



Office for Democratic Institutions and Human Rights

# GRAND-DUCHY OF LUXEMBOURG

PARLIAMENTARY ELECTIONS

8 October 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

16-18 May 2023



Warsaw  
28 June 2023

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION</b> .....	<b>1</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY</b> .....	<b>1</b>
<b>III.</b>	<b>FINDINGS</b> .....	<b>3</b>
A.	BACKGROUND AND POLITICAL CONTEXT .....	3
B.	ELECTORAL SYSTEM AND LEGAL FRAMEWORK .....	3
C.	ELECTION ADMINISTRATION .....	4
D.	VOTER REGISTRATION.....	5
E.	CANDIDATE REGISTRATION .....	6
F.	ELECTION CAMPAIGN.....	7
G.	CAMPAIGN FINANCE.....	7
H.	MEDIA.....	8
I.	ELECTION DISPUTE RESOLUTION .....	8
<b>IV.</b>	<b>CONCLUSIONS AND RECOMMENDATION</b> .....	<b>9</b>
	<b>ANNEX: LIST OF MEETINGS</b> .....	<b>10</b>

**GRAND-DUCHY OF LUXEMBOURG  
PARLIAMENTARY ELECTIONS  
8 October 2023**

**ODIHR Needs Assessment Mission Report  
16-18 May 2023**

## **I. INTRODUCTION**

Following an invitation from the government of the Grand-Duchy of Luxembourg to observe the 8 October 2023 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Luxembourg from 16 to 18 May. The NAM included Alexey Gromov, ODIHR Senior Election Adviser, and Martina Barker-Ciganikova, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR election-related activity for the forthcoming elections and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign and European Affairs for their assistance in organizing the visit. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

## **II. EXECUTIVE SUMMARY**

On 8 October 2023, voters will elect 60 members to the unicameral parliament for a five-year term through open-list proportional representation. The elections will follow substantial changes in the Constitution, including on the balance of power, which come into effect on 1 July. Some ODIHR NAM interlocutors noted that considerable variations in the numbers of voters per parliamentary seat would affect the equality of the vote. Women are underrepresented in public and political life, keeping 35 per cent of seats in the outgoing parliament and 6 out of 17 ministerial positions.

The parliamentary elections are primarily regulated by the Constitution and unified election law. The recent constitutional amendments, among other changes, guarantee full suffrage rights for adult persons under guardianship. The legislation allows election observation by political parties but does not explicitly provide for observation by citizen non-partisan observers, which is not in line with OSCE commitments. All ODIHR NAM interlocutors expressed confidence in the legal framework as providing a sound basis for the conduct of democratic elections.

Elections are administered by the Ministry of State and election boards established within the municipal and judicial structures. All ODIHR NAM interlocutors expressed a high level of trust in the integrity and professionalism of election administration, including in the conduct of election day procedures. The election management bodies informed the ODIHR NAM about significant challenges to identify a sufficient number of poll workers. Different provisions to facilitate voting of people with disabilities are in place, and voter information campaign is conducted in multiple languages, including in an easy-to-read format.

All citizens who are 18 or older have the right to vote, except those convicted of grave criminal offences, and those who have been deprived of the right to vote by criminal sentences. Following recent legal amendments and in line with international standards, adults under guardianship for civil incapacity would

be granted the right to vote. Voter registration is passive, and voter lists are based on a residence register, maintained by the municipalities. No ODIHR NAM interlocutors raised concerns with respect to the accuracy of voter lists. Postal voting is available for all eligible voters in the country and abroad. There are some 260,000 voters registered for the elections.

Eligible voters residing in the country have the right to stand for elections either within the candidate lists or individually. All parliamentary parties noted that the candidate nomination and registration procedures are straightforward and with no administrative hurdles. There is no legal quota for women on candidate lists; nevertheless, the law provides for a financial incentive for parties to have at least 40 per cent of each gender among their candidates.

Fundamental freedoms of association, peaceful assembly and expression are provided for by the Constitution, and no ODIHR NAM interlocutor expressed any concerns with respect to their ability to campaign freely. The election campaign is generally unregulated, and its framework is informally agreed upon among contesting political parties before each election. Political parties informed the ODIHR NAM they would use traditional canvassing methods as well as on media, most notably TV, and social networks, with a focus on a number of economic and social issues, in particular housing, reducing inflation, and the quality of the healthcare system.

The legislation provides for public and private financing of the campaign, but all parties confirmed they heavily rely on state funds. All parties expressed satisfaction with the campaign finance legal framework and the level of public funding. There are no formal limits on campaign spending and donations, but those are agreed upon by contesting political parties. Only parties eligible to receive public funding are obliged to submit annual reports which are published on parliament's website. The Court of Audit oversees the political and campaign finances, and all political parties described its work as efficient and ensuring campaign finance transparency.

The media environment is pluralistic and diversified notwithstanding the small market. The media coverage of the election campaign is not regulated by the law and is subject to an informal agreement between the media and contesting political parties. All political parties expressed satisfaction with this system. Following 2019 legal amendments, the Independent Audiovisual Authority of Luxembourg obtained a mandate to oversee broadcast media with the aim to ensure a balanced coverage of all contestants. No ODIHR NAM interlocutor raised specific concerns with respect to access to either public or private media, but some expressed concern that significant state subventions to the print media and television might jeopardize their editorial independence from the government. The public broadcaster informed the ODIHR NAM about its plans to air a variety of election-related programmes, including debates.

All ODIHR NAM interlocutors expressed a high degree of confidence in an impartial election dispute resolution affirming that complaints are rarely filed, as there is a longstanding tradition of well-administered elections and an effective checks-and-balances mechanism among the parties. Except for issues related to voter registration, there are no special terms and expedited deadlines for other election-related appeals. Complaints related to final election results may be filed only to the newly elected parliament, and contrary to good practice, there is no possibility for judicial appeal.

All ODIHR NAM interlocutors expressed full confidence in the electoral process and the ability of the election administration to professionally and transparently administer the elections. No significant concerns were expressed relating to the respect for fundamental freedoms, voter registration, candidate registration, campaign environment, election dispute resolution and election day procedures. While all ODIHR NAM interlocutors acknowledged a benefit from an independent examination of the electoral process, the vast majority of them noted no added value from an observation activity for the upcoming

elections. Based on these findings, the ODIHR NAM does not recommend an election-related activity for the 8 October 2023 parliamentary elections. ODIHR, however, reiterates that it stands ready to offer its assistance upon request in a post-election process.

### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

The Grand-Duchy of Luxembourg is a constitutional monarchy headed by the Grand Duke who, together with the government led by the Prime Minister, exercises the executive powers. Legislative powers are vested in the unicameral Chamber of Deputies (parliament) comprising 60 members (MPs). While the Constitution provides the Grand Duke with powers to dissolve the parliament, in practice dissolution only takes place at the proposal of the government.

The outgoing parliament was elected in October 2018, when seven political parties gained representation.<sup>1</sup> The current government is composed of a coalition led by Prime Minister Xavier Bettel from the Democratic Party, together with the Luxembourg Socialist Workers' Party and The Greens. While the Christian Social People's Party gained the largest number of seats in the parliament, it formed the opposition. Women are underrepresented in public and political life, with 21 out of 60 MPs in the outgoing parliament, and 6 out of 17 ministers in the current Government. Two out of the seven parties represented in the parliament are led by women.

In November 2022, the Government announced the parliamentary elections to take place on 8 October 2023. The elections will follow the adoption of substantial changes to the Constitution, including on the balance of power among different branches of authorities, which are due to enter into force on 1 July.

ODIHR has never previously observed elections in Luxembourg.

#### B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 60 MPs are elected every five years through open-list proportional representation in four multimember constituencies, which correspond to geographic regions and administrative units of the country. The law determines the number of seats in each constituency based on the size of the population: South elects 23 MPs, Centre - 21, North - 9 and East - 7. The number of eligible voters varies significantly between the four electoral constituencies.<sup>2</sup> Many ODIHR NAM interlocutors noted that those variations affect the equality of the vote, but opined that there is no political will to amend the status quo.<sup>3</sup>

Voters can either vote for the entire list or cast as many preferential votes for candidates in the lists as there are seats in a given constituency, either within one candidate list (*cumulation*) or across candidate lists splitting the votes among several parties (*panachage*).<sup>4</sup> Each party is allocated a number of seats proportionally to the total number of votes cast for its candidates in that constituency. These seats are then allocated to the candidates who obtained the most votes within the list. The law does not provide an electoral threshold at the national or constituency level.

---

<sup>1</sup> Christian Social People's Party received 21 seats, the Democratic Party -12, the Luxembourg Socialist Workers' Party - 10, The Greens - 9, Alternative Democratic Reform Party - 4, and The Left and the Pirates - 2 seats each.

<sup>2</sup> In 2018 parliamentary elections, the deviation of the number of voters per parliamentary seat in three out of four constituencies was almost 20 per cent from the nationwide average. Paragraph I.2.2.iv of the Venice Commission's 2002 Code of Good Practice in Electoral Matters recommends that the "permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances".

<sup>3</sup> In 2021, the Constitutional Court ruled that the current system does not breach the principle of proportionality.

<sup>4</sup> Voters may allocate up to two preferential votes to any candidate.

The parliamentary elections are primarily regulated by the 1868 Constitution (last amended in 2023) and a unified 2003 election law (last amended in 2022) which regulates different aspects of parliamentary, local and European Parliament elections. Additionally, several grand-ducal regulations consolidated by the Ministry of State (MoS) govern the conduct of elections. The legislation allows election observation by political parties and international observers but does not explicitly provide for observation by citizen non-partisan observers, contrary to the OSCE commitments.<sup>5</sup> Luxembourg is a party to major international and regional instruments related to democratic elections.<sup>6</sup> All ODIHR NAM interlocutors expressed confidence in the legal framework as providing a sound basis for the conduct of democratic elections.

The 2023 constitutional amendments will come into effect on 1 July. In line with international standards, one of these amendments will guarantee full suffrage rights for adult people under guardianship and will apply to the upcoming elections. Several ODIHR NAM interlocutors opined that the process leading to the constitutional amendments was inclusive and consultative and welcomed the introduced provision. In addition, a draft bill currently discussed in the parliament envisages extended opportunities for assisted voting for voters under guardianship and those with mental disabilities. Draft amendments to the election law also envisage adding the logos of contesting political groups on the ballot and revoking the possibility for political parties to receive a copy of the voter register due to data protection.<sup>7</sup>

### C. ELECTION ADMINISTRATION

The MoS co-ordinates the organization of parliamentary elections administered by election boards established within the judiciary and municipalities on an *ad hoc* basis. These include four Constituency Electoral Offices (CEOs), and 100 polling stations with some 700 polling sections. All ODIHR NAM interlocutors expressed a high level of trust in the integrity and professionalism of the election administration, including in the conduct of election day procedures.

The MoS oversees the technical and organizational aspects, including the preparation of voting materials and documents. The CEOs are composed of a president, typically the president of a district tribunal, who appoints a secretary and other six members. Within their respective constituencies, these offices are in charge of the registration of candidate lists, drawing of lots to determine the order of candidate lists on ballot papers, the printing of ballots, selection of chairpersons of polling stations, and tabulation and declaration of constituency results. Municipalities organize the elections at the local level and are, among other things, responsible for the compilation and update of voter lists and identification and setting up of polling premises.

The polling station boards are comprised of the chairperson, who appoints the secretary, and between four and six members and an equal number of deputies, depending on the size of the municipality. Besides the requirement of being voters from the respective municipality and not having family ties with candidates, there are no other explicit criteria for the appointment of election boards. Still, the election management bodies informed the ODIHR NAM about significant challenges to identify a sufficient

---

<sup>5</sup> Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”. Contestants may appoint so-called witnesses from among members of political parties or any other citizen of the municipality.

<sup>6</sup> Including the 1950 European Convention on Human Rights, 1966 International Covenant on Civil and Political Rights, 1979 Convention on the Elimination of All Forms of Discrimination against Women and 2006 Convention on the Rights of Persons with Disabilities. Luxembourg is also a member of the Council of Europe’s Venice Commission and the Group of States against Corruption (GRECO).

<sup>7</sup> In addition, some new regulations for the municipal elections, for instance with respect to the deadlines for closure of the voter register for non-Luxembourgian nationals, also will have an impact on the parliamentary elections.

number of poll workers. The interlocutors noted a lack of interest and symbolic remuneration as the main detriment for becoming members of polling station boards.

Before each election, the government establishes a so-called centralization office composed of representatives of different ministries, state bodies and institutions for collecting and processing election-day data and voting results and ensuring a timely publication of preliminary election results. The published results are disaggregated by the municipality and polling station.

There are certain legal provisions to facilitate voting by people with disabilities, including Braille sleeves for voters with visual impairments and assisted voting by a person of choice, including from among polling staff.

A voter information campaign is conducted by different state bodies, including at the municipal level, as well as civil society organizations. The ODIHR NAM was informed that political parties also conduct voter education in several languages. Information in an easy-to-read format is available, among others, on the official website of the MoS. To facilitate voting, electors, together with the invitation to vote, also receive a sample ballot and instructions in an easy-to-read format.

By law, political parties are entitled to deploy their representatives (*temoins*) to the polling stations; nevertheless, according to ODIHR NAM interlocutors, this is rarely the case as all parties have full confidence in the professionalism of the election administration and the fair conduct of elections.

#### **D. VOTER REGISTRATION**

Citizens of 18 years of age or older by election day who enjoy full civil and political rights are eligible to vote.<sup>8</sup> Not allowed to vote are people convicted of grave criminal offences and those who have been deprived of the right to vote by their sentences.<sup>9</sup> Following recent legal amendments and in line with international standards, adults under guardianship for civil incapacity will be granted the right to vote.

Some 260,000 voters are eligible to vote in these elections. Voting is mandatory, with an exception for voters over 75 years of age and who, at the time of the elections, live in a different municipality than the one in which they are called to vote. Unjustified abstentions are punishable by a fine, which is increased if the offence is repeated.<sup>10</sup> In general, no ODIHR NAM interlocutors expressed concerns about the obligation to vote and informed that the sanction is not applied in practice.

Voter registration is passive, and voter lists are based on a residence register maintained by the municipalities. Voter lists are posted for public scrutiny for a period of a week, during which voters can request changes or report omissions with the municipality and appeal the relevant decision to the administrative court. The draft amendments of the election law envisage the closure of voter lists 44 days before election day compared with 60 days in the past. There is a separate voter list for postal voting. No ODIHR NAM interlocutors raised concerns with respect to the accuracy of voter lists.

Postal voting is available for all eligible voters in the country and abroad if they apply to the municipality of the place of their last residence in the country. The application can be made in person or online between

---

<sup>8</sup> A proposal to extend voting rights to foreigners, who have lived in Luxembourg for at least 10 years and have previously voted in European or local elections in Luxembourg, was rejected in a referendum in 2015. Nevertheless, the issue is still on the agenda of a number of political parties as some 45 per cent of the population does not have Luxembourgian citizenship.

<sup>9</sup> According to the Criminal Code, a felony is punishable with at least five years up to life imprisonment. People sentenced for misdemeanor may be deprived of their voting rights for a period from 5 to 10 years.

<sup>10</sup> The fines range from EUR 100 to 250. In the event of a repeated offence, the fine is EUR 500 to 1,000.

84 and 25 days (for in-country voters) and 40 days (for voters abroad) before election day. Ballots for postal voting shall be delivered via registered mail to voters abroad latest 30 days prior to the election day and to those residing in the country 15 days before. Postal ballots must arrive at the polling station at the latest by the closing of the polls (2 pm on election day). A number of ODIHR NAM interlocutors acknowledged that postal voting facilitates voting for a large number of people, but mentioned its high cost for the state for those living abroad and opined that without adequate safeguards, postal voting might raise concerns about the secrecy and security of the ballot.

## E. CANDIDATE REGISTRATION

All voters who reside in the country can stand for elections. The law provides for a number of positions incompatible with the right to stand.<sup>11</sup> Members of the Council of State or of the executive branch, if elected, need to resign from their previous post to keep the mandate of MP.

Aspiring political parties or groups of candidates can create candidate lists for one or more constituencies, with the number of candidates in a list not exceeding the number of seats contested within the constituency. A candidate can form a list together with other candidates or run individually within a list. A candidate can be included in only one list and only in one constituency. The nomination of a list can be supported either by a minimum of 100 voters registered in the relevant constituency, by a current MP elected from that constituency, or by three municipal councillors elected in the municipalities of the relevant constituency. There are no clearly established procedures for signature collection; nevertheless, the ODIHR NAM was informed that voters' signatures are rarely collected, as parties prefer alternative options.

Candidate lists are to be submitted to the CEOs latest 60 days before election day. The CEOs verify the eligibility of individual candidates, finalize the candidate lists and submit those to the MoS. All parties informed the ODIHR NAM that the candidate registration procedures are straightforward and lack administrative hurdles. Nevertheless, some parties opined that the four CEOs did not always apply the procedures for candidate registration in a consistent manner, in particular regarding candidates' name verification and voters' eligibility to sign in support of the lists.

There is no legal quota to ensure gender balance among the candidates on the lists, and some interlocutors noted the lack of a quota's efficiency due to the current preferential voting system. Nevertheless, most political parties informed the ODIHR NAM about diverse internal statutory measures they apply, such as a balanced number of women and men on the lists, including among the frontrunners. On the other hand, some parties highlighted challenges in identifying a sufficient number of women willing to run and noted that based on election results, voters traditionally prefer to vote for men, as the latter are better known to the public.

The Law on Financing of Political Parties provides for an incentive mechanism: parties nominating at least 24 candidates (40 per cent) of each gender within their lists are entitled to full reimbursement of campaign expenses, whereas such reimbursement is lower for those with less balanced lists.<sup>12</sup>

---

<sup>11</sup> Such as Judicial Court magistrates, members of the Court of Auditors, and active members of the military. Civil servants may stand for elections but have to take an unpaid leave once elected. It is prohibited for those related by blood, marriage or partnership, up to the second degree, to be MPs at the same time or to sign in support for a relative in the candidate nomination process.

<sup>12</sup> See Paragraphs 35 and 36 of the UN Committee on the Elimination of Discrimination against Women 2018 [Concluding observations on the combined sixth and seventh periodic reports of Luxembourg](#). In Paragraph 23, the Committee expresses concern "on public opposition to temporary special measures for the advancement of women, which constitutes an obstacle to the adoption of such measures for the achievement of equality in such fields as education, employment and health care".



## F. ELECTION CAMPAIGN

Fundamental freedoms of association, peaceful assembly and expression are provided for by the Constitution, and no ODIHR NAM interlocutor expressed any concerns with respect to their ability to campaign freely. The election campaign is generally unregulated, with no official campaign period. Nevertheless, there is a political consensus around the rules of the campaign, and conditions are agreed upon among most contesting political parties informally prior to each election. Traditionally, the duration of the campaign, including in the media, is some six to four weeks before the election day (see also *Media*). The ODIHR NAM was informed that the concrete rules for these elections have not yet been set, with the first co-ordination meeting planned for 14 June.

All political parties met with the ODIHR NAM expressed their satisfaction with the framework and informed that the rules are meant to make the campaign fair for all contestants and to save costs as the campaigns are financed mainly from public funds.<sup>13</sup>

Potential contestants informed the ODIHR NAM that they would focus their campaigns on economic and social issues, in particular housing, the quality of the healthcare system, climate change, as well as inflation. Most parties informed the ODIHR NAM they still rely on traditional in-person canvassing, in particular given the size of the electorate and preferential system of voting.<sup>14</sup> Campaigning on media, most notably TV, and social networks is also predominant. Several ODIHR NAM interlocutors pointed out that the political dynamic and campaign strategies would depend on the outcome of the 11 June local elections.

## G. CAMPAIGN FINANCE

Campaign financing is regulated primarily by the Law on Financing of Political Parties and the election law.<sup>15</sup> The legislation provides for public and private financing of the campaigns; nevertheless, all parties the ODIHR NAM met with confirmed that they heavily rely on state funds. They expressed satisfaction with the campaign finance legal framework as well as the level of public funding and considered it sufficient to conduct a meaningful campaign, in particular given the informal agreement between parties to save public funds.

To be eligible for and obtain annual public funds, parties have to fulfil three requirements: submit full candidate lists in all four parliamentary constituencies and for the European Parliament elections, and obtain either one seat or at least 2 per cent of all the votes cast, in parliamentary and European Parliament elections. In addition, the state partially reimburses campaign-related expenses for parliamentary elections to the parties that had put forward full lists in all four constituencies and gained at least one seat in the parliament. Separately, the costs of one mailing of campaign materials to voters in a constituency are reimbursed to parties that gained at least 5 per cent of valid votes in that constituency.

There are no legal limits on campaign spending and donations, but donations from anonymous sources and legal entities are not permitted. Parties receiving public funds are obliged to submit annual reports to the Court of Audit which oversees the political and campaign finances.<sup>16</sup> The Court of Audit subsequently submits its verification report to the parliament which publishes the report on its website.

---

<sup>13</sup> For instance, the agreement limits the expenses for campaign to EUR 100,000 per list for paid political advertisement.

<sup>14</sup> The Ministry of Infrastructure and Transport allocates free-of-charge public space for posting campaign materials for all contestants on equal basis.

<sup>15</sup> In 2019, some technical amendments were introduced adapting the amounts of political party financing and reimbursement of costs for mailing campaign materials to voters to inflation.

<sup>16</sup> Political parties must report all donations, including in-kind, exceeding EUR 250, within their annual financial reports.

The legislation provides for criminal sanctions for breaches of the campaign finance regulations. All political parties met with the ODIHR NAM described the work of the Court of Audit as efficient and ensuring campaign finance transparency.

## H. MEDIA

The media environment is pluralistic notwithstanding the small market the media operate in. Some ODIHR NAM interlocutors noted that significant state subventions to the print media and television (TV) ensure their financial sustainability but may jeopardize the editorial independence from the government. TV and radio are considered the main sources of political information.<sup>17</sup> The main private TV and radio company, *Radio Télévision Luxembourg* (RTL), has the contractual obligations of a public broadcaster.

The media coverage of the election campaign is not regulated by law and is a subject of an informal agreement before every election between the contesting political parties and media, in a process co-ordinated by the Independent Audiovisual Authority of Luxembourg (ALIA).<sup>18</sup> The agreement generally covers eligibility criteria, timetable and amount of time allocated to each candidate list free of charge, duration of TV and radio spots for these purposes, and number and format of debates.<sup>19</sup> In addition to free airtime, contestants can also purchase paid political advertising worth up to EUR 100,000, as agreed by the political parties. Social networks remain unregulated.

The RTL informed the ODIHR NAM that it plans a variety of election-related programmes, including roundtable discussions, talk shows, debates, and interviews, as well as regular editorial coverage of the elections.<sup>20</sup> All parties expressed satisfaction with the informal campaign coverage rules, and no ODIHR NAM interlocutor raised specific concerns with respect to access to either public or private media or campaign coverage.

Following the 2019 amendments to the election law, the ALIA obtained a legal mandate to oversee broadcast media with the aim to ensure a balanced coverage of all contestants. The mandate is limited to the media providers with public service functions (two radios and one TV) and to political communication programmes – free-of-charge spots of contestants and debates. The 2022 amendments to the election law granted the ALIA the legal mandate to co-ordinate the election campaign in the media. Although ALIA does not have an explicit legal mandate to conduct media monitoring, it monitors a limited sample of broadcasters and subsequently publishes a report on its findings. ALIA as well as other interlocutors informed the ODIHR NAM that they would welcome the broadening of their mandate to private channels and social networks as well as increased resources.

ALIA has the mandate to impose sanctions on broadcasters ranging from a public reprimand to a financial fine of a maximum of EUR 25,000. Such decisions can be appealed by concerned parties to the administrative court.

## I. ELECTION DISPUTE RESOLUTION

Complaints related to voter registration can be filed with administrative courts. Any media content-related concerns or complaints, including with regard to hate speech or discriminatory rhetoric, are to be

---

<sup>17</sup> Internet penetration in 2023 is [reported](#) to be at 98.7 per cent.

<sup>18</sup> Publication of opinion polls on electoral preferences is forbidden in the last three days before and on election day.

<sup>19</sup> Eligible to participate in debates are contestants which run in areas covering more than one fourth of the population (or some 164,000 inhabitants). Each list can nominate one representative for the ‘official’ debates, three of which are expected in total, one on each of the three public channels.

<sup>20</sup> All programmes, including debates, are broadcast in multiple languages with subtitles; no sign language is provided for.

forwarded to the public prosecutor. Otherwise, there are no special terms and expedited deadlines for other election-related appeals, which are to be decided upon in line with general administrative procedures.

Complaints related to final election results may be filed only to the newly elected parliament. While no ODIHR NAM interlocutors expressed concerns over this procedure, the fact that there is no possibility for judicial appeal is contrary to good practice.<sup>21</sup>

The ODIHR NAM was informed that in general, due to the trust in the system and effective checks-and-balances mechanism among the parties, complaints are rarely raised with regard to the electoral process. All ODIHR NAM interlocutors expressed a high degree of confidence in an impartial election dispute resolution affirming that there is a longstanding tradition of well-administered elections. Nevertheless, some pointed to lengthy and expensive adjudication procedures in general.

#### **IV. CONCLUSIONS AND RECOMMENDATION**

All ODIHR NAM interlocutors expressed full confidence in the electoral process and the ability of the election administration to professionally and transparently administer the elections. No significant concerns were expressed relating to the respect for fundamental freedoms, voter registration, candidate registration, campaign environment, election dispute resolution and election day procedures. While all ODIHR NAM interlocutors acknowledged a benefit from an independent examination of the electoral process, the vast majority of them noted no added value from an observation activity for the upcoming elections. Based on these findings, the ODIHR NAM does not recommend an election-related activity for the 8 October 2023 parliamentary elections. ODIHR, however, reiterates that it stands ready to offer its assistance upon request in a post-election process.

---

<sup>21</sup> Paragraph 18.4 of the 1991 OSCE Moscow Document states that “the participating States will endeavour to provide for judicial review of such [administrative] regulations and decisions”. Section II. 3.3a of the 2002 Venice Commission Code of Good Practice in Electoral Matters states: “the appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible”. See also Section 94.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign and European Affairs**

H.E. Anne Goedert, Ambassador-at-Large for Human Rights  
Tom Reisen, Deputy Political Director

### **Ministry of State**

Anne Greiveldinger, Counsellor, Head, Electoral Process Division  
Manuel Dillmann, Counsellor, General Affairs Department  
Jean-Philippe Schirtz, Attaché, Legal Department

### **Ministry of Interior**

Laurent Knauf, First Counsellor, General Coordination

### **Luxembourg District Court**

Pierre Calmes, President

### **Independent Audiovisual Authority**

Thierry Hoscheit, Chairperson  
Paul Lorenz, Director  
Carole Kickert, Secretary, Board of Directors

### **Political Parties**

Fernand Kartheiser, MP, Alternative Democratic Reform Party (ADR)  
Claude Wiseler, MP, President, Christian Social People's Party  
Pim Knaff, MP, Democratic Party  
Yves Cruchten, MP, President of the Parliamentary Faction, Socialist Worker's Party  
Meris Sehovic, President, The Greens  
Nathalie Oberweis, MP, The Left Party  
Sven Clement, MP, The Pirates  
Karo Vides, Assistant, The Pirates

### **Media**

Christophe Goossens, Radio Television Luxembourg, CEO  
Guy Weber, Radio Television Luxembourg, Editor-in-Chief

### **Diplomatic Missions Resident in Luxembourg**<sup>22</sup>

Representatives of diplomatic missions of Italy, Norway, Portugal, the Russian Federation

---

<sup>22</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Luxembourg.