



Distr.

GENERAL

CRC/C/OPAC/LUX/CO/1

15 October 2007

Original: ENGLISH

Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8 OF THE **Optional Protocol to the Convention on**

the Rights of the Child on the involvement of

children in armed conflict

Concluding observations: Luxembourg

The Committee considered the initial report of Luxembourg (CRC/C/OPAC/LUX/1) at its 1262nd meeting (CRC/C/SR.1262), held on 20 September 2007, without the presence of a delegation of the State party which, in accordance with the Committee's decision number 8 adopted at the thirty-ninth session, opted for a technical review of the report. It adopted, on 5 October 2007, at its 1284th meeting, the following concluding observations.

A. Introduction

The Committee welcomes the submission of the State party's initial report as well as the written replies to its list of issues (CRC/C/OPAC/LUX/Q/1/Add.1).

The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's second periodic report on 28 January 2005 (CRC/C/15/Add.250).

B. Positive aspects

The Committee welcomes that:

GE.07-44646 Compulsory recruitment for military service has been abolished in the State party in 1967;

There is a ministerial directive instructing the Armed Forces Chief of Staff to select for voluntary participation to peacekeeping missions only candidates who are at least 18 years old;

A draft revised military act currently before the legislature will raise the minimum age of voluntary enlistment in the army to 18 years.

The Committee reiterates its appreciation for the ratification by the State party of:

International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 21 March 2001;

The Rome Statute of the International Criminal Court on 8 September 2000.

C. Main areas of concern and recommendations

1. General measures of implementation

Legislation and jurisdiction

The Committee acknowledges that there is no compulsory military service in Luxembourg and that volunteers under the age of 18 cannot take part in military operations. It further notes that, according to the State party's response, courts in Luxembourg would not be able to establish extraterritorial jurisdiction in case of acts of compulsory recruitment or involving of children in hostilities of a person below 18 if committed outside Luxembourg by or against a citizen of Luxembourg.

In order to strengthen international measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends that the State Party:

Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities are explicitly criminalized in the State party's legislation;

Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;

Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol.

Dissemination and training

The Committee notes the steps taken by the State Party to disseminate information on relevant human rights instruments and the efforts undertaken to raise public awareness of issues related to the respect for and promotion of human rights.

The Committee encourages the State party, in the light of article 6, paragraph 2, of the Optional Protocol, to make the principles and provisions of the Optional Protocol widely known and promoted by appropriate means, including through the media, to adults and children alike. The Committee recommends that the State party develop systematic awareness-raising education and training in the provisions of the Optional Protocol for all relevant professional groups, including those working with asylum-seeking, refugee and migrant children coming from countries affected by armed conflict, such as teachers, medical professionals, social workers, police officers, lawyers and judges.

2. Measures adopted with regard to disarmament, demobilization, physical and psychological recovery and social reintegration

Assistance for physical and psychological recovery

The Committee welcomes the information on the measures taken for the identification, physical and psychological recovery and social reintegration of asylum-seekers and migrants, including those coming from countries affected by armed conflict.

The Committee recommends that the State party continue systematically identifying, at the earliest possible stage, refugee, asylum-seeking and migrant children entering Luxembourg who may have been recruited or used in hostilities abroad contrary to the Optional Protocol and providing them with immediate, culturally sensitive and multidisciplinary assistance for their physical and psychological recovery and their social reintegration in accordance with article 6, paragraph 3, of the Optional Protocol.

3. International assistance and cooperation

The Committee welcomes the regular financing of projects for the protection and rehabilitation of children in armed conflicts as well as the regular contribution to non governmental organizations working in this field. It also welcomes the substantial contribution to the budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the State party's active participation, both through financing projects and participating in diplomatic forums, in multilateral activities aimed at combating the accumulation and proliferation of small arms.

The Committee encourages the State party to continue its activities in the area of international cooperation, including the provision of financial and other support for action to protect children in armed conflict.

4. Follow-up and dissemination

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Chambers of Deputies, the Council of State and the Defence Ministry for appropriate consideration and further action.

The Committee recommends that the initial report submitted by the State Party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and raise awareness of the Optional Protocol, its implementation and monitoring.

5. Next report

In accordance with article 8, paragraph 2, of the Protocol the Committee requests the State party to include further information on the implementation of the Optional Protocol in its combined third and fourth periodic reports under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
