

# **LUXEMBOURG 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution guarantees freedom of religion, including the right to public religious practice and to manifest religious opinions. It provides for regulation of relations between the state and religious groups via legal conventions. Under previous conventions, the state participated in the appointment of clergy and paid their salaries and pensions. In July parliament passed a new law that legally formalized the 2015 conventions between the government and six recognized principal religious communities, including, for the first time, the Muslim community. The law also provides for other significant changes. The government no longer pays the salaries or provides pensions for newly hired religious workers, although previously employed workers were grandfathered into the previous system. The state continues to provide funding for religious communities, based on the number of adherents, but available funding is capped at one-third of the total amount previously available. Parliament enacted legislation abolishing Catholic religious instruction in public schools and replacing it with a secular ethics course, effective in 2016 in secondary schools and in 2017 in primary schools. Pursuant to a convention it signed with the Catholic Church in 2015, the government directed communes to reach a consensus with local Church councils regarding which buildings would belong to the communes and which would be transferred to the central fund of Church assets by January 1, 2017.

Members of religious groups which have signed conventions with the government formed a new interfaith council. They reported collaborating closely as one entity in negotiating the new conventions with the government and insisting the government sign a convention with the Muslim community. Refugees reported no obstacles in their ability to practice religion freely

U.S. embassy officials discussed the new religion law with the Ministry of Foreign Affairs and met with a representative from the Ministry of Family and Integration to discuss the status of religious freedom of newly arrived refugees and the government's efforts in accommodating them. The Ambassador and other embassy officials discussed the new laws affecting state support for religious groups and religious education with leaders of religious communities. Embassy officials discussed religious freedom with a group of refugees.

## **Section I. Religious Demography**

The U.S. government estimates the total population is 582,000 (July 2016 estimate). The government of Luxembourg does not collect personal information related to religion and instead relies on religious communities to self-report the number of their adherents. These numbers are then certified by an independent accountant. The government estimates that approximately 70 percent of the population is Roman Catholic; there are approximately 10,000 Protestants, 10,000 Muslims (including cross-border worshippers from neighboring countries), 3,000 members of Orthodox Churches, 2,500 Anglicans, and 1,500 Jews. A 2011 study by the government Luxembourg Institute of Socio-Economic Research (previously known as the Center for Studies of Population, Poverty, and Socio-Economic Policy) reported small numbers of Bahais and Jehovah's Witnesses as well as members of The Church of Jesus Christ of Latter-day Saints (Mormons) and the Universal Church of the Kingdom of God.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution guarantees freedom of religion, including the freedom to public religious practice and to manifest religious opinions, as long as no crime is committed in exercising that freedom. While the constitution guarantees the right to assemble peacefully without prior authorization, it stipulates that open-air religious or other meetings are subject to regulation by police. The constitution prohibits compulsory participation in or attendance at church services or observance of religious days of rest and stipulates that a religious marriage ceremony must be preceded by a civil marriage ceremony to be recognized by the state. 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.

On July 15, parliament passed a new law that among other things formally approved the new conventions that had been agreed upon in 2015 with six recognized religious communities. The law also eliminated the previous system in which religious workers were civil servants with government-funded salaries and pensions. Previously-employed clergy members continue to receive their salaries from the government and are grandfathered into the government-funded pension system; the government will not fund salaries or pensions for new employees. The government still provides financial support to the six recognized religious

communities, but under the new law, the total amount of funding is capped at one-third the previous amount, and the amount for each community is determined based on the number of adherents. Under the new law, the Catholic Church lost significant funding, while the other communities saw increased funding. Under the law, the religious communities will continue to receive the previous funding to cover salaries of religious workers grandfathered into the former system. These numbers will gradually decrease as these religious workers retire or leave for other reasons. The new, agreed-upon levels will apply once the decreasing funding levels reach these newly established minimums. The amounts agreed to in the conventions are as follows: 6,750,000 euros (\$7,112,750) to the Catholic community; 315,000 euros (\$331,930) to the Jewish community; 285,000 euros (\$300,320) to the Orthodox community; 450,000 euros (\$474,180) to the Protestant community; 450,000 euros (\$474,180) to the Muslim community; and 125,000 euros (\$131,720) to the Anglican community.

Under the new law, local administrative communes are no longer responsible for covering deficits of religious communities within their communes. Previously, communes were required to cover the deficit for operating expenses that contributions from parishioners did not cover.

Under the conventions, government funding to any given religious community will be cancelled if the government determines that the religious community does not uphold three agreed-upon principles: respect for human rights, national law, and public order.

To qualify for a convention with the state, a religious community must establish an official and stable representative body with which the government can interact and must be a recognized world religion. The following religious groups signed conventions with the state in January 2015, and therefore receive support: the Catholic Church; the Greek, Russian, Romanian, and Serbian Orthodox Churches as one community; the Anglican Church; the Reformed Protestant Church of Luxembourg and the Protestant Church of Luxembourg as one community; the Jewish community; and the Muslim community. Groups without signed conventions, such as the Bahai community, may operate freely but receive no state support.

Previously, religious instruction in public schools was managed locally, coordinated between representatives of the Catholic Church and 105 communes. Parents and pupils chose between instruction in Catholicism or an ethics course, and government-salaried Catholic religious instructors taught the religion and

ethics courses at all levels in public schools. Schools exempted students from the Catholic or ethics instruction on an individual basis.

Under the July 15 law, as well as laws enacted on May 27 and July 7, religious education in public schools was abolished and replaced by a course called “Life and Society.” The July 15 law mandated the new course. The May 27 law effected the change for primary schools, beginning in the 2017-18 scholastic year. The July 7 law applied the change to secondary schools, effective in the 2016-17 year. According to the laws, religious instructors affected by the change in law may teach the new Life and Society course if qualified under the new provisions (including holding a bachelor’s degree), agree to adhere to the new curriculum, and participate in a “reorientation” course.

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

### **Government Practices**

The government stated the law enacted on July 15 aimed to increase the separation between religious groups and the state.

At year’s end, parliament was in the midst of a constitutional reform process, to include amended language eliminating the government’s role in appointing and dismissing clergy and in publishing documents.

A member of parliament representing the Christian Social Party criticized the new religion laws, saying that he did not oppose the separation of church and state, but that the constitution should have been amended before the new laws were passed.

Pursuant to a convention signed between the state and the Catholic Church in 2015, the government issued a directive requesting communes to regulate property relations with the Church by January 1, 2017. Parliament, however, has not enacted a law to implement that convention. The government requested communes to reach a consensus with local church councils regarding which buildings would belong to the communes and which would be transferred to the central fund of Church assets. In December the Syndicate of (Catholic) Church Councils filed a lawsuit over the government’s directive against the minister of religion (also serving as the prime minister), the minister of the interior, and the archbishop, stating it was illegal for the government to dissolve the church councils and transfer ownership and control of the property previously controlled by the councils.

The government subsidized a Catholic seminary which was under the auspices of the Catholic Church. Under the government's directive requesting communes to regulate Church property relations, the seminary became a public educational institution and research center called the Luxembourg Center of Religion and Society that the Ministry of Higher Education and Research managed in cooperation with the six recognized religious communities.

A representative of the Bahai community said its community had, for religious reasons, opted not to receive government funding and had therefore not signed a convention with the state.

In an informational flyer provided to parents, the government stated the new "Life and Society" course that replaced religion in public schools was a result of conventions signed between the government and religious communities in 2015 and was developed in concert with all concerned parties.

According to data provided by the prime minister's office, the government granted 1,095 individuals, the majority of whom were Muslim, international protection during the year. The Organization for Welcome and Integration (OLAI), an entity of the Ministry of Family and Integration, stated the government sought to be proactive in assuring refugee access to mosques, halal meals, and same-sex housing for those who requested it. OLAI officials adjusted meal times during Ramadan to accommodate the fast. An OLAI representative stated that refugees had not voiced any concerns related to the free practice of their religion.

The government is a member of the International Holocaust Remembrance Alliance.

### **Section III. Status of Societal Respect for Religious Freedom**

Religious leaders continued to confer in an interfaith council, the Council of Recognized Religious Communities, created when the government approached them separately about renegotiating their conventions. The Catholic archbishop and the grand rabbi served as president and vice president, respectively. According to a member of the council, the group had negotiated the new conventions with the government as a unified body rather than as separate communities and insisted the government conclude a convention with the Muslim community, thereby giving it state recognition and funding.

The Catholic Church leadership did not express opposition to the new legislation on relations between religious communities and the state. Church sources stated that the Church was looking at redeveloping Church-owned property to enable the Church to become more self-sufficient.

The national Muslim governing council, the Muslim Shoura, expressed appreciation to other religious leaders for their unified support of the Muslim community in negotiating its convention with the government. Muslim refugees stated they had no complaints about religious discrimination in the country. Several said they had chosen the country specifically because they expected better treatment than in neighboring nations.

#### **Section IV. U.S. Government Policy**

In August a U.S. embassy official discussed the religious freedom of refugees in the country with an official at OLAI. In two meetings in September and October, an embassy official met with two senior Ministry of Foreign Affairs representatives, who briefed her on the new law on religion.

In November the Ambassador hosted an interfaith Thanksgiving lunch to provide a platform for the leaders of the country's religious communities to discuss together the challenges and opportunities presented by the new religious freedom law.

In March embassy officials met with a small group of newly-arrived refugees, most of whom were Muslim. In July the Ambassador and another embassy official met the rabbi, the lay president, and members of the Liberal Jewish Community of Esch-sur-Alzette and discussed the congregation's efforts to provide an alternative for Jewish observance in the country. The meeting, featured on the embassy's Facebook page, highlighted U.S. support for religious minorities. In October an embassy official discussed the new religion law with a representative of the Bahai community and, separately, with the chaplain of the Anglican community.