

LUXEMBOURG 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of religion, including the right to practice one's religious beliefs and express one's religious opinions in public, and prohibits compulsory participation in religious services or observance of religious groups' days of rest. In February, the country's highest court upheld a 2019 lower court decision appointing an external administrator to organize and monitor general assemblies and elections within the Protestant Consistory, the Protestant community's leading intermediary with the government. In August, the consistory applied to the European Court of Human Rights (ECHR) to overturn the court's ruling. On July 2, the Magistrate's Court of Luxembourg City submitted to the Constitutional Court for review the agreement between the government and the Catholic Archdiocese of Luxembourg dissolving 285 local church councils and the Syndicate of Church Councils and transferring property managed by them and profits derived therefrom to the Catholic Church. Between March 13 and May 29, the government prohibited in-person religious services as part of its efforts to combat COVID-19. The Catholic Archbishop of Luxembourg criticized the government for not lifting its ban on in-person attendance at religious services earlier. The Jewish Consistory, the group representing the Jewish community in dealings with the government, said the government made progress on resolution of Holocaust-era claims, including claims by foreign citizens. In January, the government adopted the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism and agreed to develop a national action plan to combat anti-Semitism.

The nongovernmental organization (NGO) Research and Information on Anti-Semitism in Luxembourg (RIAL) reported it registered 64 anti-Semitic incidents during the year, compared with 47 in 2019. In August, RIAL reported to a government-supported watchdog organization two Facebook posts that questioned the number of Jews killed during the Holocaust. Representatives of the Jewish community said that in August, unknown persons painted a swastika and wrote the word "Jew" on the wall of the Luxembourg City synagogue. The national report of the NGO Islamophobia Observatory in Luxembourg (OIL), based on 2019 data, stated that 57 percent of Muslims surveyed believed "Islamophobia" was present in the country and 45 percent said they had experienced or observed anti-Muslim incidents in 2019; 76 percent said Muslims were well integrated into society.

Embassy representatives discussed religious freedom issues with government officials at the Ministry of State, including government efforts to combat anti-Semitic and anti-Islamic sentiment, its interaction with religious communities, and concerns of religious communities about such issues as the Protestant Consistory, as well as the impact of the government's COVID-19 response on religious groups, the court cases regarding dissolution of the Syndicate of Churches and church councils, and Holocaust-related restitution and compensation. The Ambassador and embassy officials met virtually and in person with leaders and representatives of other religious groups, including the Jewish, Protestant, Catholic, the New Apostolic Church, and Baha'i communities and the Alliance of Humanists, Atheists, and Agnostics.

Section I. Religious Demography

The U.S. government estimates the total population at 628,000 (midyear 2020 estimate). By law, the government may not collect personal information related to religion and relies on religious groups to report the number of their adherents. A 2014 poll (the most recent) by the national survey institute TNS-ILRES reported that among respondents ages 15 and older, 58 percent identify as Catholic, 17 percent as nonbeliever, 9 percent as atheist, 5 percent as agnostic, 2 percent as Protestant, 1 percent as Orthodox, 1 percent as Jehovah's Witnesses, 3 percent as other (unspecified) Christian, and 1 percent as Muslim; 2 percent of respondents did not provide a reply. Based on information provided by religious community representatives, groups that together constitute less than 5 percent of the population include Baha'is, members of The Church of Jesus Christ of Latter-day Saints, and members of the Universal Church of the Kingdom of God.

Muslim community representatives estimate there are between 18,000 and 20,000 Muslims, mainly from southeastern Europe and the Middle East and their descendants.

Jewish community representatives estimate there are 1,500 Jews.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of religion, including the freedom to practice religion in public and manifest religious opinions, as long as no crime is committed in exercising that freedom. While the constitution provides for the right

to assemble peacefully without prior authorization, it stipulates open-air religious or other meetings are subject to laws and police regulations. The constitution prohibits compulsory participation in or attendance at church services or observance of religious days of rest and stipulates that a civil marriage ceremony must precede a religious marriage ceremony for the state to recognize it. The constitution provides for the regulation of relations between religious groups and the state, including the role of the state in appointing and dismissing religious clergy and the publication of documents by religious groups, through conventions between the state and individual religious groups. These conventions are subject to parliamentary review.

There is no procedure to grant religious groups legal status as religious groups. Religious groups are free to operate under the form they wish, with many choosing to operate as nonprofit associations. The government has formally approved conventions with six religious groups, which it supports financially with a fixed amount (adjusted yearly for inflation) partly based on the number of adherents each group reported having in 2016. The six groups are the Roman Catholic Church; Greek, Russian, Romanian, and Serbian Orthodox Churches as one community; Anglican Church; Reformed Protestant Church of Luxembourg and Protestant Church of Luxembourg as one community; Jewish community; and Muslim community. To qualify for a convention with the state, a religious community must be a recognized world religion and establish an official and stable representative body with which the government can interact. Groups without signed conventions, such as the New Apostolic Church, operate freely but do not receive state funding. The Baha'is do not have a convention with the state, but the state advised the group in establishing a foundation that allows it to receive tax-deductible donations.

Government funding levels for the six religious groups are specified in each convention and remain the same every year except for adjustments for inflation. The original funding levels established in 2016 were: 6.75 million euros (\$8.28 million) to the Catholic community; 450,000 euros (\$552,000) to the Protestant community; 450,000 euros (\$552,000) to the Muslim community; 315,000 euros (\$387,000) to the Jewish community; 285,000 euros (\$350,000) to the Orthodox community; and 125,000 euros (\$153,000) to the Anglican community. Under the law, clergy of recognized religious groups hired in 2016 or earlier continue to receive their salaries from the government and are grandfathered into the government-funded pension system. The law further provides for a transitional period in which the government either does not disburse funding under the convention should the total amount of salaries be above the funding level,

disburses the difference should the total amount of salaries fall below the funding level, or disburses the entire funding level should the total amount of salaries equal zero. The pensions of grandfathered clergy are not taken into consideration in calculating the total amount of salaries.

Religious groups must submit their accounts and the report of an auditor to the government for review to verify they have spent government funds in accordance with laws and regulations. Under the conventions, government funding to a religious community may be cancelled if the government determines the religious community is not upholding any of the three mutually agreed principles of respect for human rights, national law, and public order.

The law prohibits covering of the face in certain specific locations, such as government buildings and public hospitals or schools or on public transportation. The prohibition applies to all forms of face coverings, including, but not limited to, full-body veils. Violators are subject to a fine of 25 to 250 euros (\$31-\$310). There is no prohibition against individuals wearing face coverings on the street.

The law requires the stunning of animals before slaughter, with exceptions only for hunting and fishing. Violators are subject to a fine of 251 to 200,000 euros (\$310-\$245,000) and possible imprisonment for between eight days and three years. The law does not prohibit the sale or importation of halal or kosher meat. On December 17, the ECHR ruled that EU member states may impose a requirement that animals be stunned prior to slaughter and that such a requirement does not infringe on the rights of religious groups.

By law, public schools may not teach religion classes, but students are required to take an ethics course called Life and Society. The ethics course covers religion, primarily from a historical perspective.

There are laws and mechanisms in place to address property restitution, including for Holocaust victims. These laws do not apply to noncitizens who resided in the country between 1930 and 1945.

Under the penal code, antireligious and anti-Semitic statements are punishable by imprisonment for eight days to six months, a fine of 251 to 25,000 euros (\$310-\$30,700), or both.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

In February, the Court of Cassation, the country's highest court, upheld the appointment of an external administrator to organize the next elections of the Protestant Consistory's chairing committee. The consistory is the leading institution for Protestant religious affairs and the community's official interlocutor with the government. In August, the Protestant Consistory applied to the ECHR to overturn the Court of Cassation ruling. In the application, the Protestant Consistory also requested the ECHR overturn another 2019 ruling allowing the appointment of a general administrator to organize two extraordinary general assemblies of the consistory. According to the consistory's attorney, Luc Schaack, the court's decision to uphold the appointment of an external administrator to organize the next elections of the consistory's chairing committee infringed on the group's members' right to act in accordance with their own rules and interests as defined by Article 9 (freedom of thought, belief, and religion) and Article 11 (freedom of assembly and association) of the European Convention of Human Rights. The Court of Cassation's rulings stemmed from court challenges and appeals made between 2017 and 2019, based on internal consistory disagreements over its statutes, leadership, and the chairing committee's management of consistory property and finances.

A separate case involving a woman who sued the Protestant Consistory in 2015 for revoking her right to vote in chairing committee elections continued in the Appeals Court, the country's second-highest court at year's end. The consistory acted after discovering the woman was Catholic. In 2017, the district court ruled the consistory had wrongfully revoked her voting rights.

In August, Volker Strauss, the pastor of the Protestant Trinity Church, who was also the Church President of the Protestant community in the country (appointed by the Protestant Consistory) and a member of the chairing committee of the Protestant Consistory, again criticized the courts' rulings in all three cases as infringing on the Protestant community's religious freedom. Strauss said that the judges should have dismissed the cases because they pertained to internal church matters.

On July 2, the Magistrate's Court of Luxembourg City submitted to the Constitutional Court for review the agreement between the government and the Catholic Archdiocese of Luxembourg dissolving 285 local church councils and the Syndicate of Church Councils and transferring property managed by them and profits derived therefrom to the Catholic Church Fund. In October 2019, the same

Catholic Church Fund managing the assets of the local church councils had asked the magistrate's court to nullify the contract by which the church council of Luxembourg-Hollerich had rented four apartments to the nonprofit Saints Peter and Paul association in 2017 and the association's subsequent sublease agreements. According to the fund, members of the church council created the association to circumvent the council's forthcoming dissolution and redirect to the association income that was to go to the fund, designated as the future holder of the church councils' assets. The church council and the association questioned the fund's ability to bring the case, arguing the agreement between the archdiocese and the government dissolving the church councils was unconstitutional. The magistrate's court decided to defer its ruling and submit the agreement to the Constitutional Court for review.

The review of the agreement by the Constitutional Court also halted a separate December 2018 appeal filed jointly by the Syndicate of Church Councils, an association representing the interests of 270 of the 285 local Catholic church councils, and 109 local church councils that was pending before the Appeals Court. The appeal challenged the 2018 decision of the district court to dismiss a 2016 lawsuit by the syndicate and 109 church councils seeking to invalidate the agreement between the government and the archdiocese on disposition of Catholic Church property managed by the local level church councils. A separate 2018 lawsuit in the district court by 47 church councils – part of the 109 that filed an appeal with the Appeals Court – seeking damages resulting from the agreement remained pending at year's end. The dissolution of the 109 church councils and the syndicate pursuant to the agreement between the government and the archdiocese remained in abeyance, pending resolution of their cases.

In October, the Prosecutor's Office upheld its decision in April to dismiss a complaint by RIAL President Bernard Gottlieb regarding a 2019 Facebook posting accusing Gottlieb of "working [for] a foreign power" and of "taking his orders from a killing country." Gottlieb called the prosecutor's dismissal "frustrating."

Absent a procedure for recognizing their legal status as religious organizations, several religious groups continued to operate as nonprofit associations. The New Apostolic Church stated it had requested that the government create a formal recognition procedure.

Contrary to previous years, police did not provide data on apprehensions for violating the law banning facial coverings in certain public places. On September 22, Roy Reding, a Member of Parliament for the conservative Alternative

Democratic Reform Party (ADR), asked Minister of Justice Sam Tanson whether the obligation to wear a mask contradicted the law prohibiting face coverings. On October 20, the Minister replied that the law foresaw an exception in cases of medical crisis such as the COVID-19 pandemic.

Between March 18 and December 31, the government set restrictions on indoor and outdoor public gatherings to prevent the spread of COVID-19. The government banned all public gatherings from March 18 to May 11, with exceptions for members of the same household. After May 11, the government authorized outdoor gatherings of up to 20 persons. On May 17, speaking at a Pontifical Mass on the final Sunday after Easter in the Church's liturgical calendar that was live-streamed on social media, Cardinal Jean-Claude Hollerich criticized the government for failing to lift the prohibition on in-person religious services. Hollerich stated that on May 6, the Catholic Church had submitted a proposal to the government on how to safely reopen churches to the public but that the government had failed to respond. According to Hollerich, the government's silence was not "intentional" but showed that it "did not care at all about" church goers. He acknowledged that religious freedom needed to be balanced against public-health requirements in a pandemic but said it remained a human right nonetheless. After May 29, the government authorized public gatherings indoors of more than 20 persons on condition that participants be seated and wear a mask or keep a two-meter (6.6-foot) distance between individuals.

Between November 26 and December 15, the government closed most cultural venues but made exceptions for some, as well as houses of worship, which could remain open under strict health and safety measures. According to a representative of the New Apostolic Church, the Catholic Church had reached out to the government to include houses of worship. During a November 23 press conference, Prime Minister and Minister for Religious Affairs Xavier Bettel stated he would consider it "a good decision" if religious groups were to move their services online during that period to reduce infection risk but "religious freedom is a freedom" and "religious groups are free to decide" whether or not to hold in-person religious services.

During the ban on in-person religious services, other religious leaders, including Jewish Consistory President Albert Aflalo and Rabbi Alexander Grodensky for the Jewish community, Pastor Strauss for the Protestant community, and Jutta Bayani for the Baha'i community, said they did not consider the government's prohibition to be discriminatory.

The Jewish Consistory and members of the Muslim community said they remained concerned that the law requiring the stunning of animals prior to their slaughter infringed on their religious rights. They said they continued to import meat, since there were no halal or kosher slaughterhouses in the country.

The Ministry of Education continued to excuse children wishing to attend religious celebrations from school, provided their legal guardian notified the school in advance and the absence was for a major religious holiday (i.e., not recurring normal weekly prayer services). Due to COVID-19 concerns, however, many of those religious celebrations were canceled.

The Jewish Consistory said the government made progress on resolution of Holocaust-era claims, including claims by foreign citizens, and an agreement resolving the issue was possible in the near future. According to the Jewish community, most Holocaust-related real property claims by citizens had been settled but claims by nonnationals remained unresolved. In February 2019, the government created a working group on outstanding Holocaust asset issues to resolve questions about compensation for destroyed property owned by Holocaust victims and survivors who were either citizens of a foreign country or stateless between 1930 and 1945. The working group was also examining open questions about bank accounts and insurance contracts of Holocaust victims and survivors, both nationals and nonnationals, involving banks and insurance companies based in the country. Members of the working group included representatives of the government, the local Jewish community, and the World Jewish Restitution Organization.

On January 24, the government adopted the legally nonbinding working definition of anti-Semitism of the IHRA and announced it would develop a national action plan to combat anti-Semitism. RIAL President Gottlieb and Jewish Consistory President Aflalo stated the group hoped the government would involve the local Jewish community in drafting the plan. In October, a Ministry of State official said the government was working on the national action plan and would involve the Jewish community at a later stage in the drafting process. He also said the government had adopted the IHRA definition without adopting the accompanying list of examples.

Replying to an October 29 parliamentary question from the Luxembourg Socialist Workers' Party Member of Parliament Dan Biancalana, Prime Minister Bettel stated on November 27 that the concerned ministerial departments and, "in a near future, the Jewish community and the Foundation for the Memory of the

Holocaust” would be involved in the drafting process for the national action plan to combat anti-Semitism and that the process ran in parallel with the anti-Semitism work of the European Union. Bettel added that the government would present its national anti-Semitism plan in the first quarter of 2021 and that it would emphasize regular coordination among different government ministries and with the Jewish community. Key measures would include a focus on education, especially Holocaust education, and improved data-recording and collection of anti-Semitic acts.

According to a representative of the Ministry of State in charge of religious affairs, of the six religious groups with conventions with the government, only the Muslim community (485,000 euros – \$595,000) and Anglican community (135,000 euros – \$166,000) received their full funding levels during the year; the Jewish community was projected to receive only 20,000 euros (\$24,500), while the Catholic, Protestant, and Orthodox communities received no funding from the conventions, since their direct government payments for clergy salaries superseded the allotted amount, as provided under law.

The government again provided 615,000 euros (\$755,000) to the Luxembourg School of Religion and Society (LSRS) to promote, among other objectives, research, education, and collaboration with religious groups that have signed agreements with the state. The government agreed to provide the funding annually to the LSRS between 2018 and 2021 as part of an agreement with the Catholic Church’s major seminary.

According to the Ministry of Foreign Affairs, the government granted refugee status to 736 persons during the year, the majority of whom were Muslim. The Organization for Welcome and Integration, an entity of the Ministry of Family and Integration, stated the government provided Muslim refugees access to mosques, halal meals, and, for those who requested it, same-sex housing.

Section III. Status of Societal Respect for Religious Freedom

RIAL President Gottlieb said the group registered 64 anti-Semitic incidents during the year, compared with 47 in 2019 and 26 in 2018. According to RIAL, these incidents were nonviolent and could be mostly attributed to the “far-right and populist conspiracy theorists,” with a majority of cases involving expressions of “classic antisemitism, such as ‘the Jews running the world.’” Of the 64 incidents, 27 had to do with Israel, including social media posts comparing Israel’s policy towards Palestinians to Nazi policies. He also stated that COVID-19 added a new

dimension to the reported incidents, with Jews being accused of spreading the disease. RIAL said it monitored incidents and Facebook postings but not other social media platforms.

During the year, OIL conducted a survey of 314 randomly chosen Muslims – 182 men and 132 women – asking them about anti-Muslim incidents they had experienced or witnessed in 2017, 2018, and 2019. In the survey results, 45 percent of respondents said they had experienced or observed anti-Islamic incidents in 2019. Approximately 57 percent of respondents said they believed “Islamophobia” was present in the country; 18 percent had experienced anti-Muslim incidents (compared with 17 percent in 2018 and 19 percent in 2017), and 28 percent had observed anti-Muslim incidents (compared with 36 percent in 2018 and 35 percent in 2017). OIL’s survey from 2018, which questioned a different set of randomly chosen Muslims, found that 21 percent experienced, and 26 percent observed, anti-Muslim incidents in that year. Of the combined 45 percent experiencing or observing incidents in 2019, 56 percent said they occurred in the workplace, 28 percent in the media, 26 percent on social media, 22 percent in public venues, and 22 percent in educational or training contexts, 17 percent in shops, and 11 percent in politics. The incidents were primarily verbal and nonviolent. Most incidents cited involved another person using derogatory words (65 percent), offensive jokes (57 percent), or insults (39 percent). Approximately 2 percent said they had been the target of physical aggression, and 2 percent had received threats. According to the survey, only 7 percent of those targeted in such incidents reported them, either formally or informally. Many incidents were classified under multiple categories, resulting in percentages adding up to more than 100 percent. Seventy-six percent said the country’s Muslims were well integrated into society (compared to 82 percent in 2018).

According to the OIL survey results, approximately 26 percent of women who wore a hijab and 33 percent who wore a *niqab* reported experiencing discrimination for being Muslim in 2019 (versus 33 percent of women who wore a hijab and 100 percent who wore a *niqab* in 2018). Twelve percent of Muslim women who did not wear a face or head covering reported experiencing discrimination for being Muslim in 2019 (versus 13 percent in 2018).

In 2019, according to OIL, a local government employee of Serbian origin insulted and threatened a Muslim coworker of Bosnian origin. During a lunch break, the Serbian-origin man reportedly showed the Muslim man a knife and said he could use it to cut the man’s throat. The local government head condemned the threats, saying there was no place for such actions in the workplace, but there were no

reports that any action was taken against the employee responsible for them. The man who received the threats was transferred to another office.

In 2019, according to OIL, a man accosted a young female doctor wearing a headscarf on the street. The man reportedly insulted the woman continually for approximately five minutes about Islam and her ethnic origin. According to OIL, the man wanted to strike the woman before an elderly woman intervened and escorted the doctor away from the scene. The young woman and her husband subsequently filed a complaint with police, but the latter had not responded at the time OIL released its annual report.

On August 16, according to RIAL, a Facebook user, “Christian Isekin,” posted a video on Facebook minimizing the number of Jews killed in Auschwitz. RIAL informed Bee-Secure, a government-supported group that collects reports of what it considers to be illegal internet content and forwards them to police for investigation and possible prosecution.

On August 16, according to RIAL, a Facebook user, “Christian Altmann,” posted an article by Metapedia on Facebook questioning the estimated number of six million Holocaust deaths. RIAL reported the post to Bee-Secure.

According to Jewish Consistory President Aflalo, in August, unknown persons painted a swastika and wrote the word “Jew” on the wall of the Luxembourg City synagogue. Aflalo said the consistory removed the graffiti at its own expense without requesting help from the municipality. Aflalo said the organization had not filed an official complaint with the police.

In November, according to RIAL, unknown persons wrote “Hitler was here” and painted two swastikas on a letterbox in Esch-sur-Alzette using chalk. The letter box belonged to a couple in a residential area close to the town’s high school. Owners reported the incident to the police before cleaning the letterbox. There was no further information as to the status of the case at year’s end.

The Council of Religious Groups that Signed an Agreement with the State (*Conseil des Cultes Conventionnes*) met three times but did not disclose information about its deliberations. Archbishop Hollerich and Grand Rabbi Alain Nacache continued to serve as president and vice president, respectively. The New Apostolic Church and the Baha’i Faith continued to participate as permanently invited guests without voting rights.

The LSRS hosted several conferences and expositions throughout the year to promote religious freedom and tolerance. On September 18-20, the LSRS hosted an online lecture series by Professor Mouez Khalfaoui from the Center for Islamic Theology from the German University of Tübingen entitled “Introduction to Muslim Thought: Theology, Law, Culture, and Society” with the aim of facilitating better understanding of Islam and current issues, such as human rights and religious pluralism according to Islamic tenets. On October 1, the LSRS hosted an interreligious ceremony bringing together the religious groups with signed conventions with the government to discuss religious diversity. On October 19, November 23, and December 14, the LSRS hosted a Jewish-Christian Bible study meeting by the Grand Rabbi Nacache on the prophet Hosea.

Section IV. U.S. Government Policy and Engagement

Embassy representatives discussed religious freedom issues with government officials at the Ministry of State. In October, embassy officials met with officials at the Ministry of State under Prime Minister and Minister for Religious Affairs Bettel to discuss the government’s efforts to combat anti-Semitic and anti-Islamic sentiment, its interaction with religious communities, and the concerns of religious communities about such issues as the court ruling regarding the Protestant Consistory, as well as the impact of the government’s COVID-19 response on religious groups, court cases regarding dissolution of the Syndicate of Churches and church councils, and Holocaust-related restitution and compensation.

In September, the Ambassador met with the Israeli Ambassador to Belgium and Luxembourg, Emmanuel Nahshon, to discuss Holocaust restitution in Luxembourg.

On September 6, the Ambassador visited the former synagogue in Ettelbruck to learn about its transformation into a cultural center and express his support for remembering and honoring Jewish culture. On September 7, the embassy posted on Twitter regarding the visit, saying, “Jewish culture is a major part of Western culture and history. Yesterday was European Day of Jewish Culture. And it is so important to remember and honor Jewish culture here in Europe and worldwide.”

In August, the Ambassador met with representatives of the Jewish community to discuss the release of the JUST Act report (a U.S. Department of State report to the U.S. Congress on steps taken by countries signatories to the Terezin Declarations to compensate Holocaust survivors and their heirs for seized assets), Holocaust restitution and education, and measures to combat anti-Semitism.

Embassy officials met virtually and in person with leaders and representatives of religious groups, including the Muslim, Jewish, Protestant, Catholic, the New Apostolic Church, and Baha'i communities, and the Alliance of Humanists, Atheists, and Agnostics to discuss religious freedom in the country and the impact of the government's response to COVID-19 on religious communities.

In December, a senior embassy representative met with President of the Muslim community Faruk Licina. The representative highlighted the embassy's support for religious tolerance and interest in continuing to work with the Muslim community.

In September, an embassy representative met virtually with Reverend Strauss, the Church President of the Protestant community, to hear his concerns regarding three cases involving general assemblies and chairing committee elections of the Protestant Consistory that Reverend Strauss said discriminated against his community and infringed on its religious freedom.

The embassy used social media to promote religious freedom. For example, it posted a Facebook message in June stating that religious freedom was a key foreign policy priority that the United States would continue to promote and defend.