

OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Luxembourg

UPR Session and Date of Review: 29th Session, Jan-Feb 2018

Background

Luxembourg has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Luxembourg, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Luxembourg and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Luxembourg.

Overview of this Submission

This submission contains a brief overview of election related activities undertaken by ODIHR in Luxemburg in the past four years.

There are also short references to data on Luxembourg in the area of tolerance and non-discrimination.

Election-related activities

ODIHR has not previously observed national elections in Luxembourg. It, however, undertook an election visit to Luxembourg in 2009 as part of the assessment of the European Parliament elections.

ODIHR was invited to observe the October 2013 early parliamentary elections and conducted a Needs Assessment Mission from 3 to 5 September 2013.

The NAM report noted the confidence of all its interlocutors in the integrity of the electoral process. However, interlocutors mentioned media coverage of the campaign, as well as

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

political party and campaign finance as areas that could benefit from review. The full NAM report can be found here: <http://www.osce.org/odihr/elections/106879>

In other circumstances, ODIHR NAM would have recommended the deployment of an Election Assessment Mission. However, in this case the OSCE/ODIHR recommended not to deploy any election-related mission taking into consideration the human and financial resources already committed in 2013.

ODIHR stands ready to assist Luxembourg in any future electoral reform, including a possible review of electoral legislation. The next elections (parliamentary) are scheduled for 2018.

Legislation reviewed by ODIHR

Upon request by authorities of a participating State, and OSCE field operation or another OSCE institution, ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at www.legislationline.org.

Basic information about the constitutional system and legislation of Luxembourg is available on www.legislationline.org.

No requests for legislative reviews have been received from Luxembourg since 2013.

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR reports at <http://hatecrime.osce.org/> to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR's data on hate crime is launched online each year on 16 November, covering information from the past calendar year. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Luxembourg in the most recent (2015) edition of the annual hate crimes reporting² includes the following:

² Available at <http://hatecrime.osce.org/luxembourg>.

- **Overview of officially reported data**

Although Luxembourg regularly completes ODIHR's questionnaire, data on hate crimes have never been submitted. Luxembourg's Criminal Code includes penalty enhancements for specific offences and a substantive offence. Data are collected by the police, the Prosecutor's Office and the Ministry of Justice. Data are not made publicly available.

Roma and Sinti issues

N/A

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

N/A

Other assessments and recommendations contained in ODIHR reports on thematic human issues

N/A