



A project led by the association
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European Council
on Refugees and Exiles

STUDY VISIT TO LUXEMBOURG ON GOOD PRACTICES IN UPHOLDING THE RIGHTS OF ASYLUM-SEEKING AND REFUGEE WOMEN AND GIRLS

APRIL 2026



ACKNOWLEDGEMENTS

This report was prepared by Nilsu Çağla Kaya of the *European Council on Refugees and Exiles (ECRE)*, with the support of:

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- » Jana Ivanova, *Macedonian Young Lawyers Association (MYLA, North Macedonia)*
- » Jelena Ilić, *Belgrade Centre for Human Rights (Serbia)*
- » Amélie Deramond Bonnet, *Forum Réfugiés (France)*
- » Silsila Mahboub, *Refugee Advisory Board (Bulgaria)*

The study visit was organized within the framework of the [AMAL Project](#) – “Empowerment and Protection of Migrant Women”, a six-year initiative (2023–2028) implemented by *France terre d’asile* in partnership with *ECRE*. The project seeks to strengthen the realization of migrant women’s rights through advocacy, protection, empowerment, and capacity-building activities across Europe.

ECRE and *France terre d’asile* would like to extend their special thanks to Clara Bertrand and Marion Dubois (*Passerell*) for their invaluable assistance, coordination, and support in the preparation and implementation of the visit. Their contributions were essential to ensuring the success of the study visit and the development of this report.

Gratitude is also extended to all the institutions and organizations that generously shared their time, expertise, and insights, including: Ministry of Home Affairs - the Directorate General of Immigration, Ministry for Gender Equality and Diversity, Ombudsman, Ombudsman for children and young people (OKAJU), IOM Belgium & Luxembourg, Passerell, ASTI, Red Cross, InfoTraite, Planning Familial, Etude Sadler, Etude Wies & Hertzog, Etude Tinti & Fatholahzadeh, Dr. Salomé Lannier, researcher at the University of Luxembourg.

The information contained in this report is accurate as of 14 October 2025, unless otherwise stated.

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LIST OF ABBREVIATIONS

AMAL – Empowerment and Protection of Migrant Women Project

AMIF – Asylum, Migration and Integration Fund (EU)

AOT – Autorisation d’Occupation Temporaire (Temporary Work Authorization, Luxembourg)

ASTI – Association de Soutien aux Travailleurs Immigrés

CHL – Centre Hospitalier de Luxembourg (Luxembourg Hospital Centre)

CNVV – Centre National pour Victimes de Violence (National Centre for Victims of Violence, Luxembourg)

CCDH – Consultative Commission on Human Rights (Luxembourg)

ECRE – European Council on Refugees and Exiles

EUAA – European Union Agency for Asylum

FGM – Female Genital Mutilation

GBV – Gender-Based Violence

IOM – International Organization for Migration

LFR – The Collectif Réfugiés Luxembourg

MYLA – Macedonian Young Lawyers Association

IVG – Interruption Volontaire de Grossesse (Voluntary Termination of Pregnancy)

NGO – Non-Governmental Organization

ONA – Office National d’Accueil (National Reception Office, Luxembourg)

OKAJU – Ombudsman for Children and Youth (Luxembourg)

SRHR – Sexual and Reproductive Health and Rights

UAM – Unaccompanied Minor

INTRODUCTION

The study visit to Luxembourg took place from 30 September to 2 October 2025 and was complemented by a series of online meetings and written exchanges with relevant stakeholders. The visit was conducted within the framework of the AMAL Project – *Empowerment and Protection of Migrant Women*, a six-year initiative (2023–2028) implemented by France terre d’asile in partnership with the European Council on Refugees and Exiles (ECRE).

The primary aim of these study visits is to identify, document, and share effective gender-sensitive practices that uphold the rights of asylum-seeking and refugee women and girls, including those who self-identify as such. The visits provide a platform for peer learning, mutual exchange, and the development of collaborative approaches.

The Luxembourg visit brought together representatives from leading refugee and human rights organizations across Europe - members of the ECRE network - including ECRE Secretariat, France terre d’asile (France), Macedonian Young Lawyers Association (North Macedonia), Forum Réfugiés (France), Belgrade Centre for Human Rights (Serbia), and the Refugee Advisory Board (Bulgaria). Participants engaged with a broad range of stakeholders, including public authorities such as Ministry of Home Affairs - the Directorate General of Immigration and the Ministry for Gender Equality and Diversity; independent monitoring bodies like the Ombudsman and Ombudsman for Children and Young People (OKAJU); international organizations including the International Organisation for Migration (IOM) Belgium & Luxembourg; civil society organizations such as Passerell, ASTI, Red Cross, and InfoTraite, Planning Familial; law firms (Etude Sadler, Etude Wies & Hertzog, Etude Tinti & Fatholahzadeh); and academia (University of Luxembourg).

While the main focus of the visit was on documenting good practices, discussions also highlighted gaps, challenges, and emerging risks, particularly in the context of recent and upcoming legislative reforms, including the EU Pact on Migration and Asylum and the revised Anti-Trafficking Directive. These insights are crucial both for identifying replicable models across EU countries and for strengthening advocacy efforts in Luxembourg during a period of significant policy change.

This report serves two main objectives:

- » To present examples of promising, gender-sensitive practices in Luxembourg as potential models for other EU countries, particularly those represented by the visit participants.
- » To provide a basis for advocacy and dialogue around ongoing legal and policy reforms, highlighting both achievements and areas of concern.
- » To feed into the GREVIO monitoring process of reviewing EU measures¹ by presenting the main findings of this report, including identified good practices, gaps, and challenges in the implementation of the Council of Europe Istanbul Convention.

The findings are drawn from a combination of in-person exchanges, online meetings, and written contributions. Rather than structuring the analysis by institution, the report is organized thematically around shared insights. Each section includes:

- » Context: An overview of the Luxembourg legal and systemic framework.
- » Good Practices: Examples of how system or actors ensure rights, dignity, and quality outcomes.
- » Challenges: Key obstacles or gaps identified during the discussions.

Finally, the report intentionally uses the term “survivor” instead of “victim” when referring to individuals affected by trafficking, GBV, or other forms of abuse. Except where legally required, “survivor” is preferred because it emphasizes resilience rather than powerlessness and focuses on recovery rather than the violence experienced.

1. Council of Europe, GREVIO receives the report by the European Union; <https://www.coe.int/en/web/istanbul-convention/-/grevio-receives-the-report-by-the-european-union>

CHAPTER I: GENDER-SENSITIVE ASYLUM PROCEDURES

LUXEMBOURG CONTEXT

In 2025, Luxembourg received a total of 1,768 applications for international protection, showing a slight decrease from 2,020 applications in 2024. The majority of applicants came from Eritrea, accounting for 19.1% of cases, followed by Syria at 11.3%, and Algeria at 5.1%, with smaller numbers from Venezuela, Afghanistan, Turkey, and other countries². While gender-specific data for 2025 is not yet publicly available, in 2024 women represented approximately 28% of all applicants (574 out of 2,018), providing context for understanding gender distribution in international protection³.

During the year, the authorities made 2,016 decisions regarding these applications. Approximately 625 individuals, or 26.6%, were granted refugee status, while a very small number - 13 applicants - received subsidiary protection. Around 21% of applications were rejected, including those processed under accelerated procedures⁴.

The Directorate General of Immigration is responsible for matters related to immigration, international protection, temporary protection, and return procedures. Its mandate does not cover citizenship or housing. The Directorate plays a central role throughout the asylum procedure, from the registration of applications to decision-making and preparation of files for judicial appeal in the event of a negative decision.

A central feature of the Luxembourg system is the strict separation between different stages of the asylum procedure. Upon arrival, applicants are received by a first-reception team trained to provide information and assist with form completion. Police officers working in-house under a mandate from the Ministry conduct fingerprinting, identity checks, and a first interview focusing on routes of travel, potential involvement of smugglers or traffickers, and document authenticity. Any indicators of human trafficking are referred directly to specialised police units.

If a case presents possible responsibility of another Member State, it is transferred to the Dublin unit. Otherwise, it proceeds to a dedicated team of interviewers whose sole task is to conduct substantive asylum interviews. These interviewers are not involved in decision-making. Interviews are recorded verbatim, sometimes extending to several dozen pages, allowing decision-makers to access a comprehensive and precise account of the applicant's statements. Decisions are then taken exclusively on the basis of the written file by a separate unit, with the aim of increasing objectivity and reducing the risk of personal bias. This separation was described as a deliberate political choice aimed at strengthening procedural fairness.

In the event of a negative decision, a dedicated team prepares the file for judicial appeal before the administrative courts, ensuring continuity and procedural clarity. The appeal must be initiated by the applicant and is not automatic, though it suspends any removal while pending.

The Directorate publishes monthly statistics on applications, decisions granting refugee status or subsidiary protection, refusals, and returns. It does not collect data on the grounds for asylum claims or disaggregate statistics by gender. The justification provided is that such categorisation would not reflect the complexity and multiplicity of reasons underlying protection decisions. However, as highlighted by the European Institute for Gender Equality (EIGE)⁵, states are encouraged to improve disaggregated data collection, including by gender, and are provided with tools and guidance to do so, given the importance of such data for evidence-based policymaking, including efforts to address gender-based violence.

2. Ministry of Home Affairs - the Directorate General of Immigration, Statistiques concernant la protection internationale au Grand-Duché de Luxembourg Mois de décembre 2025, <https://maint.gouvernement.lu/dam-assets/dossiers/documents/statistiques-en-matiere-d-asyle/2025/statistiques-protection-internationale-12-2025.pdf>

3. Ministry of Home Affairs - the Directorate General of Immigration, Bilan 2024 en matière d'asile et d'immigration, p.3, <https://gouvernement.lu/dam-assets/images-documents/actualites/2025/02/03-gloden-hahn-bilan/rapport-dactivits-2024-asile-immigration-et-centre-de-rtention.pdf>

4. Ministry of Home Affairs - the Directorate General of Immigration, Statistiques concernant la protection internationale au Grand-Duché de Luxembourg Mois de décembre 2025, <https://maint.gouvernement.lu/dam-assets/dossiers/documents/statistiques-en-matiere-d-asyle/2025/statistiques-protection-internationale-12-2025.pdf>

5. European Institute for Gender Equality, The power of administrative data in combating gender-based violence, https://eige.europa.eu/newsroom/news/power-administrative-data-combating-gender-based-violence?language_content_entity=en

GOOD PRACTICES

Training and capacity building of staff: All staff members, from reception personnel to decision-makers, undergo mandatory basic training covering asylum law, human rights, and human trafficking. More specialised training is provided depending on the role, such as interview techniques, decision drafting, or communication skills. The Directorate follows training programmes developed by the EU Agency for Asylum and complements them with in-house training.

In recent years, particular emphasis has been placed on training related to gender-based violence (GBV), human trafficking, and mental health. Almost all staff have received training in mental health first aid, aimed at identifying signs of psychological distress, trauma, or vulnerability, including suicide risk. External experts are regularly invited to provide annual thematic training, and refresher courses are organised when new needs or legal developments arise.

Approach to GBV: Claims based on GBV are examined under the Law of 2015 on international protection and the Geneva Convention. While there are no separate formal guidelines explicitly referencing the Istanbul Convention, authorities indicated that its principles are fully integrated into the legal analysis conducted under existing asylum law. GBV may constitute a ground for refugee status or subsidiary protection, depending on the individual assessment.

Identification of unaccompanied minors: Specific procedures are in place for unaccompanied minors. When a person is clearly identified as a minor, a family affairs judge appoints an “ad hoc administrator” to manage administrative and asylum-related matters, alongside a civil guardian responsible for the child’s daily life.

Training of administrative staff: According to the information provided by Ministry of Home Affairs - the Directorate General of Immigration, all interviewers have received training on vulnerability and GBV. Most have also completed EUAA trainings covering interview techniques (asylum interview methods), interviewing vulnerable individuals, and, in some cases, interviewing children. In addition to these trainings, all interviewers have participated in a dedicated GBV training day organised by the Ministry for Gender Equality and Diversity in collaboration with *Femmes en détresse asbl*. Furthermore, one interviewer has been trained as a trainer on gender, gender identity, and sexual orientation and gender identity.

In 2023, in collaboration with Ministry for Gender Equality and Diversity, it was organised a national training entitled “Domestic Violence and Gender-Based Violence”, which was attended by 29 staff members who are still currently working within the department. The overall number of participants was higher; however, some of the officers who attended the training have since left the department.

With regard to the EUAA training on “Interviewing Vulnerable Persons”, 10 officers from the Interviewing Unit and the Dublin Unit (out of a total of 20 officers) have completed this training. The same number of officers have also completed the EUAA module on interviewing children. It was also highlighted that additional officers had attended these trainings but have since left the department. As for those officers who have not yet attended these trainings, they are mostly newly recruited staff members, who are scheduled to participate in these training modules in the future.

Detention: Detention of asylum seekers is described as extremely rare in practice, except in cases involving persons already in detention due to previous criminal sentences and lacking legal residence. Luxembourg law allows detention, and case law has confirmed its legality, but authorities generally rely instead on alternatives to detention, particularly house arrest, which is widely used.

CHALLENGES

Limits of protection outside asylum law: Luxembourg does not recognise a separate status of humanitarian protection. Applicants who do not qualify for refugee status or subsidiary protection may only access temporary residence permits on limited grounds, primarily medical. This restricts available protection pathways for individuals facing serious hardship that does not meet the strict criteria of international protection.

Late disclosure of GBV violence: One of the key challenges is the late disclosure of GBV. Many women are unable to report experiences of sexual or domestic violence early in the asylum process due to trauma, fear, shame, or lack of trust. In some cases, disclosure occurs only after the asylum interview - or even later - which can weaken the evidentiary value of the claim and complicate assessment of the claim. However, evidence

can be submitted by the applicant until the very end of the procedure, including before a judicial decision, as the judge examines the case *ab initio*.

Evidentiary difficulties and burden of proof: Proving sexual violence remains particularly difficult. While authorities do not explicitly demand proof, there is an implicit expectation of supporting evidence, such as psychological or psychiatric reports. Accessing qualified mental health professionals is challenging, and long waiting times further delay documentation. Good-quality expert opinions are essential but not always available, especially for traumatised women who struggle to recount their experiences consistently.

Interpretation and confidentiality issues: Finding qualified same-gender interpreters for rare languages are a persistent challenge, particularly for psychiatric or psychological appointments. Delays of several days are common, and in some cases, interpretation is improvised through phone services or digital tools, which raises concerns about accuracy and confidentiality.

Problematic age assessment for Unaccompanied Minors (UAM): Age assessment procedures for UAMs in Luxembourg remain problematic. Initial identification takes place when individuals register their asylum application with immigration authorities. In cases of doubt, registration may be refused unless the person signs a document declaring themselves an adult, effectively shifting the burden of proof onto the applicant. Minors who contest this classification must then request age assessment procedures to demonstrate that they are underage. This approach raises concerns about respect for the principle of the benefit of the doubt and the presumption of minority. Furthermore, initial identification is often carried out without systematic involvement of social workers or psychologists.

Recent legislative developments related to the implementation of the EU Pact on Migration and Asylum do not sufficiently address these shortcomings. Article 25 of Regulation (EU) 2024/1348 allows age assessment and sets safeguards, including the possibility of multidisciplinary approaches and, where necessary, medical examinations. However, it does not prescribe a specific method or clear hierarchy between these tools. Although EU regulations are, in principle, directly applicable, this lack of precision creates gaps that leave significant discretion to Member States.

In Luxembourg, the draft law (Article 103 bis⁶) reflects a restrictive interpretation of this discretion, prioritizing documentary evidence and permitting medical examinations, including bone assessments, where doubts persist. While the presumption of minority is formally maintained, the absence of a clear requirement for multidisciplinary assessment risks reinforcing reliance on medical methods and undermines a holistic, child-centred approach.

Data transparency and accountability gaps: Although Luxembourg adopted a law on administrative transparency in 2018, it applies to documents rather than data. The Ministry does not publish statistics on gender-based asylum claims, limiting evidence-based policy evaluation. Gender-based claims, often framed under “membership of a particular social group” (e.g., Afghan women), lack publicly disaggregated recognition data.

Limited NGOs involvement and unclear monitoring mechanisms: NGOs face limited involvement in the implementation and monitoring of the EU Asylum and Migration Pact. Future oversight mechanisms are not yet clearly defined, leaving the role of civil society in policy monitoring uncertain and raising concerns about transparency, accountability, and inclusion of NGO expertise.

6. Luxembourg's draft law, p.45, https://wdocs-pub.chd.lu/docs/Dossiers_parlementaires/8684/20260114_Depot.pdf, Article 103 bis : *“Lorsque, après avoir pris connaissance de déclarations générales ou de tout autre élément pertinent, le ministre a des doutes quant à l'âge du ressortissant de pays tiers se déclarant mineur et dépourvu de documents d'identité ou de voyage valables, il peut recueillir toutes les informations disponibles et tenir compte de tout document officiel disponible, dont les actes de naissance, les dossiers scolaires, les dossiers médicaux ou l'estimation par un médecin sous forme d'un examen médical afin de déterminer l'âge du ressortissant de pays tiers. Si, par la suite, des doutes sur l'âge du ressortissant de pays tiers persistent, il est présumé que le ressortissant de pays tiers est un mineur*

CHAPTER II: ACCESS TO LEGAL ASSISTANCE

LUXEMBOURG CONTEXT

Luxembourg's asylum and migration system is characterised by a centralised administrative procedure, with asylum applications handled by the Ministry of Home Affairs - Directorate General of Immigration and reviewed by the Administrative Tribunal and Court. Under Luxembourg law, asylum seekers benefit from automatic access to legal assistance in international protection procedures.

Importantly, the law provides that each adult has the right to lodge an individual asylum claim, even when arriving as part of a family unit. In principle, this allows women to separate their claim from that of their husband and to have their own file number and independent legal representation, which is particularly relevant in situations involving domestic violence or GBV.

Asylum applicants are entitled to a state-funded lawyer from the moment they apply for asylum, and they may change their lawyer free of charge, including requesting a lawyer of the same gender.

Among the grounds for refugee status, "membership of a particular social group" might be considered as being one of the most common grounds for granting a protection especially for Afghan women after the Taliban takeover.

A gradual shift has occurred following the ratification of the Istanbul Convention, which has indirectly influenced administrative and judicial practice. The Convention has helped make gender considerations more visible in practice. Courts tend to adopt a pragmatic approach rather than an explicitly gender-sensitive or feminist interpretation, often addressing gender-related claims within the broader context of credibility, risk assessment, or country-of-origin information rather than applying a systematic gender analysis. However, according to administrative jurisprudence, the Istanbul Convention does not create a separate right to asylum based on gender-related violence; GBV claims are assessed within the framework of the Geneva Convention and EU international protection legislation rather than independently under the Istanbul Convention. Luxembourg's administrative courts generally align their reasoning with the jurisprudence of the Court of Justice of the European Union, which has increasingly emphasised children's rights and procedural safeguards in administrative procedures.

Despite these safeguards, structural gaps remain in the integration of psychological, medical, and social evidence into asylum decision-making. Moreover, the forthcoming implementation of the EU Pact on Migration and Asylum may further affect procedural guarantees, raising concerns about effective access to rights, particularly during the screening phase.

GOOD PRACTICES

Access to legal aid: Luxembourg provides strong formal guarantees for access to legal aid, with automatic entitlement to free legal assistance throughout the asylum procedures. Unlike in other areas of law, this aid is guaranteed rather than discretionary, ensuring early access to a lawyer. Applicants receive detailed written information explaining the process, available rights, and contact details for legal support. Waiting areas display multilingual information on human trafficking, domestic violence, and available support services.

Linguistic support and interpretation: The state covers translation costs, and lawyers can book interpreters who are reimbursed, ensuring full linguistic access during preparation and proceedings. Law firms often leverage internal linguistic diversity, and having lawyers fluent in clients' languages, such as Dari and Farsi, greatly enhances trust, communication, and the accuracy of testimony, especially in cases involving trauma or sexual violence.

Support for vulnerable applicants: The law also ensures procedural safeguards for vulnerable applicants, particularly survivors of GBV. Each adult can maintain a separate asylum file with independent legal representation, which is crucial for women wishing to separate their claim from that of a spouse, including in situations of domestic abuse or coercion. When vulnerability indicators are identified, lawyers can notify the

Ministry of Immigration, which may implement procedural accommodations such as assigning same-gender interviewers and interpreters, allowing breaks during interviews, or referring applicants to psychological support. Same-gender arrangements are generally respected in interactions with migration authorities, which is essential for facilitating disclosure in sensitive cases.

Recognition of gender-based risks in case law: Courts increasingly acknowledge gender-based persecution, particularly in cases involving:

- » Female genital mutilation (FGM), where courts have recognised both physical and psychological violence and the risk to women and children. However, while FGM-related claims exist, they remain relatively limited due to the lower number of applicants from countries where FGM is prevalent.
- » Women at risk due to cumulative vulnerabilities, including domestic violence combined with child-related risks, where courts have accepted that “private matters” may still engage international protection obligations.

Family reunification: Family reunification has been facilitated in certain cases even when female relatives are over 18 years old, on the basis of heightened GBV risks in the country of origin. This reflects a more contextual and risk-based assessment rather than a strictly formalistic approach to age and dependency.

Child-centred jurisprudence and interim measures: A notable good practice is the increasing reliance on children’s rights in asylum and reception-related litigation. Luxembourg courts have affirmed that children, as well as adults, cannot be expelled while procedures are pending. Interim measures may also be granted to ensure access to accommodation for vulnerable families.

Strategic litigation before international and supranational bodies is emerging as a new practice. Sadler Lawfirm (Étude Sadler) has initiated cases before the European Court of Human Rights (ECHR) and UN Committees, including successful requests for interim measures in child-related cases, which have attracted media attention and prompted state compliance.

Institutional coordination and professional networks: Regular exchanges take place between the Luxembourg Bar Association and the Ministry of Immigration through commissions where systemic issues are discussed and later communicated to practitioners. Lawyers also maintain working relationships with OKAJU, the general Ombudsman, NGOs such as Passerell and the Red Cross, and social workers in schools, particularly in cases involving children.

NGOs role: NGOs such as Passerell play a crucial role in providing daily legal and administrative support to asylum seekers, beneficiaries, and rejected applicants. This includes helping with official correspondence, form completion, contacting authorities, and understanding procedural steps, particularly for those without legal representation or facing language and administrative barriers.

Passerell has also established a structured legal monitoring and action unit that combines staff and volunteer expertise. The unit conducts legal research, analyses case law, and produces newsletters⁷ - including thematic issues on GBV, children’s rights, equality, and non-discrimination - supporting both internal capacity and knowledge-sharing across the NGO community.

CHALLENGES

Constraints on legal assistance: Although legal aid is guaranteed, its scope is very limited in practice. Preparation time is usually restricted to around one hour, and reimbursement for longer preparation requires additional justification, with no clear guidelines.

Insufficient training: Continuous training obligations for lawyers and judges exist in principle, but there is no control mechanism or mandatory gender-specific content, resulting in uneven expertise.

Screening phase under the EU Pact on Migration and Asylum: The forthcoming implementation of the EU Pact on Migration and Asylum has raised concerns among some civil society organisations in Luxembourg regarding its potential practical implications. Civil society was consulted by the Luxembourg authorities during the preparation of the national action plan and the draft law⁸, and stakeholders were invited to submit

7. Passerell newsletters within the scope of Leilaw Project <https://www.passerell.lu/newslettersleilaw>

8. Luxembourg’s draft law: https://wdocs-pub.chd.lu/docs/Dossiers_parlementaires/8684/20260114_Depot.pdf

recommendations and granted access to preparatory work. The Collectif Réfugiés Luxembourg (LFR)⁹, Luxembourg's principal advocacy body on asylum law, which brings together several civil society organisations including Passerell and Amnesty International, was formally consulted by the Minister and issued its opinion on the draft law on 7 April 2026¹⁰. However, not all recommendations - particularly those from the LFR- were taken into account. In particular, questions remain regarding effective access to legal assistance during the screening phase and whether procedural safeguards will be fully accessible at this early stage of the process.

Additional concerns have been raised regarding the identification of vulnerabilities. The draft law provides that vulnerability assessments will be conducted by an agent of the Immigration Directorate, whereas LFR advocates for a multidisciplinary and holistic approach involving healthcare, mental health, and social work professionals. There is concern that psychological vulnerabilities and gender-based violence may be insufficiently identified, particularly as the draft law makes no explicit reference to gender or gender-based violence.

Stakeholders have also noted that fast-track procedures, including those related to Dublin and inadmissibility cases, may present challenges for the identification and thorough assessment of complex gender-based claims. There are further concerns about the risk of widespread detention during the screening phase, given the limited safeguards regulating such measures. This issue was also highlighted by the Council of State (Conseil d'État) in its opinion of 3 April¹¹.

Moreover, the proposed fundamental rights monitoring mechanism has been described as limited in scope, with a narrower mandate than that envisaged under EU standards, particularly regarding investigative powers and the ability to lodge formal complaints. Concerns have also been expressed about the absence of measures to strengthen the human and financial resources of the Ombudsperson. In this regard, it has been clarified that the Ombudsperson will be fully responsible for the monitoring mechanism, with on-site activities carried out by the Controller of Places of Deprivation of Liberty, the department already in charge of monitoring prisons and detention centres. However, no increase in human or financial resources is currently foreseen.

Finally, the draft law allows for searches of luggage and personal belongings, but stakeholders note a lack of sufficient safeguards regulating this practice, raising concerns that such searches could become systematic.

At the same time, national authorities have indicated that Luxembourg will be fully compliant with all legal obligations under the Pact and national law, and that all procedural guarantees will be respected and implemented.

Family reunification: Although facilitating family reunification for adult female relatives at heightened GBV risk reflects a flexible, risk-based approach, recent developments indicate significant delays in processing family reunification for recognised refugees. Since 2024–2025, processing times often exceed 24 months, whereas family reunifications outside the context of international protection do not appear to experience the same delays. These delays highlight a tension between positive policy approaches and practical implementation constraints.

9. <https://www.lfr.lu/>

10. LFR, Avis du Collectif Réfugiés – Projet de loi n°8684 portant mise en œuvre du pacte européen sur la migration et l'asile, https://www.passerell.lu/_files/ugd/837f1b_8df9217acf6e430bbc1bfa23c5fc05c9.pdf

11. Conseil d'Etat, Avis 62.449 du 3 avril 2026, https://conseil-etat.public.lu/content/dam/conseil_etat/fr/avis/2026/03042026/62449-avis-du-3-avril-2026.pdf

CHAPTER III: ACCESS TO ACCOMMODATION

LUXEMBOURG CONTEXT

Reception facilities are managed by the National Reception Office (ONA), which falls under the Ministry of Family, Solidarity, Living Together and Reception.

Luxembourg's reception system for asylum seekers and refugees currently comprises approximately 8,200 state-financed shelter places, all of which are fully occupied. Around half of the residents are beneficiaries of international protection who should normally exit the reception system but remain due to the severe housing crisis, which makes access to private or social housing extremely limited. Consequently, families and children often remain in collective shelters for several years, even after obtaining status and access to employment and social benefits.

Persistent shortages in reception capacity have resulted in long waiting lists, particularly affecting single men, highlighting both structural limitations and potential policy gaps that can leave certain groups underserved in the reception system. Many of whom experience homelessness and are redirected to emergency winter shelters. Allocation decisions are generally treated as political rather than legal acts, limiting the scope for judicial review by NGOs.

Luxembourg has 13 reception shelters monitored by the Ombudsman for Children and Youth (OKAJU). Conditions vary significantly: specialized shelters for unaccompanied minors are generally well equipped and comparable to the child welfare system, while large reception centres hosting families face overcrowding, hygiene problems, and a lack of child-friendly infrastructure, especially for adolescents.

GBV and child safeguarding concerns become particularly acute during winter. Single mothers with babies or young children, as well as youth not recognised as minors, may be excluded from reception centres, leading to homelessness or placement in emergency shelters that are not adapted to children. This often results in repeated transfers between facilities. While domestic violence procedures are relatively well established, specialised safeguards addressing GBV affecting asylum-seeking and refugee women and children within reception settings remain limited.

GOOD PRACTICES

Identification and protection of vulnerable persons: It is highlighted that the Directorate has close and continuous cooperation with the ONA, which is responsible for daily contact with applicants in reception facilities. Information on vulnerabilities is exchanged with the applicant's consent, allowing for adapted reception conditions.

Specialised reception for unaccompanied minors: Luxembourg has developed specialized reception shelters for unaccompanied minors, representing a clear improvement compared to earlier models in which UAMs were placed in general child protection facilities. Once identified and admitted into the child welfare system, UAMs generally receive adequate material conditions and professional support.

CHALLENGES

Housing crisis and homelessness: Housing shortages constitute a central structural challenge affecting both asylum seekers and recognised refugees. Limited reception capacity and the lack of affordable housing led to prolonged stays in shelters, overcrowding, and deteriorating living conditions. Single men are disproportionately affected by homelessness, while recognised refugees often remain in reception centres long after receiving status because they cannot afford private housing in Luxembourg. In such cases, they may have to rent a room within the reception centre itself at a cost that is lower than private market rents but still represents a significant financial burden.

Post-recognition housing insecurity: Beneficiaries of international protection are legally allowed to remain in reception facilities for up to one year after recognition, after which they are expected to leave despite continued

barriers to accessing independent housing. While recognised refugees may challenge accommodation decisions in court, rejected asylum seekers are excluded from such remedies and may face homelessness following negative decisions. Winter shelters are limited, exclude families, and require daily registration, disproportionately affecting vulnerable individuals.

Overcrowding and health impacts: Overcrowding in reception centres, particularly affecting families and large households, has resulted in inadequate collective sanitary facilities and reported health impacts, including for women who have recently given birth and for children living in shelters.

Insufficient gender- and child-sensitive safeguarding: Reception facilities lack robust protocols for identifying and supporting survivors of GBV and sexual violence, particularly children. Staff training on detection and prevention is limited.

CHAPTER IV: COMBATTING GBV THROUGH THE NATIONAL CENTRE FOR VICTIMS OF VIOLENCE

LUXEMBOURG CONTEXT

To combat GBV, a National Centre for Victims of Violence (CNVV),¹² operated by the Red Cross and funded by the Ministry for Gender Equality and Diversity, officially opened in April 2025. The centre provides comprehensive support and/or referral for all survivors of violence, including adults and minors affected by domestic, physical, sexual, psychological violence, human trafficking, and FGM.

The CNVV has been established in the context of the National Action Plan on Gender Based Violence and the governmental programme and reflects the ambition of the government to develop and complement the existing assistance framework for victims, focusing on domestic violence, by a structure that provides an ambulant emergency assistance to all victims, men, women, major and minor, of any form of violence. Oversight is provided by inter-ministerial committees meeting 2–4 times per year, which monitor implementation, collect data, and make recommendations for domestic violence, GBV, and prostitution. In addition to that there is also a National Monitoring Committee on human trafficking, which typically meets once or twice a year.

A team of seven professionals, including social workers and nurses, work in duos to ensure that survivors are not left alone during consultations. The team is expected to expand in the coming period, with additional recruitment planned. The centre operates daily, including weekends and holidays, until 2 a.m., offering immediate, first-line support to anyone, regardless of administrative status.

Since its opening in April 2025, the centre has registered 56 cases involving 84 survivors, with an additional 59 contacts by phone or email. Approximately one-third of survivors are male, and 24 of the 84 survivors are minors. Nationality data are collected but anonymized; most survivors are Luxembourgish, with smaller numbers from Portugal, France, Brazil, Syria, and Ukraine. Asylum seekers are not the primary target but can access support if they experience domestic violence or human trafficking, usually through referral to specialised NGOs.

The centre's approach emphasizes voluntary engagement: survivors are never forced to file complaints, and the focus is on listening, evaluation, and rapid referral to appropriate services. Safe spaces are available for minors and adults, with minimalistic rooms for children to avoid distractions, and camera recording for interviews with minors to document cases when necessary.

GOOD PRACTICES

Integrated multi-pillar approach: The CNVV implements four pillars of support

1. Psychosocial support: short-term stabilization, stress management, and referrals to specialized psychological services. Immediate assistance is provided while allowing survivors to proceed at their own pace.
2. Police support: emergency number connects survivors to police intervention; reporting is voluntary for adults but mandatory for minors in case of abuse.
3. Legal support: on-site pro bono legal counselling is available; Ministry of Justice funding is expected to expand institutionalized legal support.
4. Medical support: nurses provide first aid, document injuries (with consent), and refer survivors to general practitioners or hospitals. Plans include adding forensic gynaecology capacity in the future.

Accessibility and inclusivity: CNVV is open to all survivors, regardless of legal status, and conducts outreach through public transport campaigns, flyers at police stations, municipal offices, hospitals, and websites. Information is provided in 12–13 languages, improving access for minority groups.

12. The National Centre for Victims of Violence, <https://violence.lu/en/national-centre-for-victims-of-violence/>

Referral networks and partnerships: The centre maintains formal and informal partnerships with shelters, Planning Familial, psychologists, InfoTraite, other NGOs, and UNICEF, ensuring continuity of care and referral pathways for survivors. CNVV staff creates safety plans, teaches children emergency procedures, and follows up with survivors 2–3 weeks after initial contact.

Training and capacity-building: Staff undergo two weeks of intensive training covering documentation, forensic methods, and cross-sector collaboration. Police cadets receive mandatory training on domestic violence and human trafficking, while other public servants and NGO personnel have access to optional national courses. In some NGOs, such as InfoTraite, training on THB is mandatory.

Data collection and monitoring: Internal data collection records survivors demographics, type of violence, and perpetrator information. Follow-up mechanisms, code words for minors, and confidentiality protocols enhance safety. CNVV provides data to annual domestic violence reports and participates in the ongoing transposition of the EU directive on violence against women.

NGOs role: In addition to the CNVV, NGOs play a key role in addressing GBV. Through its “Atelier des Droits des Femmes” project,¹³ Passerell offers information sessions near reception centres, allowing women to learn about GBV and available support services before formal engagement. The project also provides structured training modules for professionals working with survivors, enhancing the identification of cases and referral pathways.

CHALLENGES

Limited integration with asylum services: Systematic integration with migration and asylum procedures is limited, leaving gaps in protection for vulnerable asylum-seeking children and adults.

Limited medical capacity: CNVV does not currently employ a full-time doctor. Collaboration with hospitals and general practitioners is challenging due to logistical constraints, and forensic gynaecology is not yet available. Nurses are limited in scope and cannot accompany survivors to medical appointments due to staffing constraints.

Legal support limitations: Although on-site legal counselling is available, it is limited to specific questions, and permanent legal staff are not yet institutionalized.

Psychological support gaps: Psychological services are requested by many survivors but are currently not fully available. Plans to expand mental health support are scheduled for 2026.

Staff support and sustainability: The emotional burden of working with survivors, particularly minors and survivors of sexual violence, poses challenges. While biweekly team meetings and supervision are in place, staffing levels are currently insufficient for full coverage and 24/7 operations.

Data and monitoring limitations: Current data management relies on Excel, with Red Cross developing improved software. Limited national guidelines exist for documenting human trafficking and FGM cases, especially for minors, and systematic data collection remains weak - specially regarding criminal data outside the framework of STATEC, the national statistics agency.

Outreach and awareness: Although campaigns exist, there is a need for ongoing awareness-raising, particularly targeting migrants and asylum seekers who may not be aware of their rights or the centre’s services.

Emerging understanding of GBV beyond domestic violence: While awareness of domestic violence is relatively established, broader forms of GBV, including sexual violence outside intimate partnerships, remain poorly understood among beneficiaries and, in some cases, among institutions. Continued advocacy and training across sectors are needed.

13. Passerell, Atelier des Droits des Femmes Project, <https://fonds-europeens.public.lu/fr/projets/amif/adfpasserell.html>

CHAPTER V: SEXUAL AND REPRODUCTIVE HEALTHCARE

LUXEMBOURG CONTEXT

Luxembourg has established a progressive legal and institutional framework for sexual and reproductive health and rights (SRHR), with universal access to contraception, legal access to abortion, and a strong emphasis on confidentiality and non-discrimination. Sexual and reproductive healthcare services are accessible to all residents, regardless of administrative or legal status, and contraceptives are provided free of charge nationwide. Luxembourg is among the highest-ranking countries in the 2020 Contraception Atlas, with a score of 81.5% and a low adolescent birth rate of only 4 per 1,000.¹⁴

Contraceptive coverage has been further strengthened through a formal agreement between the State and the National Health Fund (Caisse nationale de santé - CNS), ensuring access to a broad range of contraceptive methods on medical prescription, without age limits or restrictions on type. In emergencies, the morning-after pill can be reimbursed without a prescription. The state budget fully covers these procedures. The only contraceptive that is not covered is the intern and external condom.

Abortion is legal under the 2014 Deliberate Pregnancy Termination Act up to 12 weeks of pregnancy (14 weeks after the last menstrual period) under defined conditions.

However, certain gaps remain in the legal framework. In particular, there is no independent criminal offence addressing obstetric or gynaecological violence, nor specific provisions criminalising forced pregnancy or forced sterilisation. This gap has been highlighted by GREVIO, which noted the absence of explicit legal recognition of these forms of violence¹⁵.

GOOD PRACTICES

NGO's role: The Planning Familial¹⁶ plays a central role as a specialised organisation promoting sexual and reproductive rights, gender equality, and health. It operates as a safe, inclusive space offering information, counselling, medical care, and psychosocial support. Its services are open to everyone - youth, adults, couples, asylum-seekers, refugees, and undocumented persons - without discrimination and with strict respect for confidentiality. Some services provided by the Planning Familial are as follows:

- **Free, confidential, and inclusive access:** A major good practice identified is the provision of free and confidential services, regardless of a person's legal or administrative status. This is particularly relevant for asylum-seeking and undocumented self-identified women and girls, who may otherwise avoid seeking care due to fear of costs or disclosure. Confidentiality is strictly respected, including in sensitive cases such as abortion for minors, where no information is disclosed to parents.
- **Comprehensive sexual and reproductive healthcare services**
 1. Free medical consultations
 2. Access to free medication for those unable to pay
 3. Distribution of free condoms, lubricant gel, emergency contraception, pregnancy tests, and menstrual products (including menstrual cups and underwear)
 4. Gynaecological care provided predominantly by female doctors
 5. Free psychological consultations, offered individually or for couples, mostly with female psychologistsThese services respond directly to the expressed preferences and needs of many women and girls from refugee and asylum-seeking backgrounds, particularly regarding gender-sensitive care.
- **Guaranteed access to abortion care:** Planning Familial works in close cooperation with the Centre Hospitalier de Luxembourg (CHL) to ensure guaranteed access to abortion services (IVG). Both

14. European Parliamentary Forum (EPF), European Contraception Policy Atlas – Luxembourg, <https://www.epfweb.org/node/738>

15. GREVIO Baseline Evaluation Report, Luxembourg, <https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680abe1bb>

16. Planning Familial Luxembourg, <https://pfl.lu/>

medical and surgical abortions are available within the legal time limits: i. Medical abortion up to 7 weeks of pregnancy possible at one of the three Planning Familial centres; ii. Surgical abortion up to 12 weeks of pregnancy, carried out in hospital settings

The organisation provides clear information, counselling, and referral pathways, helping to dispel misinformation - particularly among beneficiaries who believe abortion is illegal in Luxembourg.

Targeted outreach through the “Parlons Santé”¹⁷ (Let’s talk about health) project: The AMIF-funded project *Parlons Santé* is a strong example of tailored, culturally sensitive outreach. It aims to promote integration, autonomy, and well-being among applicants and beneficiaries of international and temporary protection through participatory workshops known as *Cafés Santé* (*health cafes*). The workshops address sexual and reproductive health topics, including body anatomy, the menstrual cycle, menstrual hygiene, contraception, sexually transmitted infections, female genital mutilation (FGM), sexual and gender diversity, healthy relationships, consent and sexuality.



Workshops are organized to accommodate specific needs, offering women-only and men-only sessions, as well as tailored sessions for unaccompanied minors upon request. To minimize potential resistance from family members, sessions are framed as general “health” workshops. Visual tools, including pictures, anatomical models, and photo-language exercises, are used instead of traditional PowerPoint presentations, and workshops are interactive, discussion-based, and adapted to the linguistic and socio-cultural context of participants. Trained interpreters are available to support communication on sensitive topics, and multilingual information leaflets are distributed in languages such as Arabic, Tigrinya, Farsi, Ukrainian, Spanish, English, and French. Women can attend workshops with young children up to four years old, reducing childcare-related barriers.

Planning Familial explicitly addresses FGM, GBV, and sexual exploitation. Visual tools help explain the four types of FGM, increasing awareness that FGM may constitute grounds for an asylum claim. Referral pathways are in place for survivors of GBV or trafficking, including collaboration with specialized services provided by NGOs such as InfoTraite and Passerell. Sessions are sometimes conducted directly in reception centres or schools, or beneficiaries are accompanied by social workers to Planning Familial.

CHALLENGES

Challenges in outreach to women and GBV survivors: Despite the comprehensive services provided by Planning Familial, links with the asylum system can be limited due to challenges in reaching women and girls -particularly GBV survivors- caused by barriers to disclosure, insufficient identification by authorities, limited referral pathways within the asylum system, and restricted reception conditions, which further hinder access to reception centres.

17. Planning Familial, Project Parlons Santé, <https://pfl.lu/parlons-sante/>

CHAPTER VI: ANTI-TRAFFICKING AND EXPLOITATION PROTECTION

LUXEMBOURG CONTEXT

In Luxembourg, the identification of human trafficking survivors is formally the responsibility of the judicial police (Police judiciaire), although other authorities may detect potential cases, such as NGOs or the Labour Inspectorate. Only after the police make a formal identification can a person be officially recognised as a trafficked victim, triggering the reflection period and eligibility for a residence permit.

The legal framework in Luxembourg presents certain gaps. Luxembourg's criminal code does not include standalone offences specifically called 'slavery' or 'forced labour' with their own penalties. Instead, these forms of exploitation are criminalised as part of the broader offence of human trafficking. Cases of exploitation are handled either under criminal law, covering human trafficking, pimping, and sexual exploitation, or under the labour code, which criminalises violations such as excessive working hours, low wages, and child labour. Because of these gaps, courts sometimes refer to French or Belgian case law. The Judicial Police centralises annual data on human trafficking victims, which are then submitted to the Ministry. These statistics are also used by the police for training and prevention courses and are shared with organizations upon request. Exploitation data is also published every two years by the Consultative Commission on Human Rights (Commission Consultative des Droits de l'Homme - CCDH), with the most recent dataset covering 2023-2024.¹⁸ Sexual and labour exploitation are the most prevalent forms, whereas child sexual abuse offences are prosecuted under specific criminal provisions. These cases are not classified as human trafficking unless elements of trafficking, such as recruitment, transport, coercion, or exploitation, are present.

Survivors of trafficking and asylum seekers cannot pursue both procedures simultaneously. Individuals must choose between the asylum procedure or the *trafficked victim residence permit*. This decision is taken jointly with the survivor, authorities and relevant stakeholders such as InfoTraite based on an assessment of what is most advantageous in the long term. In most cases, criminal procedures offer greater protection and resources than the more restrictive asylum procedures. Most identified victims are third-country nationals, and many do not self-identify as human trafficking victims.

Legislatively, the link between asylum and human trafficking is very recent. It was formally established in the European Union in 2024, requiring collaboration between asylum authorities and anti-trafficking bodies with the revised Anti-trafficking Directive. The position of the anti-trafficking national coordinator should be created with the transposition of the revised Anti-Trafficking Directive, which deadline is set for July 2026.

Luxembourg has a National Monitoring Committee on human trafficking, which typically meets once or twice a year, alongside a smaller operational committee that addresses urgent cases. The Anti-Trafficking Committee includes representatives from the Ministries of Justice, Interior, Gender Equality and Diversity, Labour, Health, and Family; the Youth Service; Interior Security; the Labour Inspectorate; the National Asylum Office; the Police; courts prosecution office, InfoTraite personnel. The CCDH participates as an observer. The committee addresses EU directives, legislative developments, and practical challenges observed in the field.

A critical legal feature in Luxembourg is that a survivor can only be identified if the exploitation occurred on Luxembourgish territory. This has major implications for asylum seekers, as many experiences exploitation during their journey to Europe or in other countries. In such cases, Luxembourgish authorities generally lack the legal basis to formally identify them as victims of trafficking, even when indicators are present.

GOOD PRACTICES

InfoTraite:¹⁹ InfoTraite is Luxembourg's national coordination service for assisting survivors of human trafficking. It is not a single legal entity but a joint operational structure uniting three NGOs, namely Femmes en Détresse, Fondation Maison de la Porte Ouverte, and HUT (formerly Caritas). To ensure visibility and easy access for survivors and professionals, the partners operate under the single name *InfoTraite*, using shared

18. <https://ccdh.public.lu/fr/actualites/2026/teh5.html#:~:text=Entre%202023%20et%202024%2C%20152,secteur%20HORECA%20et%20la%20construction>

19. InfoTraite, <https://fmpo.lu/foyers/coteh/>

contact details and offices, while legal responsibility remains with each organisation.

- » **Identification:** InfoTraite does not carry out formal identification; while official recognition is conducted by the police, the service may provide support to presumed victims prior to formal identification and is often in contact with survivors before they are referred to the police. Identified trafficked victims receive comprehensive assistance, including financial support, health insurance, psychological care, administrative support, and secure accommodation in four confidential shelters. Once recovered, support to trafficked victims may extend to longer-term integration, such as language training and access to employment.
- » **Coordination and single-entry point:** Operating as a single-entry point simplifies referrals, reduces confusion, and enables faster access to specialised care, while strengthening coordination and continuity of support.
- » **Safe accommodation:** Secure accommodation is provided when safety risks are identified. In exceptional cases - such as when exploitation occurred in another EU Member State and return would pose a serious risk - survivors have been allowed to remain in Luxembourg through case-by-case ministerial coordination.

Training and awareness: Training and awareness-raising are core activities. InfoTraite personnel regularly trains asylum services, Red Cross staff, healthcare professionals, social services, and emergency responders on trafficking indicators and referral pathways, clearly distinguishing detection (by all professionals) from identification (the judicial police's responsibility).

- » **Support for survivors in the asylum system:** Trafficked survivors who remain in the asylum system may still receive psychological and administrative support from InfoTraite, but not financial aid or accommodation, as these are covered by asylum services. Financial assistance levels are aligned, ensuring no disadvantage between the two options.

Labour inspectorate practices: The Labour Inspectorate in Luxembourg has a broad mandate under labour law, which extensive interpretation allows it to detect potential survivors of trafficking for labour exploitation, even though the law does not explicitly empower it to do so. Their investigations focus on the working conditions of employees, including hours, wages, and workplace safety, rather than the personal circumstances or migration status of the worker. This approach allows inspectors to detect exploitation efficiently without needing extensive interviews with employees, reducing potential language barriers.

Interpreter services: A notable strength of Luxembourg is the availability of interpreters due to its diverse population. The Red Cross operates a large-scale interpretation service that is accessible to NGOs and other relevant actors. Some police units also employ automated translation tools during field operations to facilitate communication.

Specialised police unit: A specialised police unit is responsible for victim identification and protection. Officers work in civilian clothes and receive specific training on survivor-centred approaches. Importantly, the police unit responsible for identification and protection is distinct from the unit conducting criminal investigations, which reassures victims that their immediate safety is prioritised independently of evidentiary considerations.

Referral mechanism development: Efforts are ongoing to implement a national referral mechanism designed to streamline survivor support and avoid the repetition of survivor testimony to multiple services. Protocols are being developed to foster collaboration between asylum authorities, the police, and NGOs, although the practical effectiveness of these protocols remains to be seen due to administrative and language barriers.

Residence Permit Procedure: Following identification, victims benefit from a 90-day reflection period during which they can stabilise and decide whether to file a criminal complaint. During this period, they receive a temporary authorisation to stay on the territory. After filing a complaint, victims may obtain a renewable six-month residence permit (*titre de séjour "vie privée"*), which can be renewed throughout lengthy criminal proceedings that often last five to seven years. A dedicated reference person at the Ministry of Interior Affairs manages these permits, preventing administrative gaps and ensuring continuity of legal status. This close institutional relationship is facilitated by Luxembourg's small administrative scale.

Cross-border collaboration: Since Luxembourg is a small country, its agencies can coordinate closely with counterparts in neighbouring countries. For example, safe housing for survivors may be arranged in Germany or France to reduce the risk of re-trafficking, illustrating the importance of cross-border coordination for survivor protection, and the necessity of European transnational referral mechanisms.

CHALLENGES

Territorial limitation of victim identification: In practice, the authorities in Luxembourg tend to recognize as victims of human trafficking only those individuals whose exploitation occurred on Luxembourgish territory. However, this limitation is not expressly stated in the law. Under criminal law principles, human trafficking is considered committed in Luxembourg as soon as one of its constitutive elements (e.g., transportation, accommodation, coercion, or exploitation) takes place on its territory. Therefore, even if exploitation occurs abroad, jurisdiction may arise if part of the conduct occurred in Luxembourg.

Where trafficking has taken place entirely outside Luxembourg, the situation becomes more complex. Pursuant to Article 3 of the Luxembourg Criminal Code, Luxembourg courts are in principle competent only for offences committed (entirely or in part) on national territory. Limited exceptions exist under the Code of Criminal Procedure, notably where the victim or the offender legally resides in Luxembourg, or where a Luxembourg-resident victim cannot effectively lodge a complaint abroad.

Consequently, if a refugee was trafficked along the migration route before arriving in Luxembourg, and no element of the offence was committed on Luxembourgish territory, Luxembourg lacks criminal jurisdiction. In practice, the authorities can interpret this absence of jurisdiction as excluding access to the national protection and assistance framework for trafficked victims.

Low identification of asylum seekers: Few cases of asylum seekers are formally identified as trafficked victims - only two or three cases over five years. This low number is not seen as reflecting absence of trafficking, but rather the constraints of the legal framework and the reality that exploitation often occurs outside Luxembourgish territory. In addition, many survivors do not self-identify, especially in cases of labour exploitation or intersectional vulnerabilities such as domestic work exploitation combined with refugee status or queer identity. Fear of the police or long criminal procedures discourages survivors from formal identification, leading to invisible cases.

Legal and institutional limitations: A major challenge in Luxembourg is the disconnection between labour law and criminal law. The police are trained to handle criminal cases and are little equipped to investigate labour law violations, which limits the identification of labour exploitation victims. Courts also adopt restrictive interpretations of labour exploitation, leading to few convictions, except when exploitative conditions are extremely severe. Furthermore, the absence of NGOs except InfoTraite in the National Monitoring Committee on human trafficking constrains multi-actor collaboration, and resources for specialized support are limited.

Mutual exclusivity of procedures: The mutual exclusivity of asylum and human trafficking procedures creates significant challenges for survivors. Individuals identified as victims of trafficking cannot simultaneously pursue asylum and benefit from the specific residence permits available under the trafficking framework, requiring them to choose only one legal pathway. Although guidance is provided transparently and decisions are taken with legal support, this choice can be particularly difficult given the uncertainty of future outcomes of the procedures and the already traumatic circumstances many survivors face. The separation of the two frameworks may also restrict access to certain protection statuses and places increased responsibility on legal representatives to navigate complex procedural options in the applicant's best long-term interest.

Data and resource constraints: Available data is neither fully up to date nor accurate, as statistics are published only every two years, and national reports are prepared by small teams with limited capacity. The Ministry of Justice and the CCDH's office handle multiple priorities with very few dedicated staff, which constrains awareness-raising, monitoring, and survivor support activities.

Cross-border and EU-level coordination challenges: Despite forthcoming proposals for European referral mechanisms under the revised Anti-Trafficking Directive, significant structural and coordination challenges remain, particularly for small countries such as Luxembourg. Cross-border trafficking cases highlight the absence of clear EU-wide responsibility-sharing frameworks, resulting in protection outcomes that often depend on ad hoc cooperation rather than structured procedures. While collaboration between Member States' law enforcement authorities exists, coordination between criminal proceedings, asylum procedures, and cross-border safe housing arrangements remains complex. As a result, protection standards and long-term solutions may vary depending on individual case assessments rather than a consistent, formalised EU-level system.

Length and uncertainty of criminal proceedings: Criminal proceedings related to trafficking often last several years, during which victims must repeatedly renew short-term residence permits. This prolonged uncertainty can negatively affect their psychological recovery and social integration.

CHAPTER VII: INCLUSION

LUXEMBOURG CONTEXT

Luxembourg is one of the most diverse countries in Europe: approximately 50% of residents are non-Luxembourgish, and two-thirds have at least one parent born abroad. This demographic reality is closely linked to Luxembourg's historical reliance on migration, from post-World War II labour needs to contemporary economic and humanitarian migration. The country experiences a positive migration balance of roughly 11,000 people per year, including traditional migrant groups - such as Portuguese nationals - and approximately 2,000 asylum seekers annually.

Historically, Luxembourg's immigration policies were not fully prepared for family reunification and integration. Family reunification was not formally recognized until 1972, and early agreements with countries like Portugal or Yugoslavia highlighted the country's limited institutional capacity to integrate immigrant families. Over time, Luxembourg developed mechanisms to support social integration, access to work, and civic participation, but systemic barriers persist, particularly for asylum seekers and undocumented migrants. Discrimination, racism, and structural barriers remain, but Luxembourg's small size enables direct advocacy and policy engagement.

GOOD PRACTICES

Labour market access reforms: Access to work is a key determinant of integration. Previously, asylum seekers in Luxembourg were not allowed to apply for a work authorisation during the first nine months of the asylum procedure. Only after this nine-month period, and only if their asylum application was still pending, could they apply for a temporary work authorisation, exacerbating their dependence on social aid and shelters. Recent reforms adopted in 2023²⁰ shortened the waiting period from nine to six months, allowing asylum seekers to apply for a temporary work authorisation (Autorisation d'Occupation Temporaire – AOT) if their application remains undecided, thereby supporting greater autonomy and earlier labour market participation.

Rapid educational integration: Children are rapidly integrated into the education system, with access to regular classes, alphabetization and language support, and intercultural mediators. Secondary schools provide social workers and psychological support, and UAMs benefit from dedicated mental health counselling services run by NGOs under contract with public authorities.

Financial support for students: Financial assistance for students without parental support is relatively high compared to other countries, facilitating access to secondary and higher education.

NGO's roles: NGOs such as ASTI²¹ and Passerell²² play a pivotal role in bridging gaps between migrants, asylum seekers, and public institutions, providing services, advocacy, and technical expertise to promote inclusion. Some promising practices conducted by ASTI and Passerell are as follows:

ASTI

- **Empowerment and autonomy-focused interventions:** ASTI has implemented multiple programs designed to foster self-determination among migrants and asylum seekers, rather than creating dependency. Key practices include:
 - **Project connexion:** vocational language training combined with coaching and work placements in sectors such as cleaning, catering, and hospitality. Approximately 75% of participants secure employment or training opportunities.
 - **Neighbourhood initiatives:** promoting social mixing and community engagement in spaces outside home or work, encouraging intercultural exchange.
 - **Targeted support for women:** although most programs are not gender-specific, women benefit indirectly through employment coaching, language training, and the undocumented women project aimed at particularly vulnerable groups.
 - **Translation services:** trained volunteers provide immediate linguistic support for migrants

20. The Law of 7 August 2023 amends the Immigration Law

21. <https://www.asti.lu/>

22. <https://www.passerell.lu/>

interacting with public institutions or NGOs, facilitating access to essential services.

- **Political advocacy and systemic impact** ASTI complements its field activities with policy engagement, ensuring Luxembourg’s laws and practices reflect its diverse population. Its strategies include parliamentary lobbying, public debates on migration and inclusion, consultation on anti-racism and migration policies, and legislative contributions such as the 2023 “living together” law.
- **Integration support for children and families:** Through the *Maison Relais* program²³, ASTI provides educational and cultural support for children while engaging parents, addressing intergenerational challenges in integration and fostering inclusion at the family level.

PASSERELL:

- **Volunteer-Based model and community engagement:** Volunteers play a central role in PASSERELL’s work. Approximately 30 volunteers, alongside beneficiary volunteers, contribute to translation, legal research, language courses, and social activities. The organisation emphasises flexibility, allowing volunteers to engage according to their availability, while maintaining motivation through regular meetings and informal social events. This model strengthens both service delivery and social inclusion.

In addition, socialisation projects are a distinctive element of PASSERELL’s approach. Initiatives such as summer language workshops (“Ateliers d’été”), combined with cultural activities like cinema visits and museum outings, foster interaction between asylum seekers, refugees, and the host community, contributing to longer-term integration beyond legal status alone.

CHALLENGES

Family reunification barriers: Luxembourg’s immigration law continues to limit family reunification to nuclear families, with waiting periods extended from one to two years, creating delays in integration and additional stress for migrant families.

Employment and autonomy gaps: Although work authorization after six months is a positive step, asylum seekers still face administrative delays, limited recognition of prior qualifications, and discrimination in the labour market. This constrains economic independence and full social inclusion.

Housing shortages and quality issues: High demand and limited availability of reception centres and affordable housing remain persistent barriers. Migrants and asylum seekers often encounter precarious living conditions, which hinder integration and social participation.

Discrimination and racism: Despite Luxembourg’s small size and relatively strong institutional oversight, migrants continue to experience structural discrimination, social exclusion, and occasional interpersonal racism. Addressing these issues requires continued advocacy, education, and enforcement of anti-discrimination measures.

Policy shifts and funding constraints: Political changes, such as the 2023 shift toward a right-leaning government, have led to funding reductions for some NGOs. This affects the sustainability of integration initiatives and underscores the importance of civil society organisations, which remain critical partners for government agencies due to their expertise and credibility in migration and integration issues.

23. ASTI, Maison Relais Program, <https://www.asti.lu/asti/>

CHAPTER VIII: VOLUNTARY RETURNS

Note to readers: Unlike the other chapters, this chapter contains information exclusively provided by IOM, as they were the only organization consulted regarding voluntary returns.

LUXEMBOURG CONTEXT

Voluntary return constitutes an integral component of Luxembourg's migration and asylum system and is increasingly promoted as a preferred alternative to forced return. In the context of ongoing pressure on the asylum reception system and a persistent housing crisis, the Luxembourg authorities actively encourage both voluntary and, where applicable, forced returns. Within this framework, voluntary and assisted return programmes are presented as a more dignified and sustainable option, particularly for individuals who no longer have a legal basis to remain in the country.

In 2025, a total of 108 international protection applicants in Luxembourg returned voluntarily to their countries of origin. The largest number returned to Colombia (24 people), followed by Venezuela (14), Kosovo (12), Iran (6), and Albania and Algeria (8 each). Additionally, 29 applicants were returned involuntarily²⁴.

Luxembourg cooperates closely with the International Organization for Migration (IOM) to implement voluntary return programmes. IOM Luxembourg, although operationally based in Brussels, maintains a presence in Luxembourg and works with a small, specialised team. Since 2008, voluntary return programmes have increasingly incorporated a vulnerability-based approach, recognising specific protection and support needs, including those related to gender, disability, trafficking, and GBV.

Each year, approximately 140 individuals return through IOM-facilitated programmes. Countries of return include both European and non-European states. While the system is formally gender-neutral, specific measures exist to support women, mothers travelling alone, and other vulnerable individuals.

GOOD PRACTICES

Voluntary and dignity-based return framework: Luxembourg's cooperation with the International Organization for Migration (IOM) is limited to voluntary return programmes, with IOM not participating in forced return procedures. This institutional separation supports trust in IOM among migrants and asylum seekers and facilitates informed decision-making regarding return options. For individuals who choose voluntary return and hold valid travel documents, the process can generally be completed within a short timeframe, often within approximately one week.

Vulnerability-sensitive support measures: IOM Luxembourg applies a vulnerability lens in assessing returnees' needs. This category includes: Migrants requiring medical treatment in their country of origin, based on a medical assessment, or vulnerable migrants covered by Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning irregularly staying third-country nationals (including minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, and persons who have been victims of torture, rape, or other serious forms of psychological, physical, or sexual violence).

In some cases, medical or social escorts are arranged to accompany vulnerable individuals during the return journey, ensuring safety and continuity of care.

Reintegration assistance and monitoring: Returnees may receive limited financial and in-kind support aimed at facilitating reintegration:

- Up to €500 in cash upon departure from Luxembourg and
- Up to €3,450 per individual (additional amount for beneficiaries identified as vulnerable: amount up to 860 EUR per individual) and up to €5175 per family in kind upon arrival, used for housing, education, or income-generating activities

24. Ministry of Home Affairs - the Directorate General of Immigration, Statistiques concernant la protection internationale au Grand-Duché de Luxembourg Mois de décembre 2025, <https://maint.gouvernement.lu/dam-assets/dossiers/documents/statistiques-en-matiere-d-asyle/2025/statistiques-protection-internationale-12-2025.pdf>

IOM monitors reintegration outcomes for up to nine months after return, assessing stability, self-sufficiency, and access to basic services. Additionally, monitoring missions every three years evaluate the longer-term effectiveness of return and reintegration support.

Child-centred assessments and best interest considerations: IOM conducts family and child assessments for minors returning to their country of origin, informing Luxembourg authorities and guardianship services. These assessments support decision-making based on the best interests of the child, particularly in complex family or protection situations.

Partnership-based approach and referrals: In Luxembourg, IOM operates primarily as a coordination and referral body, working closely with NGOs and civil society actors. Rather than providing legal assistance directly, IOM ensures that beneficiaries are referred to appropriate services within an established network, enhancing continuity of support.

CHALLENGES

Limited financial assistance: The level of financial support remains modest and may be insufficient to ensure long-term reintegration, especially in countries with high unemployment or limited social protection systems. Returnees from Western Europe are generally not eligible for integration grants and receive only travel assistance, but they may be eligible for reintegration support in vulnerable cases.

Operational and logistical constraints: Delays in obtaining travel documents frequently postpone return processes. Travel logistics remain a challenge, requiring close coordination among IOM, the Red Cross, embassies, national authorities, and sometimes the beneficiary's family or the IOM mission in the country of origin (e.g., for verifying or sharing identity documents). These delays can prolong uncertainty and vulnerability for individuals awaiting return.

Limited identification of trafficking cases: While IOM conducts risk and vulnerability assessments in coordination with local experts, the identification of trafficking on human beings' survivors in Luxembourg remains limited. This may reflect under-detection rather than absence of cases, underscoring the need for continued awareness-raising and referral training among frontline actors.

CONCLUSION

The Luxembourg study visit confirmed that the country has developed a structured and multifaceted system to support asylum seekers, with particular attention to children, unaccompanied minors, and self-identified asylum-seeking and refugee women and girls. Strong practices were observed across multiple areas:

- » the Ombudsman and the Ombudsman for Children and Youth (OKAJU) ensure accessible monitoring and complaints mechanisms
- » NGOs such as PASSERELL, ASTI, the Red Cross, Planning Familial, and InfoTraite provide legal, health, sexual and reproductive healthcare, psychosocial, and educational support;
- » law firms providing early and gender-sensitive legal assistance; and
- » Ministry of Home Affairs - the Directorate General of Immigration provide training to asylum interviewers on vulnerability, GBV, and interviewing techniques, including EUAA modules and dedicated GBV training.
- » Specialized reception facilities, social workers, and civil guardians strengthen protection for unaccompanied minors, while GBV is formally recognised in asylum law.
- » Innovative initiatives such as the National Centre for Victims of Violence (CNVV) provide integrated psychosocial, legal, and medical support, addressing needs related to domestic violence, FGM, and human trafficking.
- » Access to legal aid is guaranteed from the outset, allowing women and girls to file independent claims, maintain separate legal representation, and access gender-sensitive procedural accommodations.
- » Inclusion measures, including rapid educational integration, work authorisations, and community engagement programs, and vulnerability-sensitive voluntary return processes support social inclusion and autonomy.
- » Luxembourg's small size facilitates cross-sector collaboration and direct policy engagement, enhancing responsiveness to the needs of women and girls.

Overall, the study visit revealed a landscape where strong practices and committed actors exist, yet their effectiveness depends on sustained investment, improved coordination, and robust legal and policy frameworks.

Remaining Challenges and Areas for Improvement:

Gender- and child-sensitive procedural gaps: While administrative staff have received training on vulnerability, GBV, and interviewing techniques, stakeholders noted that gender- and trauma-informed approaches are not always applied consistently in practice. Late disclosure of GBV and sexual violence remains a challenge, as many women report experiences only after the initial asylum interview due to trauma, fear, shame, or lack of trust. Although evidence can be submitted throughout the procedure, including before a judicial decision, delayed disclosure may still complicate the assessment of protection claims.

Legal assistance limitations: While access to lawyers is guaranteed, preparation time may remain limited in practice and gender-sensitive approaches are not always systematically applied. The forthcoming implementation of the EU Pact on Migration and Asylum has raised questions among some stakeholders regarding access to legal advice during the screening phase and the potential implications of fast-track procedures for complex gender-based claims. National authorities have indicated that Luxembourg will be fully compliant with all legal obligations under the Pact and national law, and that all procedural guarantees will be respected and implemented.

Age and vulnerability assessment for UAMs: Age assessments remain challenging, sometimes lacking comprehensive psychosocial and gender-sensitive evaluation. Vulnerable girls may face inconsistent protection due to gaps in specialised care or limited civil guardian oversight in certain cases.

Reception and housing challenges: Persistent housing shortages, overcrowding, and inadequate child- and gender-sensitive infrastructure prolong vulnerability, particularly for single mothers, minors, and large households. Post-recognition housing insecurity may limit independent living even for beneficiaries of international protection.

GBV and SRHR protection gaps: Despite comprehensive services at CNVV and Planning Familial, the coordination between GBV support services and the asylum system remains limited. Medical capacity is constrained, psychological support is insufficient, and barriers to disclosure persist, particularly for FGM and trafficking survivors.

Anti-trafficking and exploitation protection: Survivors exploited outside Luxembourg often cannot access formal recognition; asylum and trafficking procedures are mutually exclusive, and low identification rates among asylum seekers reveal gaps in detection. Criminal proceedings are lengthy, resources are limited, and cross-border coordination remains complex.

Data, transparency, and accountability gaps: Gender-disaggregated asylum statistics are not systematically collected; monitoring mechanisms for EU Pact reforms and cross-sector interventions remain under development, limiting evidence-based policy evaluation and oversight.

Inclusion and integration barriers: Family reunification restrictions, limited recognition of prior qualifications, housing shortages, discrimination, and funding reductions for NGOs constrain economic and social integration.

Voluntary return constraints: Financial support is modest, operational delays affect return processes, and limited identification of trafficked survivors risks undermining vulnerability-sensitive reintegration measures.

Overall, Luxembourg demonstrates a strong commitment to multi-agency, child- and gender-sensitive approaches. To further strengthen protections, ongoing investment, systematic integration of self-identified women and girls' rights, improved cross-sector coordination, and enhanced civil society participation are essential, particularly as reforms such as the EU Pact on Migration and Asylum and revised Anti-trafficking Directive are implemented.

ANNEX I – LIST OF INTERLOCUTORS

Organisation	Date	Location
National Authorities		
Ministry of Home Affairs - the Directorate General of Immigration	7 October 2025	Online
Ministry for Gender Equality and Diversity	2 October 2025	Luxembourg
Ombudsman	30 September 2025	Luxembourg
Ombudsman for children and young people (OKAJU)	30 September 2025	Luxembourg
International Organisations		
IOM Belgium & Luxembourg	30 September 2025	Luxembourg
Civil Society Organisations		
Passerell	30 September 2025	Luxembourg
ASTI	30 September 2025	Luxembourg
Planning Familial	1 October 2025	Luxembourg
Red Cross	2 October 2025	Luxembourg
InfoTraite	8 October 2025	Online
Law Firms		
Etude Sadler	1 October 2025	Luxembourg
Etude Wies & Hertzog	1 October 2025	Luxembourg
Etude Tinti & Fatholahzadeh	1 October 2025	Luxembourg
Academia		
Dr. Salomé Lannier, University of Luxembourg	14 October 2025	Online



A project led by the association France terre d'asile

AMAL: Empowerment and Protection of Migrant Women” is a six-year project (2023-2028) implemented by France terre d'asile in partnership with the European Council on Refugees and Exiles (ECRE). The Project aims to improve the realisation of migrant women’s rights through a wide range of activities, including advocacy at both the French and the EU level, protection, empowerment and capacity-building activities.



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