

Luxembourg 2025

Information from: Consultative Human Rights Commission of Luxembourg

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

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The Luxembourgish NHRI was last reaccredited with A-status by the Subcommittee on Accreditation (SCA) in [March 2022](#). In its latest review, the SCA recommended that the NHRI advocate for amendments to relevant legislation to limit the number of times that members of the Commission may be reappointed and the President may be re-elected. Moreover, the SCA encouraged the NHRI to advocate for changes to its enabling law to provide for remunerated full-time members in its decision-making body. Further, the SCA encouraged the NHRI to advocate for relevant changes to provide the explicit power to table reports directly in the legislature, rather than through the Executive, and in doing so to promote action on them. It also recommended the institution to advocate for its reports to be discussed by Parliament. Additionally, the SCA called on the institution to continue to conduct systematic follow-up activities to ensure that its recommendations are implemented by the relevant authorities, in order to fulfil its protection mandate. While acknowledging that the Luxembourgish NHRI has received increases in its budget in recent years, the SCA also encouraged the institution to continue to advocate for an appropriate level of funding to carry out its mandate effectively and independently.

Follow-up to international and European actors' recommendations on NHRIs and relevant developments

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Legislative reform regarding the NHRI

The work regarding the administrative attachment of the Consultative Human Rights Commission of Luxembourg (hereafter "CCDH") to the Parliament is still

ongoing. In June 2024, the Prime Minister [confirmed](#) this attachment in its State of the Nation address. On 14 February 2025, the Government submitted a [legislative proposal](#) consisting of a single article providing only for the administrative attachment of the CCDH to Parliament: “A Consultative Commission on Human Rights of the Grand Duchy of Luxembourg is hereby established (...). The Commission is attached to the Chamber of Deputies”. However, the administrative attachment is part of a broader effort to undertake a more thorough reform of the CCDH, with several other issues still to be [addressed](#). It is therefore highly likely that Parliament will complete the rest of the reform. In the light of the above, it is not yet known what aspects of the current functioning of the CCDH will be reformed, nor to what extent the reform will enhance the CCDH’s compliance with the Paris Principles. The CCDH is collaborating with the Government and the Parliament, however it is unclear to what extent the authorities will take the CCDH’s recommendations into account. The CCDH will very likely issue an opinion on the legislative proposal.

Follow-up on NHRI recommendations

Furthermore, the CCDH is also considering requesting lawmakers to introduce a requirement for the authorities to respond to its recommendations in a timely manner. While the follow-up of its opinions by policymakers remains very limited, the CCDH is aiming to improve its own assessment of this follow-up. Regarding the recommendation to table the annual reports directly before Parliament, this will take effect as soon as the CCDH is formally attached to Parliament.

Adequate funding

Finally, the CCDH sincerely hopes that the last recommendation, i.e. that of adequate funding, will be respected in order to effectively carry out its mandate. The CCDH will advocate for it in the context of the reform and is currently already asking for more funding (i.e. human resources) whenever possible.

Follow-up on European actors’ recommendations

In terms of measures taken to follow-up on the recommendations concerning the CCDH, issued by European actors, the EC recommended [in its country chapter on Luxembourg](#) that the latter should “improve the legislative decision-making process notably at the level of Parliament by increasing the transparency and involvement of stakeholders in the public consultations”. The CCDH has not observed any improvements in this regard.

Since 2023, the CCDH systematically offers to meet with public officials and Ministers and since 2024, 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. As mentioned, the CCDH is also considering requesting lawmakers to introduce a requirement for the authorities to respond to its recommendations in a timely manner, as [recommended](#) by GANHRI's Sub-Committee on Accreditation (SCA).

Regulatory framework

Regulatory framework

The national regulatory framework applicable to the NHRI has not changed since January 2024.

Human rights expertise in the field of AI

In 2024, the CCDH was approached by the Ministry of Justice which intended to confer a new mission upon 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 ultimately 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 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 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 by the government, and if so, why it was rejected. The CCDH contacted the government to seek further explanations.

CCDH's staff nationality requirement

In June 2023, the CCDH sent a letter to the Minister of Public Service regarding the current regulatory 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 administrations/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 a NHRI, which cannot be compared to a public administration. In May

2024, the Minister of Public Service 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.

NHRI regulatory framework

The work on the reform of the CCDH is still ongoing and an internal working group has been tasked to suggest modifications that will strengthen the CCDH's conformity with the Paris Principles. As a result, it is still too early to present concrete proposals to improve the regulatory framework of the CCDH.

However, some ideas to consider in the reform process include changes to the appointment procedure to strengthen the CCDH's independence, an increase in the allowances granted to members, a limit on the number of times a member's mandate can be renewed, the introduction of jurisdictional immunity, the granting of amicus curiae competence, the obligation for the Government and the Parliament to respond and justify their (in)actions (at the very least give a timely and reasoned response), and ensuring that the CCDH is granted access to data and information required to fulfil its mandate.

NHRI enabling and safe space

NHRI enabling and safe space

Presentation on CCDH reports in Parliament

It might be worth mentioning that in December 2024, Parliament unanimously [adopted a resolution](#) to invite the CCDH to present its reports on human trafficking to all the relevant parliamentary committees. Currently the report is only presented to the legal committee, in presence of the president of the Parliament. The resolution also calls for a presentation and debate on the CCDH's report on trafficking in human beings (which is published every two years) in a similar way to the debate on the Ombudsman's activity report. A [second motion](#) however, calling for the implementation of the CCDH's recommendations from said report, was rejected by the members of Parliament from the governing political parties and the members of a far-right political party.

CCDH access to disaggregated data

The problem raised in last year's [ENNHRI rule of law report](#) persists – the CCDH still faces challenges in relation to access to disaggregated data, for instance in the justice area. This impacts the work of the CCDH as a limitation to relevant data hampers its abilities to assess human rights impacts and state (in)actions. It also renders evidence-based decision making by public authorities quite

difficult.. The CCDH continues to raise this issue with relevant state authorities but no progress was made to address it by state actors.

Functional immunity for CCDH staff

The NHRI's leadership and staff do not enjoy functional immunity nor are there specific measures in place to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation.

Until now, additional measures were not needed in practice as there have not been any or very few attempts to threaten or intimidate the CCDH. However, it might be useful to consider additional measures as verbal attacks from a far-right political party, occasionally challenging the CCDH's independence and impartiality, are on the rise. In this context, and in accordance with the SCA's recommendation to provide jurisdictional immunity for NHRIs, the CCDH will likely advocate for this immunity for its members and the staff of the Secretariat as part of its ongoing reform.

Threats against NHRI

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 left ideologists," 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 CCDH. 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 a subsequent public intervention](#) on a major national radio station, the same member of Parliament suggested that political parties should be represented in the CCDH. This would however constitute a violation of the CCDH's independence and political neutrality. It is therefore of utmost importance to provide safeguards in the current negotiations regarding the CCDH's attachment to Parliament.

The political party of the abovementioned member of Parliament [systematically attempts](#) to weaken the independence of public institutions (Equality body,

public schools, museums, ...) by accusing them of violating their “obligation of neutrality” whenever they intervene publicly in order to promote or defend human rights. The party becomes particularly vocal regarding LGBTIQ+ related topics. It frequently misconstrues the concept of “freedom of speech” for its own political goals and attempts to silence those with opposing views.

NHRI’s recommendations to national authorities

NHRI’s recommendations to national authorities

- Attach the CCDH to the Parliament, while making sure that it remains in line with the Paris Principles, especially concerning the nomination procedure which needs to guarantee the independence of the CCDH. An overhaul of the CCDH’s resources and functioning could further improve its ability to carry out its mandate effectively and independently.
- Legally oblige the Government and the Parliament to respond to the CCDH’s recommendations or requests, and justify their (in)actions (at the very least give a timely and reasoned response).
- Improve data collection and access to information requested by the CCDH.

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Human rights defenders and civil society space

Laws and measures negatively impacting civil society and human rights defenders

Laws and measures negatively impacting civil society and human rights defenders

The NHRI’s human rights monitoring and reporting has found evidence of **laws, policies and/or state measures** that may negatively impact on freedom of assembly and freedom of expression as well as create barriers in access to information and law and policymaking processes.

Access to information

Recent refusals by public authorities to disclose documents illustrate the

obstacles that stakeholders such as NGOs or journalists may face when trying to access information. In a [case opposing the municipality of Luxembourg City and an 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.

Journalists have faced similar obstacles when asking for official documents held by Ministries. The Ministry of 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, to refer the case to the administrative tribunal. The case is still pending at the time of writing.

Freedom of speech and NGO independence

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 appears to contractually oblige an NGO it is collaborating with that “any communication of the association with the press about [their project] must be done in consultation with the City of Luxembourg”.

Freedom of assembly

The government is currently drafting an “avant-projet de loi” aimed at creating a legislative framework for public assemblies such as protests. While the CCDH commends the Ministry in charge for its participative approach – it has repeatedly sought the CCDH's input on previous drafts – the tightness of the deadlines imposed on the CCDH rendered its work quite difficult. It also remains to be seen whether or not the final version of the draft law will be in line with international and European human rights law. The CCDH remains vigilant and keeps reminding the government that it should first and foremost strengthen the right to protest, instead of creating unnecessary barriers and sanctions.

Enabling framework for civil society

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 advocacy 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.

Support for HRDs from minority groups

The far-right political party “ADR” attempts to silence HRDs, especially when they are addressing LGBTIQ+ rights.

Practices negatively impacting civil society and human rights defenders

Practices negatively impacting civil society and human rights defenders
Important gaps in the protection of HRDs nationally

The gaps remain largely the same as in previous years. Access to justice and protection programs needs to be improved (for instance, there is still no legal framework for a witness protection program). The “Shelter cities” project for foreign human rights defenders, which aims to set up a procedure for the reception of individual human rights defenders in Luxembourg for a predetermined rest period, has still not been put in place.

Activities of NHRIs to support civil society space and Human Rights Defenders

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In 2024, the CCDH participated in joint meetings and/or roundtables to promote civil society space and human rights defenders.

The CCDH has met with human rights defenders and NGOs, helped organise meetings and/or [roundtables](#) with ministries and NGOs and supported NGOs wherever it could.

For instance, it [met with HRDs from Mexico, Brazil and South Africa](#) who reported serious violence committed against human rights defenders, environmental degradation, and adverse effects on local communities, including indigenous people that took place in the value chain of Luxembourg based companies. The CCDH raised this topic in a meeting with public officials and [repeatedly urged](#) the government to improve its business and human rights policies as fast as possible – including improving access to justice and improving the protection of victims and witnesses (see the CCDH’s [4th report on human trafficking](#), pp. 117-131).

It also organised [a roundtable on the topic of freedom of speech and hate speech](#).

The CCDH publishes reports done [by GANHRI](#) and [ENNHRI](#) on its website. More generally, the CCDH issued recommendations and options as a way to protect civil society space and human rights defenders.

The CCDH refers to the protection of civil society space and HRDs in its opinions and recommendations. For instance, it criticised the “avant-projets de loi” related to the government’s decision to, first, widen the possibility to issue removal orders (e.g. persons that the authorities see as a “nuisance” for public safety or tranquillity), and second, to limit the freedom of assembly. The opinions of the CCDH are not publicly available yet because the “avant-projets de loi” are unofficial documents of the Ministry in charge until the official legislative proposal is submitted.

The CCDH believes there should be better follow-up on its’s recommendations and opinions.

Furthermore, the legal framework for civil society space and HRDs needs to be improved, especially regarding access to justice, in particular in cases of transnational human rights violations committed within the value chains of businesses.

The lack of resources and the NHRI’s mandate limitations prevented it from engagement in this area with international and regional mechanisms in support of human rights defenders and civil society.

NHRI's recommendations to national and regional authorities

NHRI's recommendations to national and regional authorities

- Improve access to justice (e.g. create a legal framework for an effective witness protection programme, empower NGOs to support victims before the courts, invest human rights institutions such as the equality body with the power to go to courts, strengthen the training of justice professionals such as lawyers, judges and public prosecution, improve remediation and reparation);
- The “Shelter cities” project for foreign human rights defenders, which aims to set up a procedure for the reception of individual human rights defenders in Luxembourg for a predetermined rest period, should be developed;
- Make sure that securitisation laws are based on human rights and in line with the State's positive obligations. For instance, regulatory measures on freedom of assembly should first and foremost be focussed on the promotion of this human right, instead of primarily restricting and criminalising it.

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Functioning of justice systems

There have not been any notable improvements since the [CCDH's contribution](#) to last year's ENNHRI rule of law report and CCDH recommendations issued therein. The CCDH continues to identify the same challenges affecting access to justice and/or effective judicial protection in the areas of professionalism, specialisation and training of judges, respect for fair trial standards and delays in and/or a lack of publication of judgments.

In terms of undertaking actions to support implementation of the European Courts' judgments, the CCDH referred to the judgments of European Courts' in the reports and recommendations to state authorities, raised awareness to the general public. The CCDH regularly refers to judgments of the CJEU and ECtHR, in all of its work (legal opinions, reports, position papers, etc). Its recommendations are addressed to Parliament, the government and specific ministries or administrations. The CCDH also organises press conferences

aimed at raising awareness within the general public.

NHRI's recommendations to national and regional authorities

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Authorities should improve access to justice. For instance, they can:

- Create a legal framework for an effective witness protection programme.
- Empower NGOs to support victims before the courts.
- Invest human rights institutions such as the equality body with the power to go to courts.
- Strengthen the training of justice professionals such as lawyers, judges and public prosecution and improve their resources.

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Media freedom

The CCDH reports on issues concerning the independence and effectiveness of media regulatory bodies, harassment, threats and attacks against journalists and media outlets, as well as access to public interest information/documents, which may amount to significant challenges affecting media freedom.

A media outlet has reported a rise in SLAPP suits, see for instance [this article of reporter.lu](#).

Recently, the [press council voiced criticism](#) about a decision of the court of appeal forbidding journalists to mention the name of a person who was convicted in 2007 because he embezzled approximately 14 million euros. The journalists consider this as an unjustified restriction of freedom of expression. The judges found that “the public must be primarily interested in the event in question, while the addition of the name (...) does nothing to inform the public, but aims to discredit his person and causes him disproportionate suffering, even though he has served his sentence”. The press council argues that “cases in which the ECHR has prioritized freedom of expression over the protection of privacy were not even considered by Luxembourgish judges.” At the time of

writing, the ruling is not legally binding yet.

Follow-up of European actors' recommendations on media freedom

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.

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.

NHRI’s recommendation to national and regional authorities

NHRI’s recommendation to national and regional authorities

- Improve the legal right to access to information for journalists

