

# **Franet national contribution to the Fundamental Rights Report 2025**

**Part 1: Political participation and equality in elections**

**Part 2: Protecting women victims of violence**

Luxembourg

## **Disclaimer**

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# **Franet national contribution to the Fundamental Rights Report 2025**

## **Political participation and equality in elections**

Luxembourg

Contractor: University of Luxembourg

Author(s): Vasconcelos, J.; Vysotskaya, V.; Nienaber, B.

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# 1. Inclusiveness of the 2024 elections

The Luxembourgish legal framework applicable to the European elections held in June 2024 included several provisions introduced in recent years to promote the inclusiveness of the ballot.

The Act of 17 January 2023 revising Chapters IV and Vbis of the Constitution (*Loi du 17 janvier 2023 portant révision des chapitres IV et Vbis de la Constitution*) repealed the rule enshrined in Article 53 of the Constitution whereby **adults under guardianship** were automatically excluded from the right to vote and to stand for election.<sup>1</sup> In accordance with Article 64 (1) and (2) of the amended Constitution, being under guardianship no longer constitutes a relevant standard for determining the right to vote or to stand for election.<sup>2</sup>

In this context, the Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*) was pre-emptively modified in June 2023<sup>3</sup> to introduce the right to vote and to stand for election in local, national and European elections for adults placed under guardianship.<sup>4</sup><sup>5</sup> In light of the fact that voting is mandatory in Luxembourg, such right to vote was achieved by amending the list of those excluded from the electorate, which no longer includes adults under guardianship. At the same time, adults under

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<sup>1</sup> Luxembourg, *Act of 17 January 2023 revising Chapters IV and Vbis of the Constitution (Loi du 17 janvier 2023 portant révision des chapitres IV et Vbis de la Constitution)*, 18 January 2023, Art. 1.

<sup>2</sup> Luxembourg, *Constitution of the Grand Duchy of Luxembourg (Constitution du Grand-Duché de Luxembourg)*, 22 October 1868.

<sup>3</sup> Luxembourg, *Act of 29 June 2023 amending the amended Electoral Act of 18 February 2003 (Loi du 29 juin 2023 portant modification de la loi électorale modifiée du 18 février 2003)*, 29 June 2023.

<sup>4</sup> Luxembourg, *Bill No 8150 amending the amended Electoral Act of 18 February 2003, Summary of the file (Projet de loi No 8150 portant modification de la loi électorale modifiée du 18 février 2003, Résumé du dossier)*.

<sup>5</sup> Luxembourg, *Bill No 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (Projet de loi No 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs)*, 9 February 2023, p. 3, para. 1.

guardianship are exempted from mandatory voting and the legal consequences thereto.<sup>6</sup> <sup>7</sup> The overall objective was to insure conformity with article 29 of the CRPD.<sup>8</sup>

The national Equality Body (Centre for Equal Treatment - *Centre pour l'égalité de traitement*) noted that the issue of the right to stand for elections of adults under guardianship has not been prioritised in the current National Action Plan for People with Disabilities.<sup>9</sup>

The Act of 29 June 2023 amending the amended Electoral Act of 18 February 2003 (*Loi du 29 juin 2023 portant modification de la loi électorale modifiée du 18 février 2003*) includes additional provisions of relevance to the inclusiveness of the European elections held in 2024.

Firstly, it extends the right to be accompanied by a guide or support person during the vote, as well as to have the guide or support person formulate the vote if the person in question is unable to do it independently, to **persons with a long-term visual, physical, mental, intellectual, or sensory disability or under guardianship**.<sup>10</sup> The previous version of the law only provided this right for voters who were visually impaired or infirm.<sup>11</sup>

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<sup>6</sup> Luxembourg, Electoral Act of 18 February 2003 ([Loi électorale du 18 février 2003](#)), 21 February 2003, Art. 6 and 89.

<sup>7</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 3, para. 2.

<sup>8</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 2.

<sup>9</sup> Luxembourg, Centre for Equal Treatment (*Centre pour l'égalité de traitement*), Opinion on Bill N° 8150 amending the Electoral Law of 18 February 2003 ([Avis sur le projet de loi n° 8150 portant modification de la loi électorale modifiée du 18 février 2003](#)), 11 May 2023.

<sup>10</sup> Luxembourg, Act of 29 June 2023 amending the amended Electoral Act of 18 February 2003 ([Loi du 29 juin 2023 portant modification de la loi électorale modifiée du 18 février 2003](#)), 29 June 2023, Art. 4. To access the consolidated version of the Electoral Act of 18 February 2003, see the webpage of the Official Journal of the Grand Duchy of Luxembourg ([Journal officiel du Grand-Duché de Luxembourg](#)).

<sup>11</sup> Luxembourg, Chamber of Deputies (*Chambre des Députés*), Bill No 8150 amending the amended Electoral Act of 18 February 2003, Report of the Committee on Institutions and Constitutional Review ([Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Rapport de la Commission des Institutions et de la Révision constitutionnelle](#)), 20 June 2023, pp. 4-5.

Secondly, it enshrines the mandatory inclusion of (national) party logos in ballot papers, notably for the European elections<sup>12</sup>, to make it easier for **persons with physical or mental disabilities** to read and complete the ballot paper.<sup>13</sup>

Finally, it provides that **persons convicted of a crime** may only be excluded from the electorate and not be admitted to vote if they are deprived of the right to vote by a final criminal conviction.<sup>14</sup> This modification insures consistency with the Criminal Code (*Code Pénal*), which has long provided that only a prison sentence of more than ten years entails an automatic disqualification from voting, standing for election and being elected, such disqualification being a mere possibility in the case of a prison sentence from five to ten years.<sup>15</sup> Prior to this modification, the Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*) provided for an automatic disqualification of whoever was sentenced to criminal penalties, at odds with the Criminal Code (*Code Pénal*).<sup>16</sup>

In 2024, a Polindex poll examined the opinions and perspectives of both Luxembourg nationals and non-Luxembourgish members of the electorate. Regarding the European elections, the findings reveal that 86% of Luxembourgish voters and 81% of non-Luxembourgish voters reported that their voting behaviour is no longer influenced by

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<sup>12</sup> Luxembourg, Act of 29 June 2023 amending the amended Electoral Act of 18 February 2003 ([\*Loi du 29 juin 2023 portant modification de la loi électorale modifiée du 18 février 2003\*](#)), 29 June 2023, Art. 10. To access the consolidated version of the Electoral Act of 18 February 2003, see the webpage of the Official Journal of the Grand Duchy of Luxembourg ([\*Journal officiel du Grand-Duché de Luxembourg\*](#)).

<sup>13</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, pp. 3-4.

<sup>14</sup> Luxembourg, Act of 29 June 2023 amending the amended Electoral Act of 18 February 2003 ([\*Loi du 29 juin 2023 portant modification de la loi électorale modifiée du 18 février 2003\*](#)), 29 June 2023, Art. 1. To access the consolidated version of the Electoral Act of 18 February 2003, see the webpage of the Official Journal of the Grand Duchy of Luxembourg ([\*Journal officiel du Grand-Duché de Luxembourg\*](#)).

<sup>15</sup> Luxembourg, Criminal Code (*Code Pénal*), 30 August 1879, Art. 11 and 12. To access the consolidated version of the Criminal Code, see the webpage of the Official Journal of the Grand Duchy of Luxembourg ([\*Journal officiel du Grand-Duché de Luxembourg\*](#)).

<sup>16</sup> Luxembourg, Council of State (*Conseil d'État*), Bill No 8150 amending the amended Electoral Act of 18 February 2003, Opinion of the Council of State ([\*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Avis du Conseil d'État\*](#)), 16 May 2023, p. 2.

identification with male or female gender roles<sup>17</sup>. However, when it comes to the gender and sex diversity of candidates, the survey indicates a strong preference for the biological definition of gender, expressed by 83% of Luxembourg nationals and 78% of non-Luxembourgish respondents.

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<sup>17</sup> Luxembourg University of Luxembourg (*Université du Luxembourg*) (2024), Poirier, P., di Pasquale, A., Darabos, A. (2024), Results according to nationality, age and/or potential main vote in the European elections of 9 June 2024 ([\*Résultats d'après la nationalité, l'âge et/ou le vote principal potential in the European elections of 9 June 2024\*](#)), 3 June 2024.

## 2. Violence and intimidation during 2024 elections

The opposition submitted a bill to the Chamber of Deputies (*Chambre des Députés*) in May 2024 to criminalise digital psychological harassment.<sup>18</sup> This legislative initiative is motivated by the growing use of social networks and content sharing platforms for purposes of harassment, which is particularly prejudicial for minors.<sup>19</sup>

While not the primary focus of the bill, online violence and intimidation in the framework of elections may nonetheless fall within its scope, depending on the circumstances of the case.

According to the bill, the new crime of digital psychological harassment encompasses behaviours that i) seriously affect the peace and quiet of another person ii) are intentional iii) committed either on a one-off basis or repeatedly, and either directly or indirectly iv) by one or several perpetrators v) in specific contexts (digital space, social networks, messaging systems or the internet in general) and vi) using specific means (online services, covering all forms of electronic communication, or communication using telephone services, such as messages or telephone calls). The crime is punished by a term of imprisonment of between fifteen days and two years and a fine of between €251 and €3,000, or only one of these penalties.<sup>20</sup>

In its position statement regarding the bill, the Luxembourg Government (*gouvernement luxembourgeois*) expressed the view that it is preferable to maintain technologically neutral criminal provisions in this area, which will ensure comprehensive and adaptable

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<sup>18</sup> Luxembourg, Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment') (*Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique (« cyberharcèlement »)*), 15 May 2024.

<sup>19</sup> Luxembourg, Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment'), Explanatory Memorandum (*Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique (« cyberharcèlement »), Exposé des Motifs*), 15 May 2024, p. 1.

<sup>20</sup> Luxembourg, Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment'), Explanatory Memorandum (*Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique (« cyberharcèlement »), Exposé des Motifs*), 15 May 2024, pp. 3-4.

coverage of harassment behaviour, regardless of the means of communication used, while leaving a wide margin of discretion to the trial judges in favour of the victims.<sup>21</sup>

The Council of State (*Conseil d'État*), however, took a different stance regarding the pertinence of the bill. In view of the shortcomings in the current provisions criminalising harassment, which do not encompass one-off behaviours, despite of their potential long-lasting effects, and given the scale and seriousness of the social scourge of digital psychological harassment, which can have dramatic consequences for the victim, it concludes that it would be appropriate for the legislator to examine the possibility of expanding the legislative arsenal in this area.<sup>22</sup>

The bill is currently under consideration in the Committee on Justice (*Commission de la Justice*).<sup>23</sup>

Aside from the legal developments mentioned above, there is nothing to report regarding patterns of violence and intimidation or national policies addressing such patterns in the run-up to the European elections of 2024.

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<sup>21</sup> Luxembourg, Luxembourg Government (*gouvernement luxembourgeois*) (2024), Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment'), Government Position Statement ([Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique \(« cyberharcèlement »\), Prise de position du Gouvernement](#)), 31 July 2024, p. 2.

<sup>22</sup> Luxembourg, Council of State (*Conseil d'État*) (2024), Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment'), Opinion of the Council of State ([Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique \(« cyberharcèlement »\), Avis du Conseil d'État](#)), 12 November 2024, p. 3.

<sup>23</sup> Luxembourg, Bill No 8385 amending the Criminal Code to punish digital psychological harassment ('cyberharassment') ([Proposition de loi No 8385 modifiant le Code pénal aux fins de sanctionner le harcèlement moral numérique \(« cyberharcèlement »\)](#)), 15 May 2024.

### 3. Attempts at online and offline disinformation and manipulation of voters during 2024 elections

In response to evidence of pro-Russian involvement in campaigns leading up to the European elections in Member States<sup>24</sup>, the Luxembourgish Prime Minister emphasised that no such evidence was identified in Luxembourg.<sup>25</sup>

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<sup>24</sup> Luxembourg, Parliamentary Question N°627 on pro-Russian interference networks ([Question Parlementaire n°627 concernant réseaux d'influence pro-russes](#)), 17 April 2024.

<sup>25</sup> Luxembourg, Answer of the Prime Minister to the Parliamentary Question N° 627 of 17 April 2024 ([Réponse du Premier ministre à la question parlementaire N° 627 du 17 avril 2024](#)), 22 April 2024.

# Annex 1 – Promising practice

Promising practice	
Title (original language)	Élections européennes : manipulation via désinformation et deepfakes
Title (EN)	European elections: manipulation via disinformation and deepfakes
Organisation (original language)	BEE-SECURE
Organisation (EN)	BEE-SECURE
Government / Civil society	Government
Funding body	European Commission, Government
Reference (incl. URL, where available)	<a href="https://www.bee-secure.lu/fr/news/elections-europeennes-manipulation-par-la-desinformation-et-deepfakes/">https://www.bee-secure.lu/fr/news/elections-europeennes-manipulation-par-la-desinformation-et-deepfakes/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	23 April 2024-9 June 2024
Type of initiative	Raising awareness, informing the citizens
Main target group	Young people, adults, residents
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The activity emphasises vigilance against political manipulation via social media, mainly through AI-driven disinformation, ahead of the 2024 European elections, focusing on raising awareness among first-time voters.
Highlight any element of the actions that is transferable (max. 500 chars)	

Promising practice	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This awareness-raising initiative was created to address the risks of disinformation and political manipulation, mainly through AI, in the lead-up to the 2024 European elections. Targeting young and first-time voters, it seeks to foster critical thinking and safeguard the integrity of public opinion. The activity responds to growing concerns, underscored by EU officials, about AI-driven interference in the European elections.
Give reasons why you consider the practice as having concrete measurable impact	The activity does not aim to have a measurable impact. It informs residents of the dangers of AI and the information available online and encourages users to be critical of information online. For that, the activity provides tools and instruments to help understand the differences.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This activity relies on information already developed and tools to help residents understand what deepfake is, the dangers of AI, etc. Thus, it can be done without developing a new paradigm of information.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	Not available
Explain, if applicable, how the practice provides for review and assessment	Not available

Promising practice	
Title (original language)	Campagne de sensibilisation contre la désinformation en vue des élections au Parlement européen
Title (EN)	Awareness campaign against misinformation in the run-up to the European Parliament elections
Organisation (original language)	L'Autorité luxembourgeoise indépendante de l'audiovisuel
Organisation (EN)	Luxembourg's Independent Broadcasting Authority
Government / Civil society	Government
Funding body	Government, European Commission
Reference (incl. URL, where available)	<a href="https://alia.public.lu/en/article/campagne-de-sensibilisation-contre-la-desinformation-en-vue-des-elections-au-parlement-europeen/">https://alia.public.lu/en/article/campagne-de-sensibilisation-contre-la-desinformation-en-vue-des-elections-au-parlement-europeen/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	27 May 2027- 9 June 2024
Type of initiative	Raising awareness, informing citizens
Main target group	Broadcasting channels, residents
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	In collaboration with its counterparts, Luxembourg's Independent Broadcasting Authority seeks to solicit national media service providers' support for the digital campaign. ALIA seeks news outlets to broadcast and actively share campaign videos on their programmes, websites, and social networks. This campaign was translated into the national language and exists in five languages.
Highlight any element of the actions that is transferable (max. 500 chars)	This campaign was developed by the European Commission for all the Member States.

Promising practice	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	It could be repeated for next European elections, as long as there is a danger of disinformation and fake news.
Give reasons why you consider the practice as having concrete measurable impact	Not provided by the organiser.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	This campaign was developed by the European Commission for all the Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	In collaboration with the European Commission, the European Regulators Group for Audiovisual Media Services (ERGA) has launched an awareness-raising campaign to strengthen EU citizens' vigilance and resilience in the face of false, misleading or manipulated information they encounter online. This campaign was translated into national language and exists in 5 languages.
Explain, if applicable, how the practice provides for review and assessment	Not available.

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**Effectively protecting women victims of violence**

**Luxembourg**

Contractor's name: University of Luxembourg

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# 1. Legal and Policy measures to address violence against women including its criminalisation

If relevant, please describe what measures were taken to ratify or implement the Istanbul Convention or prepare for the transposition of the VAW Directive. If relevant, please describe particular aspects of these measures relating to:

- a. Technology-facilitated gender-based violence, specifically non-consensual sharing of intimate or manipulated material (Art. 5 VAW Directive), cyber stalking (Art. 6 VAW Directive), cyber harassment (Art. 7 VAW Directive) and cyber incitement to violence or hatred (Art. 8 VAW Directive).
- b. Reporting crimes of violence against women, including third party reporting and/or the use of technology to report (online or in-app reporting) (Art. 14(1) VAW Directive).
- c. Secondary victimization (e.g. negative treatment of victims by the police/criminal justice system) and repeat victimisation (e.g. common in intimate partner relationships), including adoption of immediate response measures such as barring orders (Art. 50 - 52 of the Istanbul Convention and Art. 16 (5) and 19 VAW Directive), restraining and protection orders (Art 53 Istanbul Convention and Art. 19 VAW Directive), and other measures such as protecting victims against intimidation (Art. 56 Istanbul Convention and Art. 18, 20 and 21 VAW Directive).
- d. Women victims of violence who are public representatives, journalists or human rights defenders (for example allowing this to be regarded as an aggravating circumstance, Art. 11 (n) VAW Directive).

**Table 1 – Legislative and policy measures**

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
Luxembourg, Act of 7 November 2024 creating, a Gender Equality Observatory and a High Council for Gender Equality ( <u><a href="#">Loi du 7 Novembre 2024 portant création d'un Observatoire de l'</a></u>	Articles 1, 2 and 3.	The Act provides a legal basis for the Gender Equality Observatory. The Observatory is in charge, among others, of collecting information on domestic violence, as well analysing such data in order to interpret trends in the figures and formulate recommendations for policy makers.

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
<u><a href="#">égalité entre les genres et d'un Conseil supérieur à l'égalité entre les genres</a></u> , 26 November 2024.		
Luxembourg, Act of 7 August 2023 amending : 1° the Criminal Code ; 2° the Code of Criminal Procedure; to strengthen the means of combating sexual abuse and sexual exploitation of minors ( <u><a href="#">Loi du 7 août 2023 portant modification : 1° du Code pénal ; 2° du Code de procédure pénale ; en vue de renforcer les moyens de lutte contre les abus sexuels et l'exploitation sexuelle des mineurs</a></u> ), 18 August 2023. The Act came into force on 22 August 2023. <sup>1</sup> Notwithstanding, the bulk of the initial caselaw regarding its application occurred in 2024. <sup>2</sup>	Articles 2 - 12	<p>While not specifically addressing violence against women, the Act includes several provisions that are relevant for underage female victims, notably in relation to:</p> <ul style="list-style-type: none"> <li>i) consent (Article 2);</li> <li>ii) the definition of rape and sexual harm and corresponding penalties (Articles 3, 4 and 6);</li> <li>iii) autonomous crimes and increased penalties in the case of incestuous rape or sexual harm against minors (Articles 5 and 9);</li> <li>iv) criminalisation of child pornography production regardless of any conditions (Article 10);</li> <li>v) and the non-application of statutory limitations to some of the most serious sexual crimes committed against minors and an overall increase of such limitations regarding sexual abuse of minors in general (Articles 11 and 12).</li> </ul>

<sup>1</sup> Luxembourg, Act of 7 August 2023 amending : 1° the Criminal Code ; 2° the Code of Criminal Procedure; to strengthen the means of combating sexual abuse and sexual exploitation of minors ([Loi du 7 août 2023 portant modification : 1° du Code pénal ; 2° du Code de procédure pénale ; en vue de renforcer les moyens de lutte contre les abus sexuels et l'exploitation sexuelle des mineurs](#)), 18 August 2023.

<sup>2</sup> Luxembourg, La Justice (2024), Full decisions of the judicial courts, Act of 7 August 2023 ([Décisions intégrales des juridictions judiciaires, Loi du 7 août 2023](#)), 17 October 2024.

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
<p>Luxembourg, Bill No 7992 on the rights of minor victims and witnesses in criminal proceedings and amending: 1° the Criminal Code; 2° the Code of Criminal Procedure; 3° the amended Act of 10 August 1991 on the legal profession (<i>Projet de loi N°7992 relatif aux droits des mineurs victimes et témoins dans le cadre de la procédure pénale et portant modification: 1° du Code pénal ; 2° du Code de procédure pénale ; 3° de la loi modifiée du 10 août 1991 sur la profession d'avocat</i>), 19 April 2022. The bill was submitted to the Chamber of Deputies (<i>Chambre des Députés</i>) on 19 April 2022 and is currently under consideration by the Committee on Justice (<i>Commission de la Justice</i>)<sup>3</sup>.</p>	<p>Articles 4, 6, 7, 8, 10, 12, 13 and 17</p>	<p>While not specifically addressing violence against women, the Act includes a number of provisions that are relevant for victims of such a violence. These include, among others, the following procedural provisions:</p> <ul style="list-style-type: none"> <li>i) accompanying of the child by the parents or a trusted person during hearings, depositions or court sessions (Article 4);</li> <li>ii) mandatory representation by a lawyer, potentially specialised in children's rights (Article 6);</li> <li>iii) evaluation of the child's capacity to testify and the application of supporting and/or protective measures in the absence of such capacity (Article 7);</li> <li>iv) application of protective measures such as the anonymisation of data and prohibition to disclose information about the identity of the child (Article 8);</li> <li>v) where possible, a single officer in charge of all hearings with a given child (Article 10);</li> <li>vi) limitation of the number of hearings by the police and in court as well as separate waiting rooms for victims/witnesses and perpetrators in court to avoid secondary victimisation (Article 17);</li> </ul>

<sup>3</sup> Luxembourg, Chamber of Deputies (*Chambre des Députés*) (2024), About the file, Bill No 7992 on the rights of minor victims and witnesses in criminal proceedings and amending: 1° the Criminal Code; 2° the Code of Criminal Procedure; 3° the amended Act of 10 August 1991 on the legal profession (*À propos du dossier, Projet de loi N°7992 relatif aux droits des mineurs victimes et témoins dans le cadre de la procédure pénale et portant modification: 1° du Code pénal ; 2° du Code de procédure pénale ; 3° de la loi modifiée du 10 août 1991 sur la profession d'avocat*), 2024.

Legislative act / Policy measure (including web-link)	Specific provision / paragraph / page	Briefly describe the specific focus on women as victims of violence (including specific aspects asked about in a-d)
		<p>vii) information to child victims regarding procedural rights, the release of the perpetrator and the reasoning of decisions to take no further action (Articles 10 and 13);</p> <p>viii) and mandatory individual assessment of child victims to identify specific protection needs (Article 12).</p>

## 2. Standing of victims of gender-based violence during criminal proceedings

Please briefly elaborate on the standing of victims of gender-based violence in 2024 during criminal proceedings (as witness, civil party, damaged party, auxiliary prosecutor or party to the proceedings).

In Luxembourg, the right of a victim of gender-based violence to be heard in court encompasses both civil and criminal proceedings.

The victims of domestic violence may initiate proceedings with the family affairs judge (*juge aux affaires familiales*) aimed at obtaining different injunctions against the perpetrator. These consist, among others, of a decision forcing the perpetrator to leave the family home and its outbuildings and not return to it before the expiry of a maximum period of three months<sup>4</sup>; or prohibiting him from contacting, sending messages or approaching the victim<sup>5</sup>. In the framework of these proceedings, the victim is required to appear in court either in person or through a lawyer but may be represented by a third party<sup>6</sup>.

In case the perpetrator of domestic violence has already been the subject of an expulsion order under Article I(1) of the Act of 8 September 2003 on domestic violence<sup>7</sup>, the victim may initiate proceedings with the family affairs judge (*juge aux affaires familiales*) aimed at banning the perpetrator from returning home for a maximum period of three months following the expiry of that expulsion order<sup>8</sup>. In this framework, the victim may also request the extension of the bans associated with the expulsion order that are provided for in the Act of 8 September 2003 on domestic violence (ban on the perpetrator to enter the home and its outbuildings, to make contact with the

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<sup>4</sup> Luxembourg, New Code of Civil Procedure (*Nouveau Code de procédure civile*), Art. 1017-7.

<sup>5</sup> Luxembourg, New Code of Civil Procedure (*Nouveau Code de procédure civile*), Art. 1017-8.

<sup>6</sup> Luxembourg, New Code of Civil Procedure (*Nouveau Code de procédure civile*), Art. 1017-10.

<sup>7</sup> Luxembourg, Act of 8 September 2003 on domestic violence (*Loi du 8 septembre 2003 sur la violence domestique*), 7 October 2003.

<sup>8</sup> Luxembourg, New Code of Civil Procedure (*Nouveau Code de procédure civile*), Art. 1017-1.

victim orally, in writing or through an intermediary, or to approach the victim)<sup>9</sup>. Similar rules apply regarding the appearance and representation of the victim in court in the framework of these proceedings.<sup>10</sup>

The criminal prosecution of gender-based violence does not necessarily require the filing of a complaint. The prosecution of offences by the Public Prosecutor's Office (*Ministère Public*)<sup>11 12</sup> is only subject to the requirement of a prior complaint where specifically required by the law<sup>13 14</sup>. This is the case, for example, of offences such as obsessive harassment<sup>15</sup> or defamation<sup>16</sup>.

In any case, the victim may always file a complaint either with the police<sup>17</sup>, which then refers it to the Public Prosecutor's Office (*Ministère Public*)<sup>18</sup>, or directly with the Public Prosecutor's Office. The victim may also choose to file a complaint (with a civil claim for

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<sup>9</sup> Luxembourg, Act of 8 September 2003 on domestic violence (*Loi du 8 septembre 2003 sur la violence domestique*), 7 October 2003, Art. I(2).

<sup>10</sup> Luxembourg, New Code of Civil Procedure (*Nouveau Code de procédure civile*), Art. 1017-5.

<sup>11</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, p. 78.

<sup>12</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 16.

<sup>13</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, p. 79.

<sup>14</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), *Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, Strasbourg, Council of Europe, 9 March 2022, p. 154.

<sup>15</sup> Luxembourg, Criminal Code (*Code Pénal*), Art. 442-2.

<sup>16</sup> Luxembourg, Criminal Code (*Code Pénal*), Art. 450.

<sup>17</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 4-1 (2).

<sup>18</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, p. 60.

damages) with the investigating judge (*juge d'instruction*)<sup>19</sup> or bring the case directly before the trial court<sup>20 21</sup>.

Victims are entitled to a vast array of procedural rights within criminal proceedings<sup>22</sup>. These include, most notably, the possibility of being assisted by a lawyer<sup>23</sup>; attaching to the file any document considered useful<sup>24</sup>; being informed of the decision to discontinue the case<sup>25</sup>; and receiving, upon request, information on i) the status of the criminal proceedings, unless this would be detrimental to the smooth running of the case ii) on any final decision regarding the prosecution<sup>26</sup>. Furthermore, the victim is heard as a witness by the court.<sup>27</sup>

A victim may also choose to pursue a civil claim for damages with the trial court or, before that, with the competent investigating judge (*juge d'instruction*).<sup>28 29 30</sup> The claim

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<sup>19</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 56.

<sup>20</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, p. 60.

<sup>21</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 145 and Art. 182 (1).

<sup>22</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, pp. 72-73.

<sup>23</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 4-1 (3).

<sup>24</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 4-1 (3).

<sup>25</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 4-1 (3).

<sup>26</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 4-1 (3).

<sup>27</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), *Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, Strasbourg, Council of Europe, 9 March 2022, p. 156.

<sup>28</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, pp. 62 and 78.

<sup>29</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 147 and Art. 183-1.

<sup>30</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 56.

may be lodged at any time during the pre-trial judicial investigation<sup>31</sup> or during the hearing of the trial court, with or without the assistance of a lawyer.<sup>32</sup>

Once the victim files a civil claim for damages in the criminal proceedings, he or she becomes a real party to those proceedings and can participate in a certain number of investigative acts, or even request them.<sup>33</sup> <sup>34</sup> This translates, for example, in the right to consult the file *in loco*<sup>35</sup>; ask for an expert opinion<sup>36</sup>; attend the questioning of the accused<sup>37</sup>; request that a particular witness be called<sup>38</sup>; or ask questions to the witnesses who are confronted with the accused by intermediation of the examining judge<sup>39</sup>.

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<sup>31</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 58(1).

<sup>32</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 147 and Art. 183-1.

<sup>33</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), *Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)*, Strasbourg, Council of Europe, 9 March 2022, p. 156.

<sup>34</sup> Luxembourg, Vogel, G. (2018), *Traité de procédure pénale*, Windhof, Larcier Luxembourg, pp. 73-75.

<sup>35</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 85 (1) and (2).

<sup>36</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 88 (1).

<sup>37</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 81 (5).

<sup>38</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 69 (3).

<sup>39</sup> Luxembourg, Code of Criminal Procedure (*Code de procédure pénale*), Art. 82 (2).

### 3. Annex 1 – Promising practice

Promising practice	
Title (original language)	Keep your space safe
Title (EN)	Keep your space safe
Organisation (original language)	BEE SECURE
Organisation (EN)	BEE SECURE
Government / Civil society	Government
Funding body	European Commission
Reference (incl. URL, where available)	<a href="http://www.bee-secure.lu/fr/news/lancement-de-la-campagne-keep-your-space-safe-pour-renforcer-la-cybersecurite/">www.bee-secure.lu/fr/news/lancement-de-la-campagne-keep-your-space-safe-pour-renforcer-la-cybersecurite/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	07.11.2023-ongoing
Type of initiative	Educational, raising awareness
Main target group	Wide audience, residents of the country
Indicate level of implementation: Local/Regional/National	national
Brief description (max. 1000 chars)	<p>This campaign aims to educate people about the fundamental principles of cyber security. Through this campaign, BEE SECURE presents a series of lifehacks designed to better protect devices and personal data against a range of Internet risks, including personal data against a series of risks on the Internet. In 2024, BEE SECURE added the following to the campaign: cyber security, which regards information on the following topics:</p> <ol style="list-style-type: none"><li>1. General information on cybersecurity</li><li>2. Phishing</li><li>3. Sextortion and catfishing</li><li>4. Hacking.</li></ol>

Promising practice	
Highlight any element of the actions that is transferable (max. 500 chars)	The campaign is cost-efficient; the developers' employees develop videos as interview monologues. The campaign is presented as videos, which can be easily shared via various channels.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The campaign adds various topics following the same format. It was presented in 2023 and is now continuing in 2024.
Give reasons why you consider the practice as having concrete measurable impact	To increase the campaign's visibility, the organisation sent over 42,000 distributional materials to municipalities, schools, after-school organisations, youth-related organisations, police, etc. <sup>40</sup>
Give reasons why you consider the practice as transferable to other settings and/or Member States?	It can be easily transferred to other members because it is low-cost and simple to produce, requiring minimal materials and expertise.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice	The company members showcase the campaign materials, creating an impression of real-life, everyday experiences while also conveying expertise and credibility.
Explain, if applicable, how the practice provides for review and assessment	N/a.

<sup>40</sup> Luxembourg, Bee-Secure, Activity report 2023 ([Rapport d'activité 2023](#)), p.6.

## 4. Annex 2 - Case law

Case law	
Deciding body (in original language)	Tribunal d'arrondissement de Luxembourg
Deciding body (in English)	District Court of Luxembourg City
Case number (also European Case Law Identifier <a href="#">ECLI</a> , where applicable)	1515/2024
Parties	Public Prosecutor's Office vs Person 1, in the presence of Person 2 (anonymised judgement)
Decision date	27 June 2024
Web link to the decision (if available)	<a href="https://anon.public.lu/D%C3%A9cisions%20anonymis%C3%A9es/Tribunal%20d%27arrondissement%20Luxembourg%20p%C3%A9nal/07%20Chambre%20correctionnelle/2024/20240627_TAL7_1515_pseudonymis%C3%A9-accessible.pdf">https://anon.public.lu/D%C3%A9cisions%20anonymis%C3%A9es/Tribunal%20d%27arrondissement%20Luxembourg%20p%C3%A9nal/07%20Chambre%20correctionnelle/2024/20240627_TAL7_1515_pseudonymis%C3%A9-accessible.pdf</a>
Which fundamental right(s) were referred to in the case?	Right to the integrity of the person; Right to liberty and security
Key facts of the case (max. 250 words)	<p>The Public Prosecutor's Office charged Person 1 with a crime of domestic violence, in breach of Article 409, paragraphs 1 and 3, of the Criminal Code (<i>Code Pénal</i>). According to the charges, Person 1 slapped Person 2 in the face and punched her several times on 22 October 2023. This resulted in a personal incapacity of Person 2 to work between 22 October 2023 and 3 November 2023.</p> <p>Additionally, the Public Prosecutor's Office charged Person 1 for having called Person 2 and presenting himself to her house, knocking on the main door and demanding access, on 5 November 2023, in breach of Article 439, paragraphs 2 and 4, of the Criminal Code (<i>Code Pénal</i>).</p>
The key legal question raised by the Court	The key legal question addressed by the Court consisted of the fulfilment in the case under review of the constituting elements of the crimes enshrined in Article 409, paragraph 1 (domestic violence), and Article 439,

Case law	
	<p>paragraphs 2 and 4 (breaking into the house or approaching a victim of domestic violence in breach of an expulsion order), of the Criminal Code (<i>Code Pénal</i>).</p>
<p>Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised</p>	<p>In light of the fact that Person 1 assaulted the victim by slapping and punching her, the constituting elements of the crime of domestic violence, which consist of wilfully wounding and beating one's wife, were fulfilled.</p> <p>Additionally, since the corresponding injuries resulted in the incapacity of Person 2 to work, the Court further concluded that the constituting elements of the aggravating circumstance enshrined in Article 409, paragraph 3, of the Criminal Code (<i>Code Pénal</i>) were also fulfilled.</p> <p>Regarding the crimes of (attempting to) break(ing) into the house and approaching a victim of domestic violence in breach of an expulsion order, the Court recalls that Person 1 called Person 2 and presented himself to her house while an expulsion order under Article I(1) of the Act of 8 September 2003 on domestic violence (<i>Loi du 8 septembre 2003 sur la violence domestique</i>) was in effect. In this regard, the Court recalls that the constituting elements of the former crime do not require that the defendant physically enters the home that it can no longer access. Indeed, a simple attempt is sufficient. As such, the constituting elements of the two crimes in question were also fulfilled.</p> <p>Therefore, the Court convicted Person 1 to an 18-month prison sentence and a penalty fine of € 1,000. Additionally, it ordered the defendant to pay Person 2 € 2,000 in civil damages and a procedural allowance of € 500 to cover her legal costs.</p>