁹

Finally, work is another area in which health and infirmity are taken into account. In Luxembourg, detainees legally required to work and may only be exempted because of their age, infirmity or, on medical prescription, their state of health (Article 290).²⁸⁰

b. Continuity of care

According to national authorities, often, stationary or outpatient care by an external organisation to a Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg – CPL*) is arranged during incarceration. There, each detainee receives a prescription for their medication and can request a copy of their medical record.²⁸¹

There is an agreement between the health service at the Preventive detention centre (*Centre pénitentiaire d’Uerschterhaff – CPU*) and the Registry (*Greff*), stipulating that upon receiving information about the release or transfer of an inmate to the CPL, immediate notification is sent to health service members. This enables them to promptly initiate necessary measures for follow-up care or, at the very least, to issue a medical prescription.²⁸²

²⁷⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l’administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁷⁸ Luxembourg, Act of December 10, 2009 relating to hospitalisation without consent of persons suffering from mental disorders ([Loi du 10 décembre 2009 relative à l’hospitalisation sans leur consentement de personnes atteintes de troubles mentaux](#)), 7 November 2022.

²⁷⁹ Luxembourg, Act of December 10, 2009 relating to hospitalisation without consent of persons suffering from mental disorders ([Loi du 10 décembre 2009 relative à l’hospitalisation sans leur consentement de personnes atteintes de troubles mentaux](#)), 7 November 2022.

²⁸⁰ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l’administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁸¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁸² Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

c. Reasonable accommodation and accessibility

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), at least one cell (18 m²) is for individuals with limited mobility or a physical handicap.²⁸³ Also, in the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), the CPT reported that the prison is going to implement access to the central court, which is equipped with a sports field for individuals with physical disabilities or limited mobility.²⁸⁴

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*)—no relevant reports from 2021 to April 2024. The two reports released during [this period](#) concern the Holding centre (*Centre de rétention*) (2021) and the Closed unit for minors (*UNISEC*) (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>Lors de la visite, la direction du CPU a informé la délégation d'un plan en cours d'élaboration pour mettre en place un accès pour des personnes en situation d'handicap physique ou à mobilité réduite à la grande cour centrale équipée d'un terrain de sport. Cette cour, conçue pour permettre à tous les personnes détenues de faire des activités sportives avec terrains de football et de basketball, n'était pas encore ouverte d'accès au moment de la visite. Le Comité souhaiterait être informé lorsque le dispositif envisagé à la cour centrale sera opérationnel afin de permettre aux personnes détenues à mobilité réduite</i></p>	<p>At the time of the visit, CPU management informed the delegation that a plan was being drawn up to provide access for people with physical disabilities or reduced mobility to the large central courtyard equipped with a sports field. This courtyard, designed to enable all inmates to take part in sporting activities with soccer and basketball pitches, was not yet open to access at the time of the visit. The Committee would like to be informed as soon as the planned facility in the central courtyard is operational, so that detainees with reduced mobility or physical disabilities can benefit from it.</p>

²⁸³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 48.

²⁸⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 49.

ou présentant un handicap physique d'en bénéficier. ²⁸⁵	
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The Penitentiary Administration of Luxembourg assures that, to the best of their ability, prison facilities are adjusted to suit inmates with physical disabilities. A specific section within the Luxembourg closed detention centre (Centre pénitentiaire de Luxembourg - CPL) has been renovated to cater to elderly inmates. Additionally, the prison psychiatric service oversees the welfare of inmates grappling with mental health issues.²⁸⁶

Authorities of the Preventive Detention Centre (Centre pénitentiaire d'Uerschterhaff – CPU) note that for inmates suffering from a serious illness or disability, the daily presence of the penitentiary medical service allows for regular monitoring, ensuring that inmate care is guaranteed at all times. Additionally, if somatic care is needed that cannot be provided within the preventive centre, a transfer to the hospital is ordered on the attending physician's advice.²⁸⁷

The Penitentiary Administration of Luxembourg acknowledge that in the context of the Semi-open prison in Givenich (Centre pénitentiaire de Givenich - CPG), individuals with disabilities face specific challenges and considerations. At the core of the Semi-open prison in Givenich is the goal to equip inmates for future social reintegration. This involves enabling their involvement in activities beyond the facility, such as administrative tasks, job searches, and housing inquiries. However, this objective hinges on the inmates' ability to operate with a certain level of autonomy. While the Semi-open prison in Givenich has made strides in accommodating individuals with reduced mobility, including those using wheelchairs, there is still room for improvement in terms of overall accessibility. The absence of a permanent infirmary at the CPG also underscores the need for inmates to be self-sufficient in managing their hygiene needs. Furthermore, the rural location of the Semi-open prison in Givenich and its semi-open structure pose additional considerations for individuals with disabilities. Representatives from the general prosecutor's office must evaluate whether convicted individuals, including those with disabilities, can fulfil their sentence requirements autonomously, including participation in outings from the Semi-open prison in Givenich. For individuals with mental disabilities, the Psychosocial and Socio-Educational Service (Service Psychosocial et Socio-Educatif – SPSE) closely monitors their well-being and guides them as needed. This may involve referral to psychiatric services within the Semi-open prison in Givenich or to specialized services outside the facility to ensure their needs are adequately addressed.²⁸⁸

²⁸⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.49.

²⁸⁶ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁸⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

²⁸⁸ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

The Consultative Commission on Human Rights criticised that measures foreseen in the Act of 20 July 2018 regarding persons with physical disability or limited mobility were not taken.²⁸⁹ It insists that, based on the United Nations Convention on Persons with Disabilities, the prison administration must include adequate training adapted to their handicap.²⁹⁰ It also insists on the fact that persons with a psycho-social handicap are in isolation and should not use handcuffs with deaf persons so they can communicate using sign language and provide accommodation, adapting the communication and access to work.²⁹¹

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

Neither the Act of 20 July 2018 nor the amended Grand-Ducal Regulation of 24 March 1989 nor the proposed new Grand-Ducal Regulation contains specific provisions for detained LGBTI people.

b. Protection of trans detainees

The Act of 20 July 2018 provides for the possibility of derogating from the incarceration of convicts at the Luxembourg closed and Givenich penitentiary centres in order to ensure non-discriminatory treatment about specific categories of inmates, in particular, because of their sex or age (Article 7 (1) b).²⁹² The detention regime is defined by the Director of the penitentiary centre and applies to detainees, taking into account their gender, the reasons for their detention, and, as far as possible, their age, personality, and previous history. Also, the legal framework provides for detainees to be allocated

²⁸⁹ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁹⁰ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p16.

²⁹¹ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), pp.16-17.

²⁹² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

to establishments and quarters per the prison rules to be applied to them, considering their gender and age²⁹³ (Article 137).²⁹⁴

During the visit of the CPT visit in 2023, there were no transgender detainees in the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) or Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*). However, in the report of the CPT, it is mentioned that in the past, the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*) held a transgender detainee who underwent gender-affirming surgery. The authorities mentioned that first, the detainee was placed with the men based on their original sex. Then, the person was transferred with the convicted men in a vulnerable situation or under protection, and later, the detainee was placed in a cell in the institution's infirmary.²⁹⁵ Regarding this point, the CPT considers that transgender persons should be accommodated in the section of the prison corresponding to their gender identity²⁹⁶ or, if exceptionally necessary for security or other reasons, in a separate section which will best ensure their protection. In the latter case, they should be offered activities and association time with other detainees of the same gender with whom they can identify.²⁹⁷

In the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*) it is possible to separate transgender persons from others.²⁹⁸

²⁹³ Luxembourg, note: This is repeated by article 17 of the proposed Grand-Ducal Regulation that has not been voted.

²⁹⁴ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

²⁹⁵ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 51.

²⁹⁶ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 51.

²⁹⁷ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 51.

²⁹⁸ Luxembourg, Parliamentary Question N°2597 concerning the situation of women detainees in Luxembourg ([Réponse de la Ministre de la Justice à question N°2597 de Monsieur Marc Baum concernant Situation des femmes détenues au Luxembourg](#)), 27 August 2020.

c. Protection of other vulnerable detainees

The CPT report (2023) notes instances when convicted men in vulnerable situations can be separated; in some circumstances detainees could be placed in a cell in the institution's infirmary (see above in the section regarding trans detainees)²⁹⁹

CPT also emphasised the importance of training of professionals. In its report the CPT underlines the fact that officers (especially newly recruited) underwent trainings for assessing the risks posed by new arrivals and their needs, including in terms of vulnerability and protection.³⁰⁰

In the opinion to the draft of the Grand-Ducal regulations on the organisation of internal prison regimes, the Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) emphasised the need to consider “gender, sexual orientation, age, origin, philosophical or religious convictions or disability of those incarcerated, adopting measures to the needs and protection of the concerned persons to avoid the risk of human rights violation”.³⁰¹ Thus, the Consultative Commission points out the drawback of the current legislation and urges to take into account their needs and specificities in the formulation of future law.³⁰²

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique](#)

²⁹⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 51.

³⁰⁰ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 47.

³⁰¹ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft Grand-Ducal regulation on the organisation of internal prison regimes and the draft Grand-Ducal regulation on the organisation of juvenile detention regimes ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.9.

³⁰² Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft Grand-Ducal regulation on the organisation of internal prison regimes and the draft Grand-Ducal regulation on the organisation of juvenile detention regimes ([Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs](#)), p.9.

[effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>Il n’y avait pas de personnes transgenres détenues au CPL ni au CPU au moment de la visite. La direction du CPL a cependant informé la délégation qu’auparavant, une détenue transgenre, qui avait entamé une chirurgie d’affirmation du genre, avait été détenue au CPL. Cette personne avait été initialement placée avec les hommes sur la base de son sexe d’origine, puis elle a été transférée au sein de la section dans laquelle étaient placés les hommes condamnés en situation de vulnérabilité ou sous protection. Elle a ensuite été placée dans une cellule à l’infirmierie de l’établissement.</i></p> <p><i>Le CPT considère que les personnes transgenres devraient être hébergées soit dans la section de la prison correspondant à leur identité de genre, soit, si cela est exceptionnellement nécessaire pour des raisons de sécurité ou autres, dans une section séparée qui garantira au mieux leur protection. Si elles sont hébergées dans un quartier séparé ou dédié de la prison, elles devraient se voir proposer des activités et du temps d’association avec les autres détenus du sexe auquel elles s’identifient³⁰³.</i></p> <p><i>Les autorités luxembourgeoises ont informé la délégation des efforts entrepris pour réduire le temps de réaction des agents pénitentiaires et des formations qui leurs étaient proposées pour anticiper et réduire les situations de tension et d’agressivité, ainsi que pour évaluer les risques posés par les nouveaux arrivants et leurs besoins, y compris en termes de vulnérabilité et de protection. Selon les constatations faites durant la visite, cette dimension devrait être plus approfondie, notamment au CPU où beaucoup d’agents pénitentiaires n’avaient été que</i></p>	<p>There were no transgender persons detained at the CPL or CPU at the time of the visit. However, the CPL management informed the delegation that a transgender detained person who had undergone gender affirmation surgery had previously been held at the CPL. This person had initially been placed with the men based on their original sex but was then transferred to the section in which convicted men in vulnerable situations or under protection were placed.</p> <p>The CPT considers that transgender persons should be accommodated either in the section of the prison corresponding to their gender identity or, if exceptionally necessary for security or other reasons, in a separate section which will best ensure their protection. Suppose they are accommodated in a separate or dedicated section of the prison. In that case, they should be offered activities and association time with other detained persons of the gender with which they identify.</p> <p>The Luxembourg authorities informed the delegation of the efforts made to reduce the reaction time of prison officers and the training offered to them to anticipate and reduce situations of tension and aggression, as well as to assess the risks posed by new arrivals and their needs, including in terms of vulnerability and protection. According to the observations made during the visit, this aspect should be developed further, particularly at the CPU, where many prison officers had only recently been recruited. To deal with violence between detained persons, staff should be particularly attentive to signs of unrest.</p>

³⁰³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.51.

<p><i>récemment recrutés. Pour faire face aux violences entre personnes détenues, le personnel devrait être particulièrement attentif aux signes de troubles. En particulier, le développement de relations positives entre le personnel et les personnes détenues, fondées sur les notions de protection et de sécurité dynamique, constitue un facteur décisif dans ce contexte. Le CPT appelle les autorités luxembourgeoises à redoubler d'efforts pour combattre et prévenir les violences entre personnes détenues en mettant en place une stratégie globale pour se faire. En ce sens, le Comité recommande que la couverture sécuritaire des cours de promenades au CPU soit renforcée, notamment par la présence physique d'agents pénitentiaires et par la promotion d'une véritable approche dynamique de la sécurité par le personnel.</i></p> <p><i>De plus, les membres du personnel, tous rangs confondus, devraient pouvoir bénéficier de programmes de formation initiale et continue qui traitent de la question de la gestion de la violence notamment entre détenus.</i></p>	<p>In particular, the development of positive relations between staff and detained persons, based on the notions of protection and dynamic security, is a decisive factor in this context. The CPT calls upon the Luxembourg authorities to redouble their efforts to combat and prevent violence between detained persons by putting in place a comprehensive strategy to that end. To this end, the Committee recommends that the security coverage of the CPU's exercise yards be reinforced, in particular by the physical presence of prison officers and by the promotion of a genuine dynamic approach to security by staff.</p> <p>In addition, staff members of all ranks should be able to benefit from initial and ongoing training programmes that address the issue of managing violence, particularly between detained persons³⁰⁴.</p>
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The Authorities of the Penitentiary Administration of Luxembourg confirm their commitment to ensuring the rights and well-being of all individuals within the facilities, including those who identify as members of the LGBTIQ+ community. They emphasise that, for convicted persons who have declared themselves as such, a thorough assessment is conducted on a case-by-case basis. This evaluation takes into account various factors, including necessary security considerations, the preferences of the individual, and any medical or psychological advice obtained. Similarly, for transgender persons, the Penitentiary Administration recognises the importance of addressing their specific needs with sensitivity and respect. Decisions regarding their treatment and accommodations are made on an individual basis, considering factors such as security requirements, the expressed preferences of the person, and professional guidance from medical and psychological experts.³⁰⁵

³⁰⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.47.

³⁰⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

Regarding LGBTIQ+, the Consultative Commission on Human Rights has criticised the proposed Grand-Ducal Regulation; it has not foreseen anything relating to gender identity, sexual orientation, and intersexuality on can be protected from any breach of privacy and security of the persons concerned.³⁰⁶

³⁰⁶ Luxembourg, Consultative Commission on Human Rights (*Commission consultative des Droits de l'Homme - CCDH*) (2022), Opinion on the draft of the Grand-Ducal Regulation on the organisation of the internal regimes of penitentiary centres and the Grand-Ducal Regulation on the organisation of criminal detention regimes for minors ([*Avis sur le projet de règlement grand-ducal portant organisation des régimes internes des centres pénitentiaires et le projet de règlement grand-ducal portant organisation des régimes de détention pénale pour mineurs*](#)), pp. 12-13.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

There are no national standards referring to de-radicalisation.

b. Risk assessments

Besides the standard assessment performed for every inmate entering the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*), there is no uniform evaluation process for inmates either suspected or convicted of terrorist offences.³⁰⁷ Each situation is approached on a case-by-case basis. The psycho-social-educational service and potential external interveners monitor these inmates closely outside the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff – CPU*). In order to detect signs of radicalisation among detainees, the emphasis is laid on specialised training provided to professional working in the facilities. This measure has been implemented in 2016.³⁰⁸

Semi-open prison in Givenich safeguards vulnerable individuals by actively monitoring interactions between inmates and staff. Personnel promptly address identified vulnerabilities and remain accessible for assistance. Protective measures, such as relocating harassing or threatening inmates (i.e., to the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg - CPL*), are implemented when necessary, with an initial focus on encouraging positive behaviour among all inmates. Additionally, Psychosocial and Socio-Educational Services (*Service Psychosocial et Socio-Educatif*) organise discussion groups, prevention initiatives, and mediation interviews to tackle instances of harassment or violence, both verbal and physical.

c. Training of staff

Every individual admitted to service within any of the three Luxembourgish penitentiary centres participates in a one-day training session on radicalisation as part of their training. This training is conducted by "respect.lu".³⁰⁹ Furthermore, the Penitentiary Training Institute (IFP) provides an additional two-day training session on radicalisation, specifically in the penitentiary setting.³¹⁰

d. Deradicalisation measures

There are no standardised programs with specific de-radicalisation measures. Instead, external interveners offer each inmate measures tailored to their needs by the Psychosocial and Socio-Educational Service (*Service Psychosocial et Socio-Educatif - SPSE*) if necessary.³¹¹ In previous years, the government foresaw specific de-radicalisation measures for persons in detention facilities.³¹² For instance, it foresaw training and raising awareness campaigns in the facilities and measures to engage in dialogue. For that, the authorities have kept contact with relevant national actors. They also foresaw

³⁰⁷ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³⁰⁸ Luxembourg, rtl.lu (2019), Prison officers must detect radicalisation ([Les agents pénitentiaires doivent détecter une radicalisation](#)), 19 June 2019.

³⁰⁹ Luxembourg, Respect.lu (2024), Annual report 2023 ([Rapport annuel 2023](#)), p.4-6.

³¹⁰ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³¹¹ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³¹² Luxembourg, Parliamentary question n° 1591 ([Question parlementaire n° 1591](#)), 22 December 2015.

a possibility of engaging relatives and close by to implement de-radicalisation measures. However, up until now, there have not been any requests for such measures.³¹³

e. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
No comments on (de)radicalisation in the report (2023).	

*The Penitentiary Administration of Luxembourg is dedicated to identifying initial signs of radicalisation within detention facilities. They ensure that an Imam is consistently available at the Luxembourg closed detention centre (CPL) to observe detainees. If the Imam notices any alarming behaviour, they notify management immediately for intervention. In cases of suspected radicalisation, thorough discussions are held with the Imam to address concerns effectively.*³¹⁴

17. Inspections and monitoring

a. Inspections

The Ombudsman is the national preventive mechanism (Article 2) and is responsible for the external monitoring of places where people are deprived of liberty. In this capacity, they are responsible for

³¹³ Luxembourg, note, this is unofficial statistics. However there is no mentioning of radicalisation by national authorities (i.e. CCHD, Ombudsman) nor external ones (CPT).

³¹⁴ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

monitoring and evaluating these places throughout the country (Article 3).³¹⁵ The Ombudsman visits the premises with or without prior announcement (Article 4(1)).³¹⁶

b. Access to detention facilities by national authorities

Judicial authorities, the Ombudsman and the Ombudsman for Children and Youth (*Ombudsman fir Kanner a Jugendlecher - OKAJU*), Members of Parliament, as well as persons duly delegated by these authorities and institutions, consular and diplomatic agents of other countries, as well as staff of the prison administration and the central social assistance service, shall have free access to prisons and communication with detained persons for the performance of their duties or the accomplishment of their tasks. (Article 24).³¹⁷

c. Access to detention facilities by international bodies

Consular and diplomatic agents of other countries have free access to prisons and communication with detained persons to perform their duties or accomplish their tasks. (Article 23(1)-24).³¹⁸

Under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT delegation periodically visits Luxembourg. The latest, sixth visit was carried out in spring 2023.³¹⁹

d. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).

³¹⁵ Luxembourg Act of 11 April 2010 designating the Ombudsman as the national preventive mechanism and establishing its powers ([Loi du 11 avril 2010 portant désignation du médiateur en tant que mécanisme national de prévention et fixant ses attributions](#)), 16 April 2010.

³¹⁶ Luxembourg Act of 11 April 2010 designating the Ombudsman as the national preventive mechanism and establishing its powers ([Loi du 11 avril 2010 portant désignation du médiateur en tant que mécanisme national de prévention et fixant ses attributions](#)), 16 April 2010.

³¹⁷ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

³¹⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

³¹⁹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
No comments in the report.	

Regarding access for inspection by monitoring bodies, the Authorities of the Penitentiary Administration of Luxembourg confirm that the Ombudsman has 24/7 access to inspect or check detention facilities. Additionally, the penitentiary administration maintains an internal inspection and surveillance department, enabling the monitoring of detention conditions across various penitentiary centres.³²⁰

18. Access to remedy

a. Legal remedies

According to the 2018 law, detainees can appeal any decision made by a prison centre director to the director of the prison administration. They must write this appeal within eight working days after the prison centre director informs them of the decision. If the prison centre director doesn't decide, they must appeal within three months after three months have passed since the prisoner asked the latter for a decision. The deadlines for appeals and making the administrative appeal do not prevent the decision from being carried out (Article 34).³²¹

All decisions made about detainees by the director of the prison administration under the 2018 law can be reappealed before the Chamber for the enforcement of penalties of the Appeal Court. This appeal must be made in writing within eight working days following communication of the decision of the director of the prison administration to the prisoner (Article 35(1)³²² and court decision of 28 February 2023)³²³. In the absence of a decision from the director of the prison administration, the appeal to the Chamber for the enforcement of penalties of the Appeal Court must be made within three months after three months have passed since the administrative appeal was brought before the director of the prison

³²⁰ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

³²¹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³²² Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³²³ Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), [Arrêt n° 25/23 chap](#), 28 February 2023.

administration, failing which it will be inadmissible. Appeals brought directly against a decision by a prison centre director are also inadmissible (Article 35(1)).³²⁴

b. Legal assistance

The law guarantees the lawyer's access to a detainee (Article 24 (2)).³²⁵

Lawyers from the Luxembourg Bar Association (*Barreau de Luxembourg*) have the right to talk privately with suspects, minors they are defending, and detainees being deported without a guard present during work hours. They can also visit convicted individuals under the same conditions, as long as the convict has filled out a form provided by the prison beforehand. This form, which doesn't ask about the reasons for the visit to protect lawyer-client confidentiality, must be presented during the visit (Article 240).³²⁶

EU lawyers who are not members of the Luxembourg Bar Association can only visit detainees in the presence of a Luxembourgish lawyer or with special permission. A judge can grant this permission if the person is still under investigation, by the state prosecutor if they are awaiting trial, or by the state attorney general if they are already convicted. In all cases, the visiting lawyer must prove their membership in a bar association from an EU country (Article 241).

Confidentiality is assured in correspondence between a detainee and their lawyer. Under Articles 226-227, letters sent between detainees and their lawyers in sealed envelopes must be checked. They are sent or delivered to their recipient promptly if it is clear that they genuinely intend for the lawyer or come from them. For this purpose, important information must be written on the envelope to show the identity and professional address of the recipient or sender. Letters from the lawyer must have the lawyer's signature on the envelope, except for the mention of "lawyer's mail," or they can be personally delivered by the lawyer to the State Attorney General or the director. Checking suspicious packages and letters follows a procedure decided by the State Attorney General in coordination with the president of the Bar Association³²⁷.

The CTP (2023) expressed concerns about the expensive phone calls in the visited prisons, including charges for contacting their lawyer. Regarding solitary confinement at the Preventive detention centre (*Centre pénitentiaire d'Uerschterhaff - CPU*), detainees complained of being unable to make phone calls, including to their lawyer, during the initial days. While acknowledging the need for restrictions in some cases, the CPT stresses the importance of such communication and recommends limitations be strictly necessary and brief.³²⁸

³²⁴ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³²⁵ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³²⁶ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

³²⁷ Luxembourg, Grand-Ducal Regulation of 24 March 1989 concerning the administration and internal regime of penitentiary establishments ([Règlement modifié grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires](#)), 3 April 1989.

³²⁸ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading

c. Request and complaints

The detained person is required (in written form) to appear before the director of the prison in matters of discipline. The detained person has not less than twenty-four hours in which to prepare their defence. Before the director or the delegate, the detained person submits their observations. The statement is attached to the report (Article 33 (6-7))³²⁹ Decisions made by prison governors regarding detained persons can be appealed to the Director of Prison Administration. Appeals must be submitted in writing within eight working days of the governor's decision notification or, if no decision is made, within three months after three months have passed since the initial request to the governor. These appeal deadlines do not suspend the effect of the original decision.(Article 34).³³⁰

However, CPT 2023 notes instances when a disciplinary measure was carried out before the appeal deadline expired. Several detained persons told the delegation there was no point in making such an appeal. Moreover, the appeals lodged with the Luxembourg closed detention centre (*Centre pénitentiaire de Luxembourg- CPL*) were very few, and all of them resulted in the initial decision being upheld.³³¹

d. Independent authority

Articles 2 and 3(1) outline the procedure for filing complaints with the Ombudsman. Anyone who believes that a relevant authority has not fulfilled its duties or has violated applicable laws, can submit a written or oral complaint to the Ombudsman. However, before making a complaint, they must first attempt to resolve the issue through administrative channels with the relevant bodies.³³²

e. NPM assessment

- External monitoring of places of detention (*Contrôle Externe des Lieux Privatifs de Liberté*) – no relevant reports within the period of 2021-April 2024. The two reports released during [this period](#) regard: Report on the Holding centre (*Centre de rétention*) (2021); Report on the Closed unit for minors - *UNISEC* (2022).
- Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique](#)

Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.53.

³²⁹ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³³⁰ Luxembourg, Act of 20 July 2018 reforming the prison administration ([Loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire](#)), 28 July 2018.

³³¹ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p.57.

³³² Luxembourg, Act of August 22, 2003 creating a Mediator ([Loi du 22 août 2003 instituant un Médiateur](#)), 3 September 2003.

[effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26.

Citations from CPT report 2023 (French)	Translation of the citations from CPT report 2023 (English)
<p><i>Le Comité se félicite que le guide informait les personnes détenues quant aux procédures de plaintes et de requêtes « remises sous pli fermé » pouvant être adressées aux directions respectives des établissements pénitentiaires, mais aussi à d'autres personnes et organismes, y compris au gouvernement, aux autorités judiciaires ainsi qu'à l'Ombudsman. Cela étant, au sein des deux établissements visités, la délégation a noté l'absence de présence de boîtes aux lettres permettant de déposer des courriers adressés notamment à l'Ombudsman. Le Comité recommande aux autorités luxembourgeoises d'apporter des améliorations au système de communication mis en place pour permettre aux personnes détenues de formuler des plaintes ou requêtes, y compris à l'Ombudsman, de manière discrète et confidentielle.³³³</i></p>	<p>The Committee is glad that the guide informed detainees about how to make complaints and requests, which could be sent in sealed envelopes to the respective prison authorities and other people and organisations, including the government, judicial authorities, and the Ombudsman. However, during visits to the two facilities, the delegation noticed no mailboxes available for detainees to send letters, especially to the Ombudsman.</p>
<p><i>Concernant les communications téléphoniques, la majorité des détenus avec qui la délégation s'est entretenue s'était plaint du caractère coûteux des appels émis dans les deux centres pénitentiaires visités. Les appels des détenus à leur avocat étaient aussi payants. Au CPU particulièrement, les communications étaient transférées via un opérateur téléphonique allemand. Le CPT invite aussi les autorités luxembourgeoises à revoir les modalités contractuelles des communications téléphoniques afin d'offrir aux personnes détenues un prix plus abordable.³³⁴</i></p>	<p>Regarding telephone communications, most detained persons interviewed by the delegation had complained about the high cost of calls to the two prisons visited. There was also a charge for detained persons to call their lawyer. The CPT also invites the Luxembourg authorities to review the contractual terms and conditions of telephone communications to offer detained persons a more affordable price.</p>
<p><i>Au CPU, les prévenus sous régime cellulaire s'étaient plaints de ne pas pouvoir passer d'appels téléphoniques, y compris à leur avocat, pendant les</i></p>	<p>At the CPU, detainees in solitary confinement complained about being unable to make telephone calls, including to their lawyers, during the first few</p>

³³³ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 59.

³³⁴ Council of Europe (2023), Report to the Government of the Grand Duchy of Luxembourg on the periodic visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023 ([Rapport au Gouvernement du Grand-Duché de Luxembourg relatif à la visite périodique effectuée au Luxembourg par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants \(CPT\) du 27 mars au 4 avril 2023](#)), CPT/Inf (2023) 26, p. 59.

<p><i>premiers jours de leur placement. Le CPT reconnaît qu'il est parfois nécessaire, dans l'intérêt de la justice, d'imposer des restrictions aux appels téléphoniques de certains prévenus. Cependant le Comité tient à souligner l'importance de ces contacts et que leur restriction devrait être strictement limitée aux exigences de la cause et ne s'appliquer que pendant la durée la plus brève possible. Plus spécifiquement, le contact avec un avocat devrait, en principe, être garanti de manière inconditionnelle à toute personne privée de liberté, et notamment aux prévenus placés au régime cellulaire.</i></p>	<p>days of their placement. In the interests of justice, the CPT recognises that it is sometimes necessary to impose restrictions on telephone calls by certain remand detainees. However, the Committee wishes to emphasise the importance of such contacts and that any restrictions should be strictly limited to the requirements of the case and only apply for the shortest possible time. More specifically, in principle, contact with a lawyer should be guaranteed unconditionally to all persons deprived of their liberty and, in particular, to remand detainees held in solitary confinement.</p>
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Regarding access to remedies for detainees, the Authorities of the Penitentiary Administration of Luxembourg confirm that detainees can submit written complaints to the prison management and receive a written response. Detainees regularly utilise this complaint mechanism. In cases where detainees are dissatisfied with the response they receive, they can file an administrative appeal with the director of the penitentiary administration.³³⁵

³³⁵ Luxembourg, information confirmed by the authorities of the Penitentiary Administration of Luxembourg (e-mail exchange of 3 June 2024).

Part II: National case-law

Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), Luxembourg / Judgement n° 20/24 chap, 15 February 2024.

Thematic area	Allocation of detainees b. Allocation within detention facilities
Decision date	15 February 2024
Reference details	Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (<i>Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg</i>), Judgement n° 20/24 chap , 15 February 2024
Key facts of the case	<p>The applicant was convicted to a 36-month prison sentence for domestic violence and placed in the semi-open prison of Givenich (<i>Centre pénitentiaire de Givenich - CPG</i>).</p> <p>An incident report of 26 January 2024 stated that the applicant showed self-centred, demanding and disrespectful behaviour; was late for appointments; lacked introspection regarding his criminal conduct; and received several disciplinary reports and three disciplinary sanctions for alcohol consumption. As a result, the State Prosecutor General's Delegate for the Execution of Penalties (<i>Déléguée du Procureur général d'Etat à l'exécution des peines</i>) ordered the transfer of the applicant to the Luxembourg closed detention centre (<i>Centre pénitentiaire de Luxembourg</i>) on 30 January 2024. The applicant appealed this decision on 8 February 2024.</p>
Main reasoning/argumentation	The Court starts by stating that, in accordance with the caselaw of the European Court of Human Rights, Article 6 of the European Convention on Human Rights does not apply to the execution of penalties. The Court goes on to clarify that (i) the semi-open prison regime is a favourable treatment that has to be earned by the convict (ii) that the convict may be retransferred from a semi-open to a closed prison regime in case, among others, of misconduct. The Court concluded that the convict's behaviour could be qualified as misconduct and that he clearly lacked the elementary seriousness and motivation necessary to remain in a semi-open environment.
Key issues (concepts, interpretations) clarified by the case	The key legal questions clarified by the case were: i) the applicability of Article 6 of the European Convention on Human Rights to the execution of penalties ii) the legal standards applicable to the placement and removal of convicts from a semi-open prison regime.
Results (sanctions) and key consequences or implications of the case	The Court dismissed the appeal as unfounded. As such, the decision of the State Prosecutor General's Delegate for the Execution of Penalties (<i>Déléguée du Procureur général d'Etat à l'exécution des peines</i>) ordering the transfer of the applicant to the Luxembourg closed detention centre (<i>Centre pénitentiaire de Luxembourg</i>) was upheld.
Key quotation in original language and translated into English with reference details	<i>"(...) lorsque le comportement d'un condamné détenu au CPG est devenu incompatible avec son maintien en milieu semi-ouvert pour des faits d'inconduite, d'un risque réel de fuite ou de la commission d'une nouvelle infraction pénale, de nouvelle condamnation ou d'inobservation par le condamné des modalités et conditions prévues à l'article 673, paragraphe 3, du code de procédure pénale pour des raisons médicales ou pour un fait disciplinaire passible du retransfèrement vers un autre centre pénitentiaire, le directeur du CPG informe le Procureur général d'Etat qui peut, en vertu de l'article 674 (3) du code de procédure pénale, ordonner le retransfèrement vers un autre centre pénitentiaire".</i>

	<p><i>“(…) when the behaviour of a convict detained at the CPG becomes incompatible with his stay in a semi-open environment due to misconduct, a real risk of absconding or the commission of a new criminal offence, a new conviction or failure by the convict to comply with the terms and conditions set out in article 673 (3) of the Code of Criminal Procedure, for medical reasons or for a disciplinary offence punishable by retransfer to another penitentiary centre, the Director of the CPG shall inform the State Prosecutor who may, pursuant to article 674 (3) of the Code of Criminal Procedure, order the retransfer to another penitentiary centre.”</i></p>
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Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (*Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg*), Luxembourg / Judgement n° 31/24 chap, 5 March 2024.

Thematic area	<i>Solitary Confinement</i> <i>a. Placement in solitary confinement</i>
Decision date	5 March 2024
Reference details	Luxembourg, Chamber for the enforcement of penalties of the Appeal Court of the Grand-Duchy of Luxembourg (<i>Chambre de l'application des peines de la Cour d'appel du Grand-Duché de Luxembourg</i>), Judgement n° 31/24 chap , 5 March 2024
Key facts of the case	The applicant was placed in solitary confinement on 29 January 2024 due to several disciplinary incidents, in particular for having made serious threats against several prison officers. His behaviour following placement in solitary confinement was correct and there were no incidents. Nonetheless, the Director of the Prison Service decided to extend the applicant's solitary confinement on 29 February 2024. The decision was based on the fact that the applicant could not be integrated into any ordinary section of community life, either because of problems with fellow inmates or because of a conflictual relationship with certain members of the prison staff. The applicant appealed this decision on 1 March 2024.
Main reasoning/argumentation	The Court starts by reminding that the detainee is automatically placed under community living if the conditions for solitary confinement are no longer met. These require that the detainee is unfit for community living because of his personality or behaviour. The Court then notes that (i) the behaviour as such of the applicant during his placement in solitary confinement was not open to criticism and (ii) the extension of the latter was based on general considerations of internal organisation of a transfer of the applicant to an ordinary section of the prison. In this context, the Court concluded that the conditions that led to the applicant being placed in solitary confinement no longer persisted. The extension of solitary confinement was therefore no longer justified in the light of the conditions laid down in the law.
Key issues (concepts, interpretations) clarified by the case	The key legal question clarified by the case consisted of the permissible grounds for maintaining a detainee in solitary confinement.
Results (sanctions) and key consequences or implications of the case	The Court upheld the appeal and ordered that the applicant be placed under community living.
Key quotation in original language and translated into English with reference details	<i>“Il ressort des éléments soumis à l’appréciation de la Chambre de l’application des peines que les conditions ayant motivé le placement en régime cellulaire de PERSONNE1.) ne persistent plus. Il résulte, au contraire, tant de la position du directeur du centre pénitentiaire de Luxembourg du 29 février 2024, que du rapport d’évaluation du 26 février 2024 de l’agent du Service psycho-social et socio-éducatif du CPL, que le comportement en tant que tel de PERSONNE1.) durant son placement à la section E est exempt de critique, mais que la proposition de prorogation du placement en régime cellulaire repose plutôt sur des considérations générales d’organisation interne d’un transfert du requérant vers une section ordinaire. La Chambre de l’application des peines rejoint dès lors le constat du Ministère public qu’à la lecture des éléments soumis à appréciation, le maintien du régime cellulaire n’est plus justifié au regard des conditions prévues à cet égard par l’article 29, paragraphe 2 précité (...)”</i>

	<p><i>"It is clear from the information submitted for the assessment of the Chamber for the enforcement of penalties that the conditions that led to the placement of PERSON1 in solitary confinement no longer persist. On the contrary, it follows both from the position of the Director of the Luxembourg closed detention centre of 29 February 2024 and from the assessment report of 26 February 2024 by the officer of the CPL's Psycho-social and Socio-Educational Department that PERSON1.)'s conduct as such during his placement in section E is not open to criticism, but that the proposal to extend his solitary confinement is based rather on general considerations relating to the internal organisation of a transfer of the applicant to an ordinary section. The Chamber for the enforcement of penalties therefore agrees with the Public Prosecution Service's finding that, on the basis of the evidence submitted for assessment, continued solitary confinement is no longer justified in the light of the conditions laid down in this respect by the aforementioned Article 29(2) (...)"</i></p>
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