

[Home](#) > ... > [Your Rights](#) > [Fundamental Rights](#) > Luxembourg

National courts and other non-judicial bodies

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National Courts

Fundamental rights are enshrined in international texts such as the European Convention on Human Rights and United Nations conventions, as well as in Luxembourg's Constitution and the Charter of Fundamental Rights of the European Union for matters relating to European law.

The fundamental rights enshrined in these legal texts may be invoked before any national court: criminal, civil, commercial or administrative.

It should be noted that infringements of fundamental rights may be punished through judgments handed down by national courts, either criminal or civil, or in relevant cases by commercial or administrative courts.

<https://justice.public.lu/fr.html>

<https://justice.public.lu/fr/annuaire.html>

Ombudsman (*Médiateur institutionnel*)

Ombudsman

The Ombudsman is attached to the Parliament (*Chambre des députés*) and does not receive instructions from any other authority in the course of their work.

The Ombudsman's task is to receive complaints made by natural persons or private legal entities on a matter concerning them that relate to the functioning of the State and local authorities, and public establishments for which the State and local authorities are responsible, excluding their industrial, financial and commercial activities. In this context, the Ombudsman may receive complaints that are directly or indirectly related to human rights.

Any natural person or private legal entity that believes that, in a matter concerning them, an authority listed in the previous paragraph did not operate in accordance with its role or infringed the conventions, laws or regulations in force may, through an individual written complaint or an oral statement to the Ombudsman's secretariat, ask for the matter to be brought to the attention of the Ombudsman.

The complaint may only be made once the appropriate administrative steps have been completed with the bodies concerned to have the matter resolved.

Making a complaint to the Ombudsman does not suspend the time period allowed for other proceedings, especially those made before the competent courts.

The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling. However, in the event of failure to enforce a decision with the force of *res judicata*, they can order the body in

question to comply with the decision within a time period that the Ombudsman establishes.

The complaint must relate to a specific matter concerning the person making the complaint. Complaints cannot relate to the functioning of the administration in general.

If the Ombudsman believes that a complaint is justified, they will advise the complainant and the administration, and will put forward all the recommendations regarding the service in question and the complainant that they believe will allow an amicable settlement of the complaint. These recommendations may include proposals for improving the way in which the service operates.

If the Ombudsman believes that, in relation to a complaint they receive, application of the contested decision leads to an injustice, they may recommend to the service in question, in accordance with the relevant legislation and regulations, any solution that allows the complainant's situation to be resolved fairly, and suggest any changes that they consider should be made to the legislation or regulations on which the decision is based.

A decision by the Ombudsman not to follow up a complaint cannot be appealed in court.

Ombudsman

36, rue du Marché-aux-Herbes
L-1728 Luxembourg

Tel. +352 26270101
Fax +352 26270102

Website: <http://www.ombudsman.lu/>
Email: info@ombudsman.lu

Special human rights bodies

Consultative Committee on Human Rights (*Commission consultative des droits de l'Homme*)

The Consultative Committee on Human Rights (CCDH) is a government advisory body responsible for promoting and protecting human rights in the Grand Duchy of Luxembourg. With this purpose in mind, it provides the government with opinions, studies, position papers and recommendations, which it draws up entirely independently, on all issues of general import concerning human rights in the Grand Duchy of Luxembourg. In its opinions it draws the government's attention to the measures that it believes will help to protect and promote human rights. The Prime Minister takes the Committee's opinions, studies, position papers and recommendations to Parliament.

It is a purely advisory government body that has no decision-making powers.

The CCDH does not have any authority to deal with individual cases.

In its work the CCDH:

- freely examines any issue that falls within its remit, whether it be submitted by the government or taken on by the committee itself on the basis of a proposal by one of its members or any person or organisation;
- hears from individuals and receives any relevant information or documents required to assess situations that fall within its remit;
- addresses the public either directly or through the press, in particular to publicise its opinions and recommendations;
- maintains dialogue with other bodies, both judicial and non-judicial, the purpose of which is to promote and protect human rights.

Consultative Committee on Human Rights

71-73, rue Adolphe Fischer
L-1520 Luxembourg

Tel. +352 26202852

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Website: <https://ccdh.public.lu/>

Email: info@ccdh.public.lu

Ombudsman for Children and Young People (*Ombudsman fir Kanner a Jugendlecher (OKaJu)*)

Duties of the OKaJu

The Act of 1 April 2020 establishing the Ombudsman for Children and Young People defines the duties of OKaJu:

1. it examines complaints about infringements of children's rights; it makes recommendations for remedying the reported situation;
2. it analyses the systems in place in order, if necessary, to recommend adaptations to the competent authorities to ensure better protection and promotion of children's rights in the long term;
3. it reports breaches of children's rights to the competent authorities;
4. it advises natural or legal persons on how to exercise children's rights;
5. it raises children's awareness of their rights and the public's awareness of children's rights;
6. it issues opinions on all bills, draft laws and draft grand-ducal regulations that have an impact on the upholding of children's rights;
7. it issues opinions at the request of the government or the Parliament on any issue relating to children's rights.

The members of OKaJU carry out their duties without intervening in ongoing legal proceedings.

Any natural or legal person may submit a written or oral request to the Ombudsman for Children and Young People for advice on exercising children's rights.

The Ombudsman for Children and Young People's response may be written or oral, depending on the form of the request.

Ombudsman for Children and Young People

2, rue Fort Wallis

L-2714 Luxembourg

Tel. +352 26123124

Fax +352 26123125

Website: <http://ork.lu/index.php/en/>

Centre for Equal Treatment (*Centre pour l'égalité de traitement*)

The Centre for Equal Treatment, which conducts its work entirely independently, aims to promote, analyse and monitor the equal treatment of all people without discrimination based on race, ethnic origin, gender, religion or convictions, disability or age.

In its work the Centre can, in particular:

- publish reports, issue opinions and recommendations, and conduct studies on all issues connected with the aforementioned types of discrimination;
- produce and supply any information and useful documentation as part of its duties;
- provide help to people who believe themselves to be the victims of discrimination under Article 1 of the Law on Equal Treatment of 28 November 2006 by providing them with advice and guidance concerning their individual rights, legislation, case-law and the means of exercising their rights.

Information concerning individual situations or cases of which members become aware in the course of their work are confidential. This confidentiality does not prevent the Centre from providing the competent judicial authorities with any information regarding discrimination against the victim under Article 1 of the Law on Equal Treatment of 28 November 2006.

The members of the Centre cannot intervene in ongoing judicial proceedings in the course of their work.

The members of the Centre have the right to ask for any information, evidence or document that they need to carry out their work, with the exception of information covered by doctor-patient confidentiality or any other professional secrecy rules.

Centre for Equal Treatment

B.P. 2026
L-1020 Luxembourg

Tel. +352 26483033
Fax +352 26483873

Website: <http://cet.lu/fr/>
Email: info@cet.lu

National Commission for Data Protection (*Commission nationale pour la protection des données*)

The National Commission for Data Protection is a public authority set up as a public institution. It carries out its tasks entirely independently.

Every year it presents a written report on its work to the cabinet.

The Commission's role is to:

- monitor and verify the legality of the collection and use of processed data, and inform those responsible for processing it of their obligations;
- ensure that people's fundamental rights and freedoms are respected, in particular their privacy, and inform the public about the rights of those concerned;
- receive and examine complaints and requests to verify the legality of data processing;
- advise the government, either at its request or at the Commission's own initiative, on the consequences of developments in data processing and information technologies as regards respect for fundamental rights and freedoms; for this purpose, it may carry out studies, surveys or expert assessments.

The Commission is also responsible for ensuring the application of the amended Law of 30 May 2005 on the protection of privacy in the electronic communications sector and its implementing rules.

Any person, acting on their own behalf, through their lawyer or through any duly authorised natural or legal person may submit to the Commission a request concerning respect for their fundamental rights and freedoms as regards data processing. The person concerned will be informed of the follow-up to their request.

A request may, in particular, be submitted to the Commission by a person seeking verification of the legality of the processing of personal data if their right of access has been refused or limited.

The Commission informs the judicial authorities of any infringements of which it is aware.

National Commission for Data Protection

15, Boulevard du Jazz
L-4370 Belvaux

Tel. +352 261060-1
Fax +352 261060-29

Website: <https://cnpd.public.lu/fr.html>

National Reception Office (*Office national de l'accueil (ONA)*)

The National Reception Office (ONA) was established by the [Law of 4 December 2019](#). The provisions of the new Reception Law came into force on 1 January 2020.

The ONA replaces the Luxembourg Reception and Integration Office (*Office luxembourgeois de l'accueil et de l'intégration (OLAI)*) established by the amended [Law of 16 December 2008 on the reception and integration of foreigners in the Grand Duchy of Luxembourg](#).

The ONA's duties are:

1. to organise the reception of applicants for international protection as defined by the [Law of 18 December 2015](#) on international protection and temporary protection;
2. to manage accommodation facilities reserved for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection as defined by the [aforementioned Law of 18 December 2015](#)
3. to collaborate with other bodies in establishing and managing accommodation facilities for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection;
4. to work with the competent authorities in promoting the construction and fitting-out of accommodation facilities for the temporary housing of applicants for international protection, refugees and persons eligible for subsidiary protection.

The ONA collaborates with European and international bodies in performing these tasks.

In exceptional cases, duly motivated by family, humanitarian or health reasons, the ONA may grant ad hoc support to third-country nationals, as defined in Article 3(c) of the [amended Law of 29 August 2008](#) on the free movement of persons and immigration, who are not entitled to existing aid and allowances.

National Reception Office (ONA)

5, rue Carlo Hemmer
L-1734 Luxembourg

Tel. +352 24785700
Fax +352 24785720

Website: <https://ona.gouvernement.lu/en/service.html>
Email: info@olai.public.lu

Access to justice

Judicial information service (*Service d'accueil et d'information juridique*)

This service, established at the courts, falls under the authority of the State public prosecutor (*procureur général d'Etat*). Its purpose is to answer the queries of private individuals and provide them with general information on the scope of their rights, and on the channels and resources to use to protect them.

The service's role is to:

- answer the queries of private individuals and direct them towards the appropriate departments, giving them the information and technical resources that they need;
- provide private individuals with general information on the scope of their rights in relation to the problems raised, and on the channels and resources for exercising those rights;
- listen to their grievances regarding the difficulties they have encountered in exercising their rights and suggest ways of overcoming them.

The service only provides information orally. It does not provide any written consultations.

Judicial information service - Luxembourg

Cité judiciaire
Bâtiment BC
L-2080 - Luxembourg

Tel. +352 475981-345/325/600

pgsin@justice.etat.lu

Judicial information service - Diekirch

Justice of the peace court (*Justice de paix*)

Place Joseph Bech
L-9211 - Diekirch

Tel. +352 802315

Legal aid

Legal aid may be granted for judicial and extra-judicial proceedings, for contentious and non-contentious proceedings, for the plaintiff or for the defence. To be eligible for legal aid, the applicant's income must be insufficient, i.e. equivalent to the social integration income (*revenu d'insertion sociale (REVIS)*). An assessment is made as to whether the person requiring assistance has insufficient resources based on their income and wealth, and those of the persons living with them in a joint domestic situation.

Legal aid is refused to persons bringing an action which appears to be manifestly inadmissible, without merit or unreasonable or whose aim seems disproportionate in relation to the potential costs.

Legal aid is refused if the applicant is entitled, for whatever reason, to the reimbursement by a third party of sums to be paid by legal aid.

Beneficiaries of legal aid are entitled to the assistance of a lawyer and any law officer whose collaboration is necessitated by the cause, the action, or its enforcement.

The Chair of the Bar (*Bâtonnier de l'Ordre des avocats*) or a member of the Bar Council appointed by the former for the purpose in the applicant's district of residence decides whether to assign legal aid. For non-residents the decision is taken by the Chair of the Luxembourg Bar or a member of the Bar Council appointed by the former for the purpose.

Those with insufficient resources may apply to the Chair either at their hearings or in writing.

If a person detained by the police claims entitlement to legal aid and requests it, the lawyer assisting the applicant during their detention submits the application to the Chair of the Bar.

Website: <https://www.barreau.lu/recourir-a-un-avocat/assistance-judiciaire/>

For the judicial district of Luxembourg

Chair of the Luxembourg Bar
Legal Aid Service (*Service de l'Assistance Judiciaire*)
45, Allée Scheffer, L-2520 Luxembourg
L-2013 Luxembourg

Tel. +352 467272-1

For the judicial district of Diekirch

Chair of the Diekirch Bar

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