



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Combined fifth and sixth periodic reports submitted by Luxembourg under article 44 of the Convention, due in 2020<sup>\*</sup>, <sup>\*\*</sup>**

[Date received: 4 March 2020]

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\* The present document is being issued without formal editing.  
\*\* The annex to the present report is available on the Committee's web page.



## **I. Introduction**

1. The present report was prepared by the Department of Children's Rights of the Ministry of Education, Children and Youth on the basis of written submissions from the following ministerial departments:

- Ministry of Foreign and European Affairs
- Ministry of the Environment, Climate and Sustainable Development
- Ministry of Education, Children and Youth
- Ministry of Equality between Women and Men
- Ministry of the Family, Integration and the Greater Region
- Ministry of Finance
- Ministry of Justice
- Ministry of Health
- Ministry of Social Security
- Ministry of Labour, Employment and the Social and Solidarity Economy

2. The present report by the Government of Luxembourg constitutes the combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child under article 44 (1) (a) of the Convention. It describes the principal measures adopted by the Grand Duchy of Luxembourg to give effect to the rights recognized in the Convention and the progress made with respect to the enjoyment of those rights.

## **II. Replies to the issues raised in the list of issues prior to reporting (CRC/C/LUX/QPR/5-6)**

### **Reply to the issue raised in paragraph 2 (a)**

#### **Involvement of children in armed conflict**

3. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict adopted in New York on 25 May 2000 was approved pursuant to the Act of 25 April 2003.

#### **Trafficking in persons**

4. In October 2019, Luxembourg was one of 23 European countries that participated in the launch of a European Crime Prevention Network prevention campaign on human trafficking aimed at informing victims of their rights and the possibility of claiming them in all the member States of the European Union. One of the goals of the Luxembourg presidency of the Benelux Union was "to implement the declaration of intent signed on 2 December 2016, which sets out actions and measures to strengthen cooperation in the area of trafficking in persons".

#### **Child prostitution**

5. A strategy on prostitution was launched in June 2016. It is based on a holistic approach involving psychosocial, educational, oversight, preventive and legal measures. The strategy was put into action through the introduction of the first National Action Plan on Prostitution and the entry into force of the Act of 28 February 2018 on strengthening measures to combat the exploitation of prostitution, procuring and trafficking in human beings for sexual purposes.

### **Child pornography**

6. With regard to combating child pornography, the website childprotection.lu was launched in 2014. The outcome of a joint project between the non-governmental organization (NGO) ECPAT International, the BEE SECURE platform, the Grand-Ducal police force and the judicial authorities, the website serves as a platform on which cases of sexual exploitation, child sex tourism, grooming and the publication of child sexual abuse images can be reported. As part of a joint initiative between the Ministry of Foreign and European Affairs and the NGO platform Le Cercle, a code of ethics is to be introduced in 2020 to prevent sexual abuse by development cooperation workers and employees and members of NGOs who travel abroad for their work.

### **Migration of children**

7. The Act on the reception of applicants for international protection and temporary protection entered into force on 18 December 2015. It contains dedicated provisions on unaccompanied minors and ensures that their specific needs are taken into account and that their physical and mental health is protected.

### **Reply to the issue raised in paragraph 3**

8. The National Plan for Sustainable Development was drawn up as the main instrument for the implementation of Agenda 2030 and incorporates the 17 Sustainable Development Goals. The Higher Council has involved young people aged 16–26 years who are resident in Luxembourg in the implementation of Agenda 2030 in order to raise their awareness of the topic.

9. Youth4planet has been active in Luxembourg since April 2018 with the financial support of the Ministry of the Environment, Climate and Sustainable Development.

10. Following the climate march that took place in the city of Luxembourg in 2019, the Government launched a constructive dialogue with the several thousand young people who had participated with a view to adopting measures to curb climate change. In May 2019, four ClimateXchange meetings were held, bringing together some 500 school students. In June 2019, a delegation from the National Pupil Conference of Luxembourg provided the Government with a summary report on this consultation process, which had been prepared by a group of participating students.

### **Reply to the issue raised in paragraph 4**

#### **Reservations and legislation**

11. The Government currently has no plans to withdraw the reservations entered to articles 3, 6, 7 and 15 of the Convention.

12. The proposed reform of the Constitution is geared towards ensuring that all children enjoy the protection, measures and care necessary for their well-being and development and can freely express their views on all matters affecting them. The Constitution aside, the best interests of the child are foregrounded in several other laws that provide for support and welfare measures to create a healthy environment for children. These include the Act of 29 August 2017 amending the amended Act of 16 June 2004 on the reorganization of the State Socio-educational Centre, bill No. 7236 establishing a children's rights defender and bill No. 7276 establishing a system for the protection of young people.

### **Reply to the issue raised in paragraph 5**

#### **Comprehensive policy and strategy**

13. The Government is currently planning to task the Department of Children's Rights of the Ministry of Education, Children and Youth with drafting, together with other ministries

and civil society, a national action plan for the coordinated and coherent implementation of the Convention.

### **Reply to the issue raised in paragraph 6 (a)**

#### **Coordination**

14. The National Children's Bureau established pursuant to the Act of 16 December 2008 is a public body under the authority of the Ministry of Education, Children and Youth. The Bureau acts as a one-stop referral point to which children and young adults in distress can turn for social and financial support.

15. Together with child and family support services, the Bureau provides support tailored to the needs of the child and/or family, where needed. Its mandate is established in articles 5 and 6 of the Child and Family Support Act of 16 December 2008.<sup>1</sup> Information on the financing of child and family social support measures can be found in the Grand-Ducal Regulation of 17 August 2011 detailing the financing of child and family social support measures.<sup>2</sup>

### **Reply to the issue raised in paragraph 6 (b)**

16. The National Children's Bureau is the body of the Ministry of Education, Children and Youth tasked with providing and financing support tailored to the needs of the family and the child, where needed.

17. The Department of Children's Rights is responsible for coordinating activities relating to the implementation of the Convention at the ministerial and governmental levels. It also participates in the work of international organizations in order to keep abreast of developments and good practices reported at the international level. There is no overlap between the functions of the Department and those of the National Children's Bureau.

### **Reply to the issue raised in paragraph 6 (c)**

18. The Department of Children's Rights consists of two civil servants from the university sector and one administrative officer. The Department's operating costs are included under those of the Ministry of Education, Children and Youth.

19. The National Children's Bureau consists of 46 psychosocial support officers and 22 administrative officers. The Bureau's operating costs were €41,736,847 in 2010 and €122,254,732 in 2019 (an increase of 192.92 per cent).

### **Reply to the issue raised in paragraph 7**

#### **Data collection**

20. As Luxembourg has chosen to focus on improving the material situation of children by legislative and procedural means, it has lacked the capacity to undertake more intensive efforts to further diversify its data-collection practices. While it is true that statistics provide more accurate feedback on the effects of measures adopted, any energy spent on improving statistics is energy no longer available to develop measures to help improve the situation of children. Nevertheless, Luxembourg recognizes that there will be a need to make efforts on this front in years to come.

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<sup>1</sup> <http://legilux.public.lu/eli/etat/leg/loi/2008/12/16/n4/jo>.

<sup>2</sup> <http://legilux.public.lu/eli/etat/leg/rgd/2011/08/17/n6/jo>.

## Reply to the issue raised in paragraph 8 (a)

### Independent monitoring

21. The Ministry of Education, Children and Youth has selected the members of the Ombuds-Comité fir d'Rechter vum Kand (Ombuds Committee on the Rights of the Child) since the Committee's establishment. Nevertheless, thanks to bill No. 7236,<sup>3</sup> which was tabled on 25 January 2018 with the aim of establishing a children's rights defender to be known as the Ombudsman/fra fir Kanner a Jugendlecher (Ombudsman for Children and Young People), the selection and appointment of the children's rights defender will be made by the Grand Duke on the proposal of the Chamber of Deputies and no longer on the proposal of the Government (the bill in question was adopted by the Chamber of Deputies on 11 February 2020 and is due to be published in the Official Gazette shortly).

## Reply to the issue raised in paragraph 8 (b)

22. The bureau of the Ombuds Committee consists of a chair, a part-time (50 per cent) legal officer and a secretary. There will now be four additional posts in the Office of the Ombudsman for Children and Young People. The holders of these posts will be responsible for drafting opinions, processing applications and advice, managing complaints and implementing awareness-raising campaigns, and increasing the visibility of the Office.

23. The actual expenditure of the Ombuds Committee is set out in the table below.

### Expenditure of the Ombuds Committee on the Rights of the Child

<i>Year</i>	<i>Expenditure (€)</i>
2009	23 778.13
2010	20 358.67
2011	18 865.76
2012	20 133.62
2013	235 150.26
2014	246 107.64
2015	245 445.35
2016	277 108.24
2017	274 037.35
2018	263 684.76
2019	275 815.91

24. Since the 2013 fiscal year, the salary of the president of the Ombuds Committee has been included in the budget line for the National Children's Bureau, whereas it had previously been recorded as an item of government expenditure.

## Reply to the issue raised in paragraph 8 (c)

25. Once the Act establishing the Ombudsman for Children and Young People has entered into force, the Office of the Ombudsman will receive an overall funding envelope so that it can manage its finances independently.

26. The Ombudsman will then be required to issue an opinion on any legislative or regulatory initiative with an impact on respect for children's rights.

<sup>3</sup> <https://ccdh.public.lu/dam-assets/fr/avis/2018/le-projet-de-loi-7236-instituant-un-defenseur-des-droits-de-lenfant.pdf>.

## **Reply to the issue raised in paragraph 9**

### **Non-discrimination**

27. The Ministry of the Family, Integration and the Greater Region and the National Reception Office have implemented action plans to combat discrimination, the first of which was published in November 2010 and was organized into four areas of action, including one devoted to combating discrimination. In the new National Integration Action Plan adopted in July 2018, the fight against discrimination, the promotion of diversity and equal opportunities have been integrated into all the areas of action.

28. Bill No. 6568, which was prepared by the Ministry of Justice, has yet to be enacted. The bill would eliminate the concepts of legitimate and illegitimate parentage. It would also introduce the principle that, to the extent possible, the child has the right to have access to his or her origins without being subjected to discrimination of any kind.

## **Reply to the issue raised in paragraph 10**

### **Best interests of the child**

29. Prosecutors and judges are made aware of the special needs of victims of crime, including through training on domestic violence, sexual violence, offences against minors, trafficking, procuring and organized crime.

30. In addition, all professionals working with children or young people are required to take a training course on children's rights at the National Teacher Training Institute. They also receive training on how to respond to new cases of sexual abuse.

31. With regard to the immigration of refugee minors, Luxembourg and the International Organization for Migration concluded an agreement whereby investigations are carried out in the country of origin of the unaccompanied minor's family so that a family assessment can be undertaken with a view to determining, inter alia, the best interests of the child. In addition, a committee has been set up to assess the best interests of unaccompanied minors in the context of decisions regarding their possible return to their countries of origin. A Grand-Ducal regulation is currently being prepared to establish the institutional structure of the committee.

## **Reply to the issue raised in paragraph 11 (a)**

### **Respect for the views of the child**

32. Every young person aged 14–24 years who lives and/or goes to school in Luxembourg can register to participate in the Youth Parliament.

33. The Youth Parliament operates under the Luxembourg National Youth Council. Its mandate is to promote the involvement of young people in our society and close the distance between them and the political world through the preparation of opinions and resolutions for transmission to the relevant political actors.

34. Each member of the Youth Parliament is informed about the various working commissions and joins at least one of them. In addition, each member begins his or her thematic work in these commissions. Each commission meets once or twice a month to work on its chosen theme, but its members can also work together via an online platform.

35. Lastly, during its summit in May or June, the Youth Parliament adopts its various opinions and resolutions, which are then deemed to be official. These opinions and resolutions are transmitted to the relevant political actors and are formally presented at a hearing before the Chamber of Deputies.

### **Reply to the issue raised in paragraph 11 (b)**

36. Article 29 of the amended Act of 10 August 1992 on the protection of young people provides that, unless it is against their interests, minors who are capable of forming their own views are heard by the juvenile court. The court may excuse a minor from appearing at a hearing, order his or her withdrawal for all or part of the proceedings or hear him or her in chambers with only the lawyers for the parties present.

37. The child also has a right to be heard when the juvenile court is adopting a decision regarding his or her placement in accommodation, care or an education or school setting. Article 1 (5) of bill No. 7276 states that the minor must be heard before any decision concerning him or her is adopted, in accordance with his or her age, maturity and capacity for forming his or her own views.

### **Reply to the issue raised in paragraph 11 (c)**

38. The National Teacher Training Institute runs a training course for education professionals on the rights of the child, which covers the child's right to be heard.

### **Reply to the issue raised in paragraph 11 (d)**

39. Luxembourg has two national entities to help strengthen children's participation in law-making and policymaking, both of which are provided for in the Youth Act: the Higher Council for Youth and the Youth Parliament.

40. In schools, pupil committees and the National Pupil Conference of Luxembourg are the tools for promoting youth participation. The Conference is the platform for student representation at the national level. It may submit opinions and proposals to the Minister of Education on all matters relating to the lives of students and their work in secondary schools.

41. At the commune level, youth participation is promoted through the development of communal youth plans. In this context, youth centres play an important role, as they have close links with young people and can support them in their participation at the commune level.

42. Regular consultations are also held as part of the Structured Dialogue, which is a tool for the political participation of young people, enabling them to contribute to policymaking at the national and European levels. Set up in Luxembourg in 2013, the Structured Dialogue gives young people the opportunity to express their views on political decisions and allows the country's political players to hear them speak.

### **Reply to the issue raised in paragraph 12**

#### **Nationality**

43. Luxembourg ratified the Convention on the Reduction of Statelessness and the European Convention on Nationality pursuant to the new Luxembourg Nationality Act of 8 March 2017. These principles were carried over and incorporated into the new Luxembourg Nationality Act. A child born to unmarried parents may acquire nationality if his or her filiation with parents who are nationals of Luxembourg is established.

### **Reply to the issue raised in paragraph 13**

#### **Right to identity**

44. If enacted, bill No. 6568 reforming filiation would eliminate the concepts of legitimate and natural filiation. The bill would establish the principle of equality of filiation, do away with the concepts of legitimate and natural filiation and introduce the principle that, to the extent possible, the child has the right to have access to his or her origins.

45. This principle should apply to every child, irrespective of the manner in which his or her filiation is established. In this context, the Government has proposed adding an article 312 bis to the Civil Code, to read: “To the extent possible, the child has the right to have access to his or her origins. Such access has no effect on his or her civil status or filiation.” This principle also applies to adopted children and children born through medically assisted procreation involving gamete donation. The technical details will be set out in a separate bill, which is currently being drafted and should be tabled in 2020.

## **Reply to the issue raised in paragraph 14**

### **Right to privacy**

46. The 2019–2020 work programme of the European Data Protection Board provides for the preparation of guidelines on children’s data, which are likely to address the legitimacy and proportionality of the collection of such data, the conditions of consent, the use of such data, limitations on their retention, and their dissemination and disclosure to third parties. The exchange and sharing of such data among public (and private) actors involved in the protection of minors in any way must therefore be in compliance with the basic principles of Regulation (EU) 2016/679 (General Data Protection Regulation,<sup>4</sup> arts. 5–10), and such actors must comply with the general conditions of loyalty and transparency towards the persons concerned and implement appropriate measures to ensure confidentiality, purpose limitation and data security. Where appropriate, the formalities mentioned in chapter IV of the Regulation, including the requirement to carry out an impact assessment pursuant to articles 35 and 36, will apply.

## **Reply to the issue raised in paragraph 15**

### **Corporal punishment**

47. Under national law, corporal punishment is dealt with in the amended Act of 16 December 2008 on child support and in greater detail in article 401 bis of the Criminal Code.

48. Article 2 (3) of the amended Act of 16 December 2008 establishes the general principle that, “in families and school communities in particular, physical and sexual violence, intergenerational transgressions, inhuman or degrading treatment, and genital mutilation are prohibited”. The paragraph sets out this principle without providing for criminal penalties. Article 401 bis of the Criminal Code states that assault against a child aged under 14 years, excluding minor assault, is punishable by imprisonment for a term of 1–3 years and a fine.

49. In addition to the aforementioned provisions, articles 398 et seq. of the Criminal Code cover acts that constitute “wounding with intent to harm”, with the aggravating circumstance established in article 401 bis. An assessment will be carried out to determine whether the concept of “minor assault” should be reformed.

50. In schools, corporal punishment is prohibited under article 4 of the Grand-Ducal Regulation of 7 May 2009 on the rules of conduct and internal procedure common to all schools.

51. Together with private bodies co-financed by the State, the Department of Children’s Rights of the Ministry of Education, Children and Youth organizes awareness-raising activities for children and the general public. In this context, Children’s Rights Day is celebrated each year to promote the rights of the child. In 2019, the event was organized around the theme of corporal punishment. In the same year, two study days were held for professionals working with children. The first dealt with sexual abuse in the workplace and the second with corporal punishment.

52. Guidelines on the procedure to be followed by professionals in response to new cases of physical abuse against minors have also been drawn up with the cooperation of various ministries and disseminated to professionals who work with children.

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<sup>4</sup> Known as GDPR.



53. Lastly, the Eltereschoul (school for parents) promotes positive parenting by offering classes on positive parenting techniques to provide parents with disciplinary alternatives to corporal punishment.

### **Reply to the issue raised in paragraph 16 (a)**

#### **Abuse and neglect**

54. Child and family support is provided for children and young adults in distress and for their families.

55. Psychosocial and educational support services are available at every secondary school and are accessible free of charge and without administrative barriers to all young people and their families. The number of social workers, graduate special education workers and psychologists in these services has increased from one position for every 340 students in 2009 to one position for every 300 students in 2019. In addition to their preventive activities, efforts to identify risk situations and psychosocial and educational interventions for young people and families, these officials work closely on the front line with the national psychosocial and medical network to carry out targeted interventions to protect young people.

56. With regard to technical resources, it should be mentioned that all professionals in the aforementioned services receive 10 days of annual in-service training on their respective areas of work with children and adolescents and on specific programmes of action. The in-service training provision also includes sessions to raise awareness of sexual violence against minors.

### **Reply to the issue raised in paragraph 16 (b)**

57. In order to improve the detection of child abuse, the Ministry of Education, Children and Youth worked with other actors to develop guidelines on the procedures to be followed by professionals working with children and young people. Cases of abuse are to be reported to public prosecutor's offices, while cases of negligence are referred to the National Children's Bureau as a matter of priority. The Act of 16 December 2008 has led to improved provision of family support services.

58. The provision of family support, psychological counselling and psychomotor and speech therapy services has been significantly expanded to prevent the placement of children in care settings. Family-based interventions serve to strengthen the early detection of family problems and support parenthood. Intervention project coordination services have been networked throughout the country to create close links with families, social services and schools.

59. This allows all persons concerned to seek advice so that the appropriate services can take action in good time.

### **Reply to the issue raised in paragraph 17 (a)**

#### **Freedom of the child from all forms of violence**

60. Following the entry into force of Act of 20 July 2018 approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, two awareness-raising campaigns were launched, the first in December 2018 and the second in October 2019.

61. With regard to gender-based violence, the Criminal Code contains provisions, including articles 444 and 457-1, that establish aggravating circumstances in relation to certain offences.

62. With regard to violence in the family, the Act of 20 July 2018 establishes the obligation to provide support to any minor child who is a direct or indirect victim of domestic violence and strengthens the provisions of the amended Domestic Violence Act of 8

September 2003 relating to violence in the family. This obligatory support must be provided by specialized and accredited services for supporting child victims of domestic violence. In 2017, the Ministry of Equality between Women and Men accredited two psychological services for minors and young adults who are victims of violence: the psychological service for child and adolescent victims of domestic violence (S-PSYea) provided by Femmes en détresse (Women in Distress), a non-profit organization, and the Alternatives service provided by the Pro Familia Foundation.

### **Reply to the issue raised in paragraph 17 (b)**

63. The Act of 16 July 2011 strengthened the rules governing children's rights through the approval of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the introduction of amendments to, inter alia, articles 372 (Indecent assault), 375, 376, 377 (Rape), 379, 379 bis and 380 (Exploitation of prostitution and procuring) of the Criminal Code. It thus covers:

- Preventive and protective measures
- Substantive criminal law
- Investigations, prosecutions and procedural law
- Support for victims
- Exchange of information

64. The Act of 21 February 2013 on combating sexual abuse and sexual exploitation of children introduced more stringent penalties for the crimes of child prostitution and child pornography. If enacted, bill No. 7008 of 9 March 2018 strengthening efforts to combat the exploitation of prostitution, procuring and trafficking in persons for sexual purposes would make it an offence to solicit, accept or obtain sexual relations with a minor in exchange for remuneration or a promise of remuneration.

### **Initiatives to prevent violence against children on the Internet**

65. Campaigns have been organized to raise awareness among the general public and professionals of the need to protect children from the dangers of using the Internet (a round table, a study day and a resource platform).

66. In 2018, in collaboration with ECPAT, the Department of Children's Rights of the Ministry of Education, Children and Youth launched a campaign to raise awareness of the dangers of using the Internet. The campaign was aimed at the general public and professionals and was supported by the publication of a specially created poster and an animated video.

67. Each year, BEE SECURE organizes approximately 1,000 awareness-raising sessions for children, young people, parents, teachers and special education workers. These sessions cover such topics as grooming, cyberbullying and sexting. In addition, BEE SECURE visits schools to provide age-appropriate training for children from the third year of elementary school (cycle 3.1) to the final year of secondary school. It also runs information evenings specifically for parents, under the title "Facebook: All in One", at which various social media issues are discussed.

### **National Action Plan**

68. On 1 January 2019, the new National Action Plan on the Promotion of Emotional and Sexual Health entered into force. The Plan is intended to continue and consolidate the existing National Action Plan and to develop new alternatives, actions and strategies in step with the needs of the target group, actors on the ground and developments in society. These efforts to promote emotional and sexual health help to ensure the health and well-being of individuals, prevent and reduce the risks associated with sexual activity and protect individuals from all forms of violence.

### **Initiatives to support child victims of violence**

69. The Ministry of Justice, public prosecutor's offices, the Ministry of Internal Security, the Criminal Investigation Directorate, the Ministry of Health and the Ombudsman for Children and Young People are working to establish a national child abuse resource centre modelled on multidisciplinary centres such as Barnahus centres or Child Advocacy Centres.

### **Reply to the issue raised in paragraph 17 (c)**

70. Article 454 of the Criminal Code covers all forms of discrimination against individuals, including minors, on grounds of "origin, skin colour, sex, sexual orientation, sex reassignment ... or disability". This ordinary law provision also applies to the amended Domestic Violence Act of 2003.

### **Reply to the issue raised in paragraph 18**

#### **Harmful practices**

71. The Act of 10 August 2018 on changes of sex designation and forename(s) in civil status records and amending the Civil Code introduced an administrative procedure for amending the sex marker in civil status records and the associated forename(s) in the event that a person does not identify with the sex marked in his or her birth certificate. This new legal framework is in compliance with the recommendations and resolutions of the Council of Ministers and the Parliamentary Assembly of the Council of Europe. It is based on the principles of "de-pathologization" and self-determination by the person concerned; it abolishes the requirement to submit a medical certificate in support of an application.

72. In this context, a day of awareness-raising and reflection was held in 2017 under the slogan "Towards a sector-wide strategy for inclusive education for lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons". In 2018, a nationwide campaign on intersex issues was launched to raise public awareness of this natural variation of gendered characteristics and combat the discrimination that intersex persons sometimes experience.

73. The Familljen-Center consultation service provides consultations for intersex persons, including children, and their relatives.

74. On 13 July 2018, the Government adopted the first National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons. The Plan has a dedicated chapter on the equal rights of intersex persons, which sets out 5 objectives and 18 specific actions, including the publication of leaflet for the (future) parents of intersex children and the provision of interdisciplinary consultations for intersex persons and their families. In addition, it provides for the implementation of other measures, such as a ban on non-emergency "sex normalizing" medical treatment without the free and informed consent of the intersex person and the preparation of a protocol on intersexuality and another on the provision of information prior to any requested medical treatment.

### **Reply to the issue raised in paragraph 19 (a)**

#### **Family environment**

75. The Act of 27 June 2018 establishing the family court and reforming divorce and parental authority entered into force on 16 July 2018.

### **Reply to the issue raised in paragraph 19 (b)**

76. The introduction of the Plan for Equality between Women and Men (2015–2018) shows the Government's commitment to promoting equality between men and women in all areas and at all levels of society. The Plan has led to changes, including in the areas of sexual and emotional education (17.b), prostitution (2.a) and parental leave.

77. The flexible parental leave system introduced under the reform that entered into force on 1 December 2016 has been a great success thanks to improved procedures and a significant increase in the parental leave allowance. The intended aims of balancing family and work life and ensuring equal opportunities have been achieved. The following table shows how the numbers of women and men taking parental leave have changed since 2009:

	<i>Women (first period of leave)</i>	<i>Men (first period of leave)</i>	<i>Women (second period of leave)</i>	<i>Men (second period of leave)</i>
2009	2 681	106	241	788
2010	2 921	110	231	866
2011	2 711	119	242	849
2012	2 879	116	204	826
2013	2 859	141	169	908
2014	3 006	122	200	928
2015	3 268	149	221	957
2016	3 320	187	237	976
2017	4 058	327	519	3 347
2018	4 287	402	588	4 319
2019	4 364	456	580	4 987

### **Reply to the issue raised in paragraph 19 (c)**

78. The Prison Treff-Punkt Service runs two visiting programmes for children whose parents are in prison.

79. The Hand an Hand visiting programme allows children aged 6–17 years to spend time with their detained parents. The visits take place every 14 days (for one or two hours) and are conducted jointly with prison staff.

80. Children aged under 6 years can spend time with their detained parents under the Mam Petzi op Besuch visiting programme. Such visits are tailored to the age and needs of each child. The purpose of these weekly visits is to maintain or create a stable relationship between the child and the detained parent.

81. Regardless of any considerations relating to the creation or maintenance of a good relationship between the child and the detained parent, the best interests of the child remain the primary consideration in determining whether such visits are appropriate.

### **Reply to the issue raised in paragraph 20 (a)**

#### **Children deprived of a family environment**

82. Juvenile courts normally place the minor in the care of a person of trust, a foster family or an appropriate public or private institution.

83. Foster care is recognized as an essential measure within the child welfare system. In fact, among the different types of care for children or young adults in need, foster care represents an important child welfare resource for the State, enabling it not only to guarantee the best interests of the child and his or her right to grow up in a family environment but also to meet the Council of Europe recommendations in support of national policies that are oriented towards an approach promoting the deinstitutionalization of childcare.

84. Given the importance of strengthening the foster care system in Luxembourg, it is essential to come up with more attractive schemes in order to recruit more foster families. In this context, a survey was conducted among 148 approved foster families in 2013 with the aim of assessing real needs. The replies and results of this survey showed that it was necessary to review and adjust certain requirements for approval of social and family activity in a foster

family. The changes introduced made it possible to restore some of the appeal of socio-educational care and thereby recruit new foster parents.

### **Reply to the issue raised in paragraph 20 (b)**

85. The following changes are expected to be made as part of the reform of child protection legislation.

86. When the minor is placed outside his or her family environment, his or her parents, guardian or persons having parental authority retain all the attributes of parental authority over him or her, except the right to determine the minor's place of residence.

87. In exceptional and duly substantiated circumstances, the juvenile court may decide to transfer parental authority, with the exception of the right to consent to the adoption or marriage of the minor.

### **Reply to the issue raised in paragraph 20 (c)**

88. In addition to the initial vetting process, the number and qualifications of staff are examined each year in a test to ensure that they are appropriate. Furthermore, the National Children's Bureau receives biannual reports on measures taken, which enables it to assess the efforts made by institutions to reintegrate children into families. The Ministry of Education, Children and Youth is currently developing a framework for quality assurance in the child welfare sector. This framework is being developed together with the social sector to establish, enhance and maintain a high level of quality in institutions.

### **Reply to the issue raised in paragraph 20 (d)**

89. With respect to the enforcement of judgments on the placement of children, the transport of children is generally carried out by the criminal police, who intervene in plain clothes and unmarked cars. In the past, however, in rare cases, transport has had to be carried out by uniformed police officers. The issue of whether the transport of children must necessarily be carried out by the police or whether another body may be given the responsibility for doing so is now being considered within the framework of discussions on reform of the legislation on the protection of children.

### **Reply to the issue raised in paragraph 20 (e)**

90. It is essential that children who leave care institutions with a view to leading an independent life receive personalized care if they are to fulfil their life plans. Such care is provided by the National Children's Bureau. In this context, the State takes care of rental costs and living expenses in order to facilitate the reintegration of these young persons into society. Since 2009, the development of the young people's housing sector has increased sharply. Thus, the number of available places has increased from 164 in 2014 to 296 in 2018.

91. As for children leaving a care institution to return to their families, they are entitled to family assistance.

### **Reply to the issue raised in paragraph 21 (a)**

#### **Children with disabilities**

92. In the interventions of the National Children's Bureau and the Ombuds Committee on the Rights of the Child, initiatives to promote and protect the rights of the child cover all children, regardless of their status.

**Reply to the issue raised in paragraph 21 (b)**

93. In Luxembourg, all children are guaranteed an education pursuant to the Act of 6 February 2009 on compulsory school attendance, which requires all children between the ages of 4 and 16 to attend school, without distinction as to the child's state of health or degree of dependence.

94. Inclusive education for all children with disabilities is ensured pursuant to the Act of 20 July 2018 providing for the establishment of nine centres of expertise in educational psychology for inclusive education. This Act made it possible to introduce special measures for students with specific educational needs to enable them to exercise their right to education in the best possible conditions while directly promoting access for such students to the various levels of education on an equal basis with others, as required by the Convention on the Rights of Persons with Disabilities.

95. For students who cannot pursue a mainstream education, the law provides for measures at three levels: (1) at the local level, in schools – specialized teachers and steps to promote inclusion; (2) at the regional level, in regional departments – support teams for students with special or specific educational needs and school inclusion commissions; (3) at the national level, in a school or in a specialized centre.

96. To this end, all teachers and socio-educational staff in the schools have been adequately trained in the care for and inclusion of students with special needs. Within this framework, each primary and secondary school is called upon to set up an educational development plan, which, among other things, must deal with the training of students with specific needs.

97. The decision as to the type of schooling and care is left to the parents, and the care of children and students with specific or special needs is provided in consultation with the child welfare services and the education and care centres.

**Extracurricular activities**

98. Youth centres managed by the National Youth Service have also implemented measures to adapt various activities and programmes to the needs of young people with disabilities and inclusive groups. In the context of non-formal education, cultural institutions are supported by the Ministry of Culture in caring for children with disabilities through the provision of specific training.

**Reply to the issue raised in paragraph 21 (c)**

99. When assessing specific needs, particular attention is paid to the students' personal situations. Thus, whenever possible, the students collaborate with professionals in establishing the diagnosis and take an active role in determining reasonable accommodation and other measures that need to be put in place.

**Reply to the issue raised in paragraph 21 (d)**

100. There are many measures to support families with children with disabilities, some of which are described below.

**Specialized Parenthood Counselling and Support Service**

101. The Service receives financial assistance from the Ministry of Education, Children and Youth. It is intended for young people with disabilities under the age of 27 and their families. In addition, it offers its services to professionals working with children or parents with disabilities and their families.

102. Children and parents have access to support services, parenting support and psychological counselling. As regards professionals, the Service provides counselling and

support services to outpatient and inpatient service providers in situations involving support for children or parents with disabilities and their families.

### **Long-term care insurance**

103. The legislation on long-term care insurance provides a benefit for persons with disabilities to help with household chores. However, such insurance is provided only if the need for help is more than 3.5 hours per week.

### **Special supplementary allowance**

104. The special supplementary allowance is a benefit intended to compensate for the additional expenses arising from a child's disability. This benefit is paid monthly and is granted in addition to the family allowance.

### **Leave for family reasons**

105. Leave for family reasons enables parents of children under the age of 18 to remain at their children's bedside in the event of serious illness, accident or any other health reason, without loss of pay. The duration of this leave can vary between 5 and 18 days per child. If the parents are recipients of the special supplementary allowance for children with disabilities, the duration of leave for family reasons is doubled for all age groups.

### **Parental leave**

106. Parental leave is leave from work dedicated to the upbringing of children, which may last from 4 to 20 months, depending on the model of parental leave chosen. During this period, the parent concerned receives a replacement income, calculated on the basis of his or her occupational earnings.

### **Childcare service voucher**

107. Childcare vouchers are a benefit in kind that give parents reduced rates for education and care services in the area of non-formal education. They can also be used in childcare centres, day nurseries and daytime activity services.

### **Childcare centres**

108. Childcare centres provide care for children and adolescents outside school hours. They also accommodate children with disabilities in an inclusive manner.

### **Daytime activity services**

109. Daytime activity services offer educational and vocational training activities for persons with disabilities. They also accommodate school-age children with disabilities during school holidays.

## **Reply to the issue raised in paragraph 21 (e)**

110. To date, there have been no recorded cases of forced sterilization of a child with disabilities in Luxembourg.

## **Reply to the issue raised in paragraph 22 (a)**

### **Health care and health services**

111. In terms of addressing the issues of excess body weight, obesity and tobacco, alcohol and drug use among children, a course entitled "Life and Society" has been introduced into the school curriculum to raise students' awareness about the importance of a healthy and balanced lifestyle, healthy nutrition and personal hygiene.

112. Alongside weekly physical education courses, each school organizes an annual sports day, with the aim of promoting an active and healthy way of life to change sedentary lifestyles and unhealthy eating habits. Interministerial awareness-raising projects, which are intended for the entire population, such as the “Gesond iessen, Méi bewegen” (Eat Healthy and Move More) project, lie within the framework of these efforts. The “Bewegte Schule” pilot project was launched in 2014 along similar lines. The aim of this project is to improve children’s health and cognitive skills through daily physical activities lasting from 15 to 20 minutes in classrooms and childcare centres.

113. The Luxembourg League for Prevention and Health and Social Welfare Action is tasked with looking after the health and social welfare of children. It mainly conducts regular health check-ups in elementary schools. Through its various health promotion and social action activities, the League participates in raising awareness among students of all ages and in promoting the healthy development of the child (balanced lifestyle, prevention of alcohol, tobacco and drug use and abuse, etc.).

114. The police introduce to students in the sixth year of elementary school (cycle 4.2) a prevention programme to inform them about the risks of drugs and narcotics.

### **Reply to the issue raised in paragraph 22 (b)**

115. A National Suicide Prevention Plan 2015–2019 has been put in place. A suicide intervention guide was developed in 2017 for use by schools in their efforts to prevent suicides and provide support for family and friends after a suicide.

116. A working group is now drawing up a new plan in collaboration with the various partners in the field after evaluating the actions that have been carried out.

### **Reply to the issue raised in paragraph 22 (c)**

117. The in-service training available to teachers and educational and psychosocial support staff includes a range of courses that focus on the well-being of children and adolescents. The training courses can be considered as primary prevention before a general health problem is diagnosed.

118. Training courses on support for students with specific needs are provided mainly for the specialist staff of the support teams for students with special or specific educational needs. The training has enabled staff to make specific diagnoses and take action when they identify a problem.

### **Reply to the issue raised in paragraph 22 (d)**

119. On 26 July 2019, the Government Council of Luxembourg endorsed a bill to amend articles L.234-51, L.234-52, L.551-2, L.551-5 and L.552-1 of the Labour Code, which was then tabled in the Chamber of Deputies.

120. The bill introduces changes to the scheme for leave for family reasons, fundamentally modified by the Act of 15 December 2017, which provides for up to 35 days’ leave for family reasons for every salaried employee with a dependent child, covering three different age brackets.

121. For parents of children aged between 13 and 18 years, this leave had been increased to five days if the child was hospitalized; although the leave could be split between the parents, they could not both use it at the same time. However, it has been shown that those conditions can create situations that are unfair and extremely difficult to manage for parents of children with serious illnesses or very severe disabilities. Thus, in order to take account of the specific needs of seriously ill children or children with disabilities, the bill aims to enable both parents to take leave for family reasons at the same time.



## Reply to the issue raised in paragraph 23

### Environmental health

122. With regard to air quality, Luxembourg does not distinguish between the general population and children, with the exception of alerts concerning fine particulate matter and tropospheric ozone. A distinction is made between the “population” and “susceptible persons” when it comes to precautions and advice on how to act. Susceptible persons include older persons, children and persons with respiratory and heart problems.

123. The strategy of the common compensation fund for the general pension scheme was modified in 2017 to incorporate various measures that give effect to the Government’s determination to make more socially responsible and environmentally sustainable investments. These measures aim, among other things, to take into account the commitments made by Luxembourg under the Paris Agreement and the 2030 Agenda for Sustainable Development. Examples include the creation of two new sub-funds specifically dedicated to achieving a positive environmental impact – the first is composed exclusively of green bonds and the second will invest purely in listed companies that intend to create an environmental social impact in addition to a financial return – or the obligation for each bidding company that submits offers in response to calls for tenders to implement an investment strategy based on environmental, social and corporate governance (ESG) criteria (qualifying for socially responsible investment certification).

## Reply to the issue raised in paragraph 24

### Standard of living

124. Several activities, as outlined below, have been undertaken to combat multidimensional poverty and the social exclusion of children.

### Reform of social inclusion income legislation

125. The guaranteed minimum income scheme was reformed pursuant to the Social Inclusion Income Act of 28 July 2018, which came into force on 1 January 2019 and thereby replaced the guaranteed minimum income scheme. The Act lays out four objectives, one of which is primarily focused on action against poverty among children and single-parent families.

126. Thanks to this law, persons facing the greatest barriers to joining the labour market are entitled to participate in social and work-related activity schemes tailored to their needs and skills.

### Family benefits in Luxembourg

127. Following the entry into force of the Act of 23 July 2016, the former National Family Benefits Fund has changed its name to the Children’s Future Fund. The Fund is responsible for the management and payment of all family benefits and parental leave allowances in Luxembourg, and its budget amounts to almost €1.2 billion. It thus manages the payment of the following family benefits:

- The birth grant, which is paid to women who have received regular medical supervision and monitoring, in the form of mandatory check-ups with medical certificates issued, during their pregnancy, at the time of the birth and until their child’s second birthday. The grant, which is divided into three instalments, amounts to €1,740.09.
- The children’s future allowance, which is payable from the month in which the child is born until his or her eighteenth birthday, except where he or she pursues secondary education, where the right to an allowance is maintained until the age of 25. The amount of this allowance is set at €265 per child per month and increases by €20 per month for each child from the month in which he or she reaches the age of 6 years,

and by €50 for each child from the month in which he or she reaches the age of 12 years.

- The back-to-school allowance is paid in August each year for children aged 6 years and over and who are enrolled in primary education. This allowance amounts to €115 for a child over the age of 6 and €235 for a child over the age of 12.
- The special supplementary allowance for children with disabilities is a benefit intended to compensate for the additional expenses arising from the child's disability. Under certain conditions, this allowance can be granted in addition to the family allowance and amounts to €200 per month.
- Social assistance, which is granted to any person in need residing in the Grand Duchy of Luxembourg. It provides access to goods and services adapted to a person's particular circumstances in order to help him or her acquire or maintain independence. Assistance may be palliative, curative or preventive and has a subsidiary role as a complement to other social assistance measures and to the financial benefits provided under other laws and regulations, which applicants for social assistance must first exhaust.
- Food distribution services provide food and everyday products to people in precarious situations, in exchange for a small financial contribution. In addition to the standard range, nine vital commodities are distributed free of charge thanks to the Fund for European Aid to the Most Deprived.
- Childcare service vouchers, which allow parents to benefit, depending on their income, from reduced rates or even free hours in childcare facilities.
- Rental subsidy, which, since 1 January 2016, provides housing assistance in the form of a rental subsidy to low-income households. The amount varies depending on the income and structure of the household.

128. Since 1 January 2013, people who lack financial security may apply for direct payment for medical treatment at their local welfare office. The direct payment system is designed to facilitate access to medical and dental care for those in difficult financial and social situations by exempting them from having to make out-of-pocket payments and then claim a partial reimbursement.

129. The tax reform, enacted on 1 January 2017, allows single-parent families to apply for an increase in the tax allowance for external assistance with childcare.

## **Reply to the issue raised in paragraph 25 (a)**

### **Education**

130. The following provisions have been made to reduce inequalities in access to education, in particular by offering children support with homework and encouraging them to participate in free extracurricular activities, including activities organized by the National Youth Service.

### **Support with homework**

131. Elementary and secondary schools have been providing homework assistance to students for many years. The provision of such assistance is formally established in laws, including articles 6 and 7 of the Act of 6 February 2009 on the organization of elementary education and the Grand-Ducal Regulation of 16 March 2012 (a) implementing article 16 of the Act of 6 February 2009 on the organization of elementary education relating to the supervision of extracurricular activities and (b) amending the Grand-Ducal Regulation of 17 December 2010 concerning accident insurance within the framework of early, preschool, school and university education.

### **Extracurricular holiday camp activities**

132. Extracurricular activities are organized under both the elementary and the secondary education systems.

133. In the elementary system, the supervision of extracurricular activities is guaranteed by the school or a State-approved socio-educational institution.

134. In the secondary system, school projects can be drawn up by the schools concerned (the teaching staff, socio-educational service or student council) in line with the school's own objectives. The aim is to organize extracurricular activities, particularly cultural and sporting activities. Educational projects are decided on by the Minister of National Education, Children and Youth and are subject to an assessment.

135. Participation in extracurricular activities is voluntary. However, once enrolled, students must attend the activity regularly.

136. As regards funding, the cost of extracurricular activities is subsidized by grants for low-income households (with the reduction depending on income and ranging from 10 per cent to 75 per cent). These grants are earmarked for the purchase of school materials and helping to defray the costs of extracurricular and school-related activities. Furthermore, applicants for international protection are entitled to attend holiday camps free of charge.

### **Free public transport**

137. Since 1 September 2013, young people under the age of 20 have free access to the public transport network. It is also important to note that all public transport is free as of 1 March 2020.

### **Free textbooks**

138. Since the start of the 2018/19 school year, compulsory textbooks have been free of charge for children in all categories of education.

139. Since the 2016/17 academic year, parents of children under the age of 14 may obtain a refund of the registration fee if necessary.

## **Reply to the issue raised in paragraph 25 (b)**

140. In October 2017, a multilingual education programme was introduced in day nurseries for children aged 1 to 4 years to promote children's early and daily contact with Luxembourgish and French and support them in their language development.

141. The languages of instruction in elementary education are Luxembourgish, French and German. Given that schooling for pupils is mainly in German during elementary education, Luxembourg is making greater efforts to support new arrivals from non-German-speaking countries through the provision of newcomer classes.

142. Since the same language difficulties can occur in secondary education, secondary school students can also benefit from newcomer and integration classes, special purpose classes and specialized classes. These classes offer intensive instruction in French or German or Luxembourgish, depending on the gaps in the student's knowledge, and courses in the other subjects on the syllabus of the lower classes of general secondary education.

143. Consequently, newcomer and integration classes and international classes are made available to children who do not have a sufficient command of the languages to be able to keep up with the elementary or secondary curricula and students who have just arrived in the country, with a view to supporting the development of their language skills so that they can subsequently be integrated into mainstream classes in accordance with their technical and vocational abilities.

## **Reply to the issue raised in paragraph 25 (c)**

144. In order to put an end to violence in the school environment, projects to encourage cooperation and a greater social mix have been set up in various elementary schools. The Faustlos programme, for example, was introduced with the aim of preventing violence in schools and training young people to manage their emotions peacefully.

145. A school development plan has been put in place to meet the challenges of the school population in Luxembourg. The plan involves a joint approach by the school community aimed at addressing the local specificities of schools and their needs. For example, it is worth noting that many schools have decided to include the issue of school violence and ways of dealing with it in their school development plans.

146. In addition to intervention measures in cases of conflict or bullying (psychological harassment), educational policies focus essentially on a preventive strategy that promotes well-being in schools. A lasting and beneficial effect on addictive behaviour and school dropout rates, support for emotional and social skills development and the promotion of good school environments are common denominators of the following measures: Coolnesstraining; Peermediation; Meng Klass – en Team; Klassenklima erfassen und verbessern; stressless@school; Interventions en Education et Psychologie positives; Positiven Psychologie; Young and Strong; and others.

147. Generally, all the activities carried out by the socio-educational services and the psychosocial and educational support service under their terms of reference promote well-being and mental health and thus reduce violence. Examples include counselling and support services, inclusion and social equity measures and the development of a culture of participation among young people.

### **Reply to the issue raised in paragraph 26**

#### **Rest, play, leisure, recreation and cultural and artistic activities**

148. The time spent on compulsory schooling for children in the elementary education system varies between 26 and 28 hours. During their free time, children have access to a wide range of cultural and sporting activities, for example those offered by the “Art à l’école” (art at school) association, the MUSEP (musical education in elementary education) association and LASEP (the league of elementary education sporting associations) or as part of a supervised extracurricular activities plan. Under these plans, students have guaranteed access to the documentary, cultural and sporting resources they need for their development, are supported in their learning and helped with their emotional and social development. Supervised extracurricular activities are organized for students in elementary education.

149. Cultural institutions also provide extracurricular activities, offering programmes that are accessible to all and inclusive in their educational approach, communication and financial cost.

150. In addition, youth centres and many other youth organizations have qualified staff and offer voluntary activities for young persons aged between 12 and 26 years.

### **Reply to the issue raised in paragraph 27 (a)**

#### **Asylum-seeking, refugee and migrant children**

151. No asylum-seeking children are placed in detention in Luxembourg. On the contrary, during the reception of applicants for international protection, particular care is taken to consider the specific needs of vulnerable persons, including minors, unaccompanied minors, pregnant women and lone parents accompanied by minor children.

### **Reply to the issue raised in paragraph 27 (b)**

152. The amended Act of 29 August 2008 on the free movement of persons and immigration provides that removal decisions may not be taken in respect of minors who are not accompanied by a legal representative, with the exception of decisions based on serious grounds of public security, unless the removal is in the minor’s interests. Any unaccompanied minors, whether they are applicants for international protection or are in an irregular situation, are given free assistance by ad hoc administrators, who are generally lawyers.

153. Moreover, there are three shelters for unaccompanied minors, where minors may stay regardless of their legal situation.

### **Reply to the issue raised in paragraph 27 (c)**

154. To guarantee the best interests of the child, the Act of 18 December 2015 provides that all asylum-seeking minors are provided with an ad hoc administrator, who will be responsible for assisting them and representing them throughout the procedure. Upon arrival, unaccompanied minors are given a leaflet in an appropriate language containing all the information on the procedure to be followed. Lately, young refugees have also been able to obtain this information through a video on the website of the Office of the United Nations High Commissioner for Refugees. When an application for international protection is lodged, minors receive all the necessary information on their rights and obligations in the presence of their ad hoc administrator. The ad hoc administrator and the minors are informed of any decisions made and are always invited together to attend interviews related to the procedure, including before the committee responsible for assessing the best interests of the child.

### **Reply to the issue raised in paragraph 27 (d)**

155. All necessary measures are taken to expedite processing for the asylum applications of unaccompanied minors while respecting the guarantees enjoyed by these vulnerable persons.

156. Regular communication also takes place among the entities in contact with the child, in particular the Directorate of Immigration of the Ministry of Foreign and European Affairs, the ad hoc administrator and the shelter where the minor is living.

157. As regards reception conditions, shelters for unaccompanied minors are subject to the same regulations as children's homes for residents. This means that, under article 21 of the Act of 18 December 2015, unaccompanied minors must be housed in accommodation that is specially adapted for children.

### **Reply to the issue raised in paragraph 27 (e)**

158. The amended Act of 29 August 2008 on the free movement of persons and immigration provides for the right of reunification for the nuclear family and the possibility (subject to conditions) of requesting reunification with other family members, as provided for in Council Directive 2003/86/EC on the right to family reunification. Moreover, an authorization to stay for personal reasons may be granted to third country nationals who do not meet the conditions for family reunification but whose personal or family connections, which are assessed according to criteria including strength, duration and stability, are such that refusal of the person's stay would constitute a violation of his or her right to respect for private and family life that was disproportionate with respect to the reasons for the refusal. The legal time limit for processing an application is nine months, which may only be extended in exceptional circumstances. In fact, the nine-month deadline is usually met.

159. There is no deadline for the submission of a request for family reunification. However, if a beneficiary of international protection does not lodge the request within three months of being notified of the granting of international protection, the sponsor must meet certain conditions (resources, housing). Under the Government's coalition agreement for 2018–2023, it is planned to extend this period to six months.

### **Reply to the issue raised in paragraph 27 (f)**

160. The reception conditions for applicants for international protection include specific support for unaccompanied minors.

161. Child applicants for international protection aged between 4 and 16 years are obliged to attend school regardless of their parents' status. Applicants for international protection

outside the age bracket for compulsory schooling have the right to education on an equal footing with other students resident in Luxembourg.

162. The Ministry of Culture supports cultural institutions to accommodate newly arrived children through training courses on plain language, the establishment of targeted projects with social and cultural associations and the development of the Kulturpass network and its visibility among families.

### **Reply to the issue raised in paragraph 28 (a)**

#### **Unaccompanied children**

163. When unaccompanied minors lodge their application for international protection, they are given a pamphlet containing explanations and information that they may not leave the country for another member State. Explanations on this matter are also provided by reception officers.

### **Reply to the issue raised in paragraph 28 (b)**

164. All unaccompanied minors are entitled to be heard by the members of the committee responsible for assessing the best interests of the child. The ad hoc administrator and the unaccompanied minor are invited to each meeting of this committee. The unaccompanied minor may request a full copy of his or her administrative file at any time.

165. Under the draft Grand-Ducal Regulation being prepared for the purpose of establishing the institutional structure of this committee, the Ombudsman for Children and Young People will be entitled to attend the committee's meetings as an observer and to consult a minor's file, subject to the young person's consent.

### **Reply to the issue raised in paragraph 28 (c)**

166. The Act of 18 December 2015 stipulates that all unaccompanied minors, without distinction as to age or situation, must be provided, very promptly and free of charge, with an ad hoc administrator who will be responsible for assisting and representing them throughout the procedure.

### **Reply to the issue raised in paragraph 28 (d)**

167. The amended Act of 10 August 1992 applies to all children in Luxembourg, including unaccompanied minors. However, it does not provide for any special status for unaccompanied minors. Notwithstanding that, the different ministries concerned consider it advisable to elaborate on that status, in particular as regards the appointment of an ad hoc administrator, beyond the few provisions that currently define the status of unaccompanied minor, namely the amended Act of 29 August 2008 on the free movement of persons and immigration and the Act of 18 December 2015 on international protection and temporary protection.

### **Reply to the issue raised in paragraph 28 (e)**

168. Reception centres for unaccompanied minors are subject to the same infrastructure and staffing conditions as any other children's home. The National Children's Bureau may conclude a support agreement for psychological or other assistance, as necessary.

## **Reply to the issue raised in paragraph 29 (a)**

### **Administration of juvenile justice**

169. The law does not provide for the penalty of life imprisonment for children above the age of 16 years.

170. Pursuant to article 11 of the amended Act of 16 June 2004 on the Reorganization of the State Socio-educational Centre, minors may not be placed in the secure unit for longer than three months.

171. The use of community service will be discussed as part of a reform of youth protection legislation.

## **Reply to the issue raised in paragraph 29 (b)**

172. The definition of a minimum age for deprivation of liberty will be discussed as part of the above-mentioned reform of youth protection legislation.

## **Reply to the issue raised in paragraph 29 (c)**

173. The solitary confinement of minors will be discussed as part of the above-mentioned reform of youth protection legislation.

## **Reply to the issue raised in paragraph 29 (d)**

174. The power of the juvenile court to place children in conflict with the law in an institution as a disciplinary measure for bad or dangerous behaviour will be reconsidered as part of the above-mentioned reform of youth protection legislation.

175. Currently, measures taken in respect of a minor are reviewed every 18 months, even if the minor's situation remains unchanged.

176. Article 11 of the amended Act of 16 June 2004 on the reorganization of the State Socio-educational Centre, amended by the Act of 29 August 2017, provides for the possible extension of a secure unit placement order, which may not exceed three months and requires a formal decision by the judicial authorities.

## **Reply to the issue raised in paragraph 30**

177. Several steps have been taken to implement the previous recommendations.

178. Improvements have been made with respect to the matters raised in the "Dissemination, awareness-raising and training" section of CRC/C/OPSC/LUX/CO/1. Training courses on subjects falling under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography are now offered to government personnel and guidelines are disseminated to all professionals working with children, as specified in paragraphs 15 and 17 of the present report.

179. As regards "Existing criminal or penal laws and regulations", the Act of 28 February 2018 on strengthening measures to combat the exploitation of prostitution, procuring and trafficking in human beings for sexual purposes provides for the Prostitution Platform to be set up as a standing committee and establishes the seeking, accepting or obtaining of sexual relations with a minor in exchange for payment or a promise of payment as a criminal offence, thereby protecting minors.

180. Better procedural safeguards have also been introduced. Pursuant to article 3–7 (3) of the Code of Criminal Procedure, introduced by the Act of 8 March 2017 on the Strengthening of Procedural Guarantees in Criminal Cases, if the age of the victim is uncertain and there is

reason to believe that the victim is a child, he or she is presumed to be a child. This provision is of general application and includes victims of trafficking in persons.

181. With respect to “Child sex tourism”, the fight against child pornography has been stepped up through the childprotection.lu website, which was launched in 2014. This website is a reporting platform for any incident related to the sexual exploitation of children, primarily for cases of child sex tourism, grooming and the dissemination of child sexual abuse images.

182. Luxembourg has also transposed into its domestic legislation Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, through the Act of 8 March 2017 on strengthening procedural guarantees in criminal cases.

### Reply to the issue raised in paragraph 31

183. As regards the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted in New York on 25 May 2000, was ratified by a law of 25 April 2003.

184. Article 136 quater (2) of the Criminal Code criminalizes acts constituting serious violations of the laws applicable to international armed conflict within the established framework of international law. Conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities constitutes such an act. This offence is punishable by 15 to 20 years’ imprisonment. It is punishable by life imprisonment if it results in the death, apparently incurable disease, permanent incapacity to work or serious mutilation of one or more persons.

185. Moreover, article 5 of the Code of Criminal Procedure provides that any citizen of Luxembourg who commits a crime punishable under the law of Luxembourg while outside its territory may be prosecuted and tried in the country.

186. A department of the Ministry of Family Affairs, Integration and the Greater Region is dedicated to the integration of foreign nationals in Luxembourg. The reception of foreign nationals is covered by the National Reception Office of the Ministry of Foreign and European Affairs. Pursuant to the Act of 18 December 2015 on the reception of applicants for international protection, the Office must consider the specific reception needs of vulnerable persons (art. 15).

187. In this context, applicants who have been subjected to serious violence receive the necessary treatment for the harm caused by those acts and, in particular, have access to adequate medical and psychological treatment and care (arts. 17–18). As regards integration, the primary objective is to ensure that children attend school. This aspect is covered by the Office of Education for Foreign Children of the Ministry of Education, Childhood and Youth.

## III. Statistical information and data

### Reply to the issue raised in paragraph 34

188. The budget dedicated to the children and youth sector was significantly increased between 2009 and 2018: from €985,725,834 in 2009 to €1,682,703,838 in 2018.

	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009
Free textbooks	14 500 000	0	0	0	0	0	0	0	0	0
Schooling of foreign children	316 000	300 500	336 295	322 460	325 000	290 000	225 000	201 000	246 092	261 092
Schooling of children with special or specific educational needs	3 983 595	4 362 867	3 517 558	3 789 259	4 980 178	3 683 243	3 207 338	3 521 769	3 752 632	3 576 573



	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009
Psychosocial and educational support centre	5 556 000	6 306 601	5 278 341	5 012 000	6 616 526	4 913 480	2 396 000	2 348 700	2 209 134	2 164 000
Day care and non-formal education	383 413 963	345 294 198	209 745 656	278 402 367	349 857 054	262 879 814	196 921 431	137 469 220	100 614 437	74 593 917
Child and family assistance	49 416 338	45 008 450	33 468 976	38 115 385	54 317 877	33 560 056	16 136 674	32 540 400	29 319 021	41 964 903
National Children's Bureau	87 065 631	82 858 325	81 089 773	78 951 361	96 796 339	73 175 706	63 663 714	50 265 327	41 358 993	0
Youth policy	33 915 211	33 909 168	30 484 622	25 889 142	26 556 512	18 266 818	16 326 397	15 336 008	13 902 073	36 314 349
Children's Future Fund/National Family Benefits Fund	1 104 537 100	1 065 738 100	884 300 000	99 187 833	730 415 583	788 584 634	790 959 000	861 742 144	888 553 611	826 851 000
<b>Total</b>	<b>1 682 703 838</b>	<b>1 583 778 209</b>	<b>1 248 221 221</b>	<b>1 422 370 307</b>	<b>1 269 865 069</b>	<b>1 185 353 751</b>	<b>1 089 835 554</b>	<b>1 103 424 568</b>	<b>1 079 955 933</b>	<b>985 725 834</b>

### Reply to the issue raised in paragraph 35

189. The reply to the issue raised in paragraph 35 may be found on pages 4 to 10 of the annex to this document.

### Reply to the issue raised in paragraph 36

190. As at 1 January 2019, there were 394 stateless children, according to the National Institute of Statistics and Economic Research. This figure includes not only stateless persons but also foreigners of unspecified nationality.

191. The number of anonymous births is shown in the table below:

<i>Year</i>	<i>Number of anonymous births</i>
2009	3
2010	4
2011	3
2012	2
2013	2
2014	7
2015	2
2016	6
2017	4
2018	1
2019	3

### Reply to the issue raised in paragraph 37 (a)

192. The reply to the issue raised in paragraph 37 (a) may be found on pages 11 to 16 of the annex to this document.

### Reply to the issue raised in paragraph 37 (b)

193. No information is available on intersex children subjected to surgery or on children with disabilities subjected to forced sterilization or treatment.

### Reply to the issue raised in paragraph 37 (c)

194. A project to establish a national centre for information and response to child abuse is at the development stage. This multifunctional centre will provide child victims of violence with psychological assistance and psychotherapy.

### Reply to the issue raised in paragraph 38

195. The table below indicates the number of families with children who have received economic support services and other types of assistance.

#### Figures from the National Solidarity Fund

<i>Number of beneficiary households as at 31 December 2018</i>						
<i>Year</i>	<i>Guaranteed minimum income</i>	<i>Income for persons with severe disabilities</i>	<i>Advance and recovery of maintenance payments</i>	<i>Care for older persons</i>	<i>Child-raising lump sum</i>	<i>Cost-of-living allowance</i>
2009	8 693	1 637	421	701	36 433	17 040
2010	9 358	1 944	458	704	36 598	16 996
2011	9 939	2 231	513	715	35 484	18 460
2012	9 989	2 422	557	726	34 009	17 088
2013	10 208	2 595	589	715	32 458	22 010
2014	10 204	2 771	728	684	31 057	23 705
2015	10 193	2 827	871	694	29 603	18 863
2016	10 087	2 910	825	661	28 725	21 228
2017	10 277	2 964	699	626	27 945	18 688
2018	10 316	3 006	710	634	27 181	19 541

#### Figures from the Children's Future Fund: family allowance

<i>Year</i>	<i>Number of beneficiary families</i>	<i>Number of beneficiary children</i>	<i>Total amount of family allowance per year</i>
2009	110 356	197 020	€772 772 641.03
2010	102 183	178 490	€766 710 575.28
2011	104 185	181 415	€712 466 824.56
2012	105 748	183 287	€711 392 335.03
2013	106 335	183 429	€680 746 711.11
2014	108 094	185 880	€701 030 935.44
2015	110 028	188 602	€708 415 518.14
2016	110 036	186 898	€787 930 065.90
2017	112 472	190 261	€932 830 535.95
2018	114 320	193 106	€946 761 473.68

196. For the years 2009 to 2012, the total amount of family allowance paid includes the back-to-school expenses allowance.

#### Back-to-school expenses allowance

<i>Year</i>	<i>Expenditure on schooling expenses allowance</i>
2009	
2010	See comment below

2011	
2012	
2013	€34 506 419.59
2014	€35 817 290.18
2015	€36 160 597.03
2016	€30 495 471.08
2017	€29 377 948.75
2018	€31 137 148.27

197. For the years 2009 to 2012, the total amount of the back-to-school expenses allowance is included in the total amount of family allowances.

### **Birth grant**

198. In 2018, 7,226 mothers received the antenatal allowance, compared to 6,997 mothers in 2017. The amount paid out was €4,191,296.78 compared to € 4,056,149.79 in 2017.

199. The birth allowance was paid to 7,146 mothers in 2018 compared to 6,937 in 2017, amounting to €4,144,894.38 in 2018 compared to €4,023,088.08 in 2017.

200. These two instalments of the birth grant are reserved for mothers.

201. Finally, 6,923 parents received the postnatal allowance in 2018, compared to 6,827 in 2017, amounting to €4,016,321.07 compared to €3,957,886.36 in 2017.

202. Comparing the 2018 figures to those of 2017 shows an increase of 534 in the total number of birth grants paid, amounting to a rise of 2.57 per cent.

203. In 2018, the total amount paid for the three instalments of the birth grant stood at €12,352,512.23 compared to €12,037,124.23 in 2017, representing an increase of 2.62 per cent compared to 2017.

<i>Year</i>	<i>Antenatal allowance</i>	<i>Birth allowance</i>	<i>Postnatal allowance</i>	<i>Total amount of birth grants</i>
2009	6 405	6 478	5 525	€10 654 750.38
2010	6 748	6 726	5 898	€11 233 981.99
2011	6 195	6 262	6 082	€10 741 095.10
2012	6 620	6 589	5 971	€11 095 649.34
2013	6 789	6 836	5 847	€11 266 913.42
2014	7 201	7 204	6 371	€12 026 115.97
2015	6 953	7 008	6 505	€11 851 046.08
2016	6 621	6 784	6 612	€11 591 329.23
2017	6 997	6 937	6 827	€12 037 124.23
2018	7 226	7 146	6 923	€12 352 512.23

### **Special supplementary allowance**

<i>Year</i>	<i>Number of beneficiaries</i>	<i>Amount</i>
2009	2 009	€6 030 957.28
2010	2 036	€6 281 706.54
2011	2 107	€6 315 037.69
2012	2 217	€6 726 192.06
2013	2 272	€6 861 941.54
2014	2 326	€7 107 029.82
2015	2 401	€7 344 248.91

<i>Year</i>	<i>Number of beneficiaries</i>	<i>Amount</i>
2016	2 426	€7 758 585.36
2017	2 561	€8 093 468.25
2018	2 648	€8 187 187.05

#### **Parental leave allowance**

<i>Year</i>	<i>Total expenditure on parental leave allowance</i>
2011	€69 108 024.17
2012	€67 840 386.85
2013	€69 241 259.65
2014	€71 281 432.07
2015	€75 103 702.56
2016	€84 022 821.49
2017	€166 256 167.23
2018	€221 307 607.49

204. Expenditure on parental leave allowance has considerably increased since 2016, owing to the reform of parental leave which came into force in 2016 (see the reply to the issue raised in paragraph 19 (b)).

#### **Number of claimants recorded by welfare offices**

205. In 2018, the 30 welfare offices processed 59,115 applications.

206. The largest group of users of welfare offices is in the 30–50 age bracket (42 per cent), including 20 per cent in the 30–40 age bracket and 22 per cent in the 40–50 age bracket; 19 per cent are in the 50–60 age bracket and 14 per cent are young persons between the ages of 20 and 30 years.

207. Of these claimants, 33 per cent are Luxembourg nationals, 27 per cent are Portuguese nationals, 5 per cent are French nationals, 4 per cent are Italian nationals and 3 per cent are Syrian nationals. Each of the other nationalities represented accounts for 2 per cent of claimants or less.

208. Fifty-four per cent of welfare office users are female and 46 per cent are male.

209. In 2018, the 30 welfare offices provided non-repayable financial relief to a total of €3,622,288. This represents a slight increase of €160,000 compared to 2017. In addition to the non-repayable relief, the welfare offices also provide repayable assistance. The total amount of advances granted was €5,198,917.

<i>Year</i>	<i>Number of applications</i>	<i>Amount of non-repayable relief</i>	<i>Amount of repayable assistance</i>
2011	8 469	/	/
2012	17 200	2 319 478	3 617 447
2013	32 127	2 762 999	4 133 906
2014	46 416	2 627 021	3 534 143
2015	62 450	2 907 594	3 756 969
2016	81 336	3 368 578	4 787 883
2017	52 413	3 458 551	4 933 925
2018	59 115	3 622 288	5 198 917

**Figures on food aid (Fund for European Aid to the Most Deprived)<sup>5</sup>**

<i>Year</i>	<i>Number of persons who received food aid (Fund for European Aid to the Most Deprived)</i>	<i>Number of households who received food aid (Fund for European Aid to the Most Deprived)</i>	<i>Number of children who received food aid (Fund for European Aid to the Most Deprived)</i>
2015	9 243	3 515	2 824
2016	11 728	4 607	3 513
2017	12 453	4 843	3 764
2018	13 016	5 192	3 854

**Childcare service vouchers**

210. The State contributes to the cost of childcare through the childcare service voucher system. This allows parents, depending on their income, to pay lower rates or even obtain free hours of care at childcare facilities. Childcare service vouchers are aimed at families with children under the age of 12 years or still enrolled in elementary education (on the condition that their parents are resident in Luxembourg or that at least one of the non-resident parents works in Luxembourg and is a European Union national).

211. The State makes a financial contribution to the costs for 60 hours of childcare per week.

212. Private childcare facilities and parental assistants may set their own hourly rates. However, any amount in excess of the maximum rate set by the State is payable by the parents.

213. In December 2018, more than 49,157 children resident in the country received financial assistance from the State through the childcare service vouchers. That amounts to 58.2 per cent of resident children in Luxembourg eligible for the vouchers (0–12 years), of whom 29 per cent are not in school and 71 per cent are in school.

**Numbers of resident children who received childcare service vouchers (2009–2018)**

	<i>December 2009</i>	<i>December 2014</i>	<i>December 2015</i>	<i>December 2016</i>	<i>December 2017</i>	<i>December 2018</i>
Number of resident children receiving childcare service vouchers	25 972	41 604	43 120	45 112	46 851	49 157
Percentage of total resident population	33.9	52.2	53.3	54.7	56.2	58.2

214. In December 2018, 44 per cent of children lived in a household declaring a total income of no more than twice the minimum wage. In 2018, the total amount paid by the State as contributions to the childcare service voucher scheme was approximately €400 million (provisional figure).

**Reply to the issue raised in paragraph 39 (a)**

215. No disaggregated data are available on the average length of stay of children in institutional care. The table below indicates the number of young persons placed in daytime and residential centres for the period from 2014 to 2018.

<i>Type of care</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Rate</i>
Social and educational care in daytime and residential institutions	487	485	489	489	483	30.71%

<sup>5</sup> Annual reports on implementation of the Fund for European Aid to the Most Deprived (2015–2018). <https://mfamigr.gouvernement.lu/fr/le-ministere/attributions/solidarite/aides-alimentaires.html>.

<i>Type of care</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Rate</i>
State children's homes	49	56	57	57	58	3.69%
State Socioeducational Centre	117	129	124	124	122	7.76%
Placement abroad	125	133	80	86	88	5.59%
Daytime and overnight family placement	428	501	482	500	526	33.44%
Open-environment accommodation service	None	185	197	257	296	18.82%
<b>Total</b>	<b>1 147</b>	<b>1 489</b>	<b>1 429</b>	<b>1 513</b>	<b>1 573</b>	<b>100%</b>

216. As at 1 April 2019, 770 children were in institutional care. No data are available for their average length of stay.

### **Reply to the issue raised in paragraph 39 (b)**

217. The number of children in family- and community-based care is as follows:

#### **Number of children in family-based care**

2014: 1 April: 459; 1 October: 482  
 2015: 1 April: 482; 1 October: 501  
 2016: 1 April: 494; 1 October: 522  
 2017: 1 April: 540; 1 October: 540  
 2018: 1 April: 545; 1 October: 561  
 2019: 1 April: 559; 1 October: 555

#### **Number of children in institutional care**

2014: 1 April: 674; 1 October: 676  
 2015: 1 April: 676; 1 October: 666  
 2016: 1 April: 683; 1 October: 757  
 2017: 1 April: 818; 1 October: 797  
 2018: 1 April: 807; 1 October: 761  
 2019: 1 April: 770; 1 October: 731

### **Reply to the issue raised in paragraph 40 (a)**

218. No reliable and comprehensive data are available on the number of children with disabilities.

219. However, in 2018, the Ministry of the Family commissioned the Luxembourg Institute of Socioeconomic Research to carry out a study on the situation of persons with disabilities living in Luxembourg. This study is currently being prepared.

### **Reply to the issue raised in paragraph 40 (b)**

220. Luxembourg does not yet have exhaustive data on the number of children with disabilities living with their families.

### Reply to the issue raised in paragraph 40 (c)

221. No reliable and comprehensive data are available on the number of children with disabilities receiving family- or community-based care.

222. The only available statistics are those supplied by service providers for persons with disabilities who receive financial assistance from the Ministry of the Family and Integration:

- The number of children with disabilities who used home assistance services as at 31 December 2018 was 16: 2 girls and 14 boys.
- The number of children with disabilities who used housing services as at 31 December 2018 was 24: 7 girls and 17 boys.
- The number of children with disabilities who used daytime activity services as at 31 December 2018 was 72: 24 girls and 48 boys.

### Reply to the issue raised in paragraph 40 (d)

223. The numbers of children with disabilities in inclusive education, in separate schools and in inclusive education receiving personalized assistance are as follows:

Academic year	Sex		Age group according to school grade						Nationality Luxembourg/Other					
	Number	Male	Female	<4	4–6	7–12	13–16	>16	Luxembourg	Portugal	Belgium	France	Germany	Other
2012/13	220	156	64	1/0%	11/5%	114/52%	66/30%	28/13%	114/52%	75/34%	3/1%	4/2%	1/0%	23/10%
2013/14	175			2/1%	12/7%	82/47%	64/37%	15/9%	85/49%	61/35%	2/1%	6/3%	1/1%	20/11%
2014/15	220	156	64	2/1%	17/8%	122/55%	69/31%	10/5%	100/45%	73/33%	1/1%	11/5%	2/1%	33/15%
2015/16	234	173	61	1/1%	19/8%	107/46%	85/36%	22/9%	109/48%	72/32%	3/1%	10/4%	1/0%	33/15%
2016/17	258	189	69	1/0%	24/9%	133/52%	86/33%	14/6%	121/47%	83/32%	4/2%	14/5%	/	36/14%

Academic year	Type of disability/disorder						Referral		
	Learning difficulty	Behavioural difficulty	Impairment/disease	Developmental delay	Intellectually gifted	Special education	Specialized facility	Abroad	
2012/13	54	31	8	55	2	156/73%	36/16%		
2013/14	48/27%	39/22%	50/29%	36/21%	2/1%	99/55%	5/3%	36/20%	
2014/15	44/20%	39/18%	88/40%	49/22%	/	120/55%	22/10%	27/12%	
2015/16	72/30%	37/15%	86/35%	49/20%	/	106/48%	20/9%	27/12%	
2016/17	57/23%	72/28%	77/30%	48/19%	/	112/43%	33/13%	25/10%	

### Reply to the issue raised in paragraph 40 (e)

224. The number of reported cases of torture, inhuman or degrading treatment and neglect and sexual violence against children with disabilities placed in institutions and the number of investigations and prosecutions carried out and sentences handed down in such cases are not available because the electronic database of the public prosecution service has no option to filter for disability.

**Reply to the issue raised in paragraph 41 (a)**

225. The proportion of children with low birthweight is as follows:

<i>Year</i>	<i>Proportion of low birthweight newborns</i>
2009	6.4 per cent
2010	6.7 per cent
2011	6.8 per cent
2012	6.5 per cent
2012	6.9 per cent
2014	6.6 per cent
2015	6.3 per cent
2016	6.9 per cent
2017	6.3 per cent

**Reply to the issue raised in paragraph 41 (b)**

226. For emergencies, there is a national paediatric emergency service with three beds.

227. Hospital services are located in the central region and include inpatient treatment, outpatient treatment and consultation:

- National neonatal intensive care service (16 beds)
- National paediatric intensive care service (5 beds)
- National specialized paediatric service (21 beds)
- National paediatric surgery service (15 beds)
- Local paediatric service (5 beds)
- Non-intensive neonatal care unit attached to the local paediatric service (7 beds)
- National child psychiatry service (8 beds)
- National adolescent psychiatry service (30 beds)

228. Other regions of the country have the following services:

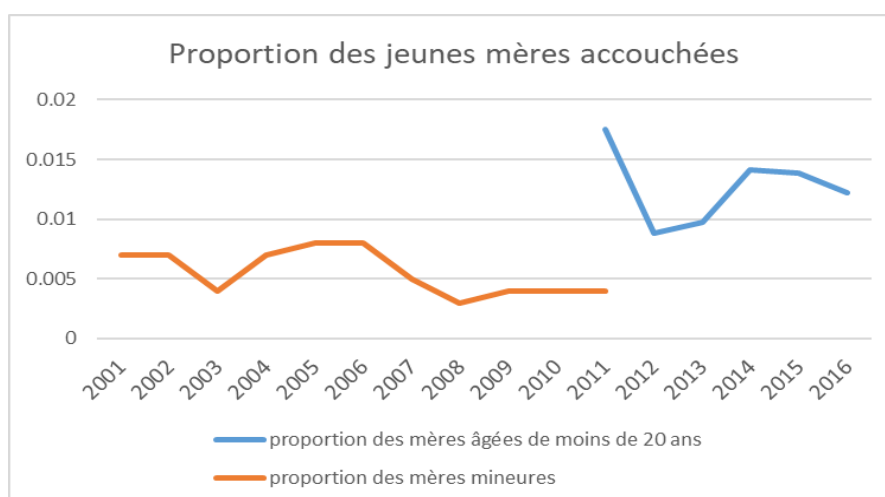
- A local paediatric service in the southern region (4 beds)
- A local paediatric service in the northern region (3 beds)

229. Luxembourg does not have comprehensive and reliable data on the number of specialized professionals for the period covered by the present report.

**Reply to the issue raised in paragraph 42 (a)**

230. The proportion of adolescent mothers is as follows:





### Reply to the issue raised in paragraph 42 (b)

231. No comprehensive and reliable data are available on the number of children with tobacco, alcohol and drug abuse problems.

### Reply to the issue raised in paragraph 42 (c)

232. In addition to the family planning services in all three regions of Luxembourg, there is now the Centre for Sexual and Emotional Education, which was established pursuant to the National Action Plan on the Promotion of Emotional and Sexual Health for 2013–2016.

### Reply to the issue raised in paragraph 43

233. Data on the number and proportion of children living below the poverty line and in extreme poverty may be found below. However, data on ethnic origin are not available (it is not permitted to collect statistics on ethnicity in Luxembourg).

<i>Year</i>	<i>2003</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<i>Specification</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>	<i>⚭</i>
<b>At-risk-of-poverty threshold</b>									
60 per cent of the national median income in euros per month	1 289	1 617	1 627	1 639	1 665	1 716	1 763	1 691	1 804
At-risk-of-poverty rate	11.9	14.5	13.6	15.1	15.9	16.4	15.3	16.5	18.7
<b>At-risk-of-poverty rate by age and gender</b>									
Total – Male	11.0	14.6	12.7	14.7	15.7	16.1	15.0	15.6	17.9
Total – Female	12.9	14.4	14.5	15.6	16.0	16.6	15.7	17.5	19.4
Under 18 years/Total	16.5	21.4	20.3	22.6	23.9	25.0	21.5	21.8	22.8
18–24 years/Total	12.3	16.5	17.1	18.7	19.6	22.4	21.2	23.3	26.4
18–24 years/Male	12.2	13.9	13.2	18.0	18.3	22.5	21.8	23.7	28.5
18–24 years/Female	12.4	19.3	21.7	19.4	21.0	22.2	20.5	22.7	24.4
25–49 years/Total	11.3	14.9	13.7	15.0	14.9	15.3	14.7	15.6	17.9
25–49 years/Male	10.0	14.4	12.3	13.6	13.6	13.7	13.6	13.4	16.6
25–49 years/Female	12.6	15.3	15.0	16.4	16.3	17.0	15.9	17.9	19.2
50–64 years/Total	8.2	10.8	10.1	11.6	12.9	13.5	12.4	14.1	16.8
50–64 years/Male	8.2	11.2	10.0	13.0	13.4	14.5	13.2	14.5	15.6
50–64 years/Female	8.2	10.4	10.2	10.1	12.3	12.4	11.6	13.7	17.9

<i>Year Specification</i>	<i>2003 ŲŲ</i>	<i>2010 ŲŲ</i>	<i>2011 ŲŲ</i>	<i>2012 ŲŲ</i>	<i>2013 ŲŲ</i>	<i>2014 ŲŲ</i>	<i>2015 ŲŲ</i>	<i>2016 ŲŲ</i>	<i>2017 ŲŲ</i>
65 years and over/Total	10.3	5.9	4.7	6.1	6.2	6.3	7.9	9.0	11.8
65 years and over/Male	7.8	5.5	4.2	3.6	5.6	5.7	6.6	6.8	10.1
65 years and over/Female	12.3	6.3	5.1	8.0	6.7	6.8	9.1	10.8	13.3
At-risk-of-poverty rate by highest level of education reached									
Low (lower secondary)	14.8	18.6	16.8	18.9	20.4	20.8	19.2	21.2	25.4
Medium (upper secondary)	8.4	10.3	9.4	9.9	10.0	8.9	11.2	11.8	14.0
High (university)	3.0	4.0	4.8	5.8	5.2	4.4	6.6	7.9	9.0
At-risk-of-poverty rate by nationality									
Luxembourg	7.1	7.8	6.5	7.0	8.9	9.2	7.9	9.5	12.1
Portugal	21.4	24.6	23.1	26.8	29.4	30.0	30.0	28.1	32.5
Italy	15.8	14.7	11.0	10.0	8.2	11.7	11.6	12.5	13.4
France	8.5	11.2	7.4	14.8	11.3	10.9	11.1	13.0	15.3
Belgium	8.6	3.5	5.5	11.6	10.6	6.9	6.8	6.8	7.6
Germany	6.4	8.2	6.3	8.6	9.1	9.2	11.9	9.1	16.0
Total – Foreign nationals	17.2	19.6	19.6	22.2	21.4	22.1	22.3	22.6	25.0
At-risk-of-poverty rate by type of household									
One-person household – Female	15.5	11.9	13.9	13.5	14.5	12.4	16.9	24.5	27.4
One-person household – Male	8.1	21.6	17.0	16.5	16.8	18.3	20.7	23.8	24.5
One-person household – Under 65 years	11.6	20.4	18.8	17.8	18.7	18.9	23.1	29.1	31.7
One-person household – 65 years and over	13.0	7.8	6.3	8.1	9.0	7.9	10.4	13.7	13.4
Two adults under 65 years of age, no dependent children	6.4	7.1	7.0	7.1	6.4	8.9	7.5	10.5	13.5
Two adults, one or both of whom is at least 65 years of age, no dependent children	9.4	5.0	2.9	3.9	4.6	3.8	5.6	7.4	8.9
More than two adults with dependent children	5.9	4.3	7.8	6.9	6.5	4.9	6.4	7.9	11.1
All households without dependent children	8.5	8.5	8.6	8.9	5.9	6.1	6.6	12.8	14.8
Single-parent families	25.2	46.4	45.5	46.9	46.1	44.6	44.9	46.0	46.2
Two adults with one dependent child	11.7	15.9	9.7	12.7	14.2	15.0	13.1	12.2	17.1
Two adults with two dependent children	14.9	14.5	15.1	14.5	12.5	16.5	15.1	13.7	15.5
Two adults with more than two dependent children	29.5	23.9	25.7	24.5	27.1	32.4	23.7	30.8	26.7
More than two adults with dependent children	23.5	18.0	13.8	21.0	21.4	21.6	20.8	16.9	26.0
All households with dependent children	19.8	19.1	17.3	20.1	20.7	22.4	19.3	19.2	21.5
Working poor									
At-risk-of-poverty rate among employed persons	10.0	10.6	9.9	10.2	11.2	11.0	11.6	12.0	13.7

<i>Year</i>	<i>2003</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
<i>Specification</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>	<i>↑↓</i>
At-risk-of-poverty rate before social transfers									
At-risk-of-poverty rate before social transfers (including old age and widow's or widower's pension)	44.0	45.0	43.8	45.8	45.3	44.8	44.7	44.4	47.0
At-risk-of-poverty rate before social transfers (excluding old age and widow's or widower's pension)	27.0	29.1	27.2	29.0	29.4	27.6	27.2	27.1	29.0
Europe 2020 indicator									
Europe 2020 poverty and social exclusion rate	17.8	17.1	16.8	18.4	19.0	19.0	18.5	19.8	21.5
Two adults with one dependent child	11.6	15.9	9.7	12.7	14.2	15.0	13.1	12.2	17.1
Two adults with two dependent children	13.4	14.5	15.1	14.5	12.5	16.5	15.1	13.7	15.5
Two adults with more than two dependent children	16.7	23.9	25.7	24.5	27.1	32.4	23.7	30.8	26.7
More than two adults with dependent children	13.1	18.0	13.8	21.0	21.4	21.6	20.8	16.9	26.0
All households with dependent children	14.4	19.1	17.3	20.1	20.7	22.4	19.3	19.2	21.5

234. In 2019, the poverty rate among children under the age of 18 years stood at 22.7 per cent (23.8 per cent for girls and 22 per cent for boys).

235. The severe material deprivation rate is 1.3 per cent (source: European Union statistics on income and living conditions (EU-SILC) – 1.2 per cent for men and 1.3 per cent for women), which is one of the lowest rates in the European Union.<sup>6</sup>

236. Social services in kind (such as service vouchers) are not reflected in the at-risk-of-poverty rate, even though such services have a significant impact on the living standards of households. An analysis of the impact of childcare service vouchers showed that, if the vouchers were considered equivalent to a cash transfer, the at-risk-of-poverty rate would decrease.

## Reply to the issue raised in paragraph 44 (a)

### Right to education, including vocational training and guidance

237. For 2019, the number of children in public and private schools, including asylum-seeking, refugee and migrant children is as follows:

<i>Elementary education (early years, preschool and primary)</i>			
<i>Sex</i>			
<i>Age on 1 September 2019</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
2	15	15	30
3	2 083	2 181	4 264
4	2 845	2 883	5 728
5	2 825	3 077	5 902

<sup>6</sup> Labour and social cohesion report 2019:  
<https://statistiques.public.lu/cataloguepublications/analyses/2019/PDF-Analyses-02-2019.pdf>.

<i>Elementary education (early years, preschool and primary)</i>			
<i>Sex</i>			
<i>Age on 1 September 2019</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
6	2 857	2 965	5 822
7	2 779	2 878	5 657
8	2 713	2 959	5 672
9	2 837	2 910	5 747
10	2 740	2 834	5 574
11	2 587	2 742	5 329
12	596	666	1 262
13	61	68	129
14	1	3	4
<b>Total</b>	<b>24 939</b>	<b>26 181</b>	<b>51 120</b>

<i>Secondary education</i>			
<i>Sex</i>			
<i>Age on 1 September 2019</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
10	9	6	15
11	137	105	242
12	2 097	2 074	4 171
13	2 575	2 697	5 272
14	2 574	2 785	5 359
15	2 587	2 748	5 335
16	2 485	2 635	5 120
17	2 371	2 430	4 801
18	2 407	2 235	4 642
<b>Total</b>	<b>17 242</b>	<b>17 715</b>	<b>34 957</b>

### Reply to the issue raised in paragraph 44 (b)

238. The number of children aged between 16 and 18 years not attending school is as follows:

<i>Children above the age for compulsory schooling</i>			
<i>Sex</i>			
<i>Age on 1 September 2019</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
16	2 485	2 635	5 120
17	2 371	2 430	4 801
18	2 407	2 235	4 642
<b>Total</b>	<b>7 263</b>	<b>7 300</b>	<b>14 563</b>

### Reply to the issue raised in paragraph 44 (c)

239. The number of children who have dropped out of school is as follows:

<i>Number of students dropped out for the academic year 2018/19</i>			
<i>Sex</i>			
<i>Age on 1 September 2018</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
9	0	1	1
10	0	2	2
11	1	7	8
12	11	20	31
13	25	31	56
14	44	42	86
15	50	45	95
16	176	157	333
17	258	185	443
18	248	201	449
<b>Total</b>	<b>813</b>	<b>691</b>	<b>1 504</b>

### Reply to the issue raised in paragraph 44 (d)

240. The number of children who received inpatient care for the period from 2009 to January 2020 may be seen below. No distinction is made between children who attend special schools and those in special classes in regular schools.

<i>Student with specific needs</i>	<i>2009/10</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>	<i>2018/19</i>	<i>2019/20</i>
Outpatient care	3 296	3 424	3 638	3 687	3 860	3 960	4 059	4 035	4 337	4 117	4 208
Inpatient care	608	690	779	848	835	884	918	875	851	831	806
<b>Total</b>	<b>3 904</b>	<b>4 114</b>	<b>4 417</b>	<b>4 535</b>	<b>4 695</b>	<b>4 844</b>	<b>4 977</b>	<b>4 910</b>	<b>5 188</b>	<b>5 188</b>	<b>5 188</b>

<i>Inpatient care – by need</i>	<i>2009/10</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>	<i>2016/17</i>	<i>2017/18</i>	<i>2018/19</i>	<i>2019/20</i>
Intellectual development	363	400	435	470	470	476	443	473	424	418	364
Socioemotional development	39	45	50	50	50	11	11	14	75	80	80
Autism spectrum disorders	52	58	56	53	53	59	73	68	64	68	68
Language, communication and auditory skill development	140	169	222	259	246	282	332	261	277	257	260
Motor and physical development	14	18	16	16	16	56	59	59	11	8	34
<b>Total</b>	<b>608</b>	<b>690</b>	<b>779</b>	<b>848</b>	<b>835</b>	<b>884</b>	<b>918</b>	<b>875</b>	<b>851</b>	<b>831</b>	<b>806</b>

*Inpatient care –  
by sex*

		2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Intellectual development	♀	141	151	167	179	179	189	172	193	164	162	161
	♂	222	249	268	291	291	287	271	280	260	256	216
Socioemotional development	♀	3	2	1	1	1	0	0	1	1	0	1
	♂	11	16	15	15	15	11	11	13	10	8	33
Autism spectrum disorders	♀	6	6	7	6	6	8	12	12	11	12	12
	♂	33	39	43	44	44	51	61	56	64	68	67
Language, communication and auditory skill development	♀	39	50	78	76	70	79	93	73	81	75	76
	♂	101	119	144	183	176	203	239	188	196	182	172
Motor and physical development	♀	21	22	25	19	19	26	29	32	28	29	35
	♂	31	36	31	34	34	30	30	27	36	39	33

*Inpatient care – by  
nationality*

		2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Intellectual development	Luxembourg	183	203	219	237	238	239	223	242	216	212	185
	Other	180	197	216	233	232	237	220	231	208	206	179
Socioemotional development	Luxembourg	15	16	19	19	19	5	7	9	28	30	30
	Other	24	29	31	31	31	6	4	5	47	50	50
Autism spectrum disorders	Luxembourg	14	15	15	14	14	23	26	26	17	18	18
	Other	38	43	41	39	39	36	47	42	47	50	50
Language, communication and auditory skill development	Luxembourg	63	74	98	115	109	125	147	116	122	114	115
	Other	77	95	124	144	137	157	185	145	155	143	145
Motor and physical development	Luxembourg	8	10	8	8	9	15	15	16	7	5	21
	Other	6	8	8	8	7	41	44	43	4	3	13

**Reply to the issue raised in paragraph 44 (e)**

241. The number of children attending a preschool educational establishment is as follows:

<i>Early years and preschool education</i>			
<i>Sex</i>			
<i>Age on 1 September 2019</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
2	15	15	30
3	2 083	2 181	4 264
4	2 845	2 881	5 726
5	2 783	3 042	5 825
6	120	227	347
7	3	3	6
8	1	2	3
<b>Total</b>	<b>7 850</b>	<b>8 351</b>	<b>16 201</b>

### Reply to the issue raised in paragraph 45 (a)

242. The Directorate of Immigration only distinguishes between accompanied and unaccompanied minors among applicants for international protection. Accordingly, the table below shows the number of minors who lodged an application for international protection between 2010 and 2019.

	2010		2011		2012		2013		2014		2015		2016		2017		2018	
<i>Country of nationality</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>
<b>Total</b>	<b>193</b>	<b>18</b>	<b>830</b>	<b>22</b>	<b>693</b>	<b>18</b>	<b>213</b>	<b>45</b>	<b>266</b>	<b>31</b>	<b>622</b>	<b>102</b>	<b>449</b>	<b>51</b>	<b>466</b>	<b>50</b>	<b>446</b>	<b>36</b>
Afghanistan	3	5	7	4		2	5	2			63	45	13	14	3	4	60	4
Albania	9		10		121	1	27	3	29	5	40	14	41	4	28	12	6	4
Algeria		3	2					7	2	6	2	6		1		5	1	1
Armenia	1		3				2										2	
Azerbaijan			2		2				1				5		3			
Bangladesh				1														
Belarus	2			1	4		2	3	6								3	
Benin		1			1		1	1										
Bosnia and Herzegovina	8		24		107		38	1	62		16		21		6		2	
Bulgaria			1															
Burkina Faso																1		
Burundi												1					1	
Cameroon		1		1		1		1		1			3	1			1	
Côte d'Ivoire					1			1		3		3		1		1		1
Democratic People's Rep. of Korea							1											
Democratic Rep. of the Congo	1	3		1	1					1			7					
Denmark					1													
Egypt									2			1			2		2	
Equatorial Guinea						1												
Eritrea		1	4	1						1	5		16	1	21	1	59	7
Ethiopia															3		2	
Gabon													8					
Gambia												2						
Georgia			1				1				2				6		9	
Ghana																	1	
Guinea-Bissau										1								
Guinea-Conakry						2		1				1		7		4		1

<i>Country of nationality</i>	<i>2010</i>		<i>2011</i>		<i>2012</i>		<i>2013</i>		<i>2014</i>		<i>2015</i>		<i>2016</i>		<i>2017</i>		<i>2018</i>	
	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>
Iran	8		5		4		6				7		6		1		8	3
Iraq	14	2	9	1	5		6		1		138	4	57	3	54	1	74	4
Kazakhstan																	5	
Kosovo	56		54	1	74		40		39		63	3	57		13		20	
Kuwait															1		3	
Kyrgyzstan									1									
Lebanon			1										1		3		2	
Liberia														1				1
Libya					2		2	5		1					1	1		1
Mali									2			1		1				
Morocco		1				3		10		1		4	1	10		10	1	2
Mauritania															1			
Mexico															1			
Moldova	1		1															
Montenegro			51		121		43		58		30		2		4		5	
None (stateless)													11				2	
North Macedonia	3		204		68		13		6		13		11		15		18	
Nigeria			1		5							5		1	1			
Russia	8		15		5		3							1	5	1	2	
Senegal														2		2		
Serbia	63		423		166	1	17		24		16		67		88		29	
Sierra Leone						1												
Somalia	6			1	1	4		2		1	1	4	1	1	3	1		
Sri Lanka											2							
Sudan												1		1	3		1	
Syria	9		2		2		5	1	31		192	6	109	1	174	3	78	3
Tajikistan															2			
Tanzania								1		1								
Togo				1														
Tunisia			1	9	2	2		3		6			1		9	1	6	3
Turkey	1		8								4		2		5		16	
Ukraine							1	4			5		6		5	2	6	
United States of America													1					
Unspecified			1				1											
Unspecified (Palestine)		1						2			23	1	2		5		12	1
Venezuela																	5	
Yemen																	4	



	2010	2011	2012	2013	2014	2015	2016	2017	2018
<i>Country of nationality</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>	<i>Accompanied minor</i> <i>Unaccompanied minor</i>
Zimbabwe					1				

243. The figures for accompanied and unaccompanied minors who lodged an application for international protection in Luxembourg in 2019 may be found below.

<i>Country of nationality</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>
<b>Total</b>	<b>522</b>	<b>36</b>
Afghanistan	41	8
Albania	15	4
Algeria	14	2
Angola	1	
Belarus	1	
Burkina Faso		1
Cameroon	3	
Chile	1	
Colombia	3	
Côte d'Ivoire		1
Ecuador	1	
Eritrea	189	6
Ethiopia	3	
Gambia		2
Georgia	1	
Guinea-Conakry		1
Iran	13	2
Iraq	39	2
Kosovo	5	
Kuwait	1	
Libya	9	
Morocco	2	1
Mexico	1	
Nigeria	1	1
North Macedonia	7	
Rwanda	2	
Senegal	2	
Serbia	14	
Somalia	9	1
Sudan	2	
Syria	83	2
Tajikistan	2	
Tanzania	1	
Tunisia	1	2

<i>Country of nationality</i>	<i>Accompanied minor</i>	<i>Unaccompanied minor</i>
Turkey	15	
Ukraine	8	
Unspecified	2	
Unspecified (Palestine)	10	
Venezuela	15	
Yemen	3	
Zambia	2	

### Reply to the issue raised in paragraph 45 (b)

244. The electronic tool currently available to the judicial authorities does not allow for disaggregation by ethnic origin, geographical location, disability or socioeconomic situation.

245. The figures below are for first issuances of authorizations to stay and residence certificates, cards and permits (except temporary authorization to stay) and applications for international protection lodged in 2018, disaggregated by country of nationality, sex and age group.

Country of nationality	Female						Male				Unknown		
	Total	Total	0–5	6–11	12–17	Total	0–5	6–11	12–17	Total	0–5	6–11	12–17
Total	6 416	3 100	1 342	1 003	755	3 298	1 365	1 036	897	18	8	6	4
None (stateless)	4	2	0	0	2	2	0	0	2	0	0	0	0
Afghanistan	116	55	16	24	15	61	18	6	37	0	0	0	0
Albania	30	10	2	2	6	20	6	4	10	0	0	0	0
Algeria	17	9	3	3	3	8	4	0	4	0	0	0	0
Angola	5	2	1	0	1	3	0	1	2	0	0	0	0
Argentina	1	1	1	0	0	0	0	0	0	0	0	0	0
Armenia	8	3	0	3	0	5	1	3	1	0	0	0	0
Australia	5	3	1	2	0	2	1	1	0	0	0	0	0
Austria	13	8	4	2	2	5	3	2	0	0	0	0	0
Azerbaijan	7	4	3	1	0	3	1	1	1	0	0	0	0
Bangladesh	3	1	0	1	0	2	1	1	0	0	0	0	0
Belgium	239	110	46	35	29	129	59	41	29	0	0	0	0
Belarus	6	3	2	0	1	3	1	1	1	0	0	0	0
Benin	3	0	0	0	0	3	1	2	0	0	0	0	0
Bolivia	2	2	1	0	1	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	37	22	9	10	3	15	3	11	1	0	0	0	0
Brazil	93	51	11	14	26	42	15	8	19	0	0	0	0
Bulgaria	46	18	10	3	5	28	13	11	4	0	0	0	0
Burundi	1	1	1	0	0	0	0	0	0	0	0	0	0
Cabo Verde	66	31	4	8	19	35	5	10	20	0	0	0	0
Cameroon	12	5	1	1	3	7	1	1	5	0	0	0	0
Canada	21	11	7	2	2	10	7	1	2	0	0	0	0
Chile	1	1	1	0	0	0	0	0	0	0	0	0	0
China	116	55	29	20	6	61	33	21	7	0	0	0	0

Country of nationality			Female			Male				Unknown			
	Total	Total	0-5	6-11	12-17	Total	0-5	6-11	12-17	Total	0-5	6-11	12-17
China													
(Taiwan)	1	0	0	0	0	1	1	0	0	0	0	0	0
Costa Rica	2	1	0	1	0	1	1	0	0	0	0	0	0
Côte d'Ivoire	6	2	1	0	1	4	0	2	2	0	0	0	0
Croatia	27	12	8	3	1	15	10	2	3	0	0	0	0
Cuba	3	2	1	0	1	1	0	1	0	0	0	0	0
Cyprus	2	1	0	0	1	1	1	0	0	0	0	0	0
Czech Republic	23	13	4	7	2	10	4	4	2	0	0	0	0
Democratic Republic of the Congo	8	4	0	1	3	4	0	0	4	0	0	0	0
Denmark	36	12	3	5	4	24	13	7	4	0	0	0	0
Dominican Republic	9	4	1	0	3	5	2	1	2	0	0	0	0
Egypt	12	4	2	1	1	8	5	3	0	0	0	0	0
Eritrea	120	51	24	20	7	52	20	16	16	17	7	6	4
Estonia	21	14	6	4	4	7	2	3	2	0	0	0	0
Ethiopia	4	2	0	2	0	2	0	2	0	0	0	0	0
Finland	25	8	8	0	0	17	8	5	4	0	0	0	0
France	853	399	184	122	93	454	211	139	104	0	0	0	0
Gabon	4	2	0	0	2	2	1	0	1	0	0	0	0
Georgia	10	6	5	0	1	4	2	1	1	0	0	0	0
Germany	190	102	46	35	21	88	42	28	18	0	0	0	0
Ghana	1	1	1	0	0	0	0	0	0	0	0	0	0
Greece	61	34	15	11	8	27	12	11	4	0	0	0	0
Guatemala	1	1	1	0	0	0	0	0	0	0	0	0	0
Guinea-Bissau	12	5	2	1	2	7	1	1	5	0	0	0	0
Guinea-Conakry	13	6	3	2	1	7	2	3	2	0	0	0	0
Hungary	54	26	14	6	6	28	15	11	2	0	0	0	0
India	146	81	60	17	4	65	48	16	1	0	0	0	0
Iran	15	9	4	3	2	6	2	3	1	0	0	0	0
Iraq	130	55	18	29	8	75	27	23	25	0	0	0	0
Ireland	34	15	7	5	3	19	7	9	3	0	0	0	0
Israel	5	1	0	0	1	4	1	1	2	0	0	0	0
Italy	363	178	91	48	39	185	75	62	48	0	0	0	0
Jamaica	2	1	0	0	1	1	0	1	0	0	0	0	0
Japan	26	14	12	1	1	12	7	3	2	0	0	0	0
Kazakhstan	7	3	3	0	0	4	2	2	0	0	0	0	0
Kenya	5	3	0	2	1	2	1	0	1	0	0	0	0
Kosovo	40	21	7	7	7	19	9	4	6	0	0	0	0
Kuwait	3	2	0	2	0	1	0	1	0	0	0	0	0
Latvia	18	10	6	3	1	8	4	2	2	0	0	0	0
Lebanon	2	0	0	0	0	2	2	0	0	0	0	0	0
Liberia	1	0	0	0	0	1	0	0	1	0	0	0	0

Country of nationality			Female			Male				Unknown			
	Total	Total	0-5	6-11	12-17	Total	0-5	6-11	12-17	Total	0-5	6-11	12-17
Libya	1	1	0	1	0	0	0	0	0	0	0	0	0
Lithuania	18	7	4	1	2	11	8	3	0	0	0	0	0
Madagascar	1	1	1	0	0	0	0	0	0	0	0	0	0
Malta	3	2	1	1	0	1	0	1	0	0	0	0	0
Mauritius	3	2	1	1	0	1	1	0	0	0	0	0	0
Mexico	5	2	2	0	0	3	2	1	0	0	0	0	0
Moldova	2	0	0	0	0	2	0	0	2	0	0	0	0
Montenegro	95	51	9	31	11	44	10	28	6	0	0	0	0
Morocco	25	10	7	1	2	15	11	1	3	0	0	0	0
Namibia	1	1	1	0	0	0	0	0	0	0	0	0	0
Nepal	16	12	2	5	5	4	1	1	2	0	0	0	0
Netherlands	54	28	16	9	3	26	10	9	7	0	0	0	0
New Zealand	1	0	0	0	0	1	1	0	0	0	0	0	0
Nigeria	7	5	2	2	1	2	0	0	2	0	0	0	0
North Macedonia	24	12	5	1	6	12	4	3	5	0	0	0	0
Norway	8	5	2	2	1	3	1	2	0	0	0	0	0
Pakistan	14	8	3	4	1	6	2	2	2	0	0	0	0
Panama	3	1	1	0	0	2	2	0	0	0	0	0	0
Peru	2	2	0	1	1	0	0	0	0	0	0	0	0
Philippines	13	7	4	2	1	6	2	2	2	0	0	0	0
Poland	91	44	30	9	5	47	16	19	12	0	0	0	0
Portugal	1 718	828	302	283	243	890	306	285	299	0	0	0	0
Republic of Korea	7	5	3	1	1	2	0	2	0	0	0	0	0
Romania	161	72	41	21	10	89	50	29	10	0	0	0	0
Russia	81	42	16	15	11	39	16	13	10	0	0	0	0
Sao Tome and Principe	2	2	0	1	1	0	0	0	0	0	0	0	0
Senegal	10	5	2	0	3	5	1	1	3	0	0	0	0
Serbia	91	44	15	18	11	47	20	18	9	0	0	0	0
Slovakia	21	15	6	8	1	6	3	2	1	0	0	0	0
Slovenia	26	11	5	5	1	15	8	4	3	0	0	0	0
Somalia	6	4	2	2	0	2	0	0	2	0	0	0	0
South Africa	20	7	4	1	2	13	7	5	1	0	0	0	0
Spain	159	71	35	22	14	88	45	29	14	0	0	0	0
Sudan	6	3	2	1	0	3	2	1	0	0	0	0	0
Sri Lanka	3	0	0	0	0	3	0	1	2	0	0	0	0
Sweden	33	16	6	4	6	17	6	6	5	0	0	0	0
Switzerland	10	1	0	1	0	9	5	2	2	0	0	0	0
Syria	102	50	30	11	9	52	14	15	23	0	0	0	0
Thailand	8	4	0	4	0	4	0	2	2	0	0	0	0
Togo	7	7	2	1	4	0	0	0	0	0	0	0	0
Tunisia	28	8	4	2	2	20	10	3	7	0	0	0	0
Turkey	56	27	13	8	6	29	11	12	6	0	0	0	0

Country of nationality	Total	Total	Female			Total	Male			Total	Unknown		
			0-5	6-11	12-17		0-5	6-11	12-17		0-5	6-11	12-17
Ukraine	32	15	7	4	4	17	6	5	6	0	0	0	0
United Kingdom	157	80	36	25	19	77	38	18	21	0	0	0	0
United States of America	95	53	23	21	9	42	23	12	7	0	0	0	0
Unspecified	22	8	4	3	1	13	7	2	4	1	1	0	0
Uzbekistan	4	3	3	0	0	1	1	0	0	0	0	0	0
Venezuela	6	2	0	0	2	4	1	2	1	0	0	0	0
Viet Nam	6	1	0	0	1	5	2	1	2	0	0	0	0
Yemen	4	1	0	0	1	3	1	1	1	0	0	0	0
Zimbabwe	1	1	0	1	0	0	0	0	0	0	0	0	0

### Reply to the issue raised in paragraph 45 (c)

246. No information is available on the number of unaccompanied asylum-seeking children not covered by child protection services.

### Reply to the issue raised in paragraph 45 (d)

247. No information is available on the number of asylum-seeking, refugee and migrant children detained, whether unaccompanied or with their families.

### Reply to the issue raised in paragraph 45 (e)

248. The number of minors against whom a removal decision was executed in 2018 may be found below. It is not possible to distinguish between accompanied and unaccompanied minors.

Country of nationality	Total	Total	Female			Total	Male		
			0-5	6-11	12-17		0-5	6-11	12-17
<b>Total</b>	<b>29</b>	<b>14</b>	<b>5</b>	<b>7</b>	<b>2</b>	<b>15</b>	<b>6</b>	<b>4</b>	<b>5</b>
Albania	2					2	1	1	
Bosnia and Herzegovina	2	1			1	1	1		
Brazil	2	2		2					
Ethiopia	1					1			1
Georgia	1					1			1
Kosovo	5	3	2	1		2		2	
Montenegro	3	1		1		2	2		
Morocco	1					1			1
Serbia	12	7	3	3	1	5	2	1	2

### Reply to the issue raised in paragraph 45 (f)

249. During proceedings, asylum-seeking, refugee and migrant children all enjoy the right to free legal aid, housing and access to health care and education. The figures for

accompanied and unaccompanied minors who have lodged an application for international protection between 2010 and 2018 are included in the reply to the issue raised in paragraph 45 (a).

### **Reply to the issue raised in paragraph 46 (a)**

250. The reply to the issue raised in paragraph 46 (a) may be found on pages 18 to 22 of the annex to this document.

### **Reply to the issue raised in paragraph 46 (b)**

251. The number of children who have been provided with access to rehabilitation programmes may be found below.

<i>Year</i>	<i>Identified victims</i>	<i>Alleged victims</i>	<i>Explanations</i>
2011	2	0	Two girls
2012	0	0	/
2013	0	0	/
2014	1	0	One boy (12–17)
2015	0	0	/
2016	5	2	Three boys and four girls (12–17)
2017	1	0	One boy (0–11)
2018	0	0	/
2019	0	0	/

### **Reply to the issue raised in paragraph 46 (c)**

252. The number of cases resulting in sanctions is indicated on page 18 of the annex to this document.

### **Reply to the issue raised in paragraph 47 (a)**

253. On this issue, please refer to page 23 of the annex to this document.

### **Reply to the issue raised in paragraph 47 (b)**

254. On this issue, please refer to page 24 of the annex to this document.

### **Reply to the issue raised in paragraph 47 (c)**

255. The number of children deprived of liberty who have been placed in solitary confinement as a sanction and the average length of their stay is as follows:

<i>Sanction/temporary solitary confinement – From 1 January 2010 to 31 July 2019</i>										
Total number	2 147 sanctions									
Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019*
Number per year	261	156	226	256	250	234	200	168	210	186

Sanction/temporary solitary confinement – From 1 January 2010 to 31 July 2019										
Duration	Average	<12 hours	>12 hour <24 hours		>1 day <2 days		>2 days <5 days		>5 days	
	44.36	95	444		1 419		173		16	
Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019*
Hours per year	57.5	55.5	50.5	50.5	50.5	38.0	35.5	30.5	32.5	39.5
Grounds										
Repeated escape attempts										1 408
Physical or sexual assault										240
Serious non-compliance with security measures										50
Serious or repeated violation of the internal regulations										211
Possession, consumption, manufacture or sale of psychotropic substances										383
Use of a weapon										4
Possession of weapons and ammunition										1
Incitement to riot										15
Age										
12 years										8
13 years										48
14 years										225
15 years										458
16 years										726
17 years										661
18 years										21
Sex		Male					Female			
		1 390					757			
Nationality										
None										9
Albania										3
Algeria										2
Belgium										14
Bosnia and Herzegovina										4
Brazil										37
Bulgaria										3
Cameroon										2
Cabo Verde										49
Dominican Republic										9
France										90
Germany										2
Iran										1
Iraq										9
Italy										33
Libya										2
Luxembourg										1 033

*Sanction/temporary solitary confinement – From 1 January 2010 to 31 July 2019*

Mauritius	1
Montenegro	9
Netherlands	41
Philippines	7
Portugal	451
Romania	35
Russian Federation	9
Spain	9
Tunisia	7
United Kingdom	15
United States of America	1
(Former) Yugoslavia	14
Geographical region	
Northern region (Clervaux, Diekirch, Vianden, Wiltz)	285
Central region (Echernach, Grevenmacher, Mersch, Redange)	303
Southern region (Capellen, Esch, Luxembourg, Remich)	1 648

\* *Note:* The figures for 2019 are for the period ending 31 July 2019.

### **Reply to the issue raised in paragraph 47 (d)**

256. On this issue, please refer to page 25 of the annex to this document.

### **Reply to the issue raised in paragraph 48 (a)**

257. On this issue, please refer to pages 29–34 of the annex to this document.

### **Reply to the issue raised in paragraph 48 (b)**

258. On this issue, please refer to pages 29–34 of the annex to this document.

### **Reply to the issue raised in paragraph 48 (c)**

259. On this issue, please refer to pages 29–34 of the annex to this document.

### **Reply to the issue raised in paragraph 49 (a)**

260. No comprehensive and reliable data are available on the number of migrant, asylum-seeking and refugee children entering the State party from areas in which children may have been involved in armed conflict.

### **Reply to the issue raised in paragraph 49 (b)**

261. No comprehensive data are available on the number of children who benefit from physical and psychological recovery and social reintegration measures.