

Issue I: Use of the Internet for drug-related activities

Recommendation 1

Governments should be encouraged to ensure that their law enforcement agencies are well informed, professionally trained and suitably resourced so as to be effective in the investigation of cyber-related offences and the related use of the Internet for illicit trafficking.

Any action taken YES NO

Comments:

Officers in the Narcotics Section of the national police have received relevant specialized training abroad (training provided by the European Union Agency for Law Enforcement Training and the Federal Criminal Police in Germany). Furthermore, national training on the subject has been organized.

Recommendation 2

Governments must work together to overcome the obstacles encountered in undertaking the investigation of cyber-related trafficking offences across multiple jurisdictions and introduce the changes needed in legislation, practices and procedure to expedite information-sharing, enquiries with Internet service providers and the transfer of evidence.

Any action taken YES NO

Comments:

Pursuant to the ordinary criminal law of Luxembourg, international provisions on mutual legal assistance are applied when a foreign State requests assistance. To date, no obstacles have been encountered in relation to enquiries with Internet service providers.

Recommendation 3

Governments should encourage their law enforcement agencies to develop the specialist skills that will support the investigation of cyber-related offences and lead to successful criminal prosecutions.

Any action taken YES NO

Comments:

Officers in the Narcotics Section of the national police have received relevant specialized training abroad (training provided by the European Union Agency for Law Enforcement Training and the Federal Criminal Police in Germany). Furthermore, national training on the subject has been organized.

Issue II: Alternatives to imprisonment for certain offences as demand reduction strategies that promote public health and public safety

Recommendation 1

Governments are encouraged to make full use of alternatives to imprisonment for people with drug use disorders in contact with the criminal justice system, particularly at the time of their arrest and at the pretrial stage.

Any action taken YES NO

Comments:

Pursuant to the ordinary criminal law of Luxembourg, alternatives to imprisonment are used in cases involving people with drug use disorders.

Since the reform of the prison system and the entry into force of the Act of 20 July 2018 on the enforcement of sentences, there has been a decrease in the number of custodial sentences imposed. Moreover, the new article 195-1 of the Code of Criminal Procedure of Luxembourg states that “In the case of a minor or serious offence, the court may hand down a custodial sentence only if it is able to justify that measure on specific grounds.”

There are various alternatives to imprisonment, such as the use of electronic bracelets (article 690 of the Code of Criminal Procedure) and pretrial supervision (article 107 of the Code). Alternative measures are also provided for in articles 673 and 674 of the Code, including suspension of sentence, parole, community service, probation or deferred judgment.

Recommendation 2

Governments are encouraged to promote and implement institutional mechanisms, including through induction and training programmes, that enable the police to screen, assess and refer appropriate cases to treatment facilities, taking into account their dual role as the first responders and the first criminal justice actors encountered by people with drug use disorders when they come into contact with the criminal justice system.

Any action taken YES NO

Comments:

Officers of the national police receive basic training and also have the possibility of participating in all forms of training relevant to their activities. Where necessary, offenders are referred to appropriate treatment facilities.

Recommendation 3

Governments are encouraged to adopt or amend legislation, policies, and guidelines that allow flexibility when handing down sentences for drug-related offences that take into account the nature and gravity of the offence as well as the personality and background of the offender.

Any action taken YES NO

Comments:

The criminal law of Luxembourg establishes measures that may be imposed on people with drug use disorders.

The judicial authorities have the possibility of taking the situation of the sentenced person into account and of deciding, on a case-by-case basis, to defer judgment (article 621 of the Code of Criminal Procedure), grant a stay of execution (article 626 of the Code) or order community service (article 674 of the Code) instead of imposing a prison sentence.

Recommendation 4

Governments are encouraged to employ a multidisciplinary approach in providing treatment and rehabilitation as an alternative to conviction or punishment and to promote and develop the capacity for institutional coordination between justice, health, and social services authorities.

Any action taken YES NO

Comments:

Pursuant to the ordinary criminal law of Luxembourg, and on the basis of case-by-case analysis, the judicial authorities have the possibility of working with other relevant actors within the framework of a multidisciplinary approach.

Recommendation 5

Governments are encouraged to implement measures to increase public awareness of the benefits of using alternatives to imprisonment.

Any action taken YES NO

Comments:

Given that alternatives to imprisonment are implemented by judges and other public officials who are familiar with the applicable legislation, measures to increase public awareness have not been taken.

Recommendation 6

Governments are encouraged to collect and analyse gender- and age-disaggregated data on the use of alternatives to imprisonment and, if applicable, to undertake periodic evaluation of existing initiatives to provide treatment as an alternative to conviction or punishment for people with drug use disorders.

Any action taken YES NO

Comments:

Gender- and age-disaggregated data on the use of alternatives to imprisonment are not collected as those measures are implemented by judges and other public officials on a case-by-case basis and in accordance with the principle of individualized treatment within the criminal justice system.

Issue III: Mainstreaming gender perspectives in drug-related policies and programmes

Recommendation 1

Governments are encouraged to collect and analyse gender-disaggregated data to obtain more information about the situation and circumstances of women drug users and the various roles women assume in drug-related crime and in organized crime groups with a view to developing and implementing effective and comprehensive policies and programmes.

Any action taken YES NO

Comments:

Since 1994, the Luxembourg focal point for the European Monitoring Centre for Drugs and Drug Addiction has operated and developed an epidemiological surveillance system on drugs and drug use known as the Luxembourg Information Network on Drugs and Drug Use. The Network is supported by a multisectoral information structure encompassing national outpatient and inpatient centres that offer specialized treatment, consultation centres, a number of general hospitals and the competent judicial and prosecutorial authorities.

The efforts undertaken over the course of more than 20 years have enabled the establishment of a national database that is updated on an annual basis and that makes it possible to:

- Identify the prevalence and incidence of, and trends in, the use of illicit drugs at the national level
- Provide scientific support and data for research activities
- Assess new trends and the impact of certain interventions on the behaviour and characteristics of the population of high-risk drug users and facilitate needs analysis and the decision-making process at policy level, notably, during the establishment of action plans and intervention strategies to combat addiction

The annual national report on drugs provides, inter alia, annual data on crime linked to controlled drugs, on the prevention of such crime and on prisoners. All of the data collected is gender-disaggregated.

Recommendation 2

Governments are encouraged to ensure non-discriminatory access to health-care services for women, including in prison, and to develop gender-sensitive prevention, primary care, treatment and reintegration policies and programmes, particularly for pregnant women and women with caretaking responsibilities.

Any action taken YES NO

Comments:

The 2015–2019 action plan to combat illicit drugs and related addictions, in its pillar on demand reduction and with regard to treatment options specifically, provides for the outpatient treatment of women drug users who are pregnant and, through the establishment of residential facilities, support for young women drug users who are pregnant or have young children. With regard to psychological and social rehabilitation and reintegration into the labour market, specialized support for mothers who are drug users and partners with children is provided for as part of post-treatment services. Under the pillar concerning the reduction of risk, harm and negative effects, women problem drug users who attend low-threshold treatment centres are provided, if they so wish, with implants free of charge to prevent unwanted or unplanned pregnancies.

All of those services are currently operational.

At two State prisons, female prisoners receive specialized psychological, medical and social support under the Tox programme, which was launched as a project in 2000.

Recommendation 3

Governments are encouraged to ensure close cooperation and collaboration among all relevant national authorities in developing and implementing gender-sensitive drug policies and programmes that take into account the specific needs and circumstances faced by women and girls with regard to the world drug problem.

Any action taken YES NO

Comments:

With regard to the measures and actions implemented as part of the action plan to combat illicit drugs and related addictions, there is close cooperation and collaboration between all the competent national authorities in the implementation of gender-sensitive drug policies and programmes that take into account the specific needs of and circumstances faced by women and girls. Those cooperation and collaboration efforts are being strengthened. The Interministerial Group on Drugs, which comprises all ministerial departments involved in efforts to combat addiction, is the central body for the coordination, at the national level and on the basis of areas of competence, of strategies and action plans on addiction. In addition, all actors on the ground involved in combating addiction are consulted by the National Drug Coordinator for the purposes of preparation of national action plans on addiction. The actions implemented comprehensively reflect the needs identified by the actors involved in combating drugs in Luxembourg.

Issue IV: Money-laundering, illicit financial flows and effective countermeasures

Recommendation 1

In support of the investigation of money-laundering offences and the recovery of the proceeds of crime, Governments are encouraged to enable access by their law enforcement authorities to the information held by their financial intelligence units.

Any action taken YES NO

Comments:

The Money-Laundering Section of the Criminal Investigation Department of the national police currently acquires such information through the prosecution services. However, it is planned to amend the Act on the Financial Intelligence Unit to enable the direct exchange of information.

Recommendation 2

Governments are encouraged to ensure that evidence gathered through investigations of money-laundering offences by their financial intelligence units has legal standing in their courts if used in prosecutions brought by other law enforcement agencies.

Any action taken YES NO

Comments:

The Financial Intelligence Unit regularly submits to the Public Prosecutor's Office reports containing financial information gathered as part of efforts to combat money-laundering and the financing of terrorism. Those reports and the information they contain are used in all relevant investigations conducted by the law enforcement authorities (the prosecution services and the police) and are taken into consideration by the courts that prosecute minor and serious offences.

Recommendation 3

Governments are encouraged to make use of the tools available for training and building the capacity of their law enforcement authorities, financial investigators and prosecutors available through the Global Programme against Money-Laundering of the United Nations Office on Drugs and Crime (UNODC) and other training institutions.

Any action taken YES NO

Comments:

Financial investigators within the national police have the possibility of participating in all forms of training relevant to their activities.

Recommendation 4

Governments are encouraged to share with UNODC the results of their national money-laundering risk assessments to facilitate a coordinated global response and to strengthen the capacity of competent authorities and financial institutions to thwart attempts at money-laundering.

Any action taken YES NO

Comments:

On 20 December 2018, Luxembourg published its first national risk assessment on money-laundering and the financing of terrorism. The publication can be downloaded from the following website:

<https://mfin.gouvernement.lu/fr/publications/Divers/NRA/NRA.html>