



The Constitution in Luxembourg



Constitution du Grand-Duché de Luxembourg.

Chapitre I.

Du territoire et du Roi Grand-Duc.

Art. 1.^{er}

*Le Grand-Duché de Luxembourg forme un
Etat indépendant, indivisible et inextinguible
et perpétuellement neutre.*

ARCHIVES DE L'ETAT

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Introduction

Who Is This Booklet For?

The booklet is for everyone who wants to find out more about the Constitution.

It is written in a way that can be read easily.

Information which is easy to read reaches more people.

Everyone has the right to information.

The UN Convention on the Rights of Persons with Disabilities also says this. (UN = United Nations).

Luxembourg has signed the Convention.

The rights must also be respected in Luxembourg.

Information which is easy to read is based on the rules of the easy-to-read language.

The rules can be found on the websites

www.klaro.lu

www.easy-to-read.eu.

Check Politik

The booklet 'The Constitution in Luxembourg' is part of the Check Politik series.

There are also booklets that deal with other subjects.

You can download the free booklets on

www.klaro.lu and **www.zpb.lu**

The words 'deputy', 'minister', 'judge', ...
refer to women, men, all gender.

The **pink** words are **explained in the dictionary** (page 24).

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Chapter 1

What is a Constitution?

A Constitution is **the most important code of law** in a **state**.

In Luxembourgish you say: '**Verfassung**' or '**Constitution**'.

The Constitution contains important **rules**.

The rules explain: this is how people shall live together.

The Constitution is the **foundation** of **society** and of the state.

This means: society and the state are based on the Constitution.

The Constitution is very important in a state.

What the Constitution says also counts for the state laws.

Examples of state laws are:

the Employment law and the Criminal law.

These laws must respect the Constitution.

The Constitution and the laws are **rules**.

But there are other rules too.

Luxembourg has agreed on rules with **other countries**.

These are **international rules**.

International rules apply in Luxembourg:

- If the head of state (Grand Duke) has signed the treaty,
- If more than half of the Luxembourg Parliament (Chamber) or more than half of the citizens has voted 'yes'.

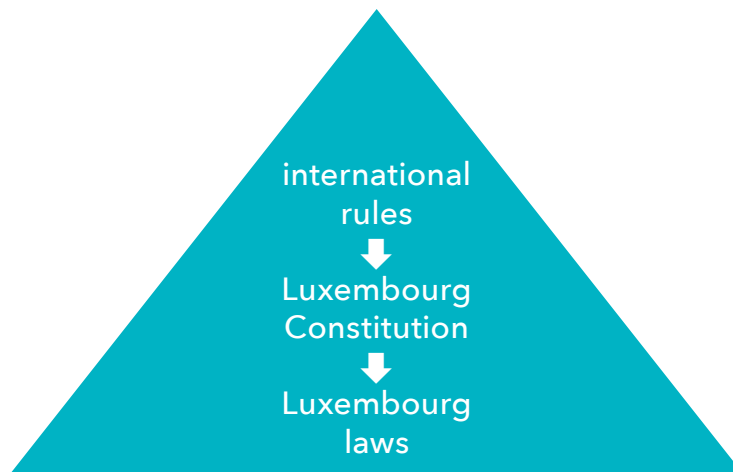
Then the state must apply the international rules.

Examples of international rules are:

- rules of the European Union,
- agreements with states of the United Nations.

In Luxembourg, international rules are above the Constitution and above the state laws.

This means the Constitution and the state laws must not break international rules.



The laws in Luxembourg must follow the Constitution and international rules.

This is what the Constitution says

A Constitution includes information about the **territory and the citizens** of the state.

For example, the information is about

- who has the power,
- the borders,
- how the state is structured,
- the capital city,
- who belongs to the state,
- the language.





The Constitution describes the **basic rights** of the people in the state. Basic rights are important rights that all humans always have.

Examples:

- the right to freely say what you think,
- the right to go to school,
- the right to choose a religion or not.

The Constitution also describes how a state is **organised**.

Examples:

- How are the laws made?
- Who makes sure citizens follow the law?
- Who punishes citizens when they do not follow the law?
- Who decides about taxes?



Chapter 2

Basic Rights in the Luxembourg Constitution:

Some Examples

The Constitution describes basic rights.

What does it mean: to have rights?

A person can decide what he or she wants to do
or what he or she does not want to do.

He or she can claim his or her rights.

For example:

A person can decide to see a doctor.

A person can ask to not be beaten.

Basic rights are very important rights.

They apply to **all people**.

For example:

Everyone has the right to choose a religion or not.

Everyone has to follow the basic rights:

including policemen, judges, politicians, educators.

Basic rights **protect** the people.

Sometimes there are **exceptions**.

The exceptions must always be written
down in the laws.



The Constitution includes many basic rights.

They are also found in **international treaties**.

An international treaty is an agreement that is signed with other states.

This treaty applies when

- the head of state has signed the treaty,
- the majority of the Parliament or of the citizens has voted 'yes'.

If this is the case, the state has to apply the rules of the international treaties.

On the following pages you can find some examples of basic rights.

Freedom

All people are free.

Everyone decides for themselves.

No one is owned by another person.

No one can be imprisoned without a reason.

All people are free, but there are **exceptions**.

Example 1:

A person has done something forbidden.

The police have evidence for this.

The court sentences the person.

The state can then imprison that person.

Example 2:

Parents decide for their children.

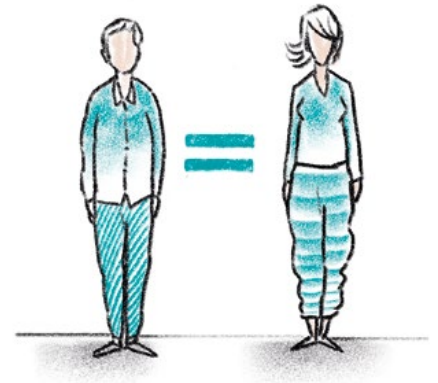
But parents cannot do what they want with their children.

Because children also have rights.



Equality Between Men and Women

Men and women have the same rights and the same obligations.
Each person has the same value.



For example:

Girls and boys have the right to go to school.

Girls and boys have the right to learn a profession.

Girls and boys have the right to choose their profession.

And:

Women and men have the right to vote.

Women and men have the right to choose who they are voting for.

Women and men can be a candidate in elections.

Women and men can become Prime Minister.

Freedom of Opinion

Everyone has the right to freely say what they think.

All humans are free to think and say whatever they want.

But there are **exceptions**.

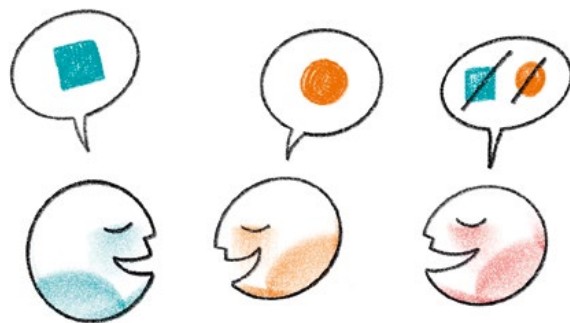
For example:

One does not have the right to insult another person.

Or to say things that are wrong.

One is not allowed to harm other people.

Or to incite someone to harm others.



Freedom of Press

Newspapers, radio, television and the internet

have the right to publish whatever they want.

No one can forbid this.

To forbid an opinion is also called **to censor**.

In Luxembourg it is forbidden to censor.

For example:

In a television programme, someone says:

this minister is a bad politician.

Maybe the minister is not happy about that.

But he is not allowed to censor the programme.

Everyone has the right to see that programme on television.



But there are **exceptions**:

A person is not allowed to say things that are false.

A person is not allowed to say that others should be harmed or injured.

Protection of the Home

Home is a safe place.

The people who live in a house

decide who is allowed to enter their home.

But there are **exceptions**:

A person has killed somebody.

The police have found evidence.

The person hides inside his or her house.

If the judges allow it, the police can enter the house.

The police can then arrest the person.

But, the law says how and when this will happen.



Chapter 3

State Organisation

How the State Is Organised

The Constitution says how the **state works**.

The Constitution describes the state **institutions**.

Institutions are organisations, or bodies such as the parliament.

Public institutions decide things for the **whole country**.

They work together.

But the tasks are strictly separated.

No institution should be involved in the affairs of another institution.

The Constitution states what **the duties** of the institutions are.

Here are some examples of institutions:

- **The Parliament (Chamber)** makes the laws.
The Parliament itself can present a new bill.
A bill is a proposed law, a draft law.
The Parliament discusses and can change the bills.
The Parliament then votes on the bills.
The Parliament controls how the government carries out its tasks.
- **The government** makes most of the bills.
The Parliament votes on the bills.
When the Parliament adopts a bill, it becomes a law.
The government enforces the law.
The government assigns the tasks to the different **administrations**.



- **The State Council** looks at the bills before the vote. It makes suggestions to improve them, and checks if the bills respect the following texts:
 - Constitution of Luxembourg,
 - Luxembourg law,
 - international rules that apply in Luxembourg.
- **The courts** decide on punishments when someone breaks the law. The disputes can either be between people or between a person and the state.
- **The Grand Duke** is the head of state. He represents the state. He does not engage in politics.

1. The Parliament (Chamber of Deputies)

In Luxembourgish we also say, 'Chamber'.

There are 60 representatives in Parliament: the deputies or Members of Parliament.

They belong to different **parties**.

They **represent** the people of Luxembourg.

They speak for the residents.

The deputies are elected every 5 years by the Luxembourg citizens.

The Constitution says:

Who can vote?

Who can be a candidate?



What the Parliament does:

The Parliament **makes the laws**.

This means:

The deputies talk to each other about ideas for a new law.

The deputies or the government can both propose ideas.

In the end the deputies vote on the new law.

To apply the law, more deputies have to vote for it than vote against it.

If more deputies are against the law, it is not applied.

This means that a majority has to vote for the new law.

A majority for a law is **more than half** of the votes.

2. The Government: The Ministers

The government is the **Prime Minister** and the **ministers**.

They have different tasks.

Examples: The Prime Minister is the head of the government.

The minister of the Environment is in charge of the protection of the laws about the environment.

The minister of Finance controls the money of the state.

What the government does:

The government makes sure that the laws are put into action.

The government can also propose bills (draft laws) to the Parliament.

The Parliament votes on the bills.

The Grand Duke and the ministers must sign the new laws.

The ministers are **responsible for the new laws**.

The government shares all responsibilities between the various **administrations**.





3. The State Council

The State Council is a group of experts.
They know the laws well.
And they know how things work in Luxembourg.
For example: They know about society, schools and trade.

What the State Council does:

The members of the State Council check every bill.
The State Council checks if the proposal respects the following texts:

- Constitution of Luxembourg,
- Luxembourg law,
- international rules that apply in Luxembourg.

If the proposal does not respect one of these texts,
the State Council draws attention to the problem.
But the Parliament can still vote on the bill.

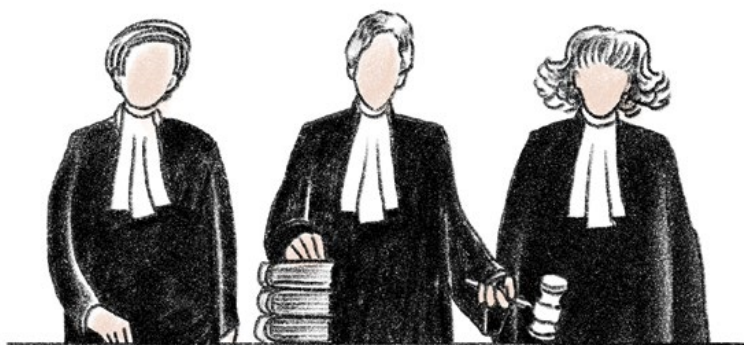
4. The Courts

The courts are in Luxembourg City, in Diekirch and in Esch-sur-Alzette.
The Constitution states which courts must exist.
For example: the Juvenile Court (Youth Court), the Criminal Court.
Many people work in courts. For example the judges.

What the courts do:

The courts decide about disputes.
The judges decide who is **right** and who is wrong.

For example: in a dispute between two citizens.
Or in a dispute between the state and a citizen.



The judge must say his **reason for the judgement**.

The judgement must follow what the **law** says.

The judge cannot just pass sentence.

The hearing is public.

Everyone can hear the sentence.

A sentence cannot break the text of the Constitution.

If a court thinks:

This law says something different than the Constitution.

Then the court can ask the **Constitutional Court**.

The Constitutional Court then checks if the law breaks the Constitution.

5. The Grand Duke

Luxembourg is a monarchy.

Monarchy means that the head of state is not elected.

In Luxembourg the head of state is the Grand Duke.

The Grand Duke can be a man or a woman.

This role is inherited within the family
(passed from father to son, for example).

Luxembourg is a **constitutional monarchy**
because Luxembourg has a Constitution.

The Constitution says what the Grand Duke can and cannot do.

The Grand Duke must obey the Constitution.

He cannot break basic rights.

He cannot tell ministers, deputies or judges what they should do.

The Grand Duke does **not take part in politics**.

He is not a member of a political party.

He must be **independent** and neutral.

If there is a dispute in government

he must not take the side of any party.

The Grand Duke is 'untouchable'.

This means:

- He **cannot be accused**.
- He **cannot be arrested** by the police.

The Grand Duke has for example the following **jobs**:

- He represents Luxembourg in other countries.
- He announces the names of:
the Prime Minister, the ministers and the judges.



Chapter 4

Protecting Democracy

A constitution is an important part of a democracy.
The Constitution helps protect democracy in Luxembourg.
International rules also help to do this.
For example, the rules of the **European Union**.

Democracy means: Rule of the people.

The people are the citizens.

There are many citizens.

They cannot all decide on important things together.

Therefore, the people elect their representatives.

The representatives are also called: deputies or Members of Parliament.

The deputies meet in Parliament (Chamber of Deputies).

They decide on important things for the country.

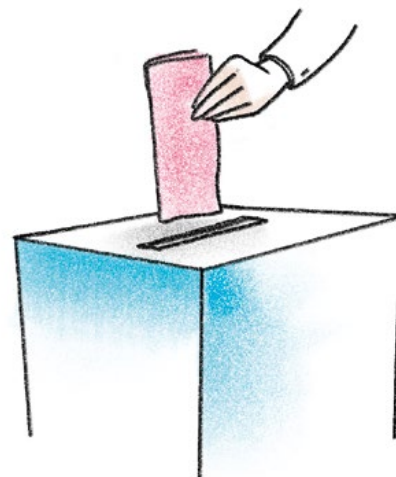
Many deputies are a member of a **party**.

The parties bring together people with similar ideas and goals.

At the elections there are **different** parties.

This way, citizens can choose the candidates and parties that best represent them.

Before the election, citizens think about which party or candidate can best defend their interests?



Elections are held regularly.

The Constitution states how often elections must be held.

The deputies always have to ask themselves:

what do people need to live well?

If the deputies do not defend the citizens well

they will not be elected at the next elections.

This way, the power stays with the people.

Democracy also means: There is a rule of law.

The Constitution protects the rule of law.

In a state under the rule of law:

- The power of the state is split.
- Everyone has to respect the laws.
- A law must not break the Constitution.
- The courts are independent.
- The sentences can be checked.

In a state under the rule of law**The power is split.**

The Constitution ensures that

nobody can decide everything on his own.

Power is split into 3.

Each power has its own duties:

- The **Parliament** makes the **laws**.
- The **government** makes sure that the laws are applied.
- The **courts** pass judgement.

In a dispute, they say who is right and who is wrong.

They can also give a punishment. For example: a prison sentence.

One single person must not have too much power.

Some tasks cannot be done by one person only.

The Constitution states which tasks cannot be mixed.

For example, a minister cannot be a deputy at the same time.
Also, a minister cannot be a judge at the same time.
Otherwise, he would have too much power.

Everyone has to respect the laws.

The ministers and the **civil servants** have to respect the laws.
This means they have to act according to the law.
This also applies for the judges and deputies.
And for every person living or working in Luxembourg,
or visiting the country.

Nobody must disobey the Constitution.

Every law must respect the Constitution.
A judgement must not disobey the Constitution.

The courts are independent.

This means no one can tell the judges
how they should decide.
But the judges always have to respect the laws.

The sentences can be checked.

Sometimes a citizen is not happy with the decision of the judge.
He may think, for example, that the sentence is not fair.
He can then demand that the court checks the sentence.
Another and higher court may then decide on the case again.
This is to prevent a judge doing whatever he wants.

Chapter 5

Changing the Constitution: How and Why?

The Luxembourg Constitution is very old.
It is from 1868.
So, it is over 150 years old.
But society changes.
Many things from the Constitution do not fit
in with today's life anymore.
Or important points are missing.

The Constitution has already been changed several times.
Here are some examples.

Year 1919:

Every person who has the Luxembourg nationality,
and is at least 25 years old, can vote.
Before 1919, women were not allowed to vote.
And neither were men with little money.
Today it does not matter if you are rich or poor, male or female.

1948:

Workers are allowed **to strike**.
They can fight for their rights.
For example: to earn more money.
Or for better working hours.
When workers go on strike, they do not work for one day.
Or for more days.
For example, they **go on the street**
to make clear what they demand.
But the boss is **not allowed**
to fire the workers on strike.



1972:

You must be 18 years old to vote.

You must be 21 years old to be a candidate in an election.

2003:

You must be 18 years old to be a candidate in an election.

2007:

Now the constitution says: we have to protect the **environment**.

2009:

The Grand Duke does not have to agree to the laws.

After the deputies have voted for the law,
the Grand Duke must publish the law.

After that the law applies.

Before 2009, the Grand Duke had to agree with the law.

This is no longer necessary.

Some important ideas are still missing in the Constitution.

These ideas are expected to be included in the text.

And **the text of the Constitution must be written more clearly.**

The Constitution should be easy to understand.

Therefore, the Parliament (Chamber of Deputies) wants to make changes
in the text.

The Constitution **should not be easy to change.**

It is important to carefully think about it.

Therefore, it is difficult to change the Constitution.

40 deputies or more of the 60 deputies must be in favour.

The Constitution itself says how it can be changed:

The Parliament must meet twice and vote twice.

They have to ask themselves:

should the rule be changed in the Constitution, or not?

There must be 3 months between the votes.

During that time the deputies shall think about it once again.

At the first vote, the deputies vote.

At the second vote, the deputies can ask citizens to vote.

This is called a **referendum**.

The citizens can say 'yes' or 'no' to the changes.

The Constitution is changed if the majority of the citizen says 'yes'.

Only citizens of Luxembourg nationality can take part in the referendum.

Dictionary

The words deputy, minister, judge, ... refer to women, men, all gender.

Pink words: English

Blue words: Luxemburgish

Black words: French

Administration

Verwaltung

Administration

The government delegates tasks to the administration.
The administration puts the laws into action.
The civil servants work in the administration.
Examples: ministry, police, schools, job centre.

Basic Rights

Grund-Rechter

Droits fondamentaux

The most important rights for people.
Examples: freedom of opinion, right to equal treatment, right to own property.

Citizen

Bierger

Citoyen

A citizen is someone who belongs to a state or community.

Civil Servant

Beamten

Fonctionnaire

A person working for the state.

Constitution

Constitutioun

Constitution

The Constitution regulates, for example:

- The most important rights of the citizens.
For example: Everyone is equal before the law.
- How the state is organised.
For example: Who decides on new laws.

**Constitutional
monarchy**

konstitutionell

Monarchie

Monarchie

constitutionnelle

The word 'constitutional' comes from 'constitution'.
The head of state can only do what the constitution says.

Democracy
Demokratie
Démocratie

Democracy means: The people decide.
The citizens elect representatives.
They are politicians who make decisions for our country.
These representatives are called deputies
or Members of Parliament.

But democracy also means:

- The judges have to be independent.
This means no one may tell another judge
how to decide.
- No one may decide everything on their own.
- Human rights must be respected.
Everyone must follow them.

European Union
Europäisch Union
Union européenne

The European Union is a union of countries on the
continent of Europe.
The abbreviation is: EU.
The countries in the EU work together closely.
The EU works to prevent war in Europe.
The EU works to make trade between countries easier.
For example: trade in food or cars.
The EU also works to protect democracy.

Government
Regierung
Gouvernement

The government runs the country.
The government is made up of ministers.
The ministers have different areas of responsibilities.

Institution
Institution
Institution

Public organisation with a specific task.
Examples: courts, parliament, ...

Law
Gesetz
Loi

Laws are rules.
The deputies in parliament make the laws.

Monarchy Monarchie Monarchie	<p>The head of state is not elected.</p> <p>This title is inherited.</p> <p>The head of state is a King or a Grand Duke.</p> <p>In Luxembourg, the head of state is a Grand Duke.</p> <p>It can be a man or a woman.</p>
Party Partei Parti	<p>A group of people who share similar political ideas and goals.</p> <p>They put their names on a list for the election.</p>
Referendum Referendum Référendum	<p>A vote of the whole country.</p> <p>All people who have the right to vote participate.</p>
Society Gesellschaft Société	<p>Society means all people who live together under certain conditions.</p>
State Staat État	<p>In a country, many people live together.</p> <p>They form a state.</p> <p>All the people in Luxembourg form the state of Luxembourg.</p> <p>A state also includes:</p> <ul style="list-style-type: none"> • State borders: state borders are lines. They show, where the country begins and ends. • Laws: laws are the rules of the country.

More Information

Websites:

- www.zpb.lu
- www.chd.lu

Who Made This Booklet?

Authors:

Klaro and Zentrum fir politesch Bildung.

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(APEMH: Association at the service of people with intellectual disability)

Publishers:

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Contact: info@klaro.lu – www.klaro.lu –  [klaro2012](#)



The **Zentrum fir politesch Bildung** wants everyone to know about politics and democracy.

And it wants many children and adults to take part in public life.

The Zentrum fir politesch Bildung helps people do this.

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Ministry for Education,
Children and Youth



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