

OSCE/ODIHR Submission of Information about an OSCE Participating State under Consideration in the Universal Periodic Review Process

Participating State: Luxembourg

UPR Working Group Session and Date of Review: 43rd Session, February 2023

Background

1. Luxembourg has been a participating State (pS) in the Organization for Security and Co-operation in Europe (OSCE) since 1973, and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE pSs, including Luxembourg, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Luxembourg and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Luxembourg.

Election-related activities

4. In the reporting period, ODIHR observed the following elections upon invitation from Luxembourg.

Parliamentary elections, 14 October 2018

5. ODIHR deployed a Needs Assessment Mission (NAM) in 2018, in advance of the parliamentary elections, but decided not to deploy an election observation activity during these elections.
6. Following an invitation from the government of Luxembourg, issued to ODIHR to observe the 14 October 2018 parliamentary elections, ODIHR deployed a NAM from 12 to 14 June 2018 to assess the pre-election environment and preparations for the elections, and to recommend whether to deploy an ODIHR election-related activity for the forthcoming elections.
7. On 14 October 2018, voters elected 60 members of the parliament for a five-year term through an open list proportional system.
8. ODIHR NAM interlocutors noted a high-level of confidence in the integrity of elections and the capacity of the election administration to conduct elections professionally and

¹ OSCE ODIHR, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, and *Volume 2, Chronological Compilation (third edition)*, 2011; OSCE *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

transparently.

9. With respect to election dispute resolution mechanism, several ODIHR NAM interlocutors “*raised concern for the lack of judicial control over the validation of election results*”.
10. ODIHR NAM interlocutors stated that there is no specific need for an observation activity while noting the potential usefulness of an external assessment. No significant concerns were raised relating to the respect for fundamental freedoms, the campaign environment and Election Day proceedings. Based on these findings, ODIHR NAM did not recommend an election-related activity.

Tolerance and non-discrimination issues

11. OSCE pSs have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments.² In this context, ODIHR produces an annual report on hate crime³ to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.
12. In respect of the 2020 Hate Crime Report and ODIHR’s key observations were:⁴
 - Data on hate crimes should be compiled and reported.
 - Review the existing legal framework in order to ensure that bias motivation can be effectively acknowledged and appropriate penalties can be imposed on perpetrators.
13. With regard to support for hate crime victims ODIHR observes that support is provided as part of the general victim support system in Luxembourg. It is recommended to define victims of hate crimes in legislation. General victim support is provided by the state and civil society organizations.⁵

² OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States’ realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

³ <http://hatecrime.osce.org>.

⁴ Findings on the information available to ODIHR on hate crimes in a particular participating State in relation to OSCE commitments are presented as Key Observations. There are, in total, 13 Key Observations linked to OSCE participating States’ commitments in the area of addressing hate crime. <https://hatecrime.osce.org/our-methodology>. This methodology has been in place since the 2020 Hate Crime Report.

⁵ <https://hatecrime.osce.org/national-frameworks-luxembourg#victimSupport>

