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COMMITTEE AGAINST TORTURE

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

## FIFTH PERIODIC REPORTS OF STATES PARTIES DUE IN 2004

**Addendum**

**LUXEMBOURG***

[8 November 2004]

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* For the initial report of Luxembourg, see document CAT/C/5/Add.29; for its consideration by the Committee, see documents CAT/C/SR.107 and 108 and *Official Records of the General Assembly, Forty-seventh session, Supplement No. 44* (A/47/44), paras. 285-309. For the second periodic report, see document CAT/C/17/Add.20; for its consideration by the Committee, see documents CAT/C/SR.376, 379 and 383 and *Official Records of the General Assembly, Fifty-fourth session, Supplement No. 44* (A/54/44), paras. 170-175. For the third and fourth periodic reports, see document CAT/C/34/Add.14; for its consideration by the Committee, see documents CAT/C/SR.514, 517 and 525; for the Committee's conclusions and recommendations, see document CAT/C/CR/28/2.

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## Introduction

1. The Grand Duchy of Luxembourg hereby submits its fifth periodic report to the Committee against Torture in accordance with article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. This report supplements the preceding reports submitted by Luxembourg. Several ministries were involved in its preparation. Some non-governmental organizations (NGOs) were also contacted to solicit their views on the situation in Luxembourg.

3. In accordance with the guidelines regarding the form and content of periodic reports (CAT/C/14/Rev.1), the report is divided into three parts: (a) part one describes the most important changes in legislation and institutions in Luxembourg, the monitoring performed by the authorities, and the specific measures taken as a result of complaints filed by individuals; (b) part two provides the additional information requested by the Committee; and (c) part three gives an account of the measures taken to give effect to the conclusions and recommendations formulated by the Committee (CAT/C/CR/28/2) pursuant to its consideration of the previous report, submitted in 2002.

## Part One

### I. INFORMATION ON NEW MEASURES RELATING TO IMPLEMENTATION OF THE CONVENTION

#### Article 2

4. Article 2 imposes an obligation on the State to take effective legislative, administrative, judicial or other measures to prevent acts of torture in its territory.

5. Consistent jurisprudence since the 1950s[1] has held that international treaties take precedence over national legislation; the latter has regularly been set aside in the event of conflict with an international norm. This jurisprudence is applied by all courts. All international instruments approved or ratified in accordance with constitutional procedures and the rules of international law thus have absolute precedence over all domestic legislation, including the Constitution, laws and implementing regulations.

6. Moreover, as stated in the third periodic report (CAT/C/34/Add.14), acts of torture within the meaning of the Convention are punishable by articles 260-1 to 260-4 of the Criminal Code, whether committed by one individual against another or by government officials. The Criminal Code provides for increased penalties in accordance with the degree of harm suffered by the victim as a result of acts of torture. These provisions relate to both physical and mental torture.

7. Even if in Luxembourg such acts are still unknown, Luxembourg, through its array of effective legislative instruments, is in a position to prevent any such behaviour.

8. The Grand Ducal Regulation of 9 September 1992 on security and discipline in State socio-educational centres (CSEEs), and the Act of 16 June 2004 on the reorganization of State socio-educational centres, formally prohibit corporal punishment.

9. With regard to discipline in law enforcement agencies, reference is made to the initial report of Luxembourg, submitted in 1991 (CAT/C/5/Add.29).

**Article 3**

10. This article of the Convention prohibits the expulsion, return, “refoulement” or extradition of a person to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or similar treatment.

11. Entry to and stays in Luxembourg by aliens are regulated by the Act of 28 March 1972 and implementing regulations of the same date. In addition, the Act of 18 March 2000 establishing a temporary protection regime and amending the amended Act of 3 April 1996 establishing a procedure for the consideration of asylum applications has facilitated the processing of applications by asylum-seekers, thus allowing their legal and administrative status to be determined expeditiously.

12. Reference is made to the earlier reports submitted by Luxembourg for the details of the various legislative instruments applicable.

13. A grand ducal regulation of 20 September 2002 set up a holding centre for aliens in irregular status. Under the regulation aliens held under the Act on entry and stays by aliens are housed in a special wing of the Luxembourg Prison. During their stay in the prison they are kept separate from other prisoners (art. 3). They are subject to a special regime corresponding to their specific status and embodying certain rights, such as being informed of their administrative rights, medical examinations, exemption from any kind of work, unrestricted right of written correspondence, a right of access to radio and television programmes, visiting rights similar to those of untried prisoners, and access to the telephone within the limits established by the Minister of Justice.

14. This grand ducal regulation was adopted pursuant to a number of decisions by the Administrative Tribunal critical of the placing of aliens in various prison wings together with other prisoners. The Administrative Tribunal found that while it was true that the placement of aliens in specific wings of the Luxembourg Prison - held separately from other prisoners and subject to a special regime appropriate to their specific status - would, in certain circumstances, amount to placement in an appropriate establishment within the meaning of the law, it was nevertheless the case that at the time of the Tribunal’s ruling aliens placed in the prison were not housed in special and specific accommodation within the penitentiary, but were distributed throughout the various wings of the prison, intermixed with other prisoners and subject to the regime applicable to those prisoners.[2]

15. The same tribunal held that in the absence of any evidence suggesting that the acts of an alien were such as to compromise security or the public peace or order, the Luxembourg Prison was not to be considered an appropriate institution. Accordingly, an order must be given for the alien to be housed in a centre or similarly appropriate facility, monitored by the police to ensure that he or she does not avoid any later deportation measure.[3] The Administrative Court, on the other hand, held that placement in specific quarters within the Luxembourg Prison could not be deemed illegal in the absence of other suitable facilities.[4]

16. In addition, a bill has been introduced aimed at expediting asylum proceedings and amending the amended Act of 3 April 1996 establishing a procedure for the consideration of asylum applications and the Act establishing a temporary protection regime. The bill is intended, in consonance with international law, to shorten asylum proceedings. Its aim and provisions are based on legislation recently adopted in other European countries and instruments that are about to be adopted by the Council of Ministers of Justice and Home Affairs of the European Union.

17. In response to the massive influx of asylum-seekers, there is a need to modify procedure so that within a reasonable time frame an application can be considered by the administrative authorities and their decision referred to an independent judicial authority for review. The aim is to be able to grant refugee status more quickly to the victims of political persecution and to end asylum proceedings more quickly in the case of applicants who are clearly not covered by the Geneva Convention relating to the Status of Refugees. In effect the draft legislation provides for an expedited procedure in certain cases, in particular for applicants originating from safe third countries, the introduction of shorter deadlines for administrative and legal proceedings, and the establishment of procedures obliging asylum-seekers to play a more active role in the conduct of the proceedings.

18. The relevant legislation with regard to extradition proceedings is the Act of 20 June 2001 on extradition, containing provisions which are in consonance with the Convention. This is a residual act, and applies only in the absence of international treaty provisions.

19. Extradition is permitted under certain conditions and may be refused in other circumstances in which the person concerned runs a risk of torture or execution in the requesting State. Article 12 of the Act reads as follows:

> "1. If the ground for the extradition request is an act subject to capital punishment under the law of the requesting State, extradition may be granted only on condition that the requesting State gives adequate guarantees that capital punishment will not be carried out.
>
> "2. No person shall be extradited where there are substantial grounds for believing that he or she would be in danger of being subjected to torture as defined in articles 1 and 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms."

**Article 4**

20. The Act of 24 April 2000 introduced the concept of the crime of torture in the Grand Duchy. The content of the legislation was explained at length in the third and fourth periodic reports (CAT/C/34/Add.14, para. 17); reference is made to articles 260-1 to 260-4 of the Criminal Code, which apply criminal penalties to any act of physical or psychological torture. Articles 260-2 to 260-4 of the Criminal Code provide for increased penalties in accordance with the degree of harm suffered by the victim from acts of torture.

21. Further, article 398 of the Criminal Code penalizes the deliberate infliction of physical injury, while article 438 covers infringements of personal liberty committed by individuals. The latter article provides that:

> "Where a person under arrest or in detention has been subjected to physical torture, the offender shall be punished by a term of imprisonment of 10 to 15 years.
>
> "The penalty shall be a term of imprisonment of 15 to 20 years if the torture results in an apparently incurable illness, permanent incapacity resulting in inability to work, or loss of full use of an organ or serious mutilation.
>
> "Where torture results in death, the offender shall be imprisoned for life."

22. Attempts to commit a crime or offence are punishable under articles 51 to 53 of the Criminal Code, and complicity or participation in a crime or offence is punishable under articles 66 to 69.

23. The Act of 8 September 2003 on the prevention of domestic violence increases the minimum penalty where the author is a civil servant or public official and the offence is committed against the spouse or an ascendant or descendant relative (for further details, see below chapter II).

## Article 5

24. Under article 5, States parties to the Convention are bound to take such measures as may be necessary to establish their jurisdiction over the offences covered by the Convention, on the basis of the principles of territoriality, active personality and passive personality. The State party must take such measures as may be necessary to establish its jurisdiction over the offences referred to in the Convention where the alleged offender is in its territory and it does not extradite him or her.

25. In connection with paragraph 1, it should be noted that under the principle of the territoriality of criminal legislation (Criminal Code, art. 3), Luxembourg criminal law applies to any Luxembourg national or any alien who has committed an offence in the territory of the Grand Duchy of Luxembourg. Thus, all civil or criminal proceedings arising from acts that constitute an offence perpetrated in the territory of the Grand Duchy are subject to Luxembourg law.

26. Luxembourg courts have jurisdiction provided that one of the acts constituting the offence was performed in Luxembourg territory. Any offence of which an act comprising a constituent element was carried out in the Grand Duchy is deemed to have been committed in the territory of the Grand Duchy (Code of Criminal Investigation (*Code d'instruction criminelle*), art. 7-2). Article 4 of the Criminal Code provides that an offence committed outside the Grand Duchy by Luxembourg nationals or aliens is punishable in the Grand Duchy only in the cases provided for by law.

27. The rules governing the punishment of offences committed by Luxembourg citizens abroad are set forth in article 5 of the Code of Criminal Investigation, which, inter alia, provides that:

> "Any Luxembourg citizen who outside the territory of the Grand Duchy is guilty of a crime punishable under Luxembourg law may be prosecuted and tried in the Grand Duchy."

> "Any Luxembourg citizen who outside the territory of the Grand Duchy is guilty of an act constituting an offence under Luxembourg law may be prosecuted and tried in the Grand Duchy of Luxembourg if the act is punishable under the legislation of the country in which it was committed."

28. Similarly, article 5-1 of the Code of Criminal Investigation states that any Luxembourg citizen, as well as any alien present in the Grand Duchy, who commits abroad one of the offences specified in articles 163, 169, 170, 177 (counterfeit currency), 178, 185, 187-1, 192-1, 192-2, 198 (forgery), 199, 199 bis (falsification of passports or certificates) or 368 to 382 (abduction of a minor, sexual assault, rape, prostitution, exploitation and trafficking in human beings) of the Criminal Code may be prosecuted and tried in the Grand Duchy, even where the act is not punishable under the legislation of the country in which it was committed and the Luxembourg authorities have not received any complaint from the injured party or official approach from the authorities of the country in which the offence was committed.

29. Article 7 of the Code of Criminal Investigation provides that any alien who, outside the territory of the Grand Duchy, is guilty, either as author or accomplice, of a crime as defined by law may be prosecuted and tried in accordance with the provisions of Luxembourg legislation, whether the alien is in the Grand Duchy or abroad, or where the Government secures extradition.

30. Reference is made to the previous periodic report (CAT/C/34/Add.14, para. 19) regarding article 7-3 of the Code of Criminal Investigation, which establishes extraterritorial jurisdiction for Luxembourg courts, thereby allowing punishment of any alien who, outside the territory of the Grand Duchy, has committed any of the offences referred to in articles 260-1 to 260-4 of the Criminal Code (criminalization of acts of torture) against a citizen or resident of Luxembourg, so that such a person may be prosecuted and tried in the Grand Duchy.

31. Further, article 7-4 of the Code of Criminal Investigation establishes active universal jurisdiction, thus ensuring that a person guilty abroad of one of the offences specified in articles 135-1 to 135-6 (terrorism) and 260-1 to 260-4 (torture) of the Criminal Code does not go unpunished. Such a person may be prosecuted and tried in the Grand Duchy where an application for extradition has been submitted but the person concerned has not been extradited.

## Article 6

32. Under article 6, the State party in whose territory a person alleged to have committed an offence is present shall take appropriate measures to prevent the author from evading prosecution or extradition.

33. Articles 91 to 112 of the Code of Criminal Investigation relate to the warrants that an investigating judge may issue to prevent an author of an offence from evading prosecution. Article 39 of the Code applies in the event of a flagrant offence:

"Where the requirements of the investigation so require, the criminal investigation police officer may, with the authorization of the public prosecutor, hold for a period not to exceed 24 hours persons in respect of whom there is compelling and corroborative evidence sufficient to justify the bringing of charges.

"The 24-hour period runs from the time of arrest of the person by the police.

"Unless the necessities of the investigation require otherwise, the person arrested is, at the time of arrest, notified in writing, against a receipt and in a language he or she understands, except in duly recorded cases of material impossibility, of the right to notify a person of their choice. A telephone is made available for this purpose.

"The public prosecutor may order the necessary identification measures, including the taking of the fingerprints and photograph of the person arrested.

"If the person arrested is suspected of hiding objects that are relevant to the establishment of the facts or objects that represent a danger to him or herself or to others, a body search may be conducted by a person of the same sex.

"At the time of arrest, a detainee is informed in writing and against a receipt in a language he or she understands, except in duly recorded cases of material impossibility, of the right to be examined without delay by a doctor. Further, the public prosecutor may, at any time, on his or her own initiative or at the request of a member of the family of the detainee, designate a doctor to examine the detainee.

"Before questioning the detainee, the criminal investigation police officers and detectives referred to in article 13 must inform the person to be questioned, in writing and against a receipt, in a language he or she understands, except in duly recorded cases of material impossibility, of the right to the assistance of counsel from the lawyers and barristers appearing on the roll of legal practitioners.

"The detainee's records must indicate the time and date on which the detainee was informed of his or her rights under paragraphs 3, 6 and 7 of this article, as well as, where appropriate, the reasons for a denial of or a delay in implementation of the right conferred under paragraph 3; the length of the interrogation sessions and the rest periods between them; the time and date of the arrest; and the time and date of release or of the appearance before the investigating judge."

34. Luxembourg, as indicated in its earlier reports, complies with the requirement of article 6 of the Convention. There is provision for the immediate conduct of a preliminary investigation with a view to establishing the facts (Code of Criminal Investigation, arts. 46 to 48-1).

35. All victims of torture or cruel or inhuman treatment have the right to lodge a complaint against the author of the crime. The victim may file a complaint with a criminal investigation police officer, who then proceeds to conduct a preliminary investigation. The officer must immediately inform the public prosecutor of the offences (crimes, offences, violations) of which he or she is aware. Thus, the criminal investigation police officers and detectives referred to in article 13 conduct preliminary investigations, either on the instructions of the public prosecutor, or on their own initiative, pending the opening of a judicial investigation.

36. Under article 49 of the Criminal Code, in the absence of special provisions a judicial investigation is mandatory in the case of crimes and optional in the case of offences. The investigating judge may conduct an investigation only at the formal request of the public prosecutor (Code of Criminal Investigation, art. 50).

37. Further, the victim may bring a civil action directly before the investigating judge at one of the district courts in the Grand Duchy (Code of Criminal Investigation, art. 56). The judge must open a judicial investigation into the case within the time limit established by law. Articles 81 et seq. of the Code of Criminal Investigation relate to the questioning of accused persons, whether in detention or at liberty.

38. Pursuant to the bilateral agreements and multilateral conventions on extradition to which Luxembourg is party, the person to be extradited may be placed in pretrial detention pursuant to a court decision. A new extradition act entered into force in the Grand Duchy on 20 June 2001. The law is residual in that it applies only where there are no international treaty provisions. The length of detention varies according to whether the detainee is arrested at the instigation of the public prosecutor or, in urgent cases, pursuant to a warrant issued by the investigating judge. In the first instance, the detainee has five days in which to file an appeal for rescission of the arrest; a decision is due from the court in chambers as a matter of priority within 10 days. In the second instance, pretrial detention in an urgent case cannot last more than 18 days from the time of arrest if Luxembourg has not received a request for extradition. In any event pretrial detention cannot extend beyond 45 days following the arrest.

## Article 7

39. Article 7 imposes on the State party in whose territory a person alleged to have committed an offence is present an obligation to extradite or try the author of the offence.

40. In Luxembourg the author of an offence enjoys guarantees of fair treatment at all stages of the proceedings.

41. In the event of non-extradition, Luxembourg courts have jurisdiction pursuant to article 5 of the Code of Criminal Investigation in the case of a Luxembourg national, and pursuant to article 7-3 of the Code in the case of an alien. Article 7-3 reads as follows:

> "An alien who, outside the territory of the Grand Duchy, has committed one of the offences referred to in articles 260-1 to 260-4 of the Criminal Code (criminalization of acts of torture) against a citizen or resident of Luxembourg may be prosecuted and tried in the Grand Duchy.
>
> "However, no proceedings shall be instituted against an accused person who has been tried for the same offence in a foreign country and acquitted.
>
> "The same shall apply if, having been tried and convicted, he or she has served their sentence or the punishment has been time-barred or he or she has been pardoned.
>
> "Any period of detention served abroad in consequence of an offence which gives rise to a conviction in the Grand Duchy shall be set against the term of any custodial sentence."

42. Article 7-4 of the Code of Criminal Investigation establishes universal jurisdiction in the case of an application for extradition where the subject is not extradited:

> "Anyone in a foreign country who has committed one of the offences provided for in articles 135-1 to 135-6 and 260-1 to 260-4 of the Criminal Code may be prosecuted and tried in the Grand Duchy where an application for extradition has been submitted but the person concerned has not been extradited."

43. Pursuant to article 2 of the Act of 18 August 1995 on legal aid, individuals with inadequate resources have the right in the Grand Duchy to legal aid to defend their rights, provided that they are Luxembourg citizens, foreign citizens with authorization to be resident in the country, nationals of a member State of the European Union, or foreign nationals treated, pursuant to an international treaty, on the same basis as Luxembourg nationals with regard to legal aid.

44. Legal aid may also be granted to any foreign national with inadequate resources in respect of proceedings relating to asylum, or entry to or stay or residence in, or removal from the country, of aliens. Legal aid may also be granted to individuals who would not be eligible in view of their financial circumstances, if other compelling reasons relating to the social, family or material circumstances of the applicant so justify.

45. The Grand Ducal Regulation of 18 September 1995 on legal aid details how the provisions of the Act of 18 August 1995 are to be implemented. Article 1 provides a definition of persons deemed not to have adequate financial resources.

46. Legal aid may be granted for judicial and extrajudicial proceedings, in administrative or court cases, and to the plaintiff or to the defendant. It is available in all proceedings before a judicial or administrative body. Aid may be requested during the proceedings in connection with which it is sought, with retroactive effect to the day on which proceedings are brought should it be granted. It may also be granted for interim measures and for enforcement proceedings in respect of judicial decisions or any other enforceable instrument.

47. The possession of inadequate financial resources by a party to legal proceedings, whether plaintiff or defendant, or any difficulties arising owing to the cross-border nature of a case, should not impede effective access to justice. Thus, Luxembourg is in the process of incorporating into its legislation Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid in such disputes. The Directive seeks to promote the application of legal aid in cross-border disputes for any person resident in a member State who lacks sufficient resources where aid is necessary to secure effective access to justice.

## Article 8

48. In addition to the information supplied in Luxembourg's previous reports, attention is drawn to the Act of 20 June 2001 on extradition. The Act, which applies only in the absence of international treaties, is in fact based on three international treaties, namely:

(a) The Convention based on article K.3 of the Treaty on European Union on Simplified Extradition Procedure between the member States of the European Union, signed at Brussels on 10 March 1995;

(b) The Convention established on the basis of article K.3 of the Treaty on European Union on Extradition between the member States of the European Union, signed at Dublin on 27 September 1996; and

(c) The Additional Protocol to the European Convention on Extradition, signed at Strasbourg on 15 October 1975.

The Act also provides for approval of the extradition treaty between the Grand Duchy of Luxembourg and the United States of America, signed at Washington on 2 October 1996.

49. The new Act on extradition embodies traditional principles with regard to extradition, such as the principle of dual criminal liability. In fact the acts must be punishable under Luxembourg legislation and that of the requesting State by a maximum custodial sentence of at least one year (art. 3). The Act also embodies the principle of *non bis in idem*, in accordance with which extradition will be refused if a final decision with the effect of *res judicata* has been handed down in Luxembourg for the offence in connection with which extradition is sought (art. 9). In addition, the principle of the non-extradition of nationals is restated (art. 7). In accordance with these principles the law provides for non-extradition in respect of political, military or tax offences (arts. 4-6). Extradition will also be refused if the person concerned may be tortured or executed (see above, article 3). Lastly, extradition may not be granted if the person in question is a minor aged 16 or older.

50. On 17 March 2004 the Act on the European arrest warrant and the surrender procedures between member States of the European Union was adopted in the Grand Duchy. The Act replaces, in respect of acts committed subsequent to 7 August 2002, in relations with a member State of the European Union which has incorporated into its legislation the Council framework decision of 13 June 2002 on the European arrest warrant and the surrender procedures between member States, the corresponding provisions of the following agreements and conventions:

(a) The European Convention on Extradition of 13 December 1957, its additional protocol of 15 October 1975, its second additional protocol of 17 March 1978, and the European Convention on the suppression of terrorism of 27 January 1977, in as far as extradition is concerned;

(b) The Agreement between the 12 member States of the European Communities on the simplification and modernization of methods of transmitting extradition requests of 26 May 1989;

(c) The Convention of 10 March 1995 on simplified extradition procedures between the member States of the European Union;

(d) The Convention of 27 September 1996 relating to extradition between the member States of the European Union; and

(e) Title III, chapter 4 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders.

51. In practice, as application of these agreements and conventions proved onerous, the framework decision of 13 June 2002 was intended to replace traditional cooperation relations by a system of free movement of judicial decisions in criminal matters, covering both pre-sentence and final decisions, within an area of freedom, security and justice. The framework decision respects fundamental rights and observes the principles recognized by article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, in particular chapter VI thereof. Nothing in the framework decision may be interpreted as prohibiting refusal to surrender a person for whom a European arrest warrant has been issued when there are reasons to believe, on the basis of objective elements, that the said arrest warrant has been issued for the purpose of prosecuting or punishing a person on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political opinions or sexual orientation, or that that person's position may be prejudiced for any of these reasons.

**Article 9**

52. Further to the information provided in Luxembourg's previous reports, reference is made to the recently adopted Act of 17 March 2004 on the European arrest warrant and the surrender procedures between member States of the European Union, intended to incorporate into national law Council framework decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between member States (see above, article 8).

53. In addition, reference is made to the Act of 25 April 2003 approving the Additional Protocol to the Convention on the Transfer of Sentenced Persons of 18 December 1997 and the Agreement on the application by member States of the European Communities of the Council of Europe Convention on the Transfer of Sentenced Persons of 25 May 1987.

54. The Act is intended to approve various international instruments, thereby rounding out the legislative provisions on the transfer of sentenced persons. The Additional Protocol of 18 September 1997 complements the 1997 Convention by defining the rules applicable to the transfer of the execution of sentences in two separate cases: (a) where the person sentenced has fled the sentencing State and returned to the State of which he or she is a national; and (b) where the sentenced person is subject to an expulsion or deportation order pursuant to the conviction.

55. The Agreement of 25 May 1987 treats a national of a second member State as though he or she were a national of the first member State where transfer seems appropriate, taking into account the interest of the person in question, and his or her habitual and regular residence in the country.

56. Lastly, attention is drawn to the Act of 12 August 2003 relating, firstly, to the prevention of terrorism and its financing, and, secondly, embodying approval of the International Convention for the Suppression of the Financing of Terrorism, opened for signature in New York on 10 January 2000. The Act is intended to introduce various terrorist offences into the Criminal Code, in particular the offences of terrorism, financing of terrorism and membership of a terrorist group. The Act brings the Criminal Code, the Code of Criminal

Investigation and various pieces of special legislation into line with the requirements of international instruments on terrorism, the most significant being the Council framework decision of 13 June 2002 on combating terrorism and the United Nations International Convention for the Suppression of the Financing of Terrorism, opened for signature in New York on 10 January 2000.

### Article 10

57. Pursuant to article 10, the State party must include education and information on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of all civil or military personnel involved with detainees.

58. In practice systematic use is made in Luxembourg of experts (doctors, non-governmental organizations, prosecution service, the General Police Inspection Department, the Ministry of the Family, etc.) in all matters relating to the immigration police, human rights, the police code of ethics and domestic violence. Much of the training is devoted to gaining an understanding of conflict situations through case studies with input from a psychologist. Emphasis is placed on the development of the interpersonal communication skills of police officers and trainees. In addition conflict resolution training is made available to police officers by foreign and State police forces.

59. In addition to training, there are internal police directives stipulating that the exact circumstances attending the stopping and questioning of a detainee must be detailed in the police report where it is ascertained that the detainee has injuries. Cases in which it is established that a police officer is guilty of such acts are routinely followed up in disciplinary proceedings and are included on an anonymous basis as practical examples in the basic training provided at the Police Training School and in ongoing training.

60. Training provided to police cadets at the Police Training School focuses on the real possibility that the situation will escalate at the time of making an arrest. On the training courses police officers are always asked to state in writing what the exact circumstances were, and the behaviour, before and after the presumed author of an offence was stopped and questioned, that induced them, where this happened, to use physical force when making an arrest, in order to allow the investigating judge or other bodies considering alleged ill-treatment to make a dispassionate assessment. All complaints received by the prosecution service against members of the police force are forwarded to the General Police Investigation Department for investigation and a subsequent report.

### Article 11

61. Article 11 of the Convention deals with keeping under review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to arrest, detention or imprisonment.

62. In addition to the information provided on this article in previous reports, attention is drawn to articles 147 to 159 of the Criminal Code, relating to infringement by public officials of the rights guaranteed by the Constitution.

63. Thus, article 147 provides that:

> "Any civil servant or public official, or government official or representative of authority or a law enforcement officer, who illegally arrests or detains, or who causes to be arrested or detained, one or more people, shall be punished by a term of imprisonment of three months to two years."

64. Article 155 of the Criminal Code provides that:

> "Civil servants and public officials responsible for the maintenance of law and order or for criminal investigation who, with the authority to do so, neglect or refuse to bring about the cessation of an illegal detention brought to their attention shall be punished by a term of imprisonment of one month to one year."

65. Article 156 of the Criminal Code provides that:

> "Civil servants and public officials responsible for the maintenance of law and order or for criminal investigation who, not having the authority to bring about the cessation of an illegal detention, neglect or refuse to record such a detention brought to their attention and to report it to the competent authorities shall be punished by a term of imprisonment of eight days to six months."

66. Articles 15-2 to 15-6 of the Code of Criminal Investigation relate to supervision and oversight of the criminal investigation police. In this regard the criminal investigation service is subject to oversight by the Attorney-General. A criminal investigation police officer at fault is brought before the Appeal Court in chambers, which hears an explanation of the officer's actions. The court may undertake any measure of investigation that it deems appropriate. The hearing of witnesses takes place as provided for in the Code. In addition, the criminal investigation police officer may be assisted by counsel.

## Article 12

67. In the Grand Duchy article 23 of the Criminal Code provides that the public prosecutor hears complaints and determines what follow-up action should be taken. This may include prosecution. Any duly constituted authority or public official or civil servant who, in the discharge of his or her duties, learns of a crime or offence must immediately report it to the public prosecutor and transmit all relevant information and records.

68. In addition, on 31 May 1999 an act was adopted establishing a grand ducal police force and a general police inspection department in the Grand Duchy. The General Police Inspection Department is under the direct authority of the Minister and oversees the functioning of the police. The department also monitors compliance with laws and regulations and reports any lack of observance that comes to its attention to the competent authority.

69. In the discharge of its functions the General Police Inspection Department has a general and unrestricted right of inspection vis-à-vis the police. The department may, if necessary, on its own initiative, conduct investigations and inspections, without prejudice to the provisions of article 23 of the Code of Criminal Investigation.

70. The judicial authorities may instruct the General Police Inspection Department to carry out judicial investigations into criminal acts apparently committed by a police officer.

71. In addition the Act of 16 April 1979 on discipline in law enforcement agencies governs disciplinary proceedings. Pursuant to article 31 disciplinary investigations are the responsibility of the competent hierarchical superior in the military and of the Disciplinary Board. The hierarchical superior proceeds to conduct an investigation when the events suggesting that a member of the military has failed to discharge his or her duties within the meaning of the Act are brought to his or her attention. The Police Disciplinary Board may, on its own initiative or at the request of the accused, order any supplementary investigation that could shed light on the facts. Witnesses are heard and anyone who refuses to appear or testify is subject to penalties pursuant to article 80 of the Code of Criminal Investigation. The penalties are handed down by the criminal court or on application by the public prosecutor.

72. Disciplinary procedure is established in the Act of 16 April 1979 on discipline in law enforcement agencies, and is based on the following principles:

(a) A uniform and unified disciplinary procedure, irrespective of the seriousness of the infringements and the authority conducting the investigation;

(b) A documents-based procedure, with short, mandatory deadlines;

(c) A requirement for the disciplinary authority to hear a statement on the events in question by the officer presumed to be at fault;

(d) A requirement for the disciplinary authority to inform the officer under suspicion of the events in question;

(e) The right for the party concerned to submit written comments on the events in question and to request additional investigations;

(f) Mandatory referral to a superior officer at the deputy divisional commissioner level or above and to the Disciplinary Board if the events in question may give rise to serious disciplinary penalties;

(g) The disciplinary authority handing down the penalty must be at a higher level than the authority investigating the case;

(h) The right for the officer alleged to be at fault to be assisted by counsel of his or her choice throughout the proceedings; and

(i) The right for the party concerned to receive a copy of the report of the final inquiry free of charge.

73. In addition, in the context of a recent case involving ill-treatment of prisoners and at the request of the Deputy Attorney-General, the director of the Luxembourg Prison at Schrassig and the director of the Givenich Prison (a semi-open penitentiary) distributed a circular to all their staff reminding them that acts of violence against and the ill-treatment and insulting of prisoners were prohibited under the provisions of the Grand Ducal Regulation of 24 March 1989 on the administration and internal regulation of prisons.

**Article 13**

74. When a complaint is submitted to the police authorities by an accused person or prisoner, the authorities, in the context of internal/disciplinary proceedings, verify the allegations of possible ill-treatment (see above, article 12). In practice, in a judicial investigation, when, subsequent to arrest in the context of proceedings arising from a flagrant crime/offence or execution of a subpoena or arrest warrant issued by the investigating judge, the accused him or herself reports ill-treatment at the hands of law enforcement officers, the allegations are set down in the record of the initial examination before the investigating judge.

75. The investigating judge may also ask the accused to explain any obvious bruising on the face or other parts of the body that are visible (arms, legs). Normally such information is set down in the record of the examination. The investigating judge also asks the police officers who conducted the arrest about the origin of injuries reported in person or alleged by the accused, if there are no explanations already in the police report recording the circumstances of the arrest.

76. In the course of his inquiries, the investigating judge will contact the clerk at the prison to arrange a medical examination of the accused following examination by the medical officer in the prison infirmary.

77. Ordinary law provisions are applicable, so that the victim may file a complaint with the criminal investigation police, the public prosecutor or the investigating judge.

**Article 14**

78. In addition to the relevant provisions of the Code of Criminal Investigation and specific legal provisions referred to in the previous reports submitted by Luxembourg, reference is made to a bill intended to strengthen the rights of victims of criminal offences and improve witness protection, introduced in the Chamber of Deputies on 22 May 2003.

79. The bill is intended to improve the situation of victims in criminal proceedings, to allow the victim to obtain equitable compensation and to guarantee that, from the initial stages, the victim has available the necessary information regarding his or her rights and receives appropriate guidance in asserting those rights.

80. The bill also provides that an injured party, without becoming a civil plaintiff, may henceforth be accorded victim status through a complaint filed by the injured party him or herself or an intermediary with the registry of the competent prosecutor or with a police officer or official for transmission to the competent prosecutor.

81. The bill is also intended to amend various articles of the Act of 12 March 1984 on compensation for certain victims of bodily injury resulting from an offence and the punishment of fraudulent insolvency. The Act allows the State of Luxembourg to compensate victims of violent offences. The range of beneficiaries covered under the provisions of the 1984 Act will be expanded, it will be easier for victims to prove the harm they have suffered, and the authority of the commission responsible for investigating applications for compensation will be strengthened.

82. The same bill will improve protection for witnesses and will also amend the amended Act of 28 March 1972 on (a) entry and stays by aliens, (b) medical examinations for aliens and (c) use of foreign labour in that special provisions are envisaged to facilitate the entry to and stay in Luxembourg of individuals who enter the country to testify before Luxembourg courts in cases involving violations under the Criminal Code, book II, title VII, chapter VI (Prostitution, exploitation and trafficking of human beings). Authorization to stay in the country will be granted in such cases.

### Article 15

83. Each State party shall ensure that any statement made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

84. In the Grand Duchy evidence in criminal cases is not subject to any special rules or requirements. This allows trial judges to freely form their opinion, citing any element in the investigation raised in the presence of the parties. However, as a matter of principle, judges may not rely on evidence obtained by criminal or unfair means.

85. The voiding of investigation proceedings is governed by articles 126 to 126-2 of the Code of Criminal Investigation. Article 162 of the Code provides that the voiding of an investigative action may be requested, on application, by the public prosecutor, the accused, the civil plaintiff, the party having civil responsibility, or by any third party with a legitimate personal interest in the matter, to the district court in chambers.

86. Article 162-1 of the Code provides that when the court in chambers finds the existence of a procedural defect it voids the procedural act that fails to take account of the requirements of the law together with subsequent investigative acts carried out pursuant to and as a consequence of the voided act, and specifies the effects of the annulment on the parties.

### Article 16

87. Reference is made to the comments under article 4 and to the previous reports submitted by Luxembourg, which gave details of violations comparable with acts of torture.

88. Acts of torture and other cruel, inhuman or degrading acts are generally punishable in the Grand Duchy, a provision applicable to everyone, as indicated in the various reports submitted by Luxembourg.

89. Furthermore, if such acts are committed by public officials or by any other person acting in an official capacity the penalties are increased.

## II. INFORMATION ON THE ESTABLISHMENT OF NEW INSTITUTIONS AND THE ADOPTION OF VARIOUS SPECIAL MEASURES

90. Luxembourg has long been a fervent defender of human rights and a firm protector of democratic values. In Luxembourg there is a manifest will to reform and a spirit of openness, as attested to by the many reforms and proposed reforms aimed at averting all violations of human rights.

### A. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

91. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban from 31 August to 8 September 2001, represented the culmination of more than two years of preparatory work at both the regional and global levels. Luxembourg, together with its partners in the European Union, was actively involved, both through the European preparatory Conference against Racism organized by the Council of Europe and the meetings of the Preparatory Committee for the World Conference.

92. Luxembourg was represented at the World Conference by a large delegation headed by the then Deputy Prime Minister and Minister for Foreign Affairs, Ms. Lydie Polfer. In addition to representatives of the Ministry of Foreign Affairs and the Ministry of the Family, the Luxembourg delegation included representatives of civil society, namely a member of the Advisory Human Rights Commission and a member of the Commission against Racial Discrimination. The official Luxembourg delegation played an active part in the negotiations. In her address from the podium, the Minister for Foreign Affairs said, inter alia, that the Durban Conference should be the start of a process in which the world would invest in the present and the future while avoiding the mistakes of the past. She asserted that all countries had a duty to oppose intolerance and the mechanisms that gave rise to racism. Lastly, Ms. Polfer stressed that the United Nations, which is founded on the Universal Declaration of Human Rights, explicitly espouses universality as the antithesis of discrimination.

### B. Establishment of the Office of an Ombudsman by the Act of 22 August 2003

93. The idea of appointing an ombudsman in Luxembourg first appeared in 1976. In that year the then Government introduced a bill in the Chamber of Deputies on the appointment of a commissioner-general to supervise the administration of the State and communes. Owing to the reservations expressed at the time, the bill had to be shelved.

94. The institution of the present office of ombudsman was announced in a government statement of 12 August 1999: “The Government will support the Chamber in its reform of the right of petition. We recommend the appointment of a parliamentary ‘ombudsman’, a people’s delegate who will look into citizens’ complaints about their relations with the authorities, smooth out difficulties and submit reform suggestions to Parliament.”

95. In his address to the Chamber of Deputies, the Prime Minister said that “the Ombudsman is neither a judge nor a national arbitrator but a facilitator of relations between the authorities and civil society”, adding that the bill was “an important measure of reform”. The establishment of the Office of the Ombudsman is part of the administrative reform policy aimed at bringing government closer to the people and improving relations between the authorities and the general public.

96. This new machinery, namely the appointment of an ombudsman, is part of the Government’s policy of promoting a more participatory society through structural reforms intended to associate the public more closely with government decision-making. It reflects the Government’s goal of creating a more participatory society in which people are better able to air their grievances. On 16 July 2003 the Chamber of Deputies adopted the bill on the establishment of the office of an ombudsman in Luxembourg.

97. The Ombudsman is an independent institution under the executive which hears complaints by members of the public in connection with a matter of concern to them regarding acts by the authorities and the communes. The Ombudsman's mandate is to assist individuals in challenging administrative decisions by the State and the communes and by public institutions under their authority. Such decisions must have been taken in connection with a case that directly affects the person applying to the Ombudsman for assistance.

98. Any member of the public (natural or legal person under private law) who believes that, in a case in which he or she has a direct interest, a public authority has failed to carry out its duties or has breached existing legislation may - through a written complaint or an oral statement at the Ombudsman's Office - request that the case be brought to the notice of the Ombudsman. The complaint may be submitted directly, or indirectly to the Ombudsman through a member of the Chamber of Deputies.

99. Where a complaint seems to be well-founded, the Ombudsman advises the person concerned (complainant) and the authority (or service) that made the impugned decision and makes recommendations for an amicable settlement. The recommendations may also contain proposals intended to improve the performance of the service in question.

100. The Ombudsman will also issue regular reports on his or her activities. The annual report on the Ombudsman's activities is submitted to the Chamber of Deputies. The Ombudsman, whose office is attached to the Chamber of Deputies as an independent authority, does not receive instructions from any other body and is not answerable either to the administrative authorities or to the Government.

101. The national Ombudsman will be a man or woman of Luxembourg nationality, a university graduate proficient in the country's three languages. He or she is appointed for a non-renewable eight-year term by a simple majority of the Chamber of Deputies. The current Ombudsman, Marc Fischbach (former Minister of Justice and judge at the European Court of Human Rights), assumed his duties on 1 May 2004. There is no doubt that this institution, which strengthens the protection of the citizen, is destined to play a key role in improving respect for fundamental rights.

### Criminal mediation

102. Reference is made to the Act of 6 May 1999, which introduced the concept of criminal mediation into article 24 of the Code of Criminal Investigation. Under the Act, the public prosecutor is authorized to make use of mediation if to do so appears likely to ensure reparation for the injury caused to the victim, end the distress resulting from the offence or help in the rehabilitation of the offender.

## C. Establishment of a children's rights committee

103. The Act of 25 July 2002 established a children's rights committee, the *Ombuds-Comité fir d'Rechter vum Kand* (ORK). The role of the committee is to promote and protect the rights of children, as set forth in particular in the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 and ratified by the Act of 20 December 1993.

104. The function of the committee is to safeguard and protect the rights and interests of children. Its duties include giving its views on laws and regulations and draft legislation concerning children's rights, and examining situations in which children's rights are not respected and making recommendations to the competent authorities so that the necessary changes can be made. The members of the committee are completely neutral and fully independent in the discharge of their duties; they are appointed by the Grand Duke for a five-year term, which may be renewed for a further term.

**D. Act on the protection of young people**

105. The system for the protection of minors in Luxembourg is based on the Act of 10 August 1992. The Act gives the youth court authority to take measures in the interest of the child. The court may take measures relating to custody, education and protection.

106. As a matter of principle under Luxembourg criminal law minors have no criminal responsibility. The Act on the protection of young people provides that a minor under 18 at the time the criminal offence was committed is not referred to a criminal court but to a youth court. Accordingly, the youth judge may order placement measures without the minor being convicted in connection with the acts allegedly constituting an offence.

107. Reference is made to the new bill on the protection of young people, which improves the system of measures for the protection of minors. In 2000 the Ministry of Justice established an inter-ministerial working group to analyse the elements in the Act of 10 August 1992 on the protection of young people that required reform. The Working Group comprised representatives of the judicial authorities (youth judges, prosecutors and Attorney-General's Office) with responsibility for the protection of young people, as well as various representatives of ministries, including the Ministry of the Family, Social Solidarity and Young People, and the Ministry of Justice. The Working Group conducted an in-depth analysis of the problems of young people in distress.

108. In parallel with the work of the Group, in April 2000 the Chamber of Deputies approved the establishment of a special parliamentary commission on young people in distress. The commission adopted its final report on 23 October 2003. The report served as the basis for discussion of the future of the existing system of assistance and protection for young people in Luxembourg, held in the Chamber of Deputies in a plenary meeting on 26 November 2003.

109. In the new bill the regulations governing leave (providing for re-assumption of parental authority) and the duration of suspension of visiting rights have been amended. Youth courts are obliged, in each case, to provide the minor with legal assistance, in the interest of assuring defence of his or her rights. The procedures for consultation of the file before the hearing have been changed, so that the minor can prepare his or her defence properly, especially where the issues are serious. Further, the time frame for the optional review of placement measures is reduced to 6 months (down from 1 year) and the time frame for compulsory legal review to 18 months (down from 3 years) (see part three, chapter II, section B).

110. The minor may be placed in an open prison, such as a State socio-educational centre, or, in exceptional cases and where the circumstances or behaviour of the minor so require, in a closed prison.

## E. State socio-educational centres

111. Minors subject to a placement order in an open State re-education establishment are accommodated in the Dreiborn (boys) or Schrassig (girls) CSEE. The semi-open institutions discharge a socio-educational and occupational training function, and ensure the protection of minors.

112. Minors benefit from a suitable environment in these well-maintained institutions, whose staff are aware of the importance of their role. The staff running the centre encourage schooling outside the centre so as to maintain the necessary link between the child and society. If attendance at a school outside the centre is not possible, the children are taught in mixed classes within the centre.

113. Since 1991 the Government has continued to make significant increases in the numbers of supervisory and teaching staff at State socio-educational centres. This has made it possible for the socio-educational teams for the inmates at Dreiborn and Schrassig to be strengthened, for a permanent day school providing a number of optional courses (Socio-Educational Teaching Institute (IES)) to be set up, and for an effective psychosocial service to be established.

114. The primary guarantor of the quality of psychotherapeutic treatment and socio-educational guidance is the psychosocial service. Its role is to formulate socio-educational programmes on the basis of the medical, social, psychological and pedagogical profiles of the inmates. The staff of the psychosocial service work closely with other Luxembourg and foreign institutions, conduct social research, and assure ongoing contact with the families of origin and/or the foster families of the inmates. In addition, members of the psychosocial service draft evaluations reports for the youth court.

115. Since 1 September 2003 the staffing table has consisted of 72 full-time posts, 19 of which are teaching posts for the Dreiborn inmates and 17 are teaching posts for the Schrassig inmates.

116. The Socio-Educational Teaching Institute is based in Dreiborn; the various classes offered at the State socio-educational centres are under its authority. It is subject to many constraints:

(a) Admission of pupils throughout the school year;

(b) Significant variation in the number of pupils and length of stay;

(c) Admission of pupils of very different ages and intellectual levels, from various educational backgrounds, with very different levels of knowledge and with various psychological and social difficulties;

(d) Teaching and work measures;

(e) Participation in custody and protection functions of the State socio-educational centres.

For these reasons the Institute's activities and methods are based on an individualized, modular system of training which, for each pupil, takes account of his or her overall scholastic level, needs and interests, capabilities and preferences, as well as of the thrust of his or her socio-educational and psychotherapeutic programme.

117. For pupils who are no longer required to attend school, a socio-occupational introductory class has been formed; its principal objective is to train pupils in the social skills required in socio-occupational life, and, in various workshops, to provide them with a broad range of basic technical knowledge and manual skills.

118. Although State socio-educational centre managers make a considerable effort to recruit qualified socio-educational staff against vacancies or posts that become vacant, it is essential, in view of the complexity and range of duties, to continue to provide the staff as a whole with specific supplementary training. Thus, the centres have for many years had an internal socio-pedagogical training unit for their staff. Many of the modules offered annually deal with problems of violence between inmates and with the pedagogical authority of the educators (dealing with problems of intimidation and violence between inmates within the centre).

119. There is a proposal for the creation within the State socio-educational centres of living units with individual rooms for inmates. In January 2004 the Dreiborn CSEE had 13 one-bed rooms, 4 two-bed rooms, and 10 rooms with, as need arose, two or three beds. At present the inmates are divided into two groups for living arrangements, each with a degree of autonomy in their arrangements. The staff envisage the establishment of a third group in the near future. Reference is made to part three, chapter II, section A, of this report, containing information on the new Act of 16 June 2004 on the reorganization of State socio-educational centres. The Act provides the legal basis for the Dreiborn Security Unit.

## F. Treff-Punkt prison service

120. The Treff-Punkt prison service is a new project, initiated in January 2003, constituting an extension of the Treff-Punkt service (which provides a structure in which children can meet their parents when visiting rights are prohibited, blocked or problematic, whether the children are in an institution, a foster family or with a separated or divorced parent) at the Luxembourg Prison at Schrassig.

121. The aim is to help maintain or restore the relationship between the child and parent in prison, in an effort to mitigate the psycho-emotional suffering of the child, the parent and the family. In pursuance of this objective, staff work with the child, parent and family (or institution) with custody. The service provides support groups and workshops for prisoners, and escorts for visits to the Luxembourg Prison. Individual discussions are held with children, families and parents in detention, so as to ensure that the visits are conducted and followed up properly. Once a prisoner is released, the Treff-Punkt service can provide supervision for outside visits to its own facilities.

## G. Human Rights Commission

122. Pursuant to the Regulation of 26 May 2000 issued by the Government in council, an advisory human rights commission has been established. It should be noted that the Commission selects its own members, on the basis of their standing in human rights and societal issues. Thus, members include lawyers or members of associations or non-governmental organizations operating in these fields. The Commission has recourse to experts to whom it entrusts specific information and consultation assignments.

123. The Commission is an advisory body responsible, through its studies and opinions, for assisting the Government on all general human rights issues in the territory of the Grand Duchy of Luxembourg. The Commission issues opinions and prepares studies, either on its own initiative or at the Government's request, and may propose measures and programmes of action which it considers conducive to the protection and promotion of human rights, in particular in school, university and professional circles. Its work is made public (circulated to deputies, State counsellors and press bodies).

124. The Commission acts as a national focal point for the European Monitoring Centre for Racism and Xenophobia.

125. Under the rules of procedure adopted by the Advisory Commission, it may convene on its own authority on the proposal of its members or any other person or organization, which guarantees its independence.

126. Although the primary function of the Advisory Human Rights Commission is not to act as a complaints office as such, that does not prevent it, where a report on a human rights violation is submitted to it from convening on its own authority to consider the case and from handing down an opinion. These opinions are transmitted to Parliament and are the subject of public debate.

## H. Domestic violence

127. The Act on the prevention of domestic violence was enacted in the Grand Duchy on 8 September 2003. The Act is intended to protect victims of domestic violence and to provide them with assistance and support during proceedings.

128. Article 1 of the Act provides, inter alia, that:

> "The police, when performing its role of preventing offences and protecting citizens, may, with the authorization of the public prosecutor, remove from their home and appurtenances individuals in respect of whom there is evidence that they are preparing to commit an offence against the life or physical integrity of an intimate with whom they cohabit, or evidence that they are preparing to commit a further offence against the life or physical integrity of such a person who has previously been victimized.

> "Removal entails a prohibition on the person removed from returning to the home or its appurtenances."

129. Article 2 provides that "the police may also inform a support service for victims of domestic violence of the removal measure and provide the name and address of the person under protection".

130. In addition, the new Code of Civil Procedure has been made more comprehensive through the amendment of article 1017-7, as follows:

> "When a person renders continued conjugal life intolerable for an intimate, either because of aggression or the threat of aggression, or because the person behaves in such a way as to seriously injure the intimate's psychological health, the president of the district court may order him or her, at the request of the person concerned, to leave the home and its appurtenances and prohibit him or her from returning within a period of up to three months, irrespective of possible property or personal rights of the defendant in respect of the domicile."

131. Application of the Act seems to have borne fruit. Three months after its entry into force, 66 applications had already been transmitted to the police by prosecutors. In these 66 cases, 34 exclusion orders were issued.

## I. International access to justice

132. Attention is drawn to approval of the Act of 12 December 2002 on the Hague Convention of 25 October 1980 on International Access to Justice. The aim of the Convention was to revise and update the system of international access to justice established under the Hague Conventions on civil procedure of 1905 and 1954.

133. The following are the essential points:

(a) Ensuring access to judicial assistance in proceedings taking place in another contracting State;

(b) Providing judicial assistance to the bodies in question with a view to enforceability and execution of a decision taken in another contracting State;

(c) Waiving of the requirement for security, to which foreigners are subject in the forum State; and

(d) Ensuring expeditious transmission of requests for judicial assistance.

134. Further, it should be noted that Luxembourg was among the first Council of Europe States to sign Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature at Rome on 4 November 2000. A bill embodying ratification has just been drafted.

## J. Migration to the Grand Duchy

135. The number of non-Luxembourg residents is increasing year by year. As at 1 January 2003, the Central Statistical and Economic Research Service (STATEC) estimated their number at 170,700 out of a total population of 448,300, or 38.1 per cent. This entire resident population falls directly under the Office of the Government Commissioner for Aliens. In addition, there are an estimated 106,000 (end-2003) cross-border workers, who fall within the purview of the Special Standing Committee of the National Aliens Council on issues relating to cross-border workers. In terms of geographical origin, in 2003 one third of new arrivals were from the Balkans, one third from Africa and one third from the republics of the Former Soviet Union.

136. The number of asylum-seekers registered in Luxembourg has increased over the past six years, to a September 2004 total of 1,117 applications. On registration, the State provides for the material needs of asylum-seekers, until all appeal mechanisms are exhausted. Assistance comprises food and accommodation, in addition to medical care and public transport throughout the country.

137. All these individuals rely on the Office of the Government Commissioner for Aliens for reception, housing and welfare. As at 31 December 2003 the Office of the Government Commissioner for Aliens had processed some 2,300 adults and children. It will be noted that Luxembourg continues to shelter and provide food to a large number of persons whose applications have been rejected pending their return to their country of origin.

138. The Grand Ducal Regulation of 4 July 2002 on conditions and procedures for the provision of welfare to asylum-seekers provides the legal framework for the benefits to be accorded and establishes the amounts which asylum-seekers may claim while proceedings are taking place.

139. Pursuant to the Geneva Convention relating to the Status of Refugees, in 2003 refugee status was accorded to 62 people, representing 6 per cent of applications for asylum.

140. Luxembourg has always worked to ensure that the interests of aliens are represented and that they participate in public life. The Government has long implemented a voluntary policy of integrating aliens into the life of their town. In 1989 a grand ducal regulation established local consultative commissions for aliens, providing aliens with representation within their communes through local consultative commissions, the establishment of which is mandatory in every commune where resident aliens account for more than 20 per cent of the population.

141. These commissions are entrusted with representing the interests of resident aliens at the level of the commune, and, in particular, with ensuring participation by aliens in the life of the commune, with contacting the authorities with suggested solutions to the specific problems of aliens, and with facilitating relations between aliens and nationals.

142. In addition, in February 2003 Luxembourg adopted a law making it possible for non-European Union aliens to take part in local elections. Thus all residents will be able to take part in the next communal elections, in 2005.

### K. General Police Inspection Department

143. Following any complaint against a police official, the General Police Inspection Department conducts a judicial investigation (depositions by the parties involved and witnesses) and makes a report to the prosecution service (on request) and to the police. Further, the Inspection Department makes recommendations which are transmitted to the police and the Minister concerned.

**Number of complaints against police officials of ill-treatment**

| Year | Number of investigations | Subject of investigations |
|---|---|---|
| 2002 | 5 | Handcuffed in cell<br>Assault<br>Degrading attitude |
| 2003 | 7 | Assaults |
| Jan.-Sept. 2004 | 11 | Assaults |

**Specific criminal/disciplinary penalties pursuant to complaints of ill-treatment**

| Year | Disciplinary penalty Number | Subject | Penalty |
|---|---|---|---|
| 2002 | 0 | | |
| 2003 | 1 | Assault | Two days' suspension |
| Jan.-Sept. 2004 | 0 | | |

### L. Human rights training

144. All judges have received human rights training as part of their studies. Furthermore, judicial assistants receive human rights education when they enter the judiciary, through courses organized by the National School for the Judiciary. It should be added that the issue of human rights forms part of the daily life of lawyers and in practice a week does not go by without one of these rights being invoked before the courts in the Grand Duchy.

145. Raising awareness of human rights and providing human rights training to law enforcement officials and officers are also taken very seriously in Luxembourg. The meaning of the human rights instruments is taught as part of the basic training at the Police Training School in courses on the police and society. Police sergeants attend 64 hours of police and society classes over a one-year training period, with 10 hours on the rights and duties of officials, 12 hours on police ethics and 8 hours on human rights. For police inspectors, courses on the police and society total 98 hours, spread out over two years of training, with 30 hours on the rights and duties of officials, 14 hours on police ethics and 8 hours on human rights and constitutional freedoms. This basic training is supplemented by career-long training in the form of seminars and in-service courses totalling several hours a year for each official.

146. The practical instruction imparted in the context of professional training equips constables and officers in the criminal investigation police to handle situations involving aliens in general and asylum-seekers in particular.

### M. Human rights in education

147. A reading commission is responsible for reviewing school textbooks for the purpose of introducing a human rights dimension and monitoring their content in terms of respect for human rights. Human rights education is promoted on an inter-disciplinary basis.

## Part Two

## INFORMATION REQUESTED BY THE COMMITTEE AGAINST TORTURE

148. On 8 May 2002 representatives of the Luxembourg Government introduced the third and fourth periodic reports of Luxembourg, combined in a single document, before the Committee against Torture. On that occasion the Committee requested certain supplementary information, which was provided orally by the members of the Luxembourg delegation, with a supporting written submission.

149. The Committee against Torture, in its conclusions and recommendations (CAT/C/CR/28/2), noted that all matters of concern as well as previous recommendations of the Committee had been positively addressed in detail, so that it does not appear necessary to include information on these developments in the present report.

## Part Three

## INFORMATION ON THE MEASURES TAKEN TO GIVE EFFECT TO THE CONCLUSIONS AND RECOMMENDATIONS OF THE COMMITTEE AGAINST TORTURE

150. This part relates to developments in the subjects of concern referred to by the Committee during its consideration of Luxembourg’s previous report on 8 May 2002. The information contained in this part of the report should be read in the light of parts one and two and the previous reports submitted by Luxembourg.

### I. SUBJECTS OF CONCERN

#### A. Minors imprisoned with adults

151. The Committee against Torture, during its consideration of Luxembourg’s last periodic report, expressed its concern “that minors ordered to be placed in disciplinary centres are put in adult prisons” (CAT/C/CR/28/2, para. 5).

152. The State socio-educational centres take in minors, boys and girls, with behavioural difficulties. These young people are placed in the centres by competent judicial authorities for an indefinite period, in general until they reach the age of 18.

153. There are 10 minors in the prison, under the provisions of the Act on the protection of young people. The authorities are aware of what needs to be done in terms of placing minors.

154. As indicated above, in part one, chapter II, in recent years State socio-educational centres have emphasized a primary role of educational assistance, which consists in making sure that the young person has fully understood the nature of the placement measure and its content as well as its consequences for his or her life. Nevertheless, for certain inmates, there is a need for closed structures with a more rigorous regime. The proposal to establish a security unit for minors is becoming a reality following 10 years of study and discussion.

155. On 20 May 2003 the Prime Minister introduced a bill on the reorganization of the State socio-educational centres and the establishment of a closed security unit for minors on the site of the Dreiborn CSEE. This would represent an advance in that it would complement the various services offering assistance, advice and socio-educational or psychosocial reception.

156. On 16 June 2004 the Act on the reorganization of State socio-educational centres was adopted as the legal authority for the construction of the Dreiborn Security Unit.

### B. Institution of solitary confinement

157. The Committee also expressed concern at "the institution of solitary confinement, particularly as a preventive measure during pretrial detention" (CAT/C/CR/28/2, para. 5).

158. Solitary confinement is a necessity in Luxembourg, which has only one, medium security, prison, so that the availability of such a measure as a disciplinary penalty is essential for the maintenance of order and security.

159. Solitary confinement is used in the case of accused and convicted prisoners, and may be applied to any person who is dangerous, or as a punishment for the most serious disciplinary offences.

160. This detention regime has been evaluated by administrative judges, who have concluded that it does not contravene the European Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits all inhuman or degrading treatment, in keeping with the provisions of article 7 of the International Covenant on Civil and Political Rights.[5] The administrative judges held that "placement of prisoners in a high security wing does not mean that the provisions authorizing such a measure permit the inhuman or degrading treatment of any prisoner whatsoever". This regime is expounded on at greater length below, in connection with the Schrassig Prison.

## II. FOLLOW-UP TO THE RECOMMENDATIONS MADE BY THE COMMITTEE AGAINST TORTURE

161. In connection with Luxembourg's previous periodic report, the Committee against Torture recommended that:

"(a) The State party [should] refrain from placing minors in adult prisons for disciplinary purposes;

"(b) Solitary confinement [should] be strictly and specifically regulated by law and that judicial supervision [should] be strengthened, so that this punishment is applied only in severe circumstances, with a view to its abolition, particularly during pretrial detention;

"(c) The State party [should] consider making provision for appropriate compensation specifically for victims of torture;

"(d) The Committee's conclusions and recommendations [should] be widely disseminated in the State party in all appropriate languages."

## A. Minors must not be placed in adult prisons

162. Further to the information provided above in chapter I, section A (paras. 151-156), and since the Human Rights Committee takes the view that the placement of minors in the prison is inadmissible in terms of children's rights, it should be stated that for an increasing number of young offenders placement in the existing framework of a State socio-educational centre is also not an appropriate solution.

163. This is the rationale for the introduction on 20 May 2003 of the bill on a security unit. The Act on the reorganization of State socio-educational centres was approved on 16 June 2004. The legislation provides a legal basis for construction of the Dreiborn Security Unit, scheduled for mid-2005.

164. The unit's first mission is one of protection, both for inmates and their family circle. The closed regime will offer a framework which prevents escapes, shelters young people from drugs and alcohol, and breaks the vicious circle of a progressive descent into serious criminality. Thus the security unit, by offering a very structured framework to contain highly unstructured behaviour, will facilitate the objective of progressive reintegration.

165. The security unit is closed to the outside. It isolates inmates and places them in a confined space. It is a government priority to avoid incarcerating minors in the Luxembourg Prison at Schrassig. The roles of socio-educational reception, therapeutic assistance, socio-educational teaching, protection and custody are all discharged within the security unit.

166. Article 11 of the new Act provides that placement of an inmate in the security unit requires a formal decision by the judicial authorities in accordance with the provisions of the Act of 10 August 1992 on the protection of young people.

167. An inmate may not be admitted to the security unit for more than three months; any extension requires a formal decision by the courts.

168. The inmate may submit an appeal against any such decision to the youth judge, pursuant to article 30 of the Act of 30 August 1992 on the protection of young people.

169. In tandem with this reform and given that Luxembourg has regularly been the subject of criticism, particularly by the Council of Europe, concerning the principle and practicalities of the system of holding minors at Schrassig Prison, the Government has formed the intention of limiting, in fact avoiding as much as possible, the placement of minors in prisons.

170. In this connection the Government has introduced a bill on the protection of young people amending certain provisions of the Act of 10 August 1992 (see part one, chapter II, section D).

171. Faced with the reality that the placement of minors in a prison may still be necessary on occasion, the bill proposes the partial maintenance of article 26 of the 1992 Act, but with a strict limitation on placement in short-stay prisons, namely: "In exceptional circumstances, where a minor represents a danger to public order or security, he or she may be held temporarily in a short-stay prison for a period of up to one month." It should, however, be recalled that it is a government concern to avoid the placement of minors in prisons, hence the decision to build a security unit for minors at Dreiborn.

172. It is also the Government's intention to amend existing article 26, paragraph 2, which, should it not be possible to implement a custody measure (as provided for in article 24) for any reason, allows the minor to be placed in a disciplinary institution or any other suitable authorized establishment. Adoption of the new bill will result in abrogation of this second option currently provided for in the legislation.

173. Thus, the intent of the authors of the bill to limit the placement of minors in the prison to exceptional circumstances is quite clear, particularly given the establishment of the Dreiborn Security Unit, as provided for in the Act of 16 June 2004 on the reorganization of State socio-educational centres.

174. In addition, new article 26 in the bill provides, in its paragraph 2, that "a minor shall be held apart from adult prisoners and subject to a special regime, as laid down by the prison administration regulations".

## B. Solitary confinement must be regulated by law and judicial supervision must be strengthened

### 1. Luxembourg Prison at Schrassig

175. As indicated above in chapter I, section B (para. 159), solitary confinement is used in the case of accused and convicted prisoners, and may be applied to any person who is dangerous, or as a punishment for the most serious disciplinary offences (see table below).

176. This exceptional measure is taken by the Deputy Attorney-General pursuant to articles 3 and 197 of the Grand Ducal Regulation of 24 March 1989 on the administration and internal regulation of prisons.

177. Application of this measure to a prisoner who is considered dangerous implies that the prisoner has previously been given an opportunity to state his or her views and that he or she is informed in writing of the reasons for solitary confinement. The measure is subject to review every three months.

178. The duration of solitary confinement as a disciplinary measure is limited to six months. In case of a repeat offender, it may be extended to 12 months. Nevertheless, application of this most serious disciplinary measure is confined to the most serious breaches of discipline.

179. In practice the duration of confinement is generally less than three months, and part of the sentence is frequently suspended.

180. Appeal to the Prison Commission against placement in solitary confinement has been possible since the adoption of the Act of 8 August 2000, which introduced article 11-1 in the Act of 26 July 1986 on certain modes of enforcement of custodial sentences. The Commission comprises a prosecutor from the Attorney-General's Office, an appeal court judge and a prosecutor. The Commission is not a judicial body of first instance, but takes administrative decisions regarding the treatment of a prisoner in the prison environment, so that an appeal may also be initiated before the administrative authorities, namely an appeal for a stay of execution before the president of the Administrative Tribunal and an appeal for annulment before the Administrative Tribunal and before the Administrative Court as an appeal body.

181. The administrative courts have the right to review decisions by the Deputy Attorney-General ordering placement of a prisoner in solitary confinement. The prisoner may obtain an interim injunction from the president of the Administrative Tribunal and basically monitor the legality of the action taken by the Tribunal. An appeal against an Administrative Tribunal judgement may be lodged with the Administrative Court.[6]

182. The regime applicable (known as E regime) works in the following way: prisoners are kept in solitary confinement night and day; in principle they have no right to work; they have a right to an hour's daily exercise with other prisoners in the prison yard; on the authorization of the prison warden they have a right to receive visits from people from outside the prison, and may freely communicate with their counsel, diplomatic and consular representatives, social workers, competent judicial authorities and members of the police, a psychiatrist and the chaplain. They receive medical treatment. They are permitted to read in the cell, and with the authorization of the prison staff, listen to the radio, a CD player or a cassette player; in addition they may rent a television set.

183. A preliminary bill intended to amend the amended Act of 26 July 1986 on certain modes of enforcement of custodial sentences is being drafted. The preliminary bill envisages a reduction in the maximum length of solitary confinement to 45 days, and draws a distinction between minor, intermediate and serious disciplinary offences giving rise to punishments of varying degrees of severity, and defining the behaviour in question (existing legislation neither enumerates nor defines breaches of discipline which are liable to punishment by solitary confinement). The preliminary bill makes provision for solitary confinement as a serious disciplinary punishment for serious disciplinary offences.

184. Pursuant to the recommendations of 3 April 2003 made by the Human Rights Committee in connection with its consideration of the report submitted by Luxembourg under the International Covenant on Civil and Political Rights, Luxembourg has made less use of solitary confinement. The figures show a significant reduction in the use of solitary confinement: 43 prisoners were placed in solitary confinement in 2000, 58 in 2001, 43 in 2002, and 16 in 2003. The number has fallen sharply since 2003, with only two instances of placement in solitary confinement in 2004.

185. The following table shows that solitary confinement is applied only in cases of the most serious offences. The figures show the length of confinement in days.

| Date of decision | Offence | Penalty | Duration (in days) |
|---|---|---|---|
| 31 January 2003 | Violence against a member of the staff | Solitary confinement | 112 |
| 21 February 2003 | Refusal to take a drugs test | Solitary confinement | 28 |
| 21 February 2003 | Violence against a member of the staff | Solitary confinement | 28 |
| 4 March 2003 | Refusal to comply with orders given by the staff and violence against a member of the staff | Solitary confinement | 168 |
| 21 March 2003 | Refusal to comply with orders given by the staff and violence against a member of the staff | Solitary confinement | 56 |
| 1 April 2003 | Threatening behaviour towards a member of the staff and refusal to comply with orders given by the staff | Solitary confinement | 28 |
| 9 May 2003 | Refusal to obey orders, misappropriation of food rations, false accusations against a member of the staff | Solitary confinement | 10 |
| 20 May 2003 | Violence against a member of the staff resulting in inability to work | Solitary confinement | 112 |
| 22 May 2003 | Consumption of cannabis and heroin | Solitary confinement | 28 |
| 18 June 2003 | Consumption of heroin, cannabis and cocaine | Solitary confinement | 28 |
| 26 June 2003 | Possession and consumption of heroin | Solitary confinement | 28 |
| 27 June 2003 | Refusal to comply with the orders of officers, aggression against officers, hoarding of medicine | Solitary confinement | 28 |
| 2 July 2003 | Violence against a member of the staff | Solitary confinement | 84 |
| 13 November 2003 | Physical violence against a fellow prisoner | Solitary confinement | 84 |
| 13 November 2003 | Physical violence against a fellow prisoner | Solitary confinement | 84 |
| 13 November 2003 | Physical violence against a fellow prisoner | Solitary confinement | 84 |
| 30 June 2004 | Obstructing an officer; consumption of drugs and alcohol | Solitary confinement | 84 |
| 18 August 2004 | Active resistance and insulting a member of the staff | Solitary confinement | 14 |

### 2. State socio-educational centres

186. Article 9 of the new Act of 16 June 2004 on the reorganization of State socio-educational centres defines the applicable disciplinary regime, including temporary solitary confinement. Under the article this measure may be taken by the staff of the centre only pursuant to a formal order by the director or one of his or her subordinates with responsibility for discipline and security. The subordinate, appointed from among the director's deputies and the senior officials of the unit, must be formally authorized for that purpose by the director. In addition the views of the Supervision and Coordination Commission must have been sought. The temporary solitary confinement measure may be taken only on duly documented serious grounds. Such confinement may not extend beyond 10 consecutive days.

187. Pursuant to articles 10 and 11 of the Grand Ducal Regulation of 9 September 1992 on security and discipline in State socio-educational centres, the order for placement in temporary solitary confinement must be notified to the public prosecutor, the youth judge and the president of the Supervision and Coordination Commission.

188. Within 24 hours of the start of the measure, a doctor must examine the minor in order to verify whether he or she is able to tolerate it. The doctor must prepare a medical report and must submit it to the director or his or her deputy. Further, the doctor must visit an inmate placed in temporary solitary confinement at least twice a week.

189. Any temporary solitary confinement measure which exceeds 10 consecutive days must be reviewed by the director in consultation with the doctor, the judge ordering the placement measure and the president of the Supervision and Coordination Commission.

190. Article 9 of the Act of 16 June 2004 referred to above provides that the minor against whom disciplinary measures are taken may file an appeal against such decisions with the president of the Supervision and Coordination Commission, and with the youth judge.

### 3. Provision of an open-air recreational area for minors placed in disciplinary isolation

191. In response to the recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe) that the necessary measures should be taken so that all minors placed in disciplinary isolation should have access to a protected area guaranteeing exercise in the open air, Luxembourg has completed the work of constructing such an area in accordance with the Committee's recommendations.

## C. Make provision for appropriate compensation specifically for victims of torture

192. While there is no specific legislation on this matter, reference is made to the comments on article 124, in part one of the present report.

193. In addition to the means available to the court under ordinary law allowing the author of an offence to be prosecuted and permitting the victim to obtain reparation in the form of compensation for the harm suffered, there is also the Act of 12 March 1984 on compensation for

certain victims of bodily injury resulting from an offence and the punishment of fraudulent insolvency. Thus, any person who in the Grand Duchy suffers harm as the result of deliberate acts which are such as to constitute an offence by law is entitled to compensation from the State.

194. A bill strengthening the rights of victims of criminal offences and improving protection for witnesses was introduced in the Chamber of Deputies on 20 May 2003. The bill amends article 1 of the above Act by providing that victims of a violent offence (even without becoming a civil plaintiff) may be compensated by the Luxembourg State and obtain compensation for both material and non-material harm.

## D. Dissemination of the Committee's conclusions and recommendations

195. The conclusions and recommendations of the Committee against Torture have been broadly disseminated, in particular in the Luxembourg Administration.

## Notes

[1] Cass. 8 June 1950, Pas. Lux. 15, 41; C.E. 28 July 1951, Pas. Lux. 15, 263.

[2] Administrative Tribunal, 12 May 1999, case No. 11277.

[3] Administrative Tribunal, 25 September 2000, case No. 12325.

[4] Administrative Court, 11 March 1999, cases No. 11168C and 11170C; 25 March 1999, case No. 11198C.

[5] See decision in *Sciutti*, 19 November 2002; judgement of 10 July 2002; order of 25 February 2002.

[6] Administrative Tribunal (president) 25 February 2002 (14569); Administrative Tribunal, 10 July 2002, case No. 14568, confirmed in a decision of 19 November 2002, case No. 15197C.

**Annexes***

**LIST OF INSTRUMENTS REFERRED TO**

1. Luxembourg Constitution of 17 October 1868, as amended

2. Code of Criminal Investigation, articles 5 to 7-4

3. Code of Criminal Investigation, articles 39 and 45 to 48-1

4. Code of Criminal Investigation, articles 91 to 112

5. Code of Criminal Investigation, articles 49, 50, 56 and 81

6. Criminal Code, articles 23, 147 to 159

7. Code of Criminal Investigation, articles 15-2 to 15-6

8. Code of Criminal Investigation, articles 126 to 126-2, 162 and 162-1

9. Amended Act of 28 March 1972 on:

    (a) Entry and stays by aliens

    (b) Medical examinations for aliens

    (c) Use of foreign labour

10. Act of 12 March 1984 on compensation for certain victims of bodily injury resulting from an offence and the punishment of fraudulent insolvency

11. Grand Ducal Regulation of 24 March 1989 on the administration and internal regulation of prisons

12. Act of 16 April 1979 on discipline in law enforcement agencies

13. Act of 31 May 1999 establishing a grand ducal police force and a general police inspection department

14. Act of 18 August 1995 on legal aid, amending:

    (a) The Act of 10 August 1991 on the profession of lawyer

    (b) The Act of 10 August 1992 on the protection of young people

    (c) The Code of Civil Procedure

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* The annexes may be consulted in the secretariat of the Committee against Torture.

(d) The Social Insurance Code

(e) The Act of 7 July 1961 on mutual assistance societies

15. Grand Ducal Regulation of 18 September 1995 on legal aid

16. Act of 3 September 2003 on domestic violence, amending:

(a) The Act of 31 May 1999 establishing a grand ducal police force and a general police department

(b) The Criminal Code

(c) The Code of Criminal Investigation

(d) The new Code of Civil Procedure

17. Grand Ducal Regulation of 4 July 2002 on conditions and procedures for the provision of welfare to asylum-seekers

18. Act of 17 March 2004 on the European arrest warrant and the surrender procedures between member States of the European Union

19. Act of 20 June 2001 on extradition

20. Bill strengthening the rights of victims of criminal offences and improving witness protection

21. Act of 16 June 2004 on the reorganization of State socio-educational centres

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