

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament

- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities
- X Other

If "Other", please specify

[National human rights institution](#)

Organisation name

250 character(s) maximum

[Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg \(CCDH\)](#)

Main Areas of Work

☐ Justice System

☐ Anti-corruption

☐ Media Pluralism

☐ Checks and Balances

☒ Other

If "Other", please specify

[Any topic related to human rights in Luxembourg](#)

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

[Commission Consultative des Droits de l'Homme - Luxembourg](#)

The CCDH is an A-status NHRI last reaccredited by the Sub-Committee on Accreditation (SCA) in March 2022. It has a broad human rights mandate. Its independence, missions, structure and functioning are guaranteed by the [law of 21st November 2008](#).

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

/

* Country of origin

Please indicate the country of origin of your organisation

[Luxembourg](#)

First name

[Noémie](#)

Surname

[Sadler](#)

Email Address of the organisation

info@ccdh.public.lu

* Publication of your contribution and privacy settings

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**

X ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).

☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

X I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission^[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

^[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

☒ Luxembourg

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

Independence/autonomy of the prosecution service

5000 character(s) maximum

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

As reported in the CCDH's contribution to the 2023 RoL report, a lawyer was convicted by Luxembourg's courts for "insulting" a judge in an email he sent to the relevant authorities to report a situation he found unacceptable. The lawyer submitted his case to the ECtHR which [ruled in 2024](#) (Lutgen v. Luxembourg, 16.05.2024, 36681/23) that the national courts had "*not struck a fair balance between the need to maintain the authority of the judiciary and the need to protect the applicant's freedom of expression in his capacity as a lawyer*".

It is also worth noting that the [CJEU found in September 2024](#) that "*Article 7 and Article 52(1) of the Charter must be interpreted as precluding a decision such as that described in paragraph 52 above, based on national legislation under which advice and representation by a lawyer in tax matters do not enjoy – except where there is a risk of criminal prosecution against the client – the strengthened protection of communications between lawyers and clients guaranteed by Article 7 of the Charter*". This case was about a Luxembourg law firm which had been ordered by the Tax Administration to disclose all documentation relating to advice given to one of its clients for the purposes of an exchange of information on request of the tax authorities of another Member State of the European Union. [See the lawyers association's statement](#) for more information.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

See the CCDH's contribution to the 2024 rule of law report:

- “As a reminder, the CCDH, as well as regional ([GRETA](#), [GREVIO](#), [ECRI](#)) and international expert groups ([UN B&HR working group](#)) or treaty bodies ([CAT](#), [CERD](#), [CRC](#), [CEDAW](#)), repeatedly urged the government and parliament to assess and improve access to justice, including courts.
- There is still no human rights institution, ombudsman, or equality body with the power to go to courts in case of discrimination or human rights violations. [Article \[10\] of the \[EU directive\]](#) on standards for equality bodies is promising in this regard.
- Some NGOs can, under some conditions laid down by law, support and represent individuals. However, this mechanism, aimed at facilitating access to justice, does not seem to be used very often. The studies on racism and ethno-racial discriminations published in 2022 (LISER and CEFIS) and 2023 (CEFIS) indicated that it remained ineffective. The same can be said about other areas as well, such as human trafficking cases. There are very few NGOs who are accredited and even fewer NGOs who make use of this mechanism. While GRETA ([§62](#)) concluded in their report on human trafficking in Luxembourg that there seems to be a lack of awareness about this mechanism, there are other obstacles too:
 - The legal environment is not empowering victims to come forward. For victims in irregular situations, there is a serious risk of being deported.
 - NGOs and worker unions are mostly lacking the resources to file complaints and claim for damages in cases of racism and discrimination.
 - According to civil society, victims are thus often obliged to adopt a strategy of silence. In the rare cases where they voice their concerns, they often limit themselves to asking for help in their immediate entourage. The main obstacles are, among others, the fear, especially in the case of discrimination in employment, of losing one's job and the lack of a sufficient safety net if the perpetrator is not convicted. The benefits of speaking out or making a complaint must outweigh the costs. Victims also need to have confidence in the legal system and accept the material and psychological costs of taking legal action, the outcome of which is rarely immediate.
 - Human trafficking victims' access to protection and support should not be linked to the obligation to participate in criminal proceedings or cooperate with the police and prosecution services.
 - (...)
 - Legal jargon is unnecessarily complicated. If victims file a complaint, they receive a document “[Infodroit](#)” which is not accessible at all.
- NGOs are confronted to major difficulties when it comes to proving legal standing (“*intérêt à agir*”) before administrative courts.
 - (...)
- There has been no progress regarding the development of a legal framework for an effective witness protection system. This is still seriously hampering access to courts and the work of the police.
- Access to compensation for victims of crimes, such as victims of human trafficking, is still insufficient.
 - Financial investigations, seizures and confiscations need to be improved in number and in thoroughness. The benefits gained by the criminals and the damage suffered by victims are often inadequately assessed by the judges. The judgments generally do not sufficiently explain or justify their refusal to grant the damages claimed by the victims (see, for instance, [GRETA, §60](#)).
 - Claims for compensation for unpaid salaries of victims of labour exploitation are declared inadmissible by criminal courts – victims must introduce a separate complaint to the labour courts. This is further hampering their access to remedies.

A new [mechanism](#) (“*bureau de gestion et de recouvrement des avoirs*”) aimed at transposing the directive 2014/42/UE of 3 April 2014 entered into force in 2022. While this mechanism promises some improvements regarding seizures, confiscations and compensation of victims, its scope is limited and many practical aspects remain unclear. The EU commission launched an [infringement procedure](#) against Luxembourg for failure to comply with the directive by 4 October 2016.”

Also see the CCDH's [4th report on trafficking on human beings](#) for information about the numerous difficulties victims face regarding access to justice. See, for instance, access to compensation (p. 131), access to

protection and support (p. 92) or the non-punishment principle (p. 102).

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

See the CCDH's contribution to the 2024 rule of law report: *"The prosecution offices have reported that there is a lack of human and financial resources. They also sometimes lack the practical and legal tools to tackle some types of crimes. The possibility of using pseudonymous investigations ("enquête sous pseudonyme") has been widened recently. According to the prosecution services, other investigative tools are needed to effectively investigate and prosecute organised crime such as human trafficking."*

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

See the CCDH's contribution to the 2024 rule of law report:

"There is an urgent need for training for judges. No progress seems to have been made in this regard yet.

- Judges are not always sufficiently considering relevant international, EU and European human rights law. They also seem to be reluctant to address preliminary questions to the CJEU. The NGO Passerell did an in-depth study of the number of preliminary questions addressed to the Court. Their research shows that out of 1.176 cases of administrative and tax litigation during a one-year period between 2 May 2022 and 2 May 2023, the Administrative Tribunal and the Administrative Court received 29 requests for preliminary rulings for the Constitutional Court and 27 for the Court of Justice of the European Union. Of these 27 requests for preliminary rulings, none was accepted by the national courts. This result may indicate that Luxembourg's administrative judges make little use of the legal mechanisms established by EU law. The result is hardly more satisfactory as far as the Constitutional Court is concerned, since only three questions were submitted in areas relating to environmental protection, wealth tax and the promotion of officials in the Directorate-General for Internal Security.*
- Judges sometimes use pejorative language and reasoning contrary to international and European human rights standards. For instance, in a [ruling](#) issued by the administrative tribunal in October 2023 rejecting an application for international protection, the judges shockingly took into account the behaviour of a victim of female genital mutilation and of forced marriage as a minor : „Le tribunal relève encore que la menace brandie par le mari de la demanderesse qu'elle devrait subir une seconde excision est à mettre en perspective avec son attitude – perçue comme critiquable par son mari – visant à ne pas s'impliquer dans ce ménage, ne pas manger et refuser d'avoir des relations sexuelles avec son mari (...)"*. This unacceptable reasoning is particularly incompatible with EU law in the light of the [recent judgment](#) of the ECJ in case C-621/21.

It must be noted that this is not an isolated case. Victims of gender-based violence for example have only limited access to justice because of the authorities' lack of understanding of this phenomenon. See for instance judgment n°49531 9 October 2023 : « (...) les violences ne sont pas directement motivées par l'appartenance objective de la partie demanderesse à la gent féminine, mais sont plutôt dues à des problèmes d'alcoolisme et de violence de l'époux de cette dernière ... » ; or judgment n°44645 10 July 2020 : « Si un tel comportement n'exclut évidemment pas les violences exercées contre la demanderesse, il démontre cependant que son ex-compagnon n'était pas violent envers elle en raison de sa condition de femme, mais en raison de sa personnalité agressive (...) ».

(...)."

Other parts of the justice system in Luxembourg are also prone to this line of reasoning. For instance, the CCDH has found that in human trafficking cases, judges often use erroneous and stereotypical reasoning, which amounts to victim blaming and it conflicts with European and international human rights law. Access to justice, among many other things, is clearly hampered.

- In a [ruling](#) (p. 22) of the Court of appeal, the judges found that a woman, who was subject to physical violence committed by her partner, could not be considered as having been coerced to commit the crime of human trafficking since, according to the judges, she only followed her partner's orders because she "needed love" ("Si P.2.) a exécuté les ordres de P.1.), elle n'a pas agi sous la contrainte morale, mais parce qu'elle était en couple avec lui et « qu'elle avait besoin de recevoir de l'amour » (déclaration faite par P.2.) devant le juge d'instruction)." The psychological implications of gender-based violence and human trafficking are insufficiently taken into consideration.*

- In another [recent case](#) of 2023, a tribunal found that the accused woman was herself victim of human trafficking – but instead of considering the principle of non-punishment, it gave her a prison sentence of 18 months (of which 12 were suspended) for having exploited the prostitution of others.
- Judges also sometimes take into account the behavior of victims of human trafficking in order to assess their credibility and the perpetrator's culpability. The following behaviors have been interpreted as compromising the victims' credibility and the severity of the crime : not calling the neighbors for help ; not having escaped to and worked in other similar restaurants close by ; not going to bus or train stations close by to escape from the perpetrators ; being seen smiling on photos together with the perpetrators ; keeping pictures of the perpetrators on their social media platform ; being the companion of the perpetrator. This completely neglects the situation victims of human rights violations are in, especially regarding the psychological effects thereof.
- As already mentioned above, judges, but also lawyers and any other relevant persons (such as labour inspectors) also need training to improve their means of assessing the benefits gained by traffickers and the damage suffered by victims of human trafficking."

Also see the CCDH's [3rd](#) (p. 88) and [4th report on trafficking on human beings \(p.103, p. 131, 159\)](#).

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

See the CCDH's contribution to the 2024 rule of law report:

"Access to judgments online is still insufficient as the [online database](#) remains incomplete. All judgments should be made public (albeit anonymised), otherwise it is impossible to analyse the case law. In the words of the Luxembourgish judge of the European Court of Human Rights, Georges Ravarani, « c'est à ceux qui analysent la jurisprudence de décider ce qu'ils y trouvent intéressant » (see the [interview](#) in Lëtzebuurger Land, 22.12.2023). Should it really be left to an authority to decide which judgments are to be published and which ones are not?

Access to legislation online has slightly been improved. However, some pieces of legislation, which have been modified numerous times, are still not consolidated. This makes it difficult for legal practitioners, judges, and the public to have access to and apply the law. It would also be useful to link relevant case law to the legislation (e.g. on Legilux; Legifrance could serve as a good practice)."

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

See the CCDH's contribution to the 2024 rule of law report:

"The existing tools are still inadequate for data and statistics collection purposes. The prosecution services are unable to gather disaggregated data and establish statistics because of the inadequacy of the tools at their disposal. Currently, the Statistical Service of the Justice Department usually draws up a first draft of the data, which then needs to be checked file by file to see whether certain files are not wrongly included in the list (due to incorrect encoding of offences, offences with similar codes, etc.) and possibly to eliminate duplicates. This situation causes additional workload to the public prosecution services. Moreover, some of the details and clarifications commonly requested by national, European and international bodies are not systematically included in their database (called JUCHA). This situation can be explained by the fact that the JUCHA case management tool was not created for statistical purposes. Statistics drawn up on this basis are never error-free. As a result, every time Luxembourg needs to feed into EU surveys (e.g. Eurostat on human trafficking), it is unable to provide reliable data. We are therefore continuously advocating for allocating more resources to the public prosecution services and the judicial system as a whole in order to improve data collection.

Moreover, due to [legislative changes](#) related to data protection by the judicial authorities, which entered into force in 2023, the public prosecution services informed the CCDH, the National Rapporteur on human trafficking under the human trafficking Directive, that they are not able to communicate important information related to human trafficking cases to us anymore, which could have allowed us to verify the data and establish statistics by ourselves. It is therefore quite difficult, sometimes even impossible, to evaluate the situation."

Also see the CCDH's [4th report on trafficking on human beings \(p. 166\)](#).

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Any other developments related to the justice system - please specify

See the CCDH's contribution to the 2024 RoL report:

- “The reform of the justice system for children (legislative proposals [7991](#), [7992](#), [7994](#), and [draft grand-ducal regulation](#)), that was launched in 2022 and is still ongoing, creates a clear separation between children that are in conflict with the law and those that are in a situation of distress and need help. The reform foresees the introduction of a specific criminal procedure for minors into Luxembourgish legislation. While the draft legislation offers a series of improvements to the current situation, it does not meet international standards on deprivation of liberty of children and does not correctly transpose the EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (cf. opinions of the CCDH on the legislative proposals [7991](#) and [7992](#)).
- While the draft legislation foresees a general right of access to a lawyer for minors who are suspected to have committed an offence, the text allows the authorities to restrict this right in certain situations and in the end, assistance by a lawyer only remains obligatory in case of a crime. The CCDH insists on the mandatory presence of a lawyer at the earliest stage of the procedure, and for every police interrogation. Furthermore, the CCDH insists that, in order to guarantee a fair and transparent nomination of lawyers, a lawyer should be nominated by the president of the bar association from a list of specialized children's lawyers (at present, the lawyer is appointed by the judge).
- With regards to the training and specialization of the different actors of the justice system, the CCDH recommends that a lawyer, when nominated by officials to represent a minor in criminal proceedings, must be specialized not only in criminal law but also in the rights of children. While the CCDH notes positively that the draft legislation specifies that police units and public prosecutors dealing with children suspected of an offense must be specialized, it regrets that no such obligations are foreseen for the judges although the draft legislation proposes the creation of a specialized first instance criminal court for minors as well as a specialized chamber at the court of appeal.”

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

5000 character(s) maximum

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

5000 character(s) maximum

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

--> For the three previous points, **please also provide information and figures on their application/enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

The EC recommended that Luxembourg should “take forward the reform of the legal framework for the disclosure of official documents, taking into account European standards on access to official documents.” In July 2024, [draft legislation 8421 on the promotion of professional journalism and democratic debate](#) was tabled by the Ministry of Justice. While the CCDH has not done a full assessment of this legislative proposal yet, it has reservations regarding its potential to genuinely improve access to official documents, as an initial analysis suggests that the proposed changes may be rather superficial or cosmetic in nature. It is worth mentioning that the association of professional journalists voiced concerns regarding the effectiveness of the access to official documents. Sources: [De Journalisteverband fuerdert Nobesserungen um Transparenzgesetz](#) ; [Informationszugangsrecht: Was lange währt ... – WOXX](#)

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Following the government’s decision to change the selection procedure for the director of the “Autorité luxembourgeoise indépendante de l’audiovisuel” (ALIA), the president of its managing board at the time, also President of the “Cour supérieure de justice”, resigned his position. His decision was, among others, linked to disagreements over the selection process for a new director of ALIA. Concerns about political meddling in the selection process were raised. The Ministry for Justice was summoned by the Parliament and denied any meddling and defended their decision. Sources: <https://www.wort.lu/politik/thierry-hoscheit-gibt-alia-vorsitz-ab/15330768.html> ; <https://www.reporter.lu/fr/luxembourg-direktorenposten-ministerin-verteidigt-alia-auswahlverfahren/> ; <https://www.luxtimes.lu/luxembourg/chair-of-luxembourg-media-regulator-resigns-in-job-row/15350295.html> ; <https://www.reporter.lu/fr/luxembourg-direktorenposten-ministerin-verteidigt-alia-auswahlverfahren/>

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

As already mentioned above, in July 2024, the Ministry of Justice proposed [draft legislation 8421 on the promotion of professional journalism and democratic debate](#). The CCDH has not done a full assessment of this legislative proposal yet. However, it might be worth mentioning that the association of professional journalists voiced concerns regarding the effectiveness of the proposed framework regarding access to official documents. Sources: [De Journalisteverband fuerdert Nobesserungen um Transparenzgesetz](#) ; [Informationszugangsrecht: Was lange währt ... – woxx](#)

Moreover, recent refusals by public authorities to disclose documents illustrate the obstacles that stakeholders such as NGOs or journalists face:

- In a case opposing the municipality of Luxembourg City and a NGO, the administrative tribunal held that the documents requested by the NGO should be disclosed. The municipality appealed the first instance ruling. The administrative court's ruling is still pending at the time of writing. Sources: <https://www.reporter.lu/luxemburg-informationszugang-kommentar-bitte-stoeren-sie-diese-verwaltung-nicht/> ; <https://www.reporter.lu/luxemburg-informationszugang-die-oeffentlichkeit-muss-draussen-bleiben/>
- Journalists have faced similar obstacles when asking for official documents held by Ministries. The Ministry for internal affairs' refusal to communicate information about the cooperation between Luxembourg and Frontex prompted the « association luxembourgeoise des journalistes professionnels » and the journalist who asked for the disclosure of the documents in the first place, to refer the case to the administrative tribunal. Sources : <https://journalist.lu/fr/plainte-de-la-journaliste-charlotte-wirth-et-de-lalip-contre-le-ministere-de-linterieur/> ; <https://www.reporter.lu/europa-politik-aussengrenzen-frontex-luxemburg-in-heikler-mission/> ; <https://cad.gouvernement.lu/dam-assets/avis/demande-art-10/2021/20211013-Avis-R-14-2021-anonymise.pdf>

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

The CCDH has still not seen any substantial positive developments regarding the follow-up of its recommendations by the Parliament or the Government.

As already reported by the CCDH in its contribution to the 2024 rule of law report, discussions between the Government, the Parliament and the CCDH are still underway to address the question of the CCDH's administrative attachment to Parliament, rather than to Government. The Prime Minister has officially acknowledged and supported this reform. In the context of the legislative proposal that has yet to be officially introduced, discussions are underway to add a possible obligation for the authorities to take into consideration or respond to the recommendations of the CCDH. The CCDH has addressed recommendations to the government in order to safeguard its independence and functioning. The CCDH is particularly concerned by the risk of politicization if the current procedure of nomination, which involves the CCDH and an independent external committee of NGOs, is abandoned and replaced by a procedure only involving the Parliament. Recently, a member of Parliament suggested that the political parties should be represented in the CCDH. This must be avoided in order to guarantee the CCDH's independence and its compliance with the Paris principles. This process is still in its early stages, which is why it is not yet clear what will ultimately be decided.

There have been isolated good practices regarding the consultation process. In December 2024, the CCDH along with civil society, academia but also private sector representatives, was invited to exchange views on the transposition of the CSDDD, prior to the drafting of a legislative proposal aimed at transposing the CSDDD. Such consultations are rather rare and it remains to be seen if the provided input will be seriously taken into account.

In June/July 2024, the CCDH was also consulted on two "avant-projets de loi". The deadlines imposed on the CCDH were very short. Its numerous recommendations and questions on the removal order ("injonction d'éloignement") were not taken into account, as the "[projet de loi](#)" was [tabled](#) shortly after without any modifications. The other "avant-projet de loi" was related to the restriction of freedom of assembly, which has not been tabled yet. It thus remains to be seen whether or not the CCDH's recommendations are being followed-up on. The CCDH has been invited to a meeting with the Minister of Internal Affairs to discuss a new version of this "avant-projet de loi".

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

There have not been any notable improvements since the CCDH's contribution to last year's rule of law report.

It might, however, be worth noting that since 2021, the "[Cellule scientifique du Parlement](#)" has been publishing qualitative research notes on various topics on request of members of Parliament. It specifically dedicated [a research note](#) to the topic of evidence-based policy making, finding that there are no rules requiring politicians to base their decisions on verified evidence. A [memorandum of understanding](#) was signed between the President of Parliament and a research Institute in order to strengthen evidence-based policy making.

The Cellule also published [a note on begging bans](#), such as the one introduced by the municipality of Luxembourg city in December 2023. The Cellule found that a ban on simple begging such as the one applied in Luxembourg city is most likely violating the Luxembourg Constitution. Nonetheless, neither the government nor the municipality (the mayor and other members of the municipal council are also members of Parliament) decided to withdraw their ban on all forms of begging applicable since 2024. The Minister for internal affairs and the mayor of Luxembourg repeatedly alleged that their decisions were effective and improved the situation, without providing any objective evidence for their claims. This further illustrates the lack of evidence-based policymaking and constitutes another blow to the rule of law in Luxembourg. As a reminder: Numerous actors from many different sectors and backgrounds (Police, Public Prosecution, streetworkers, civil society organisations, academia and our NHRI) have voiced their concerns about the

policy-making process, the lack of a legal basis and the inadequacy of the measure itself. The measure also makes potential victims of human trafficking more vulnerable and conflicts with the principle of non-punishment set out, among others, in article 8 of the EU human trafficking directive.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

- In June 2023, the CCDH sent a letter to the Minister of Public Service regarding the current requirement of Luxembourgish nationality for all the employees of the Secretariat of the CCDH. According to the Ministry of State, this requirement originates from the [grand-ducal regulation of 12 May 2010](#), which specifies which jobs/positions involve direct or indirect participation in the exercise of public authority, and are therefore reserved exclusively to persons of Luxembourgish nationality. The CCDH underlined the principle of free movement of workers inside the EU ([also see the report of the CET and the University of Luxembourg, p. 34](#)) and argued that the provisions were in any case inapplicable to the CCDH, especially considering its particular status as an NHRI, which cannot be compared to a public administration. In May 2024, the Minister responded by stating that the Luxembourgish nationality is a requirement for every person recruited by the CCDH. The Minister only referred to national legislation and did not address the question of its compatibility with relevant EU law or the CCDH's particular status as a NHRI.
- The far-right political party "ADR" frequently attempts to weaken the independence of NHRIs, ombudsman institutions and equality bodies. [In a public statement](#) published in July 2024, the political party called for the removal of the directors of the Center For Equal Treatment (CET) and of the National Museum of Resistance and Human Rights (MNR) who voiced concerns regarding a petition aimed at banning LGBTIQ+ topics from schools.
- The CCDH has not received threats of violence. However, a member of Parliament of the far-right political party "ADR" [called](#) the President of the CCDH an "enemy of real freedom of opinion and direct democracy", claimed that its members are "clearly leftideologists," and that the CCDH was not needed. Some political parties subsequently condemned these remarks. During a parliamentary debate, this issue was addressed, but the members of Parliament from the governing political parties largely remained silent. However, Parliament unanimously adopted a [motion](#) defending the importance of the NHRI. Commissioner Didier Reynders [addressed this topic](#) (28:00 and 33:00) during his visit related to the rule of law report. He encouraged politicians to "refrain from any personal criticism of representatives [of the CCDH, Ombudsman, judicial authorities, etc]. Of course, we can have a debate on the substance (...) but we really need to make a strong appeal to politicians to refrain from entering into personal debates and personal attacks on people who are trying to carry out their duties". The Prime Minister also [intervened in support](#) of the CCDH. There were no consequences for the member of Parliament in question.
- In 2024, the CCDH was approached by the Ministry of Justice, which intended to confer a new mission to the CCDH in the context of the EU AI Act (national authority to oversee fundamental rights). This could have allowed the CCDH to provide human rights expertise in the field of AI while, ideally, increasing its capacities and powers. However, following an interpretive note issued by the European Commission, the government finally decided not to confer this task to the CCDH. The reason for this change in position is that the European Commission's interpretative note specifies the types of bodies that can be appointed under Article

77 and that the CCDH only has advisory functions. The CCDH regrets that the designated authority(ies) do not have a specific expertise in the field of human rights, which is a key element of article 77 under the AI Act. It is worth noting that ENNHRI addressed a letter to the European Commission in order to clarify and highlight the role and importance of NHRIs in the context of the AI Act. It is unclear whether the European Commission has taken into account the information provided by ENNHRI. It is also unclear whether the possibility of conferring the required additional powers and means to the CCDH was taken into consideration, and if so, why it was rejected. The CCDH has contacted the government to seek further explanations.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

Since 2024, the CCDH systematically offers to meet with public officials and Ministers and it sends questionnaires to the government asking for explanations on the extent to which its recommendations have been or are going to be taken into account in the legislative process. It is planning to publish information about the follow-up in its future annual reports. The CCDH is also considering requesting lawmakers to introduce an obligation for the authorities to respond to its recommendations in a timely manner, as [recommended](#) by GANHRI's Sub-Committee on Accreditation (SCA).

In recent years, the CCDH has on very few occasions been invited by Ministries to discuss its opinions on legislative proposals tabled by Government. These discussions are nonetheless quite rare and seem to depend on the Minister involved. So far, only the Ministers of Internal Security (Greens ; CSV) and the Minister of Justice (Greens) proactively reached out to the CCDH to discuss its advisory opinions.

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

As already mentioned in the CCDH's contribution to the 2024 rule of law report, the NGO Passerell, which is active in the defence of asylum seekers, beneficiaries of international protection and rejected asylum seekers, [studied](#) (p. 5) the number of requests for preliminary rulings by the administrative court and tribunal. Of these 27 requests, none were accepted by the national courts."

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

The [recent developments](#) related to one of Luxembourg's largest civil society organization (Caritas Luxembourg) are seen by other NGOs as a blow to the enabling framework for civil society. Criminal proceedings for misappropriation of funds are ongoing. The NGO's activities have stopped and been taken over by a newly created NGO (HUT - "Hëllef um terrain"). It remains to be seen how this new NGO will position itself in the Luxembourgish civil society landscape. The government's and Parliament's handling of this case [was subject to criticism](#) (also see [this statement of a collective of NGOs](#)). This case might have negative impacts on the public's perception of civil society in Luxembourg and impact their financial independence. There are also fears that more and more critical civil society voices might disappear. A [collective of NGOs](#) are attempting to fill the void left by the disappearance of one of the critical voices/political plaidoyer in Luxembourg.

The CCDH is concerned that the current developments/framework might discourage NGOs collaborating with the government to criticize the latter. In [a press release published in October 2024](#), a collective of NGOs "*noted a growing lack of listening and dialogue on the part of the government, which is increasingly inclined to reduce civil society players, their critical voices and their experience to mere service providers*". For instance, access to a program offering shelter to people during the winter months has recently been limited to people who can prove that they have been in Luxembourg for at least 3 months (except if the temperatures are below 0°C). The NGOs in charge of this project (Croix-Rouge, the newly created HUT and Inter-actions) do not seem to [question](#) this highly problematic decision announced by the government. In addition, the responses of the competent Minister to 4 parliamentary questions on this decision ([QP1554](#) ; [QP1535](#) ; [QP1522](#) ; [QP1555](#)) do not answer all of the questions raised, especially regarding its conformity with relevant European law. The decision-making process lacks transparency and seems to be rather arbitrary and discriminatory.

Obstacles to the freedom of speech and the independence of NGOs cooperating with public authorities have also recently been [highlighted by journalists](#). The municipality of Luxembourg City contractually obliged an NGO (the newly created HUT which is taking over the activities of Caritas) it is collaborating with to ensure that "*any communication of the association with the press about [its project] must be done in consultation with the City of Luxembourg*".

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

See the CCDH's contribution to the 2024 RoL report:

- "*the Minister of Home Affairs, in the context of the begging ban in the capital, [suggested](#) that one of his critics had incited vandalism against his private property by [publishing a text](#) criticising the Minister's decision. The Minister of Culture, without taking sides, [reminded](#) that the mission of culture, in all its forms, is to be critical of society and societal issues.*
- *A member of parliament published a post on social media threatening a caricaturist who criticised the Minister of Home Affairs' insinuations. The member of parliament later explained that his post was "[intentionally being misinterpreted](#)". The president and one of the vice-presidents of parliament informally [met with the member](#), but since the acts happened outside of the premises of the parliament, the parliament does not seem to have any means at its disposal. However, the political parties appear to have agreed to consider developing a deontology code for the members of parliament.*

In addition, a visit of human rights defenders from Mexico, Brazil and South Africa highlighted the difficulty for NGOs and human rights defenders to receive protection and remedies against threats or attacks. In particular, the members of the delegation had the opportunity to share their concerns about the mining and steelmaking activities carried out by Ternium and ArcelorMittal, two Luxembourg companies, in their respective countries. They reported serious violence against human rights defenders, environmental degradation, and adverse effects on local communities, including indigenous peoples. The UN working group on business and human rights [addressed its concerns](#) to the Luxembourgish government. Luxembourg [responded](#) but did not take any further measures or remedies.

Moreover, obstacles to the freedom of speech and the independence of NGOs cooperating with public authorities have recently been [highlighted by journalists](#). The municipality of Luxembourg City obliged an NGO (the newly created HUT which is taking over the activities of Caritas) it is collaborating with to ensure that "*any communication of the association with the press about [its project] must be done in consultation with the City of Luxembourg*".

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to

ensure a fair distribution of funding)

5000 character(s) maximum

The government and the Ministry of Justice, in particular, are [offering financial support](#) to civil society organisations in order to promote human rights in Luxembourg. They “*recognise the need to protect, support and strengthen CSOs and human rights defenders, so that they can contribute to the effective application of the Charter and protect fundamental rights in Luxembourg*”. The selection committee consists of representatives of the CCDH, the Center for Equal Treatment, the Interministerial delegate for the fight against racism, anti-semitism and anti-LGBTIQ+ hatred, as well as representatives from the Ministry of Foreign and European Affairs and the Ministry of Justice.

As already mentioned above, in October 2024, a [collective of NGOs voiced their concerns](#) in relation to the government's approach to NGOs in general and to the management of the Caritas Foundation's situation in particular. NGOs often carry out missions of public interest on behalf of the government. The collective warned that “*by reducing the role of NGOs to that of mere “service providers”, the government is weakening rather than strengthening civil society, the cornerstone of democracy, at a time when it is under attack from all sides*”.

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here