



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[613 900]

Comments Population totale au 31.12.2018

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	15 029 797 945 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[95 943]

Comments

004. Average gross annual salary (in €) for the reference year

[61 720]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: STATEC, <https://statistiques.public.lu/fr/index.html>

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Annual public budget allocated to (gross) salaries	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Annual public budget allocated to computerisation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Annual public budget allocated to training	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Other (please specify)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences:

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	92 865 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	100 365 534 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?

for criminal cases	() Yes (X) No
for other than criminal cases	() Yes (X) No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- There are no court taxes or court fees.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[]
 NA
 NAP

Comments

009. Annual income of court fees received by the State (in €):

[]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	7 500 000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Le nombre de personnes demandant l'aide judiciaire a augmenté au cours des années et le budget a dû être adapté.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

12-1.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: Le budget alloué pour l'aide judiciaire couvre les aides judiciaires pour toutes les matières (pénale ou non) et types d'affaires (contentieuses ou non). Par contre, le budget ne distingue pas de montant précis de l'aide judiciaire disponible par matière ou type d'affaire.

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: There is no isolated budget for the public prosecution services.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Inspection body	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Other	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP	(X) Yes () No [] NAP

If any other Ministry and/or inspection body and/or other, please specify:

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court President	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court administrative director	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments - If "other", please specify: Le budget de la Justice est inscrit au poste budgétaire du ministère de la justice. Certaines dépenses sont gérées au niveau du ministère, d'autres sont au niveau de l'administration judiciaire, et plus particulièrement par les services du Procureur général d'État, qui est également en charge de la gestion quotidienne du budget. Les juridictions n'interviennent pas dans la gestion budgétaire, à l'exception, depuis l'année budgétaire 2018, pour ce qui est de certains postes spécifiques (e.a. gestion des frais de route). La préparation du budget et faites par les services du Procureur général ensemble les fonctionnaires de ministère de la justice. L'évaluation et le contrôle de l'utilisation du budget sont faites par les instances de contrôle financier de l'État. Il est fait référence aux remarques générales faites les années antérieures, qui restent maintenues.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: <https://budget.public.lu/lb.html>

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

Approved budget (in €)	Implemented budget (in €)
------------------------	---------------------------

Total annual public budget allocated to the whole justice system in €	162 949 120 [] NA [] NAP	[X] NA [] NAP
--	----------------------------------	---------------------

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: /

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

/

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	()	()	(X)
Constitutional court	(X)	()	()
Judicial management body	()	()	(X)
State advocacy	()	()	(X)
Enforcement services	(X)	()	()
Notariat	(X)	()	()
Forensic services	(X)	()	()
Judicial protection of juveniles	(X)	()	()
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	()	(X)	()
Immigration Service	()	(X)	()
Some police services (e.g. : transfer, investigation, prisoners' security)	(X)	(X)	()

Other	(X)	()	(X)
-------	-------	-----	-------

If "other", please specify: /

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: <https://budget.public.lu/lb/budget2018/am-detail.html?chpt=depenses&dept=7§=55>

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice, ADR and other legal services	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- L'organisation du système d'aide judiciaire est décrite en détail en suivant le lien suivant:

http://mj.public.lu/services_citoyens/assistance_judiciaire/index.html

017. Does legal aid include the coverage of or the exemption from court fees?

() Yes

() No

[X] NAP

If yes, please specify:

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

(X) Yes

No

NAP

If yes, please specify: An enforcement agent can be mandatory to get a judicial decision executed.

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Information on legal aid



020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	4 457 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	1 125 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	3 332 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

free selection of lawyer

Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: Le montant du revenu minimum, qui correspond au revenu minimum garanti (RMG) plus une immunisation de 30%, avait augmenté le 1er août 2018. Ainsi, nous avons pris la moyenne en prenant en compte cette augmentation. Ce montant du revenu minimum varie avec le nombre de personnes dans le ménage (partenaire, enfants). Source: Barreau.lu et Rapport d'activité du Fond national de solidarité (https://www.fns.lu/fileadmin/file/fns/RapportActivite/Rapport_d_activite_2018_-_FNS.pdf)

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	22 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	22 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: <https://www.fns.lu/>
<http://www.mj.public.lu/>

2.2. Court users and victims

2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/> http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html
case-law of the higher court/s	<input type="checkbox"/>	<input checked="" type="checkbox"/> http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html
other documents (e.g. downloadable forms, online registration)	<input type="checkbox"/>	<input checked="" type="checkbox"/> http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html

Please specify what documents and information are included in "other documents":

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes, always
- No
- Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

- Yes
- No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of terrorism	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ethnic minorities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Disabled persons	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile offenders	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

- Yes
- No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of offences?

(X) Yes, please specify for which kind of offences:

() No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

(X) Yes

() No

Comments

033. If yes, does this compensation come from:

[X] a public fund

[X] damages and interests to be paid by the person responsible

[] a private fund

Comments NAP

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

() Yes

(X) No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

(X) Yes

() No

Comments - If yes, please specify:

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

(X) Yes

() No

[] NAP

Comments - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

Total	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

8. Other not mentioned	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual
	<input type="checkbox"/> Other regular	<input type="checkbox"/> Other regular
	<input type="checkbox"/> Ad hoc	<input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: There are no surveys in this field.

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Le procureur général est en charge des plaintes concernant le fonctionnement du système judiciaire. Le “Ombudsman” national peut également recevoir des plaintes à l’encontre de l’administration judiciaire, mais sans pouvoir s’immiscer dans l’exercice de la fonction juridictionnelle proprement dite (voir <http://www.ombudsman.lu/uploads/Loi/20030822.pdf>).

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Family courts	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Rent and tenancies courts	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Internet related disputes	[] NA [X] NAP
Administrative courts	1 [] NA [] NAP
Insurance and / or social welfare courts	1 [] NA [] NAP
Military courts	1 [] NA [] NAP
Other specialised 1st instance courts	[] NA [X] NAP

Comments - If "other specialised 1st instance courts", please specify:

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

() Yes

(X) No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	3 [] NA [] NAP
an employment dismissal	3 [] NA [] NAP
a robbery	2 [] NA [] NAP
an insolvency case	2 [] NA [] NAP

Comments on the question of robbery: a "normal" robbery case will be tried as a "délit" by a "tribunal correctionnel", an aggravated robbery. e.g. committed during night time by more than one person and with the use of violence will be tried as a "crime" by the criminal court. Both courts are organized at the level of the district court, and are sections of these courts. So, as Luxembourg has two such district courts, the answer is "2".

045-1. Is your definition for small claims the same as the one in the Explanatory note?

(X) Yes

() No

Comments - If not, please give your definition for small claims: A small claim is a claim falling under the razione materiae competence of the Justice of the peace.

045-2. Please indicate the value in € of a small claim:

[10 000]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; Nouveau code de procedure civile

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	222 [] NA [] NAP	71 [] NA [] NAP	151 [] NA [] NAP
1. Number of first instance professional judges	168 [] NA [] NAP	50 [] NA [] NAP	118 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	49 [] NA [] NAP	17 [] NA [] NAP	32 [] NA [] NAP
3. Number of Supreme Court professional judges	5 [] NA [] NAP	4 [] NA [] NAP	1 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: Le personnel des juridictions judiciaires et administratives a connu une croissance soutenue ces dernières années, tel que prévu par la loi modifiée du 7 mars 1980 sur l'organisation judiciaire. Ceci explique les variations importantes observées entre 2016 et 2018 au niveau du personnel de la magistrature et du personnel non-juge. Selon l'organisation judiciaire du Luxembourg, il y a une Cour supérieure de justice, qui est composée de la Cour de cassation ainsi que de la Cour d'appel. Les juges de la Cour supérieure de justice appartiennent tant à la Cour de cassation qu'à la Cour d'appel. Si, juridiquement, il s'agit de postes distincts, en pratique les 5 juges de la Cour supérieure de justice occupent deux fonctions et sont donc comptés parmi les juges de la cours d'appel ainsi qu'au niveau de la Cour supérieure de justice.

The figures differ from those indicated in the last data collection campaigns on two points. 1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels. 2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. We corrected this error in 2016.

There has been a major modification in June 2017, by the Loi du 27 juin 2017 arrêtant un programme pluriannuel de recrutement dans la magistrature et portant modification de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire, programming the future changes in the staff at the different entities. This law provides for a multiannual program of recruitment of judges and prosecutors during the years 2017-

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	9 [] NA [] NAP	7 [] NA [] NAP	2 [] NA [] NAP
1. Number of first instance court presidents	6 [] NA [] NAP	4 [] NA [] NAP	2 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	2 [] NA [] NAP	2 [] NA [] NAP	0 [] NA [] NAP
3. Number of Supreme Court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Comments As we stated in our comment, the Cour supérieure de justice is composed of the Cour de cassation and the Cour d'appel. The president of the Cour supérieure de justice is at the same time the head of the Cour de cassation and the Cour d'appel. Hence, although legally they are considered two different positions, in practice, the same person holds these two positions. Since 2017, the judges who sit in the Supreme Court and in the Court of appeal were double counted, once at the Supreme Court level and once at the second instance.

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- () No
- [X] NAP

Comments

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

Figure

Gross figure	32 [] NA [] NAP
In full time equivalent	[] NA [X] NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	(X)	()
criminal cases (misdemeanour and/or minor)	()	(X)	()
family law cases	()	(X)	()
labour law cases	(X)	()	()
social law cases	()	(X)	()
commercial law cases	()	(X)	()
insolvency cases	()	(X)	()
other civil cases	()	(X)	()

[] NAP

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. If yes, for which type of case(s)?

[] Criminal cases

[] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	220 [] NA [] NAP	84 [] NA [] NAP	136 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	210 [] NA [] NAP	77 [] NA [] NAP	133 [] NA [] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	3 [] NA [] NAP	2 [] NA [] NAP	1 [] NA [] NAP
4. Technical staff	3 [] NA [] NAP	3 [] NA [] NAP	0 [] NA [] NAP
5. Other non-judge staff	4 [] NA [] NAP	2 [] NA [] NAP	2 [] NA [] NAP

Comments - If "other non-judge staff", please specify: Regarding the category "other non-judge staff", it includes non-judge staff working for administrative courts. The increase of the non-judge staff is due to the fact that we no longer distinguish between the staff in charge of administrative tasks and the staff assisting the judges as court clerks, since all the non-judge staff is in charge of assisting the judges. We interpreted this differently in the previous years. Previously some of the staff was considered as not assisting the judges, because of their statute, this appeared as not correct since none of them is limited to administrative tasks, except at the administrative courts, where six persons are in charge of purely administrative tasks. The revised 2017 data shows an increase of the total non-judge staff assisting the judges of 9.95%.

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	220 [] NA [] NAP	84 [] NA [] NAP	136 [] NA [] NAP

1. Total non-judge staff working in courts at first instance level	198 [] NA [] NAP	75 [] NA [] NAP	123 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	20 [] NA [] NAP	9 [] NA [] NAP	11 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	2 [] NA [] NAP	0 [] NA [] NAP	2 [] NA [] NAP

Comments

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Q. 46 et Q. 52: Bureau des ressources humaines de l'Administration judiciaire et des juridictions administratives

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	55 [] NA [] NAP	26 [] NA [] NAP	29 [] NA [] NAP
1. Number of prosecutors at first instance level	41 [] NA [] NAP	21 [] NA [] NAP	20 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of prosecutors at Supreme Court level	14 [] NA [] NAP	5 [] NA [] NAP	9 [] NA [] NAP

Please indicate any useful comment for interpreting the data above: Le personnel des juridictions judiciaires et administratives a connu une croissance soutenue ces dernières années, tel que prévu par la loi modifiée du 7 mars 1980 sur l'organisation judiciaire. Ceci explique les variations importantes observées entre 2016 et 2018 au niveau du personnel de la magistrature et du personnel non-juge. Les magistrats appartenant à la cellule de renseignement financier (CRF) sont dorénavant exclus de la question 55.1 (suite au détachement de la CRF du Parquet de Luxembourg) puisqu'ils n'exercent plus de fonction juridictionnelle proprement dite. Au total, la CRF compte 4 magistrats et un attaché de justice en 2018. L'effectif du Parquet d'arrondissement reste toutefois inchangé suite à la création des nouveaux postes affectés à la CRF

Les magistrats du pool de complément sont inclus dans les chiffres de la question 55.3.

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	3 [] NA [] NAP	2 [] NA [] NAP	1 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	2 [] NA [] NAP	2 [] NA [] NAP	0 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at Supreme Court level	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

() Yes

No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]

NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

Yes

No

Comments Une formation spécifique est offerte aux membres des parquets qui veulent se spécialiser dans cette criminalité, notamment au travers de la participation à des séminaires de formation dans les écoles de magistrature des pays limitrophes.

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	135 [] NA	78 [] NA	57 [] NA

Comments Le personnel des juridictions judiciaires et administratives a connu une croissance soutenue ces dernières années, tel que prévu par la loi modifiée du 7 mars 1980 sur l'organisation judiciaire. Ceci explique les variations importantes observées entre 2016 et 2018 au niveau du personnel de la magistrature et du personnel non-juge. En 2018, la CRF a été rattachée administrativement au Parquet général du Luxembourg. En raison de l'indépendance fonctionnelle de la CRF, les analystes (8 postes) et le personnel administratif (5 postes) ne sont dorénavant plus comptés parmi le personnel du ministère public. L'effectif du Parquet d'arrondissement reste toutefois inchangé, par rapport à 2017, suite à la création des nouveaux postes remplaçant les postes auparavant affectés à la CRF auprès du Parquet.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Bureau des ressources humaines de l'Administration judiciaire et des juridictions administratives.

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality



061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Il y a lieu de retenir qu'en 2018 la proportion Hommes / Femmes a été de - personnel magistrats: 34 % H et 66 % F
- personnel non-magistrat: 39 % H et 61 % F

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

Yes	No

judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Il n'y a pas de rapport spécifique sur le sujet concerné. Des chiffres sont cependant publiés annuellement dans la brochure "La justice en chiffres" (voir: <https://justice.public.lu/dam-assets/fr/publications/justice-en-chiffres/La-justice-en-chiffres-2018.pdf> pour la dernière édition en date

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? Il n'a y pas de programme spécifique à la Justice. Le ministère de l'égalité des chances publie des directives et informations générales (www.mega.public.lu) valables tant pour le secteur public que pour le secteur privé.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	()	(X)
the promotion of judges	()	(X)
the recruitment of prosecutors	()	(X)
the promotion of prosecutors	()	(X)
the recruitment of non-judge staff	()	(X)
the promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments L'article 36-1 de la loi modifiée du 16 avril 1979 fixant le statut général des fonctionnaires de l'Etat, également applicable à la magistrature tant assise que debout prévoit l'instauration d'un délégué à l'égalité entre femmes et hommes qui "a pour mission de veiller à l'égalité de traitement entre les agents (...) en ce qui concerne l'accès à l'emploi, à la formation et à la promotion professionnelle, et les conditions de l'emploi". Un délégué a été désigné pour les magistrats, un second pour les autres personnels de la justice.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) loi modifiée du 16 avril 1979 fixant le statut général des fonctionnaires de l'Etat
(texte modificatif spécifique: loi du 19 mai 2003)

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) délégué-magistrat: Il s'agit d'un magistrat spécialement proposé à cette fin par le président de la Cour supérieure de Justice.

délégué-personnel: Il s'agit d'une personne proposée par le syndicat représentatif du personnel de la Justice.

Les nominations se font par arrêté ministériel.

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) Les délégués à l'égalité n'ont aucun pouvoir pour bloquer des décisions, mais ils doivent obligatoirement avoir été consultés avant certaines décisions. (Voir règlement grand-ducal modifié du 5 mars 2004)

[] NAP

3.4.3 At court/public prosecution services level



061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	(X)	()
in public prosecution services (prosecutors)	(X)	()
for courts' non-judge staff	(X)	()

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

Il n'y a pas de loi spéciale, mais le régime général du statut de la fonction publique est appliqué tant pour les magistrats que pour le personnel de la Justice, y compris pour ce qui est des dénominations que des pouvoirs et compétences

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[X] NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports,

what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[X] NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

Organisation

IT policies and strategies	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): The overall supervision of the national judicial IT is done by a IT steering committee ("Comité directeur informatique - CDI"), whose members are high-level representatives of the General public prosecutor's office (as administrative head of the Judiciary), the Ministry of Justice, the Judicial IT department and the CTIE, the state IT service. Specific projects are supervised, under the general control of the CDI, by specific steering committees.

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments) Although there is no specific "device" in place, especially with regard to the smallness of the country, legislative initiatives are closely monitored by the judiciary in order to detect any incidences on its IT applications. Also, a network of IT-correspondents has been implemented with serves also as a conduct to innovative ideas coming from the users.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- () Yes
- (X) No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- [] Business processes
- [] Workload
- [] Human resources
- [] Costs
- [] Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- () Yes
- (X) No

Comments (please specify in particular if national frameworks of information security exist): The global security policy regarding information systems is within the purview of the CTIE (Centre des technologies de l'information de l'Etat) at a national level for all state institutions. The CTIE conducts independent audits, but none are conducted on behalf of the justice administration specifically and on its own order.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

- (X) Yes
- () No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The GDPR is applicable to the judiciary with the exception of data used in the context of its judiciary activities and especially in the context of penal procedures. These latter data are submitted to the law of August 1st, 2018 transposing the EU directive 2016/680. The rights of citizens are those set out in the relevant European texts. Sharing of nominal databases is strictly limited by law, both internationally and nationally. Sharing of non-personal data falls under the open-data transparency provisions

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- (X) Yes

() Non

Comments La mise en ligne gratuite des bases de données est prévue pour la deuxième moitié 2019.

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Criminal	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No
Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

[X] Linkage with other European records of the same nature

[X] Content directly available through computerised means for judges and/or prosecutors

[X] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access The European access is based on the ECRIS decision. The national accesses are generally governed by the law of March 28, 2013 on criminal records

(<http://data.legilux.public.lu/eli/etat/leg/loi/2016/07/23/n17/jo>), as modified. Special laws grant limited accesses to specific services, e.g. the Secret Service or the National Security Agency.

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

(X) Yes

() No

Comment – if it exists in other matters please specify All magistrates and clerks have access to these assistants, however not the entire scope of documents is covered, as the possibility to use free text is essential to the work of the judiciary. Administrative courts have been provided with a new application in 2018.

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

() Yes

(X) No

Comments The use of private dictation applications is tolerated, but is not in general use.

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool

Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input checked="" type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input checked="" type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

For non-judge/non-prosecutor staff	<input type="checkbox"/> 100%	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> 10-49%	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> 1-9%	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP
	<input type="checkbox"/> 0% (NAP)	<input type="checkbox"/> NA		

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments Legal assistance is granted by the bar associations. The relevant form is available on their website (<https://www.barreau.lu/>) in a clickable PDF-format, but can not be submitted electronically.

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments Although the legally correct answer is "no", as there are as of now no legal provisions, practically speaking, convocation letters and other communications that must not be sent by charged mail are often replaced by electrocution mail.

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>

Criminal	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]
Administrative	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]

Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

Yes

No

Communication between court and parties not represented by lawyer

Yes

No

Comments In penal cases, files are sent to lawyers through a secured OTX link. A similar system has been set up with insurance companies. In minor penal cases, the communication with the parties can also be done - with the consent of the concerned person - electronically.

In civil and commercial cases, informal communications are generally done electronically. Work is ongoing on adapting the legal framework to the new technologies.

064-6-1. If yes, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments A specific legal framework exist only in criminal law, and even there it is only partial. In civil an commercial law, work is in progress, as said under the previous question. In administrative law, the project JA-NGA currently being implemented tends to introduce a far-reaching digitization of the procedures that will serve as a POC for a similar civil/ commercial procedural law project. Informal communications tend to be done now by way of email, and a specific working group is currently being set up between the Judiciary and the bar associations to streamline these communication and single out those point that would need a change in the existing legislation. Please note that under "deployment rate" the figure of 100% means that the whole judiciary is technically equipped to communicate.

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments Notaries: specific application allowing a largely automatized access to the register of matrimonial registers and para-matrimonial partnerships

Police: specific application allowing a largely automatized input of data from electronic police reports ("e-pv") into the prosecution's CMS. Other applications are being developed.

deployment rate: same comment as before

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input checked="" type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

Admissibility of electronic evidence	Legislative framework
---	------------------------------

Civil and/or commercial	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

() Yes

(X) No

Comments Although the technically correct answer is "no", the Judiciary edits every year an annual report on its activities during the previous year. This reports is available to the public (report 2018, see <https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>) .

073-0. If yes, please specify the frequency:

() Annual

() Less frequent

() More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

() Yes

(X) No

Comments The annual report is used to the effect set out in Q. 073-1

073-2. If yes, which courses of action are taken?

[] Identifying to the causes of improved or deteriorated performance

[] Reallocating resources (human/financial resources based on performance (treatment)

[] Reengineering of internal procedures to increase efficiency (treatment)

[] Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

() Yes

(X) No

Comments The annual report covers both judges and prosecutors.

073-4. If yes, please specify the frequency:

() Annual

() Less frequent

() More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

() Yes

(X) No

Comments The annual report covers both judges and prosecutors.

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- Public prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures



- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments New systems of monitoring have been implemented since 2016 (JUCIV for the civil law cases and JANGA for administrative law cases)

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	()	(X)
within the public prosecution services	()	(X)

Comments

3.6.4. Information regarding courts /public prosecution services activity



080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

Yes (please indicate the name and the address of this institution):Service statistique de la Justice, Parquet général du Grand-duché de Luxembourg, Cité Judiciaire, L-2080 Luxembourg

No

Comments

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):Service statistique de la Justice, Parquet général du Grand-duché de Luxembourg, Cité Judiciaire, L-2080 Luxembourg

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): The report is public and available in its integrity.

<https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>

A condensed version is published in the series "Les chiffres de la Justice".

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): the annual report covers all services of the Judiciary

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: There are no legal provisions. A non-structured dialogue is, however, frequent.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding

the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: There are no legal provisions. A non-structured dialogue is, however, frequent.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

Comments NAP

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments NAP

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments NAP

083-3. Who is responsible for setting the individual targets for each public prosecutor

Executive power (for example the Ministry of Justice)

Prosecutor General /State public prosecutor

- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments NAP

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: NAP

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

- [19]
- NA
- NAP

Comments - Please add methodology for calculation used. Alors qu'auparavant la réponse se limitait aux personnes jugées par défaut par une chambre criminelle, les chiffres reprennent maintenant également les personnes jugées par une chambre correctionnelle. Il s'agit uniquement des personnes jugées par un jugement par défaut. En effet il peut y avoir des jugements à la fois contradictoires pour certaines parties et par défaut pour d'autres, de telle sorte que le calcul doit être fait au niveau des personnes jugées soit contradictoirement soit par défaut. Au total, 4 245 personnes ont été jugées dont 797 faisaient défaut.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

- Yes
- No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[0]

[] NA

Comments Il s'agit de la procédure de récusation qui permet de, par un jugement, faire écarter un juge qui n'aurait pas l'impartialité - même ressentie - nécessaire. Cette procédure ne vise que les magistrats du siège, les procureurs sont irrécusables.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

[] For civil procedures (non-enforcement)

[] For civil procedures (timeframe)

[] For criminal procedures (timeframe)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

(X) Yes

() No

[] NAP

Comments Les décisions de la CEDH sont une cause de révision d'une décision coulée en force de chose jugée.

D1. Please indicate the sources for answering questions in this chapter.

Sources: Rapport d'activité 2018 / Code de procédure civile / Code de procédure pénale

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

[X] civil cases

[] criminal cases

[X] administrative cases

[] There is no specific procedure for urgent matters

Comments - If yes, please specify: Tant pour la matière civile que pour la matière administrative a été mise en place la procédure du référé, qui permet un accès rapide à un juge,

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: With regard to the administrative cases, there have been changes of the law in specific matters (asylum law) speeding up the procedures. The same applies to the criminal cases (misdemeanour cases), more specifically for speeding offences, for which a simplified procedure has been introduced in 2018.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: Non. Toutes les décisions sont prises et communiquées par écrit.

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	11 379 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	11 379 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 249 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 256 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 306 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 807 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 857 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	1 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 326 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 321 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 031 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 031 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	1 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 295 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 290 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 319 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 071 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Les affaires pendantes au 31/12/2017 ont dû être adaptées, puisqu'il y figurait 27 affaires de la chambre de vacation, qui n'étaient plus pendantes en fin d'année. Ces 27 affaires ont été retirées des 1 341 affaires pendantes indiquées au Scoreboard 2017 pour aboutir à 1 314 autres affaires pendantes non contentieuses au 01/01/2018.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. The figures given (with the exception of those for the administrative court) are those of the two district courts (Luxembourg and Diekirch), as uniform statistics for both courts are now available on this point.

Please note that the figure given under 2.1 corresponds to the European Payment Order emitted by the two district courts. These procedures are resolved immediately, so that the other figures on that question are NAP. The non-litigious cases include mostly non litigious divorce cases, adoptions, minutes of wills, exequaturs, certificates, vacant successions, ASBL homologation, designation of provisional depositary notary, cases related to guardianship of underage children and adults as well as cases opened on requests for bankruptcy on confession.

093. Please indicate the case categories included in the category "other cases":

. NAP

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	14 322 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	4 368 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	8 206 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 085 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 748 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Nous avons compté parmi les infractions mineures, toutes les affaires terminées par ordonnance pénale au tribunal de police ou au tribunal d'arrondissement. Les infractions graves représentent toutes les affaires terminées par jugement en première instance au tribunal de police, correctionnel ou criminel.

L'augmentation du nombre d'affaires résolues est due au fait que, pour les cycles précédents, les ordonnances pénales des tribunaux d'arrondissement n'étaient pas prises en compte au niveau des infractions mineures, qui comptabilisaient seulement les ordonnances pénales de justices de paix. Ainsi, pour 2016, les infractions pénales mineures reportées s'élevaient à 6460 en comptant les ordonnances pénales des tribunaux d'arrondissement, au lieu de 5454. Le total des affaires terminées a considérablement augmenté puisqu'il nous est depuis la période d'évaluation 2018-2020 possible, par l'ajout de la catégorie « Autres affaires » dans le questionnaire, de renseigner les affaires dont le cabinet d'instruction a été saisi. Les chiffres inscrits dans « autres affaires » correspondent donc aux affaires dont a été saisi le cabinet d'instruction.

Regarding the unavailability of the number of pending cases and incoming cases, Due to the specific organization of the work flow between the courts and the public prosecutor's office, files are transferred to the courts only a short time before the hearing, and, if the case is not heard at the given date, are then returned to the public prosecutor's office until the new date of the hearing. Thus, there are – with very few exceptions - no cases pending before the penal courts over a longer period of time, and the number of incoming cases equals more or less the resolved cases. With regard to civil cases, we should be able to provide information on cases pending for more than two years for the next evaluation, once the new application has been used for a longer period of time.

4.2.3. Case flow management – second instance

097. Second instance courts (appeal): Number of "other than criminal law" cases.



	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 814 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 125 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 290 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 649 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	161 <input type="checkbox"/> NA <input type="checkbox"/> NAP	246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	253 <input type="checkbox"/> NA <input type="checkbox"/> NAP	154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	[X] NA [] NAP	499 [] NA [] NAP	508 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	460 [] NA [] NAP	444 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	39 [] NA [] NAP	64 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Concernant le nombre d'affaire résolues en matière d'affaire pénales grave, une baisse des recours introduits à la Cour d'appel est observée depuis ces dernières années, en conséquence les affaires terminées ont diminué en 2018. Concernant le nombre d'affaire résolues en matière d'affaire pénales mineures, le chiffre plus élevé des affaires d'infractions mineures s'explique par le fait qu'en 2017, 59 recours avaient été introduits sur des jugements du tribunal de police et que ces recours ont été traités pour partie en 2018 seulement.

4.2.4. Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	109 [] NA [] NAP	107 [] NA [] NAP	102 [] NA [] NAP	114 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	109 [] NA [] NAP	107 [] NA [] NAP	102 [] NA [] NAP	114 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP

Comments - If "Other cases", please specify En comparant 2016 à 2018, l'augmentation des affaires pendantes en fin de période est de 40,73%. Toutefois, on constatait déjà une nette augmentation des affaires pendantes en fin de période entre 2016 et 2017, qui s'explique largement par un nombre plus important d'affaires nouvelles en 2017. Entre 2017 et 2018, la variation des affaires pendantes en fin de période est de +5%, ce qui ne paraît pas excessif, surtout en tenant compte des chiffres peu élevés.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes

(X) No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? []

cases closed by this procedure? []

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	38 [] NA [] NAP	58 [] NA [] NAP	45 [] NA [] NAP	51 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	663 [] NA [] NAP	668 [] NA [] NAP	594 [] NA [] NAP	737 [] NA [] NAP
Employment dismissal cases	[X] NA [] NAP	1 434 [] NA [] NAP	1 698 [] NA [] NAP	[X] NA [] NAP
Insolvency	[] NA [X] NAP	1 086 [] NA [] NAP	1 086 [] NA [] NAP	[] NA [X] NAP
Robbery case	[X] NA [] NAP	110 [] NA [] NAP	97 [] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	24 [] NA [] NAP	22 [] NA [] NAP	[X] NA [] NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	370 [] NA [] NAP	369 [] NA [] NAP	[X] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	57 [] NA [] NAP	55 [] NA [] NAP	[X] NA [] NAP

Comments Concernant le nombre d'affaires entrantes de divorce, comparé aux chiffres fournis pour le scoreboard 2017,celles-ci ont augmenté de 8% seulement. Depuis 2017, nous avons observé une accélération du nombre de demandes de divorces en 2018 étant donné qu'avant l'entrée en vigueur de la loi du 27 juin 2018 instituant le juge aux affaires familiales (loi JAF) et réformant la procédure de divorce de nombreuses procédures entamées sous l'ancienne loi ont été évacuées par priorité. En outre, les chiffres concernant les affaires relatives aux demandeurs d'asile ont reculé de 5% par rapport aux chiffres disponibles pour 2017. La variation des affaires nouvelles et des affaires terminées est liée à des facteurs externes aux juridictions administratives et est probablement en lien avec la baisse en 2018 des demandes en protection internationale et surtout des décisions prises en relation avec ces demandes. Enfin, le nombre d'affaires terminées en matière d'entrée et de séjour des étrangers en 2016 était particulièrement élevé, ce qui s'explique entre autre par la création d'une nouvelle chambre en 2016 au tribunal administratif, la complexité des affaires qui peut varier ainsi que des délais d'instruction qui peuvent affecter la date de prononcé. Le nombre d'affaires terminées relatives au droit de l'entrée et du séjour des étrangers reste inchangé par rapport aux affaires terminées en 2017.

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. De manière globale la compétence pour connaître des recours juridictionnels en matière de protection internationale – statut de réfugié suivant la Convention de Genève du 28 juillet 1951 et protection subsidiaire – de même que les questions d'entrée et de séjour des étrangers au Grand-Duché – revient aux juridictions de l'ordre administratif. Les juridictions en question se composent en première instance du tribunal administratif et en seconde instance de la Cour administrative. La Cour est la juridiction suprême de l'ordre administratif en vertu de l'article 95bis de la Constitution. En matière de protection internationale, le tribunal administratif connaît des recours des demandeurs déboutés en statuant en tant que juge de la réformation, c'est-à-dire en connaissant le fait et le droit et en statuant en prenant en considération la situation à la date où il rend son jugement. Le recours devant les juridictions administratives est ici, par exception à la règle générale, suspensif, tant en première instance qu'en instance d'appel. En principe, les jugements du tribunal peuvent faire l'objet d'un appel devant la Cour administrative qui statue suivant un arrêt définitif, toujours dans le cadre d'un recours en réformation, en se plaçant, elle aussi, à la date où elle rend son arrêt. La loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire est venue instaurer une exception quant au double degré de juridiction : lorsque le ministre compétent statue suivant la procédure accélérée dans les hypothèses où, suivant son analyse, la demande de protection internationale est manifestement infondée, seul un recours devant le tribunal administratif est ouvert. Aucun appel ne sera possible dans ce cas de figure. En matière d'entrée et de séjour ce sont les dispositions de la loi modifiée du 29 août 2008 sur la libre circulation et l'immigration qui cadrent la matière. En principe le double degré de juridiction joue dans toutes les affaires afférentes, le juge administratif est appelé à statuer dans le cadre d'un recours en annulation en se plaçant à la situation de fait et de droit telle qu'elle a existé au jour de la prise de la décision administrative querellée et en concordance par rapport à la règle générale, les recours ne sont pas suspensifs. Une matière spéciale retient l'attention : C'est celle de la rétention administrative. Il y a deux procédures, celle générale prévue à l'article 120 de la loi du 29 août 2008 et celle spécifique dans le cadre d'une demande de protection internationale. Pour les deux procédures, le double degré de juridiction est prévu et le recours n'est pas suspensif. Seulement, des délais d'instruction très courts s'appliquent et, tant le tribunal que la Cour sont tenus de statuer, chacun en ce qui le concerne dans les dix jours de sa saisine. Dans toutes les affaires précitées, le tribunal siège en principe dans une composition de trois membres et la Cour également dans une composition de trois membres. Une exception : le premier volet de la saisine du tribunal en matière de procédure accélérée prévoit une procédure à juge unique. Enfin, dans les matières où le recours n'est pas suspensif, le fait d'avoir formé un recours au fond permet en première instance au demandeur de solliciter auprès du président du tribunal, siégeant en matière de référé, l'effet suspensif de son recours où la prise de mesures de sauvegarde jusqu'à ce que le tribunal ait statué au fond (articles 11 et 12 de la loi modifiée du 21 juin 1999 portant règlement de procédure devant les juridictions administratives).

102. Average length of proceedings, in days (from the date the application for judicial review is

lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP	565 <input type="checkbox"/> NA <input type="checkbox"/> NAP	452 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	802 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	50 <input type="checkbox"/> NA <input type="checkbox"/> NAP	300 <input type="checkbox"/> NA <input type="checkbox"/> NAP	271 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	717 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Actuellement il nous est impossible de fournir des chiffres sur les durées des affaires civiles et commerciales, les affaires de divorce, les licenciements ou encore les faillites. Toutefois la nouvelle application de gestion des affaires civiles et commerciales (JUCIV), opérationnelle depuis 2017, devrait nous permettre de fournir ces chiffres pour la prochaine évaluation des systèmes judiciaires de la CEPEJ.

Concernant les affaires de “vol avec violence” nous avons retenu les affaires ayant été libellées en droit national comme infractions correspondant à une infraction appartenant à la catégorie 0401 Vol qualifié de la classification internationale des infractions à des fins statistiques (ICCS) des Nations Unis.

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Le droit luxembourgeois ne connaît plus que deux types de divorce:

le divorce par consentement mutuel ;

le divorce pour rupture irrémédiable des relations conjugales.

Le divorce par consentement mutuel

Lorsque les deux conjoints s’entendent sur la rupture du mariage et ses conséquences, ils peuvent demander conjointement au juge aux affaires familiales le divorce, en soumettant au juge aux affaires familiales une convention réglant :

la résidence de chacun des conjoints pendant le temps de la procédure,

le sort des enfants communs mineurs, tant pendant le temps de la procédure qu’après le divorce,

la contribution de chacun des conjoints à l’entretien et à l’éducation des enfant communs mineurs,

la pension alimentaire éventuelle à payer par l’un des conjoints à l’autre pendant le temps de la procédure et après le divorce.

Le divorce par consentement mutuel ne requiert ni condition d’âge minimum des conjoints, ni de durée minimale du mariage. La convention doit être rédigée par un avocat à la Cour ou un notaire.

Cette convention est ensuite soumise par voie de requête au greffe du tribunal d’arrondissement territorialement compétent. Le recours

à un avocat n'est pas obligatoire.

Le greffe convoque les conjoints à une audience non publique au cours de laquelle le juge aux affaires familiales contrôle la volonté réelle de chacun des conjoints et leur consentement libre et éclairé à la convention. S'il estime que la convention contient des clauses qui ne préservent pas l'intérêt supérieur des enfants ou qu'elles portent une atteinte manifestement disproportionnée aux intérêts de l'un des conjoints, il peut demander aux conjoints de supprimer ou de modifier des clauses dans le sens qu'il détermine et de présenter une nouvelle convention avant l'expiration d'un délai de six semaines. Si la nouvelle convention n'est pas dans le sens demandé par le juge aux affaires familiales, le divorce peut à terme ne pas être prononcé. Les conjoints peuvent faire appel contre ce jugement. Les conjoints doivent se présenter personnellement devant le juge aux affaires familiales, mais peuvent se faire assister d'un avocat. Le juge aux affaires familiales homologue la convention qui fait partie intégrante du jugement de divorce.

Toute demande en modification de la convention est à adresser au juge aux affaires familiales par voie de requête selon la procédure contentieuse (dispositions générales).

Le divorce pour rupture irrémédiable des relations conjugales

Le divorce pour cause d'excès, sévices ou injures graves, communément appelé divorce pour faute a été abrogé par une loi du 27 juin 2018. Toutefois, un certain nombre de comportements pénalement répréhensibles commis au cours du mariage (tels que le viol, l'attentat à la pudeur et les violences physiques) emporte des conséquences en termes de droit à une pension alimentaire et au niveau des avantages matrimoniaux concédés pendant le mariage.

Le divorce pour rupture irrémédiable des relations conjugales peut être demandé soit par un seul des conjoints, soit par les deux conjoints (au cas où ils sont d'accord sur le principe du divorce, mais pas sur toutes ses conséquences).

Pendant la procédure de divorce devant le juge aux affaires familiales, chacun des conjoints peut demander au juge aux affaires familiales de prendre des mesures provisoires relatives à la personne, aux aliments et aux biens, tant des conjoints que des enfants. Les conjoints peuvent demander à résider séparément pendant la procédure de divorce.

Au terme de la procédure de divorce, le jugement de divorce constate la rupture irrémédiable des relations conjugales, prononce le divorce, ordonne la liquidation et le partage du régime matrimonial et statue sur les conséquences. Une fois que le jugement de divorce a acquis force de chose jugée, les mesures provisoires prises par le juge aux affaires familiales prennent automatiquement fin. Toute demande en modification des mesures accessoires (pension alimentaire, domicile familial, garde des enfants, droit de visite et d'hébergement) énoncées dans le jugement de divorce est à adresser au juge aux affaires familiales par voie de requête selon la procédure contentieuse (dispositions générales).

Tant en matière de divorce par consentement mutuel que de divorce pour rupture irrémédiable des relations conjugales, le jugement de divorce dissout le mariage à la date à laquelle il acquiert force de chose jugée.

104. How is the length of proceedings calculated for the six case categories of question 102?

Please give a description of the calculation method.

. Actuellement il nous est impossible de fournir des chiffres sur les durées des affaires civiles et commerciales, les affaires de divorce, les licenciements ou encore les faillites. Toutefois la nouvelle application de gestion des affaires civiles et commerciales (JUCIV), opérationnelle depuis 2017, devrait nous permettre de fournir ces chiffres pour la prochaine évaluation des systèmes judiciaires de la CEPEJ. Pour le calcul de la durée moyenne des affaires terminées concernant les infractions d'homicide volontaire et de vol avec violence, pour l'année 2018 en première et deuxième instance, les calculs suivants ont été réalisés : En première instance, la durée entre la date de saisine du tribunal (par l'effet du renvoi du dossier par décision de la chambre du conseil ou de la citation directe du Parquet pour les affaires sans renvoi) et la date du jugement définitif est prise en compte pour calculer la durée moyenne par affaire terminée en première instance. Puis, la somme des durées est divisée par le nombre total des affaires pénales terminées pour les infractions considérées.

En deuxième instance, toutes les affaires terminées à la Cour d'Appel en 2018 sont prises en compte. La durée est calculée à partir de la date de saisine de la Cour d'appel (date du recours) et la date de l'arrêt définitif et ensuite la durée moyenne en deuxième instance est calculée par affaire.

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: Civil cases: in all cases pertaining to the "état civil", i.e. family and personality cases, the prosecutor is heard in his conclusions. In insolvency cases: the prosecutor assists to all hearings in insolvency matters and can also open a case proprio motu if according to his files a "commerçant" (civil or legal person) is insolvent.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	62 876	27 359		11 356
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments L'augmentation du nombre d'affaires classées s'explique essentiellement au niveau des affaires de police. Depuis 2017, le nombre d'affaires nouvelles a considérablement augmenté, ce qui explique partiellement le nombre important d'affaires classées en la matière. Cet accroissement des affaires ouvertes est lié à l'introduction du système de contrôle et de sanction automatisés (CSA) au cours de l'année 2016, qui a mené à une augmentation importante des affaires de circulation (vitesse), des infractions constatées via des radars fixes et mobiles. En plus, des changements au niveau de la gestion de ces affaires CSA au parquet a engendré le classement d'un nombre important d'affaires en 2018, ce qui contribue à la variation importante des affaires classées observée entre 2016 et 2018. Les affaires reçues par le procureur au cours de l'année de référence incluent les affaires 'Sans Auteur Identifié' (SAI) qui sont provisoirement classées dans l'attente de l'identification d'un auteur. En 2018, 24 799 affaires étaient qualifiées SAI.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor

through this procedure?

	Number of guilty plea procedures
Total	19 [] NA [] NAP
Before the court case	[X] NA [] NAP
During the court case	[X] NA [] NAP

Comments The "transaction pénale" introduced by a law of February 24th, 2015 under the name of "jugement sur accord" enables the prosecutor and the defendant to "negotiate" a penal judgment that will be rendered executory by the courts.

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	27 359 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	4 402 [] NA [] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	4 380 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	18 303 [] NA [] NAP
4. Other	274 [] NA [] NAP

Comments L'augmentation du nombre d'affaires classées s'explique essentiellement au niveau des affaires de police. Depuis 2017, le nombre d'affaires nouvelles a considérablement augmenté, ce qui explique partiellement le nombre important d'affaires classées en la matière. Cet accroissement des affaires ouvertes est lié à l'introduction du système de contrôle et de sanction automatisés (CSA) au cours de l'année 2016, qui a mené à une augmentation importante des affaires de circulation (vitesse), des infractions constatées via des radars fixes et mobiles. En plus, des changements au niveau de la gestion de ces affaires CSA au parquet a engendré le classement d'un nombre important d'affaires en 2018, ce qui contribue à la variation importante des affaires classées observée entre 2016 et 2018. L'ajout de la catégorie 'Autre' dans le questionnaire, nous a permis de revoir la classification des affaires classées sans suites. Les affaires sans infractions incluaient jusqu'à présent toute une série de motifs pour classer une affaire sans suite qui sont maintenant réunis dans la catégorie '... pour raison d'opportunité'.

109. Do the figures include traffic offence cases?

(X) Yes

() No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107,

107-1 and 108.

Sources: Q91: Rapport d'activité 2018 - Tribunaux d'arrondissement
Q94: Rapport d'activité 2018 - Tribunaux d'arrondissement et justice de paix
Q97: Rapport d'activité 2018 - Cour d'appel
Q98: Rapport d'activité 2018 - Cour d'appel
Q99: Rapport d'activité 2018 - Cour de cassation
Q101: Rapport d'activité 2018, JUCHA et Juridictions administratives
Q102: Rapport d'activité 2018 et JUCHA
Q107: Rapport d'activité 2018 - Parquets et JUCHA
Q108: Rapport d'activité 2018 - Parquets et JUCHA

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments The procedure for the recruitment of judges and prosecutors is set up by the modified law of June 7th, 2012 "sur les attachés de justice" (court auditors). As a general rule, court auditors are recruited by the way of a written nomination followed by a trainee period. However, if there are no candidates to fill all the vacant positions, a second round of recruitment can be opened. In this round, recruitment will be done on working experience.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):
Judges are inamovable, i.e. any promotion is done upon their specific request. There are no automatic promotion procedures. If a position is vacant, an appeal for candidates is made. For certain posts, a vote of the general assembly of the superior court is required in order to set up a list of three candidates. The final decision is taken by the Government in Council, the nomination proper is done by the Grand-Duke of Luxembourg. In principle the choice of the superior court is always respected.

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). Members of the prosecution service have exactly the same professional statute as judges, and thus benefit from the same guarantees. There can be no non-prosecution orders nor from the internal hierarchy neither from the Minister of Justice. A draft constitutional law is under preparation. It is intended to further strengthen the independence of the prosecution from the minister of Justice by devising a formal paragraph stating specifically the principle of independence of the prosecution. The project of reform has not been adopted yet. The minister of Justice can give positive instructions to the general prosecutor, and the general prosecutor can, on his own initiative, give such instructions to the district prosecution services. Negative instructions, i.e. not to prosecute a case or a person, can not be given. Even in the presence of a positive instruction, the prosecutor is free to address to the court any oral representations he deems useful "for the benefit of Justice", even if these are contradictory with the written instructions he had initially received.

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify: The minister of Justice can give positive instructions to the general prosecutor, and the general prosecutor can, on his own initiative, give such instructions to the district prosecution services. Negative instructions, i.e. not to prosecute a case or a person, can not be given. Even in the presence of a positive instruction, the prosecutor is free to address to the court any oral

representations he deems useful "for the benefit of Justice", even if these are contradictory with the written instructions he had initially received.

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official

age of retirement)?

Yes, please indicate the compulsory retirement age:68

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal from office as the ultimate disciplinary sanction is possible. The sanction will be pronounced by the Superior Court of Justice, i.e. by the highest judiciary body. Forced retirement is possible if a magistrate is stricken by a grave and permanent infirmity or refuses to retire after having reached the age of 68. These rules apply to judges and to prosecutors.

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:68

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal from office as the ultimate disciplinary sanction is possible. The sanction will be pronounced by the Superior Court of Justice, i.e. by the highest judiciary body. Forced retirement is possible if a magistrate is stricken by a grave and permanent infirmity or refuses to retire after having reached the age of 68. These rules apply to judges and to prosecutors.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

- Yes
 No
 NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

- []
 NA
 NAP

Comments

126-1. Is it renewable?

- Yes
 No
 NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Le commentaire exhaustif fait dans le round précédant est toujours d'actualité.

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
--------------------------------------	---------------------	---------------------	---------------------

Comments

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[] Regularly (for example every year) [X] Occasional (as needed) [X] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No

In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
--------------------------------------	---------------------	---------------------	---------------------

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	[]	[]	[]
One institution for prosecutors	[]	[]	[]
One single institution for both judges and prosecutors	[]	[]	[]

Comments

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	[] NA [X] NAP

One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Le Grand-Duché de Luxembourg a conclu des accords de formation initiale / continue avec les écoles de la magistrature en France, en Belgique et en Allemagne (le Luxembourg est pays associé dans l'ERA à Trèves). Ces formations prennent la forme de séjours sur place, mais aussi de colloques tenus à Luxembourg avec des intervenants de ces écoles, ainsi que de tiers compétents dans des domaines spécifiques.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Only for judges	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Only for prosecutors	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Only for other non-judge staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Only for other non-prosecutor staff	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other common training	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments:

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Informations fournies par le service "formation initiale et continue des magistrats" auprès du Parquet général, responsable de cette formation.

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	84 888 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	84 888 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

134. If “other financial benefit”, please specify:

. Certaines fonctions, définies par la loi, qui entraînent des charges particulières, notamment en termes de permanences 24/7 et des contraintes analogues, qui dépassent le cadre de travail normal, sont liées à des primes particulières.

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	(X) Yes () No	(X) Yes () No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	(X) Yes () No	(X) Yes () No
Other function	(X) Yes () No	(X) Yes () No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify. Concernant le cumul avec la fonction de médiateur, il n'y a pas d'incompatibilité légale, mais en pratique aucun magistrat n'a été agréé pour cette fonction à ce jour

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	(X) Yes () No	(X) Yes () No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	(X) Yes () No	(X) Yes () No
Political function	() Yes (X) No	() Yes (X) No
Mediator	(X) Yes () No	(X) Yes () No
Other function	() Yes (X) No	() Yes (X) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify: Concernant le cumul avec la fonction de médiateur, il n'y a pas d'incompatibilité légale, mais en pratique aucun magistrat n'a été agréé pour cette fonction à ce jour

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments La loi sur l'organisation judiciaire, notamment sous la rubrique "discipline", donne certaines indications quant à la conduite que soit suivre un magistrat tant dans ses fonctions qu'en privé, y compris sur les incompatibilités.

Un code d'éthique de la magistrature a été mis en place depuis quelques années. Par ailleurs le projet de loi sur le Conseil suprême de la Magistrature donne compétence à ce conseil pour régler les questions d'éthique (voir:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7C54F046758B6BF32168963A70AB86E7\\$08FE38682C03377718337154F67B571B&fn=7C54F046758B6BF32168963A70AB86E7\\$08FE38682C03377718337154F67B571B.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7C54F046758B6BF32168963A70AB86E7$08FE38682C03377718337154F67B571B&fn=7C54F046758B6BF32168963A70AB86E7$08FE38682C03377718337154F67B571B.pdf)).

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

Yes

No

[] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

[] NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments Le statut des magistrats étant commun aux juges et aux procureurs, la loi sur l'organisation judiciaire, notamment sous la rubrique "discipline", donne certaines indications quant à la conduite que soit suivre un magistrat tant dans ses fonctions qu'en privé, y

compris sur les incompatibilités.

Un code d'éthique de la magistrature a été mis en place depuis quelques années. Par ailleurs le projet de loi sur le Conseil suprême de la Magistrature donne compétence à ce conseil pour régler les questions d'éthique (voir:

[https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7C54F046758B6BF32168963A70AB86E7\\$08FE38682C03377718337154F67B571B&fn=7C54F046758B6BF32168963A70AB86E7\\$08FE38682C03377718337154F67B571B.pdf](https://www.chd.lu/wps/PA_ArchiveSolR/FTSShowAttachment?mime=application%2fpdf&id=7C54F046758B6BF32168963A70AB86E7$08FE38682C03377718337154F67B571B&fn=7C54F046758B6BF32168963A70AB86E7$08FE38682C03377718337154F67B571B.pdf)).

138-4. If yes, how is this institution / body formed

- only by prosecutors
- by prosecutors and other legal professionals
- other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

- Yes
- No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General / State public prosecutor

- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

Judges	Prosecutors
--------	-------------

Total number (1+2+3+4)	1 [] NA [] NAP	0 [] NA [] NAP
1. Breach of professional ethics	0 [] NA [] NAP	0 [] NA [] NAP
2. Professional inadequacy	1 [] NA [] NAP	0 [] NA [] NAP
3. Criminal offence	0 [] NA [] NAP	0 [] NA [] NAP
4. Other	0 [] NA [] NAP	0 [] NA [] NAP

Comments - If “other”, please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	0 [] NA [] NAP	0 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP	0 [] NA [] NAP
5. Temporary reduction of salary	0 [] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	0 [] NA [] NAP	0 [] NA [] NAP
7. Transfer to another geographical (court) location	0 [] NA [] NAP	0 [] NA [] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP
9. Other	0 [] NA [] NAP	0 [] NA [] NAP

10. Dismissal	0 [] NA [] NAP	0 [] NA [] NAP
----------------------	------------------------	------------------------

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. L'unique procédure entamée contre un magistrat du siège pendant la procédure de référence s'est terminée par une décision de classement émanant de la formation de discipline de la Cour supérieure de justice.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Loi sur l'organisation judiciaire / Greffe en chef de la Cour supérieure de Justice

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	2 993 [] NA	[X] NA	[X] NA

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[] NA

[X] NAP

Comments

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[X]	[X]
Dismissal cases	[X]	[X]	[X]

Criminal cases – Defendant	[]	[X]	[X]
Criminal cases – Victim	[]	[X]	[X]
Administrative cases	[X]	[X]	[X]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	() Yes (X) No	() Yes (X) No	() Yes (X) No
Self-representation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Trade union	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [X] Property manager
- [X] Real estate agent
- [X] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- [X] Self-employed lawyer
- [X] Staff lawyer
- [] In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: barreau.lu

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes, laws provide rules
- Yes, standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Labour cases including employment dismissals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

[] NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	144 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	68 [] NA [] NAP	73 [] NA [] NAP	18 [] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: Médiations pénales : JUCHA 2008

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: <http://mj.public.lu/>
<https://justice.public.lu/fr.html>

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?



Yes

No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	19 [] NA	14 [] NA	5 [] NA

Comments

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No [] NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No [] NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No [] NAP

Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments

174. Are enforcement fees easily established and transparent for court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: <http://www.huissier.lu/members.php>

8.1.2. Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

Yes

No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
-----------------	--

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: <http://www.huissier.lu/members.php>

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). Le Procureur général d'Etat est chargé de l'exécution des peines prononcées par les cours et tribunaux en matière pénale. Il prend l'initiative et surveille l'exécution de ces peines.

Cependant, depuis les lois du 20 juillet 2018 respectivement portant réforme du Code de procédure pénale et de l'administration Pénitentiaire, l'administration pénitentiaire proprement dite travaille sous la direction du Ministère de la Justice, les services de probation restant cependant sous la direction du Parquet général. sources:

<http://data.legilux.public.lu/file/eli-etat-leg-loi-2018-07-20-a627-jo-fr-pdf.pdf> (réforme de l'exécution des peines)

<http://data.legilux.public.lu/file/eli-etat-leg-loi-2018-07-20-a627-jo-fr-pdf.pdf> (réforme de l'administration pénitentiaire)

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

Comments

191. If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	36 [] NA [] NAP	20 [] NA [] NAP	16 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	36 [] NA [] NAP	20 [] NA [] NAP	16 [] NA [] NAP
3. Public officials	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "other", please specify the status:

192-1. What are the access conditions to the profession of notary (multiple options possible):

diploma

professional experience/professional training

exam

appointment procedure by the State

other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

yes, please indicate the age of retirement:72

no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

194. What kind of activities do notaries perform (multiple options possible):

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):taxes et registres

Comments

194-1. Do notaries have the exclusive rights when exercising their profession:

Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)

Authentication

Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify):

Comments Non

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments

II. Please indicate the sources for answering question 192:

Sources: Notariat.lu
<http://mj.public.lu/professions/notaire/index.html>

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters



197. Is the title of court interpreters protected?

- Yes
- No

Comments

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments

199. Number of accredited or registered court interpreters:

1 175]

NA

NAP

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify (e.g. having passed a specific exam): Diploma

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the

judicial work (but do not take part in the decision).

Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

202-2. Who is responsible for registering judicial experts?

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments

202-3. Is the registration of judicial experts limited in time?

Yes, for how long

No

Comments

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

205-1. Who sets the expert remuneration?

- La rémunération est fixée par arrêté grand-ducal.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of the expertise?

- Yes
- No

Comments

K1. Please indicate the sources for answering question 205

Sources: Ministère de la Justice Loi du 7.7.1971

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans Le projet de loi portant création d'un Conseil national de la Justice et consacrant le renforcement de l'indépendance du ministère public constituent un ensemble avec le projet de révision de la Constitution.

2. Budget /

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) - Réformes procédurales

Le projet de loi n°7307 portant renforcement de l'efficacité de la justice vise à réformer la mise en état introduite en 1996 et à apporter d'autres simplifications procédurales en matière civile et commerciale dans le but de rendre la justice plus rapide et plus efficace. Le taux de compétence des justices de paix sera augmenté et une procédure de mise en état accélérée sera créée devant les tribunaux d'arrondissement. La cohérence des dispositions en vigueur sera renforcée. Sera également analysée la possibilité d'adapter les procédures pénales afin de permettre l'évacuation plus rapide de certaines affaires de flagrant délit, sans porter préjudice aux droits de la défense.

Le jugement sur accord sera évalué afin de renforcer son attractivité et d'évacuer un nombre d'affaires plus important et dans un délai raccourci.

- Réforme des juridictions administratives

La réforme de l'organisation des juridictions administratives inscrite au projet de loi n°6563B sera poursuivie dans le but de simplifier et de raccourcir les procédures et d'aboutir à une informatisation des procédures s'inscrivant dans la démarche générale du programme « paperless justice ».

- Recours collectifs

L'introduction des recours collectifs dans des matières autres que la protection des consommateurs sera examinée, par exemple en matière de droit de l'environnement, de lutte contre les discriminations et d'abus de position dominante et de concurrence déloyale.

- Juge aux affaires familiales

Conformément à la motion adoptée par la Chambre des Députés, un bilan des nouvelles dispositions et procédures relatives au divorce sera établi dans un délai de trois ans après l'entrée en vigueur de la loi du 27 juin 2018 instituant le juge aux affaires familiales, portant réforme du divorce et de l'autorité parentale.

- Tribunal de la jeunesse

Les moyens pour agir de façon interdisciplinaire au sein du tribunal de la jeunesse seront améliorés. Des assistants sociaux et/ou des pédagogues seront mis à disposition des magistrats.

3.1. Access to justice and legal aid Une loi relative à l'assistance judiciaire sera élaborée dans laquelle les procédures d'octroi de l'assistance judiciaire et les procédures de paiement seront améliorées d'une part par un système d'assistance judiciaire partielle - rendant la justice accessible à davantage de personnes - et d'autre part par une maîtrise de l'évolution des dépenses. Ainsi des critères progressifs relatifs au seuil de revenus des personnes à prendre en considération, ensemble avec un système participatif, seront établis et l'ensemble des ressources dont dispose le demandeur sera pris en considération. L'assistance judiciaire pourra également être étendue au domaine de la médiation conventionnelle.

4. High Judicial Council /

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. - Gestion des ressources

La possibilité d'adjoindre des référendaires au service des magistrats sera prévue. Une réflexion sera menée sur l'introduction au sein

des deux ordres de juridictions de services spécifiques, voire de formations continues spécifiques, pour la gestion des ressources humaines et du budget.

- Réforme du notariat

La réforme du notariat entamée par le dépôt du projet de loi n°7310 sera poursuivie. Le mécanisme de nomination à la fonction de notaire sera réformé. Les notaires auront la possibilité de travailler non seulement seuls mais également en association à deux notaires ou avec un ou plusieurs candidats-notaires par étude. Le rôle et les missions de la Chambre des Notaires seront clarifiés.

La digitalisation du notariat sera réalisée, afin de propulser le notariat dans l'ère numérique en adaptant la législation afin de permettre d'utiliser et de tirer profit des technologies informatiques actuelles et à venir, tout en garantissant la sécurité juridique indispensable en matière d'actes authentiques. En même temps, le projet devra assurer et renforcer le rôle et les moyens techniques du notaire afin qu'il puisse continuer à remplir son rôle traditionnel de tiers de confiance et d'officier public dans ce nouvel environnement numérique.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities - Droit de la famille: filiation, procréation médicalement assistée, gestation pour autrui, adoption, accès aux origines

La modernisation du droit de la famille sera finalisée. Les travaux parlementaires sur le projet de loi portant réforme du droit de la filiation n°6568A seront poursuivis. Cette réforme vise la disparition des différences entre filiation naturelle et filiation légitime.

Avec cette réforme sera également créé un cadre légal clair pour l'établissement de la filiation des enfants issus d'une procréation médicalement assistée avec ou sans tiers donneur (dite PMA exogène ou endogène). La PMA réalisée après le décès du conjoint (dite PMA post mortem) sera également autorisée.

Seront également entérinés les concepts de co-maternité et co-paternité. L'accessibilité aux techniques de PMA sera garantie aux personnes ayant ensemble ou seul un désir d'enfants. L'introduction d'un nouvel acte d'état civil (dénommé « acte de parentalité ») permettant au/aux parent(s) non biologique(s) de reconnaître l'enfant, permettra sous certaines conditions la reconnaissance d'enfants nés de gestations pour autrui (GPA) réalisées à l'étranger et l'inscription des deux personnes de même sexe comme parents sur l'acte de naissance de l'enfant.

Cette réforme introduira le principe que l'enfant a le droit d'avoir, dans la mesure du possible, accès à ses origines. Le Gouvernement prendra rapidement une initiative législative en vue de la mise en oeuvre des modalités d'exécution de ce principe général visant à introduire un accès aux origines des enfants en cas d'adoption ou de PMA avec tiers donneur.

La réforme du droit de l'adoption sera poursuivie.

- Protection des majeurs incapables

La législation nationale sera adaptée en vue de la mettre en conformité avec les standards définis par la Convention de l'ONU relative aux droits de la protection des personnes handicapées. Il sera procédé à une refonte complète du droit national de la protection des majeurs avec pour finalité le renforcement de l'autonomie des personnes sous le coup d'une mesure de protection. La Convention de La Haye du 13 janvier 2000 sur la protection internationale des adultes sera ratifiée.

Les personnes et institutions qui assument la responsabilité d'être tuteurs verront leurs activités mieux définies sur le plan juridique, institutionnel et matériel.

- Protection de la vie privée

Face à l'explosion de la diffusion de commentaires, d'informations et d'images par un nombre croissant de canaux et face aux atteintes potentielles et gravissimes à la vie privée et à la dignité des personnes, tant des mineurs que des majeurs, la législation sera renforcée pour améliorer la protection contre ces dangers.

- Transsexualité, intersexualité

La possibilité d'inscrire une troisième option dans le registre de l'état civil sera examinée. Les interventions chirurgicales ou médicales chez les mineurs incapables de discernement et chez qui le sexe biologique ne peut pas être clairement déterminé seront interdites par la loi, sauf les cas de nécessité vitale.

- Droit commercial: entreprises en difficulté et faillites

La réforme de la législation en matière de faillites et de gestion contrôlée aboutira dans les meilleurs délais.

Cette réforme sera mise en oeuvre en mettant l'accent sur les démarches de prévention en direction des entreprises en difficulté et sur

la collaboration entre toutes les administrations concernées.

- Asbl et fondations

La législation du droit des associations sans but lucratif et fondations sera revue dans le sens d'une simplification du régime applicable.

Les travaux de révision de la législation seront menés à leur terme en tenant compte des nécessités d'une simplification pour les nombreuses associations existantes et d'une transparence permettant de garantir le bon fonctionnement de celles-ci.

- Droit des sociétés

Le registre des bénéficiaires effectifs sera rapidement mis en place, conformément aux textes européens afférents.

L'effort de modernisation du droit des sociétés, y compris les sociétés coopératives, sera poursuivi en vue de continuer à disposer d'un droit adapté aux besoins des entreprises de toutes les tailles.

- Violence sexuelle et sexiste

La lutte contre les violences sexuelles et sexistes sera renforcée.

- Mise en danger délibérée d'autrui

La vie en société requiert un comportement de prudence et de sécurité de tout un chacun vis-à-vis des autres citoyens. Afin de mieux combattre le fléau des comportements négligents et indifférents, surtout mais pas uniquement en matière de circulation routière, le projet de loi n°7204 déposé en novembre 2017 portant introduction de l'infraction de la mise en danger délibérée d'autrui sera poursuivi.

- Agressions contre les agents des services de secours

Afin de mieux protéger ceux qui nous protègent, le projet de loi n°7340 déposé en juillet 2018 propose de sanctionner pénalement les agressions contre les agents des services de secours, y compris les agents du nouveau Corps grand-ducal d'incendie et de secours (CGDIS) Il sera mené à terme dans les meilleurs délais.

- Traite des êtres humains

La traite des êtres humains sous toutes ses formes - prostitution, esclavage et travail forcé - est un fléau contre lequel les efforts nationaux et internationaux seront renforcés.

- Lutte contre le blanchiment et le financement du terrorisme

Tous les acteurs nationaux en matière de lutte contre le blanchiment et le financement du terrorisme réunis au sein du comité de coordination national renforceront leurs efforts dans leurs attributions respectives et en termes de concertation. Les moyens nécessaires seront mis à leur disposition y compris au profit des autorités de poursuite judiciaires et policières.

- Lanceurs d'alerte

La proposition de directive relative à la création d'une législation européenne uniforme visant à protéger les lanceurs d'alerte (« whistleblowers ») sera appuyée et le nécessaire sera fait en vue d'une transposition rapide de cette directive en droit luxembourgeois. La législation nationale couvrira le champ d'application défini par la jurisprudence nationale en la matière ainsi que par celle de la Cour européenne des droits de l'Homme (CEDH).

- Rétention des données

Suite aux différents arrêts de la Cour de justice de l'Union européenne (CJUE) sur la conservation généralisée des données de connexion par les opérateurs de télécommunications, il est urgent que l'Union européenne se dote de nouvelles règles communes conformes à ces arrêts, cette matière faisant partie de l'espace commun de liberté, de sécurité et de justice. La loi nationale sera conforme aux règles communes européennes.

7. Enforcement of court decisions - Exécution des peines

La nouvelle administration pénitentiaire appliquera la réforme de l'exécution des peines afin d'améliorer la réinsertion sociale des détenus et prévenir la récidive. Les outils statistiques nécessaires seront mis en place et il sera procédé à un suivi analytique de toutes les démarches de l'administration pénitentiaire. La coopération entre tous les intervenants internes et externes sera renforcée.

- Maisons de transition

Les travaux relatifs à la création de maisons de transition seront poursuivis afin de continuer à promouvoir la réinsertion sociale des

détenus. La préparation à une réinsertion sociale réussie des détenus ne s'arrête pas au moment de leur sortie de prison. Afin d'éviter que les efforts de réinsertion sociale faits en prison soient vains, ce projet vise à soutenir ces personnes, pendant une période de transition et principalement en termes de logement et d'autres aides psycho-sociales, afin qu'elles puissent retrouver définitivement leur place dans notre société.

- Peines alternatives à l'incarcération

Le recours aux alternatives à l'incarcération, avant et après la condamnation, ainsi qu'aux formations qualifiantes sera développé.

Le système du bracelet électronique, qui permet le maintien des condamnés dans leur contexte social, sera développé avec l'approbation des concernés, sans négliger l'utilisation renforcée des mesures classiques en matière de probation (sursis probatoires, travaux d'intérêt général, libération conditionnelle, sanctions pédagogiques pour les infractions au code de la route ...).

8. Mediation and other ADR - Modes alternatifs de résolution des conflits

La médiation comme mode de résolution des conflits sera promue tant dans le contexte de procédures judiciaires qu'en dehors de procédures judiciaires et cela en toute matière, y compris au niveau des instances étatiques. Afin de faciliter l'accès des citoyens aux services de médiation, un service de « guichet unique » sera créé qui mettra rapidement en contact les citoyens avec les interlocuteurs, de manière non-bureaucratique. Un projet-pilote sera élaboré, avec les acteurs de la médiation – magistrature, barreaux, médiateurs – afin de définir les domaines du droit dans lesquels une réunion d'information préalable avec un médiateur professionnel sera prévue avant que les parties n'introduisent une action devant les cours et tribunaux.

La professionnalisation de la résolution extrajudiciaire de conflits sera renforcée afin de tenir compte des critères de qualité accrus et de s'aligner sur l'évolution internationale dans ce domaine.

- Justice restaurative

Une justice moderne répond, tant en amont qu'en aval d'un procès, aux besoins des citoyens en matière de réparation des préjudices causés par l'infraction mais aussi de médiation entre auteurs et victimes.

La mise en oeuvre de la justice restaurative prévue à l'article 8.1 du code de procédure pénale sera poursuivie. Elle vise à proposer, en règle générale après la fin du procès, des entretiens sur une base volontaire entre victimes et auteurs au centre desquels se situe la responsabilité personnelle à l'égard des victimes jusqu'à la réparation des préjudices causés.

La mise en place de la justice restaurative sera poursuivie afin de créer un cadre adéquat dans lequel la victime et l'auteur d'une infraction peuvent travailler ensemble et de façon volontaire sur une réparation aussi complète que possible des préjudices causés par l'infraction.

9. Fight against crime - Arbitrage en matière commerciale

Ce mode alternatif de règlement des litiges sera modernisé afin de mettre en avant ses atouts de flexibilité, de rapidité et de confidentialité tout en l'encadrant de garanties appropriées notamment en ce qui concerne le respect de l'ordre public, le droit des parties à l'arbitrage ainsi que le respect des droits de tierces personnes.

9.1. Prison system - Agents pénitentiaires

La formation initiale et continue du personnel des institutions pénitentiaires sera étendue. Les agents pénitentiaires auront un rôle renforcé en tant que premier intervenant auprès des détenus. Le recrutement progressif d'agents pénitentiaires en vue de l'ouverture du centre pénitentiaire d'Uerschterhaff sera entamé dans les meilleurs délais.

- Centre pénitentiaire d'Uerschterhaff, centre pénitentiaire de Luxembourg, centre pénitentiaire de Givenich
L'ouverture du centre pénitentiaire d'Uerschterhaff (CPU) permettra une modernisation du centre pénitentiaire de Luxembourg (CPL) à Schrassig. Un groupe de travail interministériel mis en place en 2016 présentera ses conclusions dans un délai rendant possible un début des travaux de modernisation du CPL dès l'ouverture du CPU. La modernisation et l'extension du centre pénitentiaire de Givenich (CPG) rentrent dans le cadre de ces réflexions.

- Unité de psychiatrie socio-judiciaire

La loi sur l'exécution des peines prévoit la création d'une structure permettant un traitement adéquat des auteurs d'infractions atteints de problèmes psychologiques et psychiatriques, toujours dans le but de protéger la société et de promouvoir la réinsertion sociale de ces personnes. Les travaux concernant la construction de l'Unité de psychiatrie socio-judiciaire (UPSJ) sur le site du CPL à Schrassig, menés en étroite collaboration avec le Centre hospitalier neuropsychiatrique dont relèvera cette Unité, seront poursuivis.

9.2 Child friendly justice Réforme de la protection de la jeunesse

9.3. Violence against partners /

10. New information and communication technologies - « paperless justice » - service au citoyen

Le programme « paperless justice » sera finalisé. Ce projet vise la numérisation et la dématérialisation des procédures judiciaires ainsi que la publication des jugements dans le respect des exigences relatives à la protection des données personnelles, afin que l'accès à la justice puisse être amélioré pour toutes les parties concernées et que les procédures puissent être simplifiées et accélérées. La mise à disposition des données et statistiques pour les citoyens sera améliorée par le biais d'une plateforme citoyenne.

- Enregistrement audiovisuel des audiences

Devant les juridictions où la procédure est orale se pose souvent, et essentiellement en instance d'appel, la question de la teneur exacte des débats oraux menés à l'audience. Dans le cadre de la modernisation et de l'optimisation de la justice, les travaux relatifs à l'enregistrement audio et/ou vidéo de certaines audiences des juridictions, tant civiles que pénales, seront poursuivis.

11. Other /