# Luxembourg 2026

## Information from: Consultative Human Rights Commission of Luxembourg (CCDH)

# Executive summary

The CCDH currently faces challenges arising from the conferral of new mandates without the necessary resources, the lack of follow-up to its recommendations, as well as insufficient access to certain information. While the CCDH's planned attachment to the parliament could further strengthen its financial and operational independence, it stresses the need for the reforms to include sufficient safeguards, particularly to prevent the politicisation of its decision-making body.

Luxembourg generally offers an open environment for civil society organisations (CSOs) and human rights defenders (HRDs). However, the lack of effective measures to, on the one hand, duly take stakeholder feedback into account and, on the other hand, support and protect them – for instance by removing obstacles such as barriers to access to justice or by adopting targeted supporting measures – remains problematic. Access to information held by public authorities is still insufficient, and the CCDH has also noted the spread of mis- and disinformation concerning business respect for human rights, as well as LGBTIQA+, women's, and migrants' rights. This trend is particularly reflected in the worrying regression of migrants' rights.

# Luxembourg 2026

## Information from: Consultative Human Rights Commission of Luxembourg (CCDH)

# NHRIs' establishment, independence, effectiveness and resilience

## International accreditation status and SCA recommendations

The Luxembourgish NHRI was last reaccredited with A-status by the Sub-Committee 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 the 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 fulfill 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 recommendations on NHRIs and relevant developments

### NHRI's follow-up to SCA recommendations

As reported by the CCDH, the work regarding its administrative attachment to the parliament is still ongoing. Several exchanges with the President of the parliament have taken place. While nothing of particular relevance can be reported since the 2025 rule of law report, a major challenge persists: the lack of clarity as to the extent to which the parliament and the government will take the CCDH's recommendations and the UN Paris Principles into account.

Throughout 2025, the CCDH continued sending 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. So far, the CCDH has not received any response and this lack of follow-up to its recommendations will be reported in its annual report.

The SCA's recommendation about adequate funding appears to have been, at least partially, followed-up upon by the authorities. In 2025, the CCDH has repeatedly stressed the need for additional resources, especially since the parliament adopted a law assigning to the CCDH an additional mandate in the area of video surveillance. Although a majority of members of the parliament initially rejected a motion calling for increased funding, the government ultimately has agreed to allocate one additional position to the CCDH.

### National and NHRI's follow-up to findings from European actors

The 2025 EU rule of law report did not include specific recommendations

regarding the CCDH. The European Commission noted however that "*[t]he reform intended to make the Consultative Commission for Human Rights (CCDH) more independent remains ongoing. As in 2023 and 2024, this reform would eventually see the CCDH being attached to parliament instead of the Ministry of State, as is currently the case, to increase its financial and operational independence. While the government supports the reform, its outline remains subject to debate*" (see Country Chapter on Luxembourg, p. 13 ). In a footnote, the European Commission noted that the CCDH "*has voiced concern over a possible politicisation should the reform entail that political parties are to be represented in the CCDH*".

While the European Commission's 2024 EU rule of law report (p. 2) found that Luxembourg needed to "*improve the legislative decision-making process notably at the level of the Chamber of Deputies by increasing the transparency and involvement of stakeholders in the public consultations*", the 2025 EU rule of law considered that this recommendation was fully implemented. The European Commission seemingly solely relied on the information provided by the Ministry of Justice and the parliament in that stakeholder input is listed online, submissions are circulated among all members of the parliament, references to the submissions are included in reports by the rapporteur in the parliament, and a citizens' initiative requesting parliament to legislate is possible. While all of the above are certainly, at least in theory, positive elements, it must be noted that the European Commission's analysis appears rather superficial and does not assess whether or not stakeholder involvement is effective in practice. The issues raised by the CCDH and others in their respective contributions were not reflected in the European Commission's report.

In particular, the CCDH input submitted to the European Commission's Rule of Law reports highlighted mixed practices with regard to the access to and involvement of civil society actors in law and policy making. While isolated good practices exist, in practice the level of dialogue and participation mostly depends on the different ministries and platforms involved. Although the NHRI and CSO stakeholders can in some instances provide their feedback, the follow-up on their recommendations is not sufficient. For instance, the "*references [to the submissions of NHRI and CSO stakeholders] included in reports by the rapporteur in parliament*" are rarely adequately discussed or taken into account by the parliament. Only the formal objections ("*oppositions formelles*", a temporary veto) of the Council of State ("*Conseil d'État*) are analysed in more detail.

Moreover, the CCDH was recently informed that stakeholder input is not always published on the parliament's website. For instance, at the time of drafting this report, the most recent opinion of UNICEF Luxembourg is still not listed on the page concerning the juvenile justice system reform, despite UNICEF's explicit requests. It remains unclear whether this is an isolated incident or reflects a

broader shift in parliament's approach to opinions from non-institutional actors. In any case, the lack of publication of constructive NGO input is highly problematic, as it significantly reduces the likelihood that lawmakers will take it into consideration.

# Regulatory framework and mandates

## Mandates carried out by the NHRI

In addition to its general human rights mandate, the CCDH, alongside the equality body CET, carries out promotion and monitoring mandates under article 33.2 CRPD, whereas the Ombudsman is in charge of the protection mandate (see article 2 of the law of 28 July 2011 approving the CRPD). The CCDH is also the Independent National Rapporteur on Trafficking in Human Beings for the purposes of the EU Anti-trafficking directive (art. 1 of the law of 9 April 2014 reinforcing the rights of victims of Trafficking in Human Beings). Lastly, the CCDH received a "new" mandate in the area of monitoring public video surveillance (article 43*bis* of the amended law of 18 July 2018 on the Grand Ducal Police – for this, see more below), and it issues advisory opinions in a consultative assembly of the national audiovisual authority ALIA (complaint procedures related to protection of minors or incitement to violence, hatred and terrorism).

## Changes in regulatory framework

As mentioned previously, the efforts regarding the administrative and legislative attachment of the CCDH to the parliament are still ongoing.

In addition, in 2025, the parliament adopted a law modifying, among others, the procedure to authorise video surveillance systems in public places by the police. The CCDH already played an advisory role in this area as a member of a consultative commission. Although this commission was abolished by the afore-mentioned law, the new legislation now requires the CCDH to issue its own advisory opinion to inform the Minister's decision on whether to authorise a video surveillance system. The CCDH was consulted by the relevant Minister prior to the formal introduction of the bill and it also issued an opinion on the draft legislation. Unfortunately, its recommendations and objections were not taken into account by the Minister nor the parliament. As a result, the law remains rather imprecise regarding the CCDH's mandate and the resources at its disposal. It also imposes a one-month deadline for the CCDH to issue its advisory opinion, a timeframe that will almost certainly make a proper human rights impact assessment impossible. The CCDH's regulatory framework was not further amended to reflect this new mandate, e.g. to guarantee the CCDH's access to data and other information necessary to carry out this new mission. On a more positive note, this new mandate appears to have led the government to slightly increase the CCDH's human resources.

## Challenges in implementing multiple mandates

*New mandates without updated legal framework or without additional financial and human resources*

One major challenge is the conferral of new mandates to the CCDH without providing an adequate legal framework or financial and human resources. For example, when the CCDH was designated as the national rapporteur on human trafficking in 2014, its resources were not increased. The law also failed to establish a legal basis for the CCDH to access relevant data. The information it can currently obtain depends entirely on the goodwill of the relevant actors. Access to certain types of data (such as prosecution data or case law) is limited due to the lack of adequate exceptions in data protection laws.

*Lack of clarity regarding authorities' follow-up to CCDH recommendations and input*

Follow-up of the CCDH's recommendations or input is another major challenge, be it when it comes to draft legislation or national action plans. Government and international actors are increasingly consulting the CCDH on draft legislative or regulatory acts, on national action plans and on reports or reviews. Giving adequate input is time consuming and given the CCDH's limited resources, it is particularly relevant to make sure that its input is effectively taken into account. However, it remains often unclear if and to what extent the input provided by the CCDH is being considered.

*Other challenges*

The CCDH would also benefit from greater financial independence and professionalisation of its presidency, which it hopes to achieve through its ongoing reform. At the time of drafting this report, both its presidency and decision-making body are composed exclusively of unpaid volunteers, which limits their availability and ability to deal with the rising number of human rights issues and mandates.

The CCDH's CRPD mandate, in particular its role as a shadow rapporteur in the simplified reporting procedure, is currently complicated by the UN liquidity crisis: the examination of Luxembourg's implementation of the CRPD by the UN CRPD Committee was put on hold for some time, and the publication of the list of issues was delayed considerably (initially expected in September 2020).

Deregulation developments at EU and national levels such as the Omnibus procedures (e.g. Corporate Sustainability Due Diligence Directive (CSDDD) and Corporate Sustainability Reporting Directive (CSRD)), combined with the lack of transparency of the Luxembourgish position and decision-making process, further complicated the CCDH's efforts to raise awareness and improve respect for human rights by businesses in Luxembourg. The "*competitiveness and*

*administrative burden versus human rights*" narratives used by decision-makers were extremely counterproductive as they put in question the progress made so far at EU and national levels, including by the CCDH. The same can be said about the increase in anti-migration rhetoric. These narratives also put the democratic decision-making process and therefore the rule of law at risk. Support in countering these narratives, which are often based on disinformation, could help the CCDH's capacities in addressing these issues and executing its mandates.

## NHRI structural challenges, threats and resilience

### Structural challenges in 2025

The CCDH reported facing structural challenges linked to insufficient or inadequate resources, limited financial autonomy, including in budget determination processes, lack of access to information and to national authorities, lack of adequate follow up to the NHRI's recommendations, and to the future selection and appointment of the CCDH's decision-making body.

Like previous years, the CCDH had to prioritise its monitoring work and could not issue advisory opinions on all relevant draft legislation. It is also unable to fully carry out its human rights promotion mandate: it can only offer workshops sporadically upon request (for example, by schools) and cannot do so proactively.

Its financial autonomy is rather limited due to its administrative attachment to the Ministry of State. While there have not been any flagrant issues, this still hampers the CCDH's liberty to carry out its activities and projects. Most notably, the CCDH is still unable to recruit staff members who do not hold the Luxembourgish nationality. Although the CCDH has raised this concern with the relevant Minister and the European Commission, there have not been any changes.

Furthermore, as already mentioned above, the CCDH does not have access to all relevant information, including in relation to its mandate as the national rapporteur on human trafficking.

At the same time, there is still no adequate follow up to the NHRI's recommendations. The CCDH has not received any answers to the questionnaires it is sending out to the legislators. It also noted that its input to various national action plans is often not adequately taken into account. The CCDH frequently raises these issues in its rule of law contributions and in its advisory opinions or statements.

Lastly, the selection and appointment procedure of the CCDH's decision-making body is currently shielded from external political interference thanks to an external oversight body comprising several NGOs. The current regulatory

framework provides for a three-step appointment process: first, a nomination proposal made by the CCDH itself on the basis of the criteria that members must meet; second, an opinion from an external committee composed of five non-profit associations regarding the CCDH's proposal, ensuring the CCDH's pluralism; and finally, the actual appointment by the government. One of the essential requirements of the Paris Principles is to ensure that the selection process is "*under the control of an independent and credible body and includes open and fair consultation with NGOs and civil society*." However, the CCDH is worried that the ongoing legislative reform might adapt the selection procedure without foreseeing adequate safeguards. For instance, it voices concern over a possible politicisation should the reform entail that political parties are to be represented in the CCDH.

**Threats in 2025**

The CCDH rarely faces threats and has, to date, not received any threats of violence. However, the CCDH reported that in 2025, a verbal attack against the Institution occurred. As far as the CCDH is aware, a member of the far-right political party "ADR" verbally attacked the Institution during a speech in parliament, accusing it of not being "neutral", "ethical" or "representative". He claimed that the CCDH's positions reflected the election program of the political party "The Greens" and further questioned the composition of the CCDH's decision-making body and reiterated his call for political representativity. Said political party is particularly vocal when it comes to questioning LGBTIQA+, ethno-racial and women's rights.

In light of these accusations, the CCDH is particularly concerned that attaching the institution to the parliament could lead to the politicisation of some of its future members. During negotiations with the parliament, it is therefore advocating for a selection process grounded primarily in human rights expertise, along with safeguards (e.g. preselection, role of an independent external council) to minimise the risk of politically motivated appointments.

**Measures in place to ensure NHRI can respond to threats**

There are no specific measures in place, apart from the legal framework that guarantees the independence of the CCDH's work. As already mentioned in the 2025 report, the CCDH's leadership and staff do not enjoy functional immunity. Until now, additional measures were not needed. However, given the occasional verbal attacks from a far-right political party, it might be useful to consider additional measures. 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.

It is therefore important that the CCDH's future legal framework, foresees sufficient safeguards, including for the selection process of the members of its

decision-making body.

Moreover, the government and the parliament should continue to publicly support the independence of NHRIs. It is crucial that NHRIs remain independent and objective for them to promote and monitor respect for internationally recognised human rights. Political representativity would be incompatible with these key elements.

**NHRI approaches to strengthening resilience against increasing or newly emerging challenges**

The CCDH has not developed any approaches to strengthen its resilience against increasing or newly emerging challenges in the national context. However, it advocates for additional resources, which would allow it to fulfil its multiple mandates, as well as for the consideration of its input and recommendations by the national authorities. This would enable the CCDH to function independently and effectively. To this end, the CCDH also emphasises that the pending institutional reform envisaging its attachment to the parliament should be carried out with appropriate safeguards to prevent any risk of politicisation of its decision-making body. If done correctly, the professionalisation of the presidency of the CCDH and its attachment to the parliament could strengthen its resilience.

## NHRI's recommendations to national authorities and regional authorities

The CCDH recommends to national and regional authorities:

1. To secure the CCDH's legal basis in the Constitution (like the Ombudsman) rather than in ordinary legislation.
2. To make sure that there is no political interference in the selection and/or nomination of the members of its decision-making body.
3. To foresee additional safeguards to ensure its effective functioning, such as the provision of sufficient funding, as well as an obligation for the government and the parliament to respond and justify their (in)actions (ad minimum, give a timely and reasoned response), and to ensure that the CCDH is granted access to data and information required to fulfil its mandates.

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# Human rights defenders and civil society space

## Challenges for human rights defenders and restrictions to civil society space

According to the CCDH, the situation of human rights defenders and their enabling environment remains generally open. Luxembourg has, at least in theory, some good practices such as the multistakeholder working groups in the context of developing and implementing national action plans. Moreover, the Ministry of Justice launched its project to financially support CSOs again, this time focusing on women and/or children.

However, as already mentioned in the 2025 report, there are some signs of a narrowing or restricted civic space.

### Structual challenges for civil society organisations and human rights defenders

The CCDH has identified structural challenges for CSOs and HRDs, relating among others to lack of adequate funding, barriers in access to law- and policy-making processes and to meaningful public consultations, as well as to existing laws and/or policies which negatively impact on the right to association or assembly and the right to protest.

*Lack of consideration of CSO input by authorities*

In practice, CSO input is often not adequately taken into account as regularly pointed out by the CCDH in its rule of law reports. While there have been isolated good practices (e.g. the consultation process of the “avant-projet de loi” aimed at creating a legislative framework for public assemblies such as protests mentioned below), the CCDH still has not noticed any substantial improvements in this regard.

*Limited access to justice*

Access to justice via legal action is still insufficient. In Luxembourg, the right to take legal action for a CSO is rather limited and conditional on the existence of a standing and vested interest in taking action. These conditions are difficult to meet for an association when it acts in defence of a collective interest. The legislative and regulatory framework needs to be revised urgently, while also foreseeing sufficient support (financial, guidance, …) for CSOs. This has recently been confirmed by a research paper of the parliamentary research unit. It found that the “*Luxembourg legal framework governing the right of associations to take legal action could be deemed incompatible with Article 6(1) of the European Convention on Human Rights, which guarantees the right of access to a court, as it is neither sufficiently open nor sufficiently*

*predictable*" and that the "*lack of coherence between sector-specific legislation and the inequalities between accredited and non-accredited associations may give rise to a risk of unconstitutionality, particularly with regard to the principle of equality before the law, protected by Article 15 of the Constitution*".

*Restructuration of the Luxembourgish CSO landscape*

Following the dismantling of one of Luxembourg's largest civil society organisation (Caritas Luxembourg), at least 28 NGOs have formalised their collaboration through the creation of "Voĉo", a collective aimed at filling the void left by the disappearance of one of the country's critical voices and actors in political advocacy.

*Excessive administrative controls*

In the 2025 report, the CCDH noted that the municipality of Luxembourg City contractually required the NGOs it collaborates with to ensure that "any communication by the association with the press about [their project] must be carried out in consultation with the City of Luxembourg." While the City of Luxembourg appears to intend to remove this clause from future contracts, the existing agreements will remain in force until they are renewed. Although journalists' associations have criticised these clauses, the CSO in question - "Hëllef um Terrain (HUT)", the successor organisation to Caritas Luxembourg - does not seem to consider them problematic. As already mentioned in the 2025 report, there are fears that more and more critical civil society voices might disappear.

*Limited access to information and documents*

As reported by the CCDH, access to information remains too limited for journalists, CSOs and HRDs. The draft bill 8421 on the promotion of professional journalism and democratic debate referred to in the CCDH's 2025 report, is still pending in the legislative process. 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.

The administrative court of appeals ruled in favour of a CSO that challenged the City of Luxembourg's refusal to disclose documents. Among other arguments, the municipality claimed that granting access to documents should be the exception and keeping them confidential the rule. This appears to remain the prevailing mindset within Luxembourgish authorities. The regulatory framework for CSOs has been modified. The government plans to assess the impact of these changes in 2027. Other reforms of the cooperation and development policy of Luxembourg and the relevant CSOs are ongoing. The CCDH has not analysed or monitored these reforms due to lack of

resources. However, it notes that some CSOs have voiced concerns over these reforms (also see the meeting of the Cercle des ONGs with the parliament and the statement of the collective "Voco").

*Authorities' attempts to limit the freedom of assembly*

The government was working on a legislation aimed at limiting the freedom of assembly. The CCDH issued advisory opinions in 2024 and 2025 (which are not publicly available), reminding the government that it should first and foremost strengthen the right to protest, instead of creating unnecessary barriers and sanctions. Recently, the government announced the withdrawal of said legislation. While the CCDH welcomes that the foreseen restrictions will not enter into force, it regrets that the current situation remains unchanged: assembly rules are defined on municipal level, some of which are most likely incompatible with human rights standards as they are too restrictive.

*Attempts to exclude LGBTIQA+ topics from minors' education curricula*

A petition that aimed to exclude LGBTIQA+ topics from the education of minors gained a lot of weight and led to a "counter petition" to increase the LGBTIQA+ subjects within the education of minors. The CCDH published a statement highlighting the importance of including LGBTIQA+ topics in education in order to foster diversity and promote the wellbeing and mental health of young people. The CCDH also emphasised other important measures to be taken and recalled the State's obligations under European and international law regarding access to LGBTIQA+ topics. A debate was held in parliament, where a majority of members believed LGBTIQA+ issues should not be excluded from education, while ensuring that they are adapted to the age of the students.

**Threats to civil society organisations and human rights defenders**

The CCDH has reported that CSOs and HRDs sometimes face threats such as verbal attacks, negative narratives by public authorities, and online threats or harassment. Since the CCDH does not have a complaint mechanism mandate, it did not directly or formally find any such evidence.

The CCDH was, however, able to note the following:

*LGBTQIA+ HRDs*

There have been reports about threats and attacks in the past, notably aimed at LGBTIQA+ HRDs. This has reportedly led to criminal investigations against some users who propagated hateful messages online.

*Business and human rights*

A formal complaint was lodged before the Luxembourgish OECD National Contact Point for responsible business conduct against a company allegedly

involved in the disappearance of human rights activists in Mexico.

*Negative narratives and adverse conditions for HRDs and CSOs*

More generally, the CCDH has noticed that some public authorities adopt negative narratives on civil society and/or HRDs. There is a certain reluctance to strengthen CSO participation in the decision-making process or to confer greater responsibilities to CSOs.

There have been reports by CSOs that HRDs and activists are becoming increasingly worried of negative consequences such as censorship, pressure at the workplace, dismissal, harassment, public shaming, and the sharing of personal information such as phone numbers, addresses, and workplaces, as well as death and torture threats.

## National frameworks to support and protect human rights defenders and civil society organisations

As far as the CCDH is aware, in Luxembourg, there are no specific measures for the protection of HRDs. Some general measures (e.g. whistleblower and legal aid legislation) are applicable to HRDs as well.

In addition, a national Museum recently launched an open-air expo on HRDs.

Nevertheless, there does not seem to be sufficient awareness and information on CSOs and HRDs, combined with the absence of a framework allowing for protective measures tailored to the needs of CSOs/HRDs. For instance, the project “Shelter cities”, mentioned in previous reports, has not been put in place yet. This was a project for foreign human rights defenders that aimed at setting up a procedure for the reception of individual human rights defenders in Luxembourg for a predetermined rest period. Moreover, Luxembourg still does not have legal framework for witness protection programmes

## Activities of the NHRI to support civil society space and human rights defenders

In 2025, the CCDH has taken several initiatives to **promote** civil society space and HRDs, such as promotion and/or communication campaigns, joint meetings and/or roundtables.

The CCDH has met and exchanged with HRDs and CSOs, helped organise meetings and/or roundtables with ministries and NGOs and supported them wherever it could.

For instance, it organised an event on 10th December 2025 on the “voices of women, voices of human rights”, during which women human rights defenders

shared their experiences.

In the context of business and human rights, the CCDH issued advisory opinions, participated in awareness raising campaigns organised by CSOs and met with the relevant Ministers together with CSOs in order to remind policy makers, among others, of the importance of effective human rights due diligence rules and the crucial involvement of CSOs, HRDs and NHRIs in the process.

In addition, the CCDH has also taken initiatives to **protect** civil society space and HRDs, such as through monitoring, and by issuing recommendations to national authorities.

The general nature of the CCDH's mandate limits its possibility to intervene directly in HRD protection. Its initiatives are therefore mostly limited to advisory opinions, general statements and other recommendations issued in the CCDH's various publications or contributions.

For instance, in 2025, the CCDH repeated its concerns about the draft bills aimed at widening the possibility to issue removal orders (e.g. persons that the authorities see as a "*nuisance for public safety or tranquility*") and the draft bill on limiting the freedom of assembly.

## NHRI's recommendations to national and regional authorities

The CCDH recommends to national and regional authorities:

1. To raise awareness, recognise the importance of CSOs and HRDs and make sure that their input is seriously taken into account by public officials and policymakers.
2. To put in place procedures and guarantees (e.g. "shelter cities") for the protection of CSOs and HRDs.
3. To make sure that private actors are held accountable, for instance by requiring efficient human rights due diligence, and foreseeing consequences in case of non-compliance and adverse human rights impacts.

# Luxembourg 2026

### Information from: Consultative Human Rights Commission of Luxembourg (CCDH)

# Democracy - checks and balances,

# disinformation, and other topics

## Disinformation

Based on its monitoring, the CCDH has observed that the spread of disinformation can impact several rights, such as those of LGBTIQA+ and women, and can have an impact on public's trust in democratic institutions. The CCDH repeatedly addressed these issues in its publications and during meetings with public authorities and ministers.

With regard to business and human rights, the deregulation at EU and national level was fueled by disinformation, both at EU and national level. The CCDH has, for instance, addressed these issues in an advisory opinion and in a meeting with relevant Ministers.

On the context of securitisation, arguments related to a feeling of "insecurity" in public spaces have been used to justify adopting a harder line regarding policing and asylum and migration. The same can be said about the criminal justice reform for children, where certain judicial authorities opposed to the reforms are repeatedly comparing minors with dangerous criminals in order to lower the procedural safeguards and rights for children and young adults. The CCDH alerted on these worrying developments in its statements, advisory opinions (also see the opinions on aggressive begging and the exclusion order) and reports.

Regarding, the rights of LGBTIQA+, topics related to this "group" are frequently the target of disinformation and highly polarised narratives, as recently showcased by the public debate about the promotion of inclusive public toilets. This debate seemingly led the Ministry in charge to adjust its initial proposal, which now appears less aligned with CSO recommendations.

As already mentioned above, there was also a public petition requesting the removal of LGBTIQA+ "content" from schools which met the threshold for a debate in the parliament. The CCDH addressed this highly problematic request in a position statement and reminded the importance of strengthening awareness raising and other measures.

Lastly, on the front of women's rights and abortion, measures related to women's rights are also prone to be the target of disinformation. The CCDH addressed some of these measures in an advisory opinion. Sometimes, the disinformation is fueled by members of the parliament.

### Measures taken nationally to follow-up on recommendations by regional actors

The CCDH has not identified any measures taken at the national level to follow-

up on recommendations by regional actors. According to the CCDH, in the area of business and human rights and the criminal justice system for minors, the government has unfortunately actively contributed to and/or at the very least, supported some of the disinformation. This is probably due, at least in part, to the general lack of evidence-based decision-making and heavy lobbying of the private sector or the judicial authorities respectively.

## Law-making processes

### Significant challenges affecting law-making processes in Luxembourg

Based on its human rights monitoring and reporting, the CCDH identified several significant challenges affecting law-making processes, such as the limited time of consultations, the lack of mechanisms and processes in place to facilitate both general and targeted participation in the law-making process, as well as limited use of impact assessments, including human rights impact assessments.

According to the CCDH, the timeframe for consultations is often rather limited (especially when it comes to transposition of EU law). As for public consultations, sometimes the CCDH is consulted but not heard, which raises questions about the intention and willingness to genuinely take external input into account.

### Initiatives by NHRI to address challenges identified in the context of law-making processes

The CCDH has repeatedly reminded the government and the parliament of the importance of a participatory approach and evidence-based decision-making. It also raised this issue with the European Commission. Unfortunately, in its latest Rule of Law report, the European Commission concluded that its initial recommendations had been addressed. Related to this, the CCDH has also not identified any measures taken by the authorities to follow up on the findings and recommendations on strengthening law-making processes issued by European actors.

## NHRI’s recommendations to national and regional authorities

The CCDH recommends to national and regional authorities:

### Concerning disinformation

1. To actively fight against disinformation, instead of promoting it, while making sure that the fight against disinformation does not amount to unjustified restrictions of the freedom of speech.

2. To ensure that evidence-based decision making is a requirement.

**Concerning law-making processes**

1. Evidence and human rights-based policy making is crucial to avoid laws, processes and practices which negatively impact human rights and/or the rule of law;
2. Adopting a participatory approach involving stakeholders and rightsholders before presenting legislative initiatives is essential. Once such initiatives have been made public, major changes become highly unlikely;
3. Legally oblige the government and the parliament to respond to the CCDH's recommendations or requests and justify their (in)actions (ad minimum, give a timely and reasoned response).

# Luxembourg 2026

### Information from: Consultative Human Rights Commission of Luxembourg (CCDH)

# Other challenges to the rule of law and human rights

## Structural human rights issues which reflect persistent challenges for the rule of law

As per the CCDH, asylum conditions continue to deteriorate, in violation of national and international law, as evidenced by the suspension of certain asylum applications, expulsions from shelters, poor sanitation and hygiene within accommodation facilities, and restrictions on family reunification.

Another structural human right issue affecting the freedom of expression and subsequently, the rule of law, concerns a recent case law prohibiting a major news outlet from mentioning the name of a convicted person who embezzled a vast sum of money from savings of postal workers. This case law has been strongly criticised by the press which considered it an unacceptable restriction of the freedom of expression. The ruling has been confirmed by the Cour de cassation. Currently, the ruling only applies *inter partes*, but other news outlets have been warned that they also might face lawsuits if they do not abide by the ruling.

## Other persisting challenges or key developments for

## the rule of law in your country in 2025

The CCDH reported several persisting challenges to the rule of law in Luxembourg.

The justice system is still not sufficiently accessible to victims of human rights violations and their representatives. It remains unclear whether internationally recognised human rights are systematically and adequately taken into account by national judges.

Furthermore, public spaces are increasingly subjected to video surveillance and policing, while the legal and procedural safeguards have been weakened. These decisions are not always based on empirical data or research. Public authorities do not seem inclined to reconsider measures such as begging prohibitions or the foreseen strengthening of eviction measures from public spaces, despite numerous incompatibility concerns from national and international experts.

In addition, access to information for the press or CSOs still remains insufficient.

Lastly, there is a persisting lack of a human-rights-based approach in policymaking. In particular, National Action Plans fail to reflect input from civil society organisations and other key stakeholders.

## Recommendations to national and regional actors

The CCDH recommends to national and regional authorities:

1. To impose human rights and evidence-based decision-making;
2. To 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 human rights training of justice professionals such as lawyers, judges and public prosecution).

Co-funded by the European Union