



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

Distr.: General
15 April 2026
English
Original: French
English, French and Spanish only

Committee on Enforced Disappearances

Thirty-first session

Geneva, 14–24 September 2026

**Consideration of reports of States Parties
under article 29 (1) of the Convention**

**Replies of Luxembourg to the list of issues in relation to its
report submitted under article 29 (1) of the Convention^{*,**}**

[Date received: 1 April 2026]

* The present document is being issued without formal editing.

** The annexes to the present document may be accessed on the web page of the Committee.



I. General information

Reply to the issues raised paragraph 1 of the list of issues (CED/C/LUX/Q/1)

1. The Interministerial Human Rights Committee has held regular working sessions since its establishment in 2015. Each working session brings together representatives of all the ministries and administrative authorities concerned with human rights and is followed by a consultation meeting with civil society and national human rights institutions, giving them a space to share information and engage in other exchanges. The International Convention for the Protection of All Persons from Enforced Disappearance has been touched on during the meetings with civil society and those with ministries and administrative authorities.

Reply to the issues raised in paragraph 2

2. Article 102 of the Constitution of Luxembourg establishes that the courts are to apply laws and regulations only insofar as they comply with higher legal standards. The Convention is a United Nations treaty that defines and prohibits enforced disappearance as a violation of human rights. In the legal order of Luxembourg, the Convention is superior to national laws and regulations. The monistic nature of the legal system means that every judge is required to assess the compatibility of national provisions with the Convention whenever doubts arise.

3. In the event of the potential incompatibility of a national law with an international standard, judges have the authority to determine the existence of this incompatibility and must, where necessary, submit a preliminary question to the Constitutional Court, in accordance with the Act of 27 July 1997 on the Court's organization.

4. Pursuant to the Act of 27 July 1997, the referral of a matter to the Constitutional Court is mandatory in two situations:

- When one of the parties questions the compatibility of a law with an international standard, including the Convention;
- When a court determines that there is an issue of compatibility, in which case it must refer the matter on its own initiative after inviting the parties to submit their observations, in accordance with article 6 of the Act.

5. The rulings of the Constitutional Court are authoritative and must be followed by all courts and administrative authorities. The legal system of Luxembourg thus ensures that the compatibility of any national provisions that might apply in cases falling under the Convention is effectively reviewed when doubts arise, thereby providing comprehensive and hierarchically coherent protection against enforced disappearance.

6. There is currently no case law on this matter.

Reply to the issues raised in paragraph 3

7. The Ministry of Justice regularly updates its website to incorporate links to treaties and the laws providing for their adoption and ratification, where applicable. There are plans to add links to the evaluation reports in the first half of 2026.

Reply to the issues raised in paragraph 4 (a), (b) and (c)

8. Bill No. 8501 amending the Act of 21 November 2008 on the establishment of the Advisory Commission on Human Rights was submitted to the Chamber of Deputies on 14 February 2025.

9. The purpose of the bill is to strengthen the independence of the Advisory Commission by placing it under the authority of the parliament. This process is part of wider efforts to

support the institutional development of the Advisory Commission and represents a further step in the enhancement of its independence.

10. The Advisory Commission and the parliament will work together to address issues relating to the former's mandate and the allocation of human and financial resources.

11. The Advisory Commission performs the key duties set out in the Paris Principles. It issues a wide range of opinions, recommendations and reports on general human rights-related issues (broad advisory function – principle 3 (a) of the Paris Principles). The Advisory Commission actively engages with international mechanisms by, for example, contributing to the reviews conducted by the United Nations Human Rights Council (principle 3 (d) and (e)). It has been designated as the national body responsible for analysing policies aimed at combating trafficking in persons in Luxembourg (broad and specialized mandate). It also serves as the independent mechanism responsible for promoting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities at the national level. Lastly, it is actively involved in increasing public awareness of human rights (principle 3 (g)). To date, there have been no specific discussions on whether it is legally mandated to receive complaints concerning enforced disappearance.

Reply to the issues raised in paragraph 5

12. As indicated in the initial report, the Interministerial Human Rights Committee is tasked with the ongoing coordination of efforts to monitor the implementation of international human rights law in Luxembourg, including by submitting regular reports to the treaty bodies of the United Nations system. The Interministerial Committee gives representatives of ministries, administrative authorities and civil society the opportunity to engage in open discussions on the various topics addressed in such reports.

13. Prior to the preparation of the report, the Interministerial Committee held meetings to discuss the matter and give parties concerned the opportunity to present their views.

Reply to the issues raised in paragraph 6

14. On 20 February 2023, Luxembourg made the following declaration under article 32 of the Convention: “The Grand Duchy of Luxembourg declares, pursuant to article 32 of the Convention, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.” The declaration was received by the Secretary-General of the United Nations and registered by the Secretariat that same day.

II. Definition and criminalization of enforced disappearance (arts. 1–7)

Reply to the issues raised in paragraphs 7 and 8 (a), (b) and (c)

15. There is no special register in Luxembourg. However, the Grand Ducal Police maintains a list of missing persons, which contains information on their identity and any other relevant personal details. This information includes their address and date of birth, the date and time of the disappearance and, when known, the cause of or circumstances surrounding the disappearance.

16. Disappearances deemed to be of concern are generally handled by the on-call team of the relevant prosecution office. Missing persons reports are submitted to an administrative unit of the prosecution service so that they can be centralized. Each individual case is overseen by the prosecutor assigned to it. This prosecutor is also responsible for distinguishing between ordinary cases of disappearance that are of concern and acts that qualify as enforced disappearance.

17. The prosecution service registers cases of disappearance reported in the country in the "JUCHA" computerized case management system. The case is registered based solely on the police report. Only basic factual information is recorded, namely, the identity and contact details of the person who has been reported missing, the date of the disappearance, any reports or information provided by the police and, once he or she has been located, information on the person's whereabouts.

18. This information is encoded using an internal classification code, which enables the prosecution service to generate statistical reports. The JUCHA system does not, however, contain information on the circumstances of the disappearance or any other elements needed for the legal characterization of the situation. Accordingly, unless a targeted search is conducted, it is not possible to use the JUCHA system as the sole basis for identifying cases that might constitute an act of enforced disappearance within the meaning of article 2 of the Convention or for distinguishing such cases from those that fall under other categories, which include situations involving voluntary disappearance, people who have run away and absences that are not deemed to be of concern.

19. Cases involving individuals who have stopped appearing at their place of residence and from whom no news has been received can also be registered in the civilian component of a separate system, known as "Transit 22", through the submission of a declaration of absence. The record includes the name of the person concerned, his or her contact details and the date on which the judicial authorities were notified of his or her disappearance. In the event that the person does not reappear within the 10-year period provided for by law, this information is used by the competent authorities to, where necessary, initiate proceedings for the legal declaration of death.

20. It should be noted that the Transit 22 system does not contain any information that could shed light on the circumstances or factual background of the disappearance. This means that, like the JUCHA system, it does not allow for the identification of cases that might constitute enforced disappearance.

21. The information contained in the JUCHA and Transit 22 systems is not routinely cross-checked. Both of these databases are updated on the basis of information provided by various authorities, which manually update the data in their possession.

22. Discussions on the possible creation of a database are currently under way.

23. With regard to statistics, no cases of enforced disappearance have been reported in Luxembourg since the report was published. If an act of enforced disappearance were to be identified, it would be recorded in the JUCHA database so that users could search for information on it.

24. The JUCHA system does not contain information on a person's gender identity, sexual orientation, ethnic origin, religious affiliation or occupation, which means that statistics cannot be disaggregated by those characteristics. The system allows only for the retrieval of general statistical data, including data on the age and nationality of the individual concerned, which can be obtained using an internal code that is assigned when the disappearance is registered. The data can be used to track the overall number of persons who have been reported missing and the number of cases closed.

25. The JUCHA system was designed to serve as an operational tool for the management of judicial case files, and not as a database compiling information that can be used to identify acts that might constitute enforced disappearance within the meaning of article 2 of the Convention.

26. As a result, the system does not include any fields for recording the circumstances of a disappearance, the potential involvement of State agents or individuals acting with the permission, support or acquiescence of the State or any other information that could be used to automatically identify cases that might constitute enforced disappearance.

Reply to the issues raised in paragraph 9

27. Luxembourg recalls that article 17 of the Constitution guarantees the protection of fundamental rights relating to individual liberty and provides for the judicial review of any deprivation of liberty.

28. Accordingly, there are no plans to introduce an additional constitutional provision that specifically concerns protection against enforced disappearance.

29. Article 2 (2) of the Act of 17 December 2021, which provides for the approval of the International Convention for the Protection of All Persons from Enforced Disappearance, done at New York on 20 December 2006, and the amendment of the Civil Code, the new Code of Civil Procedure, the Criminal Code and the Code of Criminal Procedure, establishes enforced disappearance as a specific offence and stipulates that no grounds for justifying or excusing the offence or claiming a lack of or reduced responsibility can be invoked to exempt the perpetrator from criminal liability, regardless of the circumstances.

30. In this regard, an order from a superior, the grounds of necessity or self-defence or any others traditionally provided for in article 70 of the Criminal Code cannot be invoked to exonerate the perpetrator.

31. The Government confirms that the state of emergency provided for in article 48 of the Constitution can under no circumstances be interpreted as authorizing, justifying or excusing an enforced disappearance. The absolute nature of the prohibition on enforced disappearance implies its full applicability in all circumstances, including during states of emergency, serious threats or crises. The obligations established under the Convention concerning prevention, investigation, prosecution and protection cannot be suspended through any derogations, and the authorities are required to ensure effective judicial review even during states of emergency.

32. In this context, the Government also reaffirms the non-derogable nature of the rights guaranteed by the Convention, in particular those set forth in articles 1, 12 and 24. The prohibition on enforced disappearance remains absolute and cannot be subject to any restrictions. All allegations are to be the subject of a prompt, impartial and thorough investigation, regardless of the institutional or security context. The rights of victims and their families, including the right to the truth, to comprehensive reparation and to recognition of their status, are also fully guaranteed and cannot be restricted or suspended. These provisions ensure that national law offers comprehensive and non-derogable protection, in line with the requirements of the Convention.

Reply to the issues raised in paragraph 10 (a), (b) and (c)

33. Article 442-1 bis of the Criminal Code provides for a term of imprisonment for natural persons of between 20 and 30 years. This penalty clearly cannot be applied to legal entities, which may be held criminally liable for the crime of enforced disappearance under article 442-1 quater of the Criminal Code. Such entities must, therefore, be handed one of the criminal penalties applicable to them, the main one being a fine. Accordingly, article 34 of the Criminal Code establishes that the crime of enforced disappearance is punishable by a fine only when it has been committed on behalf of and in the interest of a legal entity by one of its statutory bodies, by one or more of its de jure or de facto managers or by any person, acting either individually or as a member of one of the legal entity's bodies, who has managerial authority within the legal entity owing to his or her power to represent it, make decisions on its behalf or exercise control within it.

34. To date, no cases of enforced disappearance or any offences covered by the relevant provision have been registered or prosecuted in Luxembourg, which means that no legal proceedings have been initiated under article 37. There are thus no outcomes to report.

35. In the absence of special circumstances, the crime of enforced disappearance is, in accordance with article 442-1 bis of the Criminal Code, punishable by a term of imprisonment of between 20 and 30 years for natural persons. This sentence falls within the general scale of criminal penalties set forth in article 8 of the Criminal Code, which outlines

the different lengths of time for which a fixed-term prison sentence may be imposed. The term of imprisonment provided for in article 442-1 bis is the maximum fixed-term sentence. In cases in which the act of enforced disappearance is classified as a crime against humanity, the crime is punishable by life imprisonment, which is the maximum applicable sentence.

36. In criminal cases, the fine applicable to legal entities ranges from €500 to €3,750,000. In accordance with article 442-1 quater of the Criminal Code, the entity must also be dissolved.

37. Responsibility for assessing any mitigating circumstances, as provided for in articles 73–79 of the Criminal Code, generally lies with the trial courts. When mitigating circumstances have been found to exist, the prison sentence provided for in article 442-1 bis is replaced by a prison sentence of at least 10 years for natural persons. The fine imposed on legal entities can be reduced but cannot amount to less than €251.

38. Article 80 of the Criminal Code sets out a general aggravating circumstance under which any person who has committed a felony or misdemeanour with a discriminatory motive may be sentenced to twice the maximum term of imprisonment. Otherwise, aggravating circumstances must be provided for by specific provisions. Since the crime of enforced disappearance is already punishable by the maximum length of fixed-term imprisonment, the Act of 17 December 2001 does not set out any specific aggravating circumstances.

Reply to the issues raised in paragraph 11

39. As indicated in the report, an attempt to commit a crime, including enforced disappearance, is punishable when the intent to commit the crime has been demonstrated by observable acts that constitute the beginning of the execution of the felony or misdemeanour and that were suspended or failed in their purpose only because of circumstances outside the perpetrator’s control. In order to be punished for the attempt, the perpetrator must have begun to execute the offence and have been stopped against his or her will. Article 52 of the Criminal Code provides that attempts to commit enforced disappearance are punishable by a term of imprisonment of 15 to 20 years, which is the next longest term of imprisonment after that set out in article 442-1 bis of the Criminal Code.

40. Articles 66–69 of the Criminal Code set out the various degrees of participation in and, consequently, criminal liability for an offence that are applicable to persons involved in enforced disappearance and are to be determined during the criminal investigation. Article 66 defines the concept of perpetrator, while articles 67 and 68 define that of an accomplice. The applicable penalty varies depending on the degree of participation; perpetrators are liable to the penalties set forth in articles 442-1 bis–442-1 quater, while, in accordance with article 69 (1) of the Criminal Code, accomplices are handed the next most severe penalty, namely 15 to 20 years’ imprisonment.

41. Article 9 (4) of the Act of 16 April 1979 laying down the general status of civil servants establishes that all civil servants are, in principle, required to execute an order unless doing so would constitute a criminal offence. Similarly, article 3 of the Act of 18 July 2018 on the disciplinary statute for members of the Grand Ducal Police stipulates that it is forbidden to obey an order whose execution is likely to be qualified as a felony or misdemeanour in the event that it is executed with the conscious intention of infringing criminal law. No State official may thus invoke the duty to obey orders as justification for the commission of an offence.

Reply to the issues raised in paragraph 12

42. The competent authorities are not currently aware of any complaints or cases of enforced disappearance that involve migrants, refugees or asylum-seekers or are linked to trafficking in persons.

43. As noted in the report, in cases of alleged enforced disappearance, national law guarantees every individual the right to report the facts to the police, the public prosecutor or the investigating judge.

44. In cases of disappearance, whether an act of enforced disappearance or a disappearance that has taken place in other circumstances and is deemed to be of concern, the procedures and measures to be implemented by the police tend to be clearly defined in their operational guidelines. Given the diverse range of situations that may arise, it is not possible to describe all the procedures. They do, however, allow for some flexibility so that they can be adapted to the specific circumstances of each case.

45. Generally speaking, in accordance with article 3-7 of the Code of Criminal Procedure, victims are promptly informed in a language they understand of the type of support available to them, including medical or any other specialized form of assistance (in particular psychological support), the procedures for filing a complaint and their role in the process, the terms and conditions for securing protection, accessing a lawyer, receiving legal aid and obtaining compensation, the possibility for them to submit claims and exercise their rights when residing in another member State of the European Union and their right to an individual assessment by the victim support service, in particular to prevent secondary victimization and determine their needs. Depending on those needs, additional information can be provided to the victim at each stage of the proceedings. The victim is given a document listing their various rights and options and the addresses and contact details of the competent services.

46. With regard to prevention, the competent authorities work closely with associations, shelters and centres housing migrants and refugees so that they can respond as quickly as possible when a disappearance is reported, in particular in cases involving unaccompanied migrant children, including those in holding centres.

47. Unaccompanied child asylum-seekers may be detained only in exceptional circumstances and as a measure of last resort after it has been established that other less coercive measures cannot be effectively applied. In such situations, the detention must be as short as possible and cannot exceed seven days, in line with article 6 (3) of the Act of 28 May 2009, as amended, on the Holding Centre.

48. It is standard policy for unaccompanied minors not to be placed in the Holding Centre; where necessary, they are housed in appropriate accommodation. However, in the event that an unaccompanied minor had to be placed in the Centre, he or she would benefit from the same procedural safeguards as the adults who are held there (see, *inter alia*, paragraphs 124–127, 141–143 and 155–160 of the report). In any case, all decisions concerning minors are taken with due regard for their best interests.

49. It should also be noted that unaccompanied minors are automatically entitled to the assistance of an ad hoc administrator throughout any immigration or asylum proceedings.

50. Both the placement of an individual in the Holding Centre and his or her release therefrom may only occur on the basis of a decision by the minister responsible for immigration and asylum matters, which ensures strict compliance with the applicable legal framework. In addition, internal procedures are in place to handle any temporary departures from the Holding Centre, in particular when an individual is transferred to hospital or the police are required to take custody of a person as part of legally authorized proceedings. These transfers are documented, supervised and carried out by the competent authorities, thereby ensuring traceability and compliance with the applicable legal framework.

III. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)

Reply to the issues raised in paragraph 13

51. The statute of limitations commences, in principle, from the day the offence is committed, which is established as the day on which all aspects of the offence have been carried out. Enforced disappearance, however, constitutes a “hidden offence”, or even a

“continuing offence”, the initiation of the statute of limitations for which is delayed since the clandestine nature of the criminal act means that it cannot run from the moment the crime is committed.

52. In this regard, in order to ensure compliance with accountability obligations, it has been established in case law that the statute of limitations should begin to run on the day on which the offence came to light and could be ascertained. Judges are therefore responsible for determining the starting point of the statute of limitations by establishing on which date the act had been ascertained. Their decision is final, provided that the grounds on which it is based are neither unlawful nor contradictory.

53. As indicated in the report (see paras. 45–55), the prevailing view in case law is that the relevant date is the date on which the persons authorized to initiate criminal proceedings were notified of the act. For the public prosecution service, that date is the one on which the complaints were received; in the case of civil parties, it is the date on which they were able to take action.

54. It should be noted that, in order to safeguard victims’ right to an effective remedy and guarantee the effectiveness of prosecutions, once criminal proceedings have been initiated, and the statute of limitations has thus begun to run, that statute can be stopped by investigative or procedural acts such as the questioning of witnesses or the filing of a claim for damages. In such cases, another statute of limitations begins to run from the date of the last such act.

55. In cases in which the authorities have not initiated any investigative or prosecution proceedings on their own initiative, victims have the right under national law to file an ordinary complaint or a claim for damages. This procedure automatically triggers the referral of the matter to an investigating judge, meaning that an inquiry must be opened regardless of the initial decision by the prosecution service. The victim is then automatically informed of whether an investigation has been initiated or whether the complaint has been dismissed and on what grounds. At the victim’s request, he or she is also provided with regular updates on the status of the proceedings and any final decision made concerning criminal action.

Reply to the issues raised in paragraph 14

56. As indicated in the report, national law establishes that the competence of the national authorities to prosecute the crime of enforced disappearance depends on a number of factors, namely, the territory in which the crime was committed, the nationality of the perpetrator or the victim, the presence of the perpetrator in the territory and the applicability of the obligation to hear the case in the event that extradition is refused (see paras. 56–62 and 69–79).

57. More specifically, the authorities’ competence is established and criminal proceedings are initiated as soon as the authorities become aware of the crime through either a report or a complaint.

58. As has been indicated, there have been no cases of enforced disappearance in Luxembourg. It is therefore impossible to provide information on extraditions linked to such cases.

Reply to the issues raised in paragraph 15

59. Criminal proceedings in Luxembourg begin with the filing of a complaint or report or the issuance of a notice of an offence. Criminal matters must be referred to the investigating judge. The judge conducts all the investigative activities he or she deems necessary to determine the truth, in line with the Code of Criminal Procedure. To that end, he or she has enforcement powers and the authority to formally charge and interrogate the suspect and order the suspect’s arrest or detention where necessary to establish the truth.

60. The investigating judge may issue several kinds of warrants, namely:
- A summons giving formal notice to a person to appear before the investigating judge on the date and at the time indicated. This type of warrant is issued when there is strong or corroborating evidence that makes it likely that the person has been involved in a crime;
 - A warrant authorizing the law enforcement authorities to immediately bring the person in question before a judge, thereby ensuring his or her appearance in court following a refusal to appear or when the appearance would otherwise be impossible;
 - An arrest warrant, which is an order to search for a person and take him or her into custody, where he or she may be detained. This warrant is generally issued in cases in which the accused person has fled or resides outside Luxembourg and the charges against him or her carry a prison sentence;
 - A committal order, which is an order for the head of a prison facility to admit and detain an individual. This type of order is issued when there is strong evidence of guilt and the act carries a maximum criminal or correctional penalty of at least 2 years' imprisonment.
61. In the statement of rights (a form submitted for signature), the person deprived of liberty is informed of his or her right to promptly notify and communicate with the consular authorities of the State of which he or she is a national. This form is available in 23 languages. If the person does not understand any of these languages, an interpreter will translate the document.
62. The right of the person deprived of liberty to notify and communicate with the relevant consular authorities is guaranteed. In accordance with articles 39 (4) and 52-1 (3) of the Code of Criminal Procedure, this right may be derogated only on a temporary basis with the written and reasoned agreement of the public prosecutor when the derogation is justified in view of the specific circumstances of the case, based on one of the following compelling grounds:
1. Where there is an urgent need to prevent a serious attack on the life, liberty or physical integrity of a person;
 2. Where there is an urgent need to avoid a situation that could seriously compromise criminal proceedings.
- The temporary derogation must:
- (a) Be proportionate and not go beyond what is necessary;
 - (b) Be for a strictly limited time period;
 - (c) Not be based solely on the nature or gravity of the alleged offence; and
 - (d) Not undermine the overall fairness of the proceedings.
63. It is thus the responsibility of the judicial authorities to determine the specific circumstances under which a person deprived of liberty may be denied contact with the relevant consular authorities.

Reply to the issues raised in paragraph 16

64. Article 4 of the Criminal Code establishes that the crime of enforced disappearance can be prosecuted in Luxembourg if it is committed outside the country by nationals of Luxembourg or by foreigners in the cases set out in the relevant provisions of the Code of Criminal Procedure, as outlined in paragraphs 56–59 of the report.
65. To date, the national courts have not handled any cases of enforced disappearance under the aforementioned provisions.
66. The Act of 31 December 1982 concerning the revision of the Code of Military Procedure grants jurisdiction to the military courts to handle the offences listed in the Military Criminal Code, which establishes a number of offences but does not address enforced disappearance. Pursuant to article 8 (1) of the Code of Military Procedure, when a person

subject to military jurisdiction is being simultaneously prosecuted for a felony or misdemeanour falling within the competence of the military courts and another felony or misdemeanour falling within the competence of the ordinary courts, he or she must first be brought before the court that has jurisdiction over the offence carrying the heaviest penalty and then, if appropriate, referred to the court that is competent to try the other offence.

67. All cases of enforced disappearance must therefore be prosecuted before the ordinary courts.

Reply to the issues raised in paragraph 17

68. The implementation of recommendations issued to Luxembourg by international organizations, the launch of the national corruption risk assessment in January 2026 and the development of a national anti-corruption strategy are measures that help address the challenges presented by existing and emerging corruption risks, including in cases related to enforced disappearance.

IV. Measures to prevent enforced disappearance (arts. 16–23)

Reply to the issues raised in paragraph 18 (a), (b), (c) and (d)

69. Anyone who is aware of an offence can report it to the police. For public officials, reporting an offence is a requirement under article 23 (2) of the Code of Criminal Procedure. In addition, any person who claims to have suffered injury as a result of a felony or misdemeanour may file a complaint with the public prosecutor or police officers. Police officers must notify the public prosecutor, who has sole discretion to decide whether to prosecute. A complaint must be filed in writing, either in person or through a lawyer.

70. Under article 24 of the Code of Criminal Procedure, the public prosecutor must take, or oversee the taking of, all necessary measures relating to the investigation and prosecution of criminal offences. To this end, the public prosecutor must supervise the criminal investigation officers and detectives under his or her jurisdiction. In principle, the Grand Ducal Police is responsible for conducting criminal investigations under the supervision of the Attorney General. However, when the offence is committed by a police officer, the investigation is conducted by the Inspectorate General of Police.

71. When a complaint, whether or not accompanied by a claim for damages, has been filed with the investigating judge, he or she, acting on the basis of an indictment issued by the public prosecutor, must conduct all the investigative activities he or she deems necessary to determine the truth. When the investigative judge is unable to conduct those activities, he or she must send a request for judicial assistance to criminal investigation officers so that they can do so.

72. Cases of enforced disappearance are of such gravity that they immediately give rise to investigations and inquiries, which are led by a prosecutor or investigating judge.

73. Further to the information provided in the report concerning article 12, it is important to note that violations of the principles of independence and impartiality may be investigated and punished. The prosecution service is made up of independent and impartial prosecutors, which facilitates the close oversight of criminal investigations. As described above, criminal investigation officers are supervised by the Attorney General. In this regard, the execution of judicial acts generally requires the authorization of the public prosecutor or investigating judge.

74. The Code of Criminal Procedure provides the authorities with a wide range of investigative tools, granting them access to detention facilities, documents and any relevant information.

75. Lastly, as indicated in the report (see paras. 136–140), bodies such as the Ombudsman conduct external oversight of places of detention by regularly visiting them and outlining their findings in a report.

76. To date, no complaints of enforced disappearance have been filed.

Reply to the issues raised in paragraph 19

77. Further to paragraphs 94–96 of the report, the Act of 18 July 2018 on the disciplinary statute for officers of the Grand Ducal Police provides for precautionary measures such as temporary reassignment to another service or the suspension of the officer concerned.

78. Article 14 of the Act of 18 July 2018 establishes that any police officer who is subject to investigation or pretrial proceedings in application of the provisions of the Code of Criminal Procedure or to disciplinary proceedings and whose presence in the workplace is incompatible with the proper conduct of the preliminary investigation, the pretrial proceedings or the disciplinary proceedings may be temporarily reassigned to another service of the Police.

79. Article 15 of the same law provides that police officers may be suspended from their duties under the same circumstances as those mentioned in article 14. In cases in which there is imminent danger, the Director General of the Police may order the suspension without regard to the provisions of paragraph 5. This decision becomes null and void unless it is confirmed within a week by the relevant minister.

80. Additional information is provided in paragraph 73 of the present document.

Reply to the issues raised in paragraph 20 (a), (b), (c) and (d)

81. Luxembourg is bound by a number of international and European instruments, including the Council of Europe Convention on Action against Trafficking in Human Beings of 3 May 2005, under which the Group of Experts on Action against Trafficking in Human Beings conducted an evaluation visit to the country in September 2025 as part of the fourth evaluation cycle, and Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, the transposition of which is ongoing.

82. The legal framework of Luxembourg is continually being updated to ensure an effective response to this phenomenon and provide victims with appropriate assistance and support.

83. Trafficking is criminalized in articles 382-1 et seq. of the Criminal Code. Articles 379 and 379-1 of the Code concern the exploitation of prostitution and procuring.

84. The same provisions apply when a victim of enforced disappearance is also a victim of trafficking. The police unit responsible for dealing with organized crime and the unit responsible for protecting victims regularly and closely cooperate with the relevant administrative authorities and specialized non-governmental organizations (NGOs), which means that an immediate response can be provided when there are signs that a victim of trafficking might also have been the victim of disappearance, including enforced disappearance.

85. The statistical report submitted as part of the evaluation by the Group of Experts on Action against Trafficking in Human Beings can be found in the annex. It should be noted that no cases involving individuals who are victims of both trafficking in persons and enforced disappearance have been brought to the attention of the competent authorities.

86. The 2016 National Action Plan on Trafficking in Persons will be revised as part of the transposition of Directive 2024/1712, as mentioned above.

87. The same applies to the definition of trafficking.

Reply to the issues raised in paragraph 21

88. Since no cases of enforced disappearance have been reported, it is not possible to provide specific information on any searches. However, in such cases, the applicable procedures would be automatically initiated to ensure a swift response, even in the absence of a formal complaint.

89. Under these procedures, the search would continue until the fate of the missing person had been determined. The Amber alert system would be activated in accordance with the established criteria (see paras. 223–225).

90. When ante-mortem information, namely personal data, photographs and fingerprints, can help locate or identify an individual, it is gathered by the competent authorities in compliance with the law.

Reply to the issues raised in paragraph 22

91. It is inconceivable that the competent authorities would refuse to search for a missing person or to investigate an alleged disappearance. The procedures in place cover all situations of disappearance and are subject to strict oversight to ensure their full implementation.

92. Work is under way to establish a specific witness protection programme, with a view to submitting a bill to the parliament in the course of 2026.

Reply to the issues raised in paragraph 23 (a), (b), (c) and (d)

93. The nature of the offences that give rise to an extradition request is reviewed by the Chief Public Prosecutor's Office, which is the central authority responsible for extradition, upon receipt of the request. The analysis aimed at determining whether a political offence has been committed is conducted on the basis of the concrete factual evidence provided by the requesting country and the arguments put forward by the arrested person. If any information is missing, the requesting State is asked to provide additional details.

94. The Government signed the United Nations Convention against Cybercrime on 25 October 2025 and the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes on 14 February 2024.

95. Requests for mutual legal assistance or cooperation are denied if they are likely to harm the key interests of Luxembourg or they relate to political or tax offences. The request must meet the formal requirements set forth in article 4 of the Act of 8 August 2000. It must also be compliant with the principle of *non bis in idem* and meet the requirement of dual criminality. Within the European Union, this matter is regulated by Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters, which was transposed into national law through the Act of 1 August 2018. At the European Union level, the dual criminality requirement does not apply to certain offences listed in the Directive.

96. No requests for international legal assistance in cases of enforced disappearance have been sent or received since the submission of the report.

97. Under the law on mutual legal assistance in criminal matters (see para. 103), several mechanisms are in place to facilitate the sharing of information and evidence, the search for and identification of missing persons and the delivery of assistance to victims. The authorities work closely with their foreign counterparts by sharing relevant data, providing operational support during international investigations and implementing the mutual legal assistance procedures set out in national law and international conventions.

98. The legal framework for international cooperation in the area of victim assistance facilitates active collaboration with requesting States in the search for and localization and release of missing persons and in the identification of remains in cases involving deaths. This assistance includes measures that directly support victims in exercising their rights.

Reply to the issues raised in paragraph 24 (a), (b) and (c)

99. Pursuant to article 3 of the Act of 29 August 2008 on the free movement of persons and immigration, the term “removal” covers the physical transfer of a foreign national from Luxembourg in execution of a removal, return or expulsion order or a departure and removal order. It should be noted that this law does not apply to extraditions.

100. There are no plans to enact a law expressly prohibiting the removal of a person when there are serious grounds for believing that he or she would be at risk of enforced disappearance, since existing legislation already provides for mechanisms that guarantee protection against such risks.

101. In cases in which there is a risk that a person’s life or freedom would be endangered in the country to which he or she is to be removed, articles 125 bis and 129 of the Act of 29 August 2008 establish that the minister responsible for immigration and asylum matters may postpone the removal. The applicable procedure is that described in paragraph 111 of the report.

102. Decisions regarding extradition are taken by the Minister of Justice, who issues a ministerial decree based on a file containing the reasoned opinion of the court in chambers of the Court of Appeal, which has heard the person concerned, his or her defence counsel and the public prosecutor beforehand in a public hearing.

103. In order to determine whether a person faces a real risk of being subjected to enforced disappearance, the authorities apply strict criteria derived from the case law of the European Court of Human Rights. Their assessment depends on whether there are substantial grounds for believing that the person concerned is personally and specifically exposed to such a risk. In accordance with article 16 of the Convention, the authorities take into account all relevant considerations, including the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights or of serious violations of international humanitarian law. The authorities also verify that the foreign national is not at risk of being transferred by the country of destination to a third country where his or her physical safety would be threatened.

104. Appeals against expulsion, return, surrender or extradition orders do not have suspensive effect. However, article 114 of the Act of 29 August 2008 provides that if, in addition to an appeal on the merits, the person concerned files an application for the suspension of the order’s execution or the implementation of a protective measure, the removal cannot take place until a decision has been issued by the president of the administrative court, thereby offering an opportunity for the judicial review of the lawfulness and proportionality of the measure.

Reply to the issues raised in paragraph 25 (a), (b), (c), (d) and (e)

105. The Government notes that the Committee has misinterpreted the answers provided concerning article 17 of the Convention. It wishes to point out that individual liberty is guaranteed under article 17 of the Constitution, paragraph 2 of which establishes that deprivation of liberty must take place in the forms established by law.

106. Accordingly, incommunicado detention is expressly prohibited by the following provisions of the Criminal Code:

Article 147 (1): Any civil servant or public official, officer or person invested with public authority or police officer who has unlawfully and arbitrarily arrested, detained or caused the detention of one or more persons are to be punished by a term of imprisonment of 3 months to 2 years.

Article 155: Civil servants and public officials responsible for policing or criminal investigation who refuse or neglect to put an end to an unlawful detention brought to their knowledge when they have the power to do so are to be punished by a term of imprisonment of 1 month to 1 year.

Article 156: Civil servants and public officials responsible for policing or criminal investigation who do not have the power to put an end to an unlawful detention but who refuse or neglect to report one when it is brought to their knowledge are to be punished by a term of imprisonment of 8 days to 6 months.

Article 157: Directors and staff members of prison facilities who admit an inmate without a warrant or legal decision, those who detain individuals or refuse to present them to a police officer or the person transmitting his or her orders, without an injunction from a public prosecutor or a judge, and those who refuse to show their custody registers to the police officer are liable to a term of imprisonment of between 15 days and 2 years and a fine of €251 to €2,000.

107. Article 37 of the Constitution stipulates that any restriction on the exercise of civil liberties must be provided for by law. Accordingly, the Code of Criminal Procedure expressly regulates conditions of detention and custody. It follows that any form of incommunicado or unauthorized detention is unlawful.

108. The Code of Criminal Procedure clearly sets out the procedural safeguards available to individuals involved in criminal proceedings. Article 3-6, for example, guarantees the right to be promptly assisted by a lawyer. In this regard, the police inform anyone suspected of having committed an offence of his or her rights and are required to provide him or her with an information sheet as a matter of routine. Bar associations have established a roster of on-call lawyers whom the police can contact as soon as a person is deprived of his or her liberty.

109. The prosecution service ensures the effective application of this right and compliance with procedural safeguards in practice. Thus, any case in which a lawyer is said not to have been summoned despite the fact that the situation does not qualify as one of the strictly defined scenarios described in paragraphs 148–154 and 185–191 of the report would give rise to a procedural violation that could be invoked by the person concerned and also to disciplinary proceedings against the relevant officials (see paras. 196–199).

110. To date, no complaints regarding violations of these procedural safeguards have been filed.

111. Pursuant to article 24 of the Prison Service Reform Act of 20 July 2018, as amended, certain national authorities and institutions have unrestricted access to prisons so that they can perform their duties or missions. Visits may be conducted without prior notice, in accordance with the requirements of the bodies' respective mandates.

112. Under article 37 of the Act, individuals wishing to obtain access to places of deprivation of liberty must undergo a security, safety and identity check. Their luggage and personal belongings are checked, as are their vehicle and its contents when it enters the prison grounds. Files, documents or items that are protected by professional secrecy or must be kept confidential for the purposes of the investigation cannot be checked. Briefcases and other receptacles used to carry those files, documents or items may undergo only a brief visual inspection to verify that they do not contain any objects, materials or substances that are prohibited by law or banned by the Grand Ducal regulation outlined in article 36 (2), with the exception of any inspection that would entail the disclosure of the content of the files, documents or items concerned.

113. Although the Inspectorate General of Police is not expressly mentioned in article 24 of the Act, it is entitled to enter places of deprivation of liberty when acting in the course of a mission that it has been formally assigned by one of the aforementioned authorities.

114. Suspects can be denied the opportunity to communicate with their lawyer in situations that are so urgent that waiting for a lawyer (the maximum wait was set at 90 minutes by the parliament) poses a serious risk of causing grave harm to a person's life, liberty or physical integrity. These grounds cannot, however, be invoked to justify the refusal to organize such a meeting following an interrogation. The same applies to the right to inform a third party.

Reply to the issues raised in paragraph 26

115. To date, no complaints have been filed regarding the failure to record a deprivation of liberty, a delay in doing so or the recording of inaccurate information.

Reply to the issues raised in paragraph 27 (a), (b), (c), (d) and (e)

116. In Luxembourg, the definition used in practice to recognize victim status is based on the criterion that the individual has suffered direct harm as a result of a crime. This definition is applied from the moment the victim enters into contact with the authorities, in particular with the police, who inform the victim of his or her rights, his or her role in the proceedings and the procedures that can be initiated. The definition also serves as a reference for providing access to complaint mechanisms, protective measures and legal assistance and handling claims for damages, in line with the rules of the Code of Criminal Procedure and the procedural rights granted to victims.

117. The mechanisms in place to provide reparation and compensation for victims of enforced disappearance fall within the general framework of mechanisms available to all victims of crime. They include access to psychological, social and medical assistance, complaints procedures, protective measures and compensation for material and moral harm, which can be obtained through civil proceedings before the competent courts.

118. These mechanisms cover the various kinds of reparation provided for in article 24 (5) of the Convention, including compensation, rehabilitation and certain forms of satisfaction.

119. The matter of reparation and compensation for victims of crime is primarily handled by the civil and criminal courts. The criminal courts have the power to award advance payments when the obligation to grant compensation is not seriously in dispute.

120. Victims are also eligible for compensation from the Government, in accordance with the Act of 12 March 1984, as amended, which governs compensation for certain victims of bodily injury resulting from an offence and the punishment of fraudulent insolvency. The aim is to prevent victims from going without compensation when the perpetrator is unidentified, cannot be located or is insolvent. This compensation is available regardless of the outcome of the criminal proceedings; the victim must simply demonstrate that the harm actually occurred and that it is linked to a crime. Victims' procedural rights and access to support services are guaranteed, in particular by the police, who inform victims of the remedies available.

121. Access to compensation is not conditional on a criminal conviction, in line with the rules governing civil proceedings, which may be brought independently of the criminal decision, including in cases where there is no criminal liability or the perpetrator cannot be identified.

122. The statute of limitations for criminal proceedings differs from the time frames applicable to claims for compensation. Pursuant to article 637 of the Code of Criminal Procedure, the statute of limitations for crimes is 10 years. Crimes against humanity are not subject to any statute of limitations. However, claims for administrative compensation must be filed before the Indemnification Commission for Victims within two years of the harmful act or the final court decision.

123. There are no national provisions that expressly recognize the right of victims of enforced disappearance to the truth. However, a number of legal and institutional mechanisms are in place to help guarantee this right. The Code of Criminal Procedure establishes the requirement for the judicial authorities to conduct an effective, impartial and thorough investigation whenever a serious offence is reported. The existence of a statute of limitations also ensures that relatives can request the opening of an investigation at any time, which is essential for the exercise of the right to the truth.

124. Victims have the right, subject to the needs of the investigation, to obtain access to the criminal case file when they file a claim for damages. This allows them to obtain information about the investigative activities conducted, the evidence gathered and the

progress of the proceedings. The judicial authorities are also required to inform victims of any significant decisions, such as a person's indictment, the dismissal of a case or the closure of proceedings.

125. In addition to the information shared by the police and the psychological support provided by the Chief Public Prosecutor's Office, Luxembourg offers broad access to a network of specialized service providers, including psychologists, doctors, social services and various support organizations. Victims can also receive support from specialized NGOs. Since 2025, the National Centre for Victims of Violence has provided comprehensive care that includes medical assistance, psychosocial support and a round-the-clock service through which victims can file complaints.

126. The specialized support available goes beyond purely psychological support and may, depending on the victim's needs, include the provision of accommodation, assistance with administrative procedures or even support during the trial. Protective measures can be taken in cases in which the victim is being threatened. Such measures include arrangements that enable the victim to deliver his or her statement through audio or video recordings or the restriction of access to the case file.

V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

Reply to the issues raised in paragraph 28

127. Judgments recognizing that a person is presumed to be missing provide for the designation of one or more persons, including relatives of the person concerned, to represent him or her and to manage all or part of his or her assets.

128. The designated representative acts on behalf of the person who is presumed to be missing in exercising all his or her rights and performing all acts that concern him or her.

129. The assets of the person who is presumed to be missing are managed under judicial supervision. The judgment recognizing that a person is presumed to be missing specifies the sums to be allocated annually from his or her assets to cover any family maintenance or marriage expenses. It also specifies how administrative expenses are to be covered and whether payments should be made to the individuals responsible for representing and managing the assets of the person who is presumed to be missing.

130. The judgment recognizing that a person is presumed to be missing has no direct effects on the person's relatives except for those described above.

131. Judgments declaring a person to be absent settle issues concerning the person's personal and property rights by producing the same legal effects as would have resulted from the confirmation of his or her death.

132. The spouse of the missing person may remarry once the judgment declaring him or her missing has entered into force.

133. The legal regime governing missing persons applies equally to all individuals, regardless of their gender.

134. The declaration of absence does not affect the State Party's obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified.

Reply to the issues raised in paragraph 29

135. Freedom of association, which is guaranteed by article 26 of the Constitution, allows anyone in Luxembourg to freely establish and join organizations pursuing a lawful purpose, including those working to document acts of enforced disappearance, search for missing persons and assist victims.

136. The Act of 7 August 2023 on non-profit organizations and foundations provides for the modernization of this framework and facilitates the establishment of organizations engaged in the defence of human rights. It requires associations to clearly define their purpose and carry out real activities in Luxembourg, which include the possibility to organize support and awareness-raising initiatives related to enforced disappearance. It also expands the range of objectives pursued by foundations to include the defence and promotion of human rights, which enables them to receive financial support for their projects in this area.

137. The legal framework of Luxembourg fully guarantees the right to form and join organizations that work to determine the circumstances surrounding acts of enforced disappearance and assist victims.

VI. Measures to protect children against enforced disappearance (art. 25)

Reply to the issues raised in paragraph 30

138. The requested information cannot be provided since no complaints regarding enforced disappearance or child abduction have been filed.

Reply to the issues raised in paragraph 31

139. Unaccompanied minors are duly registered with the General Department of Immigration of the Ministry of Home Affairs as soon as they arrive in Luxembourg.

140. The information collected includes their age, sex, country of origin, nationality, place of birth and civil status.

141. The immigration department keeps a record of unaccompanied minors who go missing in the time between the registration of their application for international protection and the submission thereof, in addition to minors who go missing after the application has been submitted and a decision to close the case has been made.
