



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined fifth and sixth periodic reports of Luxembourg\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 28 February 2020. The replies should take into consideration the Committee's previous recommendations (see CRC/C/LUX/CO/3-4 and CRC/C/OPSC/LUX/CO/1) adopted in 2013 and 2016. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including on child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

#### II. Rights under the Convention and its Optional Protocols

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Reservations and legislation

4. Please provide information on any steps taken to withdraw the State's reservations to articles 3, 6, 7 and 15 of the Convention. Please indicate procedures for child-rights impact assessments of new legislation adopted at the national and subnational levels, and provide further information on steps taken to enshrine the rights of the child in the Constitution and on the time frame of constitutional reform.

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\* Adopted by the pre-sessional working group on 8 February 2019.



**Comprehensive policy and strategy**

5. Please provide information on the measures taken to develop a comprehensive policy and strategy covering all areas of children's rights under the Convention and its Optional Protocols and to adopt a national plan of action for youth, in accordance with article 15 (2) of the Law on Youth of 4 July 2008. Please provide also information on the contents of such a policy and strategy, the mechanism for their monitoring and evaluation, and the human, technical and financial resources allocated for their implementation.

**Coordination**

6. Please inform the Committee about:

(a) The authority and mandate of the National Children's Bureau;

(b) Any steps taken to clarify the mandates of the Bureau and of the interministerial child rights coordination body to prevent possible overlaps in the coordination of activities relating to the implementation of the Convention in the State party at the cross-sectoral, national, regional and local levels;

(c) The composition and resources of both bodies.

**Data collection**

7. Please inform the Committee about efforts made to improve data collection to ensure that it covers all areas of the Convention and its Optional Protocols, and that it is undertaken regularly and disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background. Please provide also information on the measures taken to improve the collection and analysis of data on child victims of trafficking, including for sexual exploitation, and on child prostitution. Please inform the Committee about the use of such data on children for all measures concerning the rights of the child, and how the participation of children in the collection and analysis of data is ensured.

**Independent monitoring**

8. Please provide information on:

(a) The selection criteria for the members of the Ombuds Committee on the Rights of the Child, and the measures in place to ensure that the selection and appointment processes are transparent, impartial and inclusive, including through consultations with children and civil society;

(b) The human, technical and financial resources allocated to the Ombuds Committee;

(c) The measures in place to ensure the independence of the Ombuds Committee, taking into account that it receives its budgetary allocation from the Ministry of National Education, Childhood and Youth.

**B. General principles (arts. 2, 3, 6 and 12)****Non-discrimination**

9. Please inform the Committee about any form of discrimination against children in a vulnerable situation manifested in the State party. Please inform the Committee also whether bill No. 6568 has been adopted, and whether it contributes to the elimination of discrimination against children of unmarried parents.

**Best interests of the child**

10. Please provide information on the development and dissemination to all relevant professionals of policies, procedures, criteria and guidance to determine and consistently apply the best interests of the child as a primary consideration in programmes and administrative and judicial proceedings concerning children.

**Respect for the views of the child**

11. Please inform the Committee about:

- (a) The mandate and selection criteria of the National Youth Assembly, and its activities since 2013;
- (b) Any legal obligation for judges to hear the views of children;
- (c) Steps taken to ensure that all relevant professionals, particularly teachers and child rights representatives, are provided with training on the right of the child to be heard;
- (d) Measures taken to promote and enhance the participation of children in the formulation of laws and policies.

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)****Nationality**

12. Please provide information on the measures taken to develop and adopt legislation on statelessness and to establish a statelessness determination procedure, in accordance with the State party's obligations under the Convention relating to the Status of the Stateless Persons and the Convention on the Reduction of Statelessness, and to ensure that children of unmarried parents may acquire Luxemburgish nationality.

**Right to identity**

13. Please inform the Committee about the measures taken to retain information about the child's origin in cases of anonymous births, to ensure the child's access to information about his or her parents and to remove the requirement of the mother's consent. Please provide also information on the steps taken to identify the root causes of child abandonment at birth, and to develop and implement a comprehensive strategy to address these root causes, including the expansion of family planning services, counselling and social support.

**Right to privacy**

14. Please inform the Committee on any steps taken to provide guidance on the new regulations on the protection of personal data of 25 May 2018 with regard to balancing the right to privacy of the child and the best interests of the child as a primary consideration, in view of the potential necessity of close cooperation and data exchange between child protection actors.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Corporal punishment**

15. Please provide information on efforts made, including the enforcement of the prohibition of physical and sexual violence in families and schools enshrined in the amended Act of 16 December 2008 on Support for Children and the Family, and awareness-raising and parenting education programmes to prevent corporal punishment in all settings, particularly in the family, and to promote positive, non-violent and participatory forms of child-rearing and discipline.

**Abuse and neglect**

16. Please provide information on steps taken:

- (a) To increase the human, technical and financial resources to support families at risk in the context of preventing children becoming victims of domestic violence or abuse, including sexual abuse;
- (b) To strengthen the early detection and follow-up of individual cases to provide timely and effective protection, care and services to the child.

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

17. Please inform the Committee on measures taken:

(a) To adopt draft bill No. 7167, and to explain how it will reinforce the national legislation against gender-based and domestic violence;

(b) To develop and adopt a comprehensive policy to prevent and protect children from all forms of violence, including on the Internet, and update the National Action Plan against Child Sexual Exploitation;

(c) Ensure the inclusion of a disability perspective in the Domestic Violence Act of 2003, in other relevant legal instruments against violence and abuse of children, and in the work of the victims support service.

**Harmful practices**

18. Please provide information on any regulation of and protocol for the treatment of intersex children. Please inform the Committee also about measures to provide families with intersex children with adequate counselling and support, and on rehabilitation and redress to intersex children who have undergone unnecessary and irreversible medical or surgical treatment.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

19. Please provide information on:

(a) The current status of the bill on parental responsibility (CRC/C/LUX/3-4, para. 48) and, if it has not yet been adopted, the reasons;

(b) The impact of the Equality Plan for Women and Men for 2015 to 2018 and any other measures taken to further reduce the unequal division of family responsibilities;

(c) The implementation of the Service Treffpunkt Prison programme and other measures taken to ensure that the best interests of the child are the primary consideration in meetings between children and their detained parent, and any steps taken to provide child-friendly spaces in all detention facilities in the State party.

**Children deprived of a family environment**

20. Please provide information on the progress made towards the deinstitutionalization of children and measures taken:

(a) To ensure family placement for all children deprived of a family environment, including children with disabilities, to strengthen the foster care system and to ensure that residential care is used only as a last resort;

(b) To regulate parental responsibility when children are in alternative care;

(c) To regularly monitor alternative care settings;

(d) To review methods used by the police to enforce court-ordered placements of children;

(e) To provide support to children leaving care to enable them to reintegrate into society.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

**Children with disabilities**

21. Please provide information on:

(a) The mandate and activities of the National Children's Bureau and the Ombuds Committee for Child Rights with regard to the promotion and protection of the rights of children with disabilities;

(b) The steps taken to ensure that all children with disabilities are guaranteed inclusive education;

(c) The measures taken to provide reasonable accommodation to children with disabilities, particularly with regard to their right to be heard, including in all decision-making that affects their life;

(d) The measures taken to support families with children with disabilities and to provide them with the necessary community-based services to care for their children at home;

(e) The steps taken to investigate and sanction cases of forced sterilization of children with disabilities, and the administration of medical treatments, including contraceptives, without free and informed consent.

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

22. Please provide information on measures taken:

(a) To increase efforts to combat overweight and obesity and to address tobacco, alcohol and drug use by children, including through awareness-raising programmes;

(b) To address depression, anxiety disorders and attempted suicide among children, and to ensure that the necessary psychological and psychiatric services are available to children;

(c) To provide schools with health professionals who can diagnose the early signs of mental health concerns and cooperate with external mental health professionals, and to include education on mental health in school curricula and training for teachers;

(d) To review the law on leave for family reasons in view of broadening the allocation of paid leave to parents of children with grave chronic diseases.

### **Environmental health**

23. Please provide information about the measures taken to set out a clear legal commitment, with appropriate resources, to assess the effects of polluted air on children's health and to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas. Please provide information also regarding policies implemented by the State party to ensure that private and publicly owned financial institutions, including the Luxembourg pension fund, take into consideration the implications of their investments for climate change and the resulting harmful impact on children.

### **Standard of living**

24. Please provide an update on the measures taken to address the high rate of children suffering from multidimensional poverty and social exclusion, including information on funding for all child-related social protection programmes and activities.

## **G. Education, leisure and cultural activities (arts. 28–31)**

### **Education**

25. Please inform the Committee about measures taken:

(a) To reduce inequalities in access to education, in particular by offering children support to do their homework and to participate in free-of-charge extracurricular activities, including activities organized by the National Youth Service;

(b) To assess the impact of the planned, needs-based system for language studies (CRC/C/LUX/3-4, paras. 554–556) and other measures taken to ensure that all children have the opportunity to acquire language skills in the languages used in education;

(c) To eliminate violence in schools, including all forms of bullying and harassment, by improving the conflict-resolution skills of children and teachers, broadening the mandate of the school mediator and ensuring that children have access to support from a social worker.

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

26. Please provide information about children’s free time for play and leisure. Please inform the Committee also about the measures taken to promote access of children to sporting, recreational, leisure, cultural and artistic activities in a supportive environment respectful of their abilities and interests and protected from all forms of violence, and provide information on the impact of the “Youth and Society” guidelines of 2004 and the charter on risk prevention in youth activities of 2007.

**H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

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

27. Please inform the Committee on measures taken:

(a) To eliminate the detention of asylum-seeking children and of families with children, and to revise relevant legislation accordingly;

(b) To apply the principle of non-refoulement in all cases of migrant children, including those in an irregular situation, and to ensure their access to free legal aid, appropriate guardians and other forms of assistance at all stages of the process;

(c) To ensure that all asylum-seeking children and their guardians are systematically provided with information on their rights and obligations, asylum procedures and available services;

(d) To expedite asylum requests, to improve communication, when processing, and to improve reception conditions, particularly for children;

(e) To facilitate family reunification of asylum seekers and refugees by ensuring that the definition of eligible family members is kept broad, that the procedure is undertaken without undue delay and that the time to submit an application is extended as required;

(f) To ensure that asylum-seeking, refugee and migrant children have access to services, are not discriminated against and are integrated into the school system.

**Unaccompanied children**

28. Please provide information on measures taken:

(a) To address the high rate of unaccompanied children who disappear in the State party;

(b) To ensure that the Committee for the evaluation of the best interests of the child for unaccompanied minors, established by a decision of the Government Council on 7 July 2017, hears the child, transmits all information to the child and its ad hoc administrator in writing, and grants observer status to the Ombuds Committee on the Rights of the Child;

(c) To ensure that ad hoc administrators and guardians are appointed to unaccompanied children, including to victims of trafficking, in a timely manner and without any distinction based on the age of the children;

(d) To amend the law on the protection of youth of 10 August 1992 to ensure that it can be applied to unaccompanied children;

(e) To ensure that the institutions run by the State party and non-governmental organizations that house unaccompanied children are provided with the human, technical and financial resources necessary to offer special protection and assistance.

#### **Administration of juvenile justice**

29. Please inform the Committee about:

(a) Any steps taken to formally prohibit life imprisonment of children above the age of 16 years who can be tried by ordinary courts according to article 32 of the law of 10 August 1992 on the protection of children, and to use measures such as diversion, probation, counselling and community service for children of 16 and 17 years of age;

(b) Any steps taken to define a minimum age of deprivation of liberty;

(c) Any measure taken to prohibit solitary confinement of up to 10 days as a form of punishment for children of any age deprived of liberty;

(d) The steps taken to review the power of the youth tribunal to place children in conflict with the law in institutional care as a disciplinary measure for bad or dangerous behaviour.

### **I. Optional Protocol on the sale of children, child prostitution and child pornography**

30. Please inform the Committee about measures taken to implement its previous recommendations (see CRC/C/OPSC/LUX/CO/1).

### **J. Optional Protocol on the involvement of children in armed conflict**

31. Please inform the Committee about measures taken to implement its previous recommendations (CRC/C/LUX/CO/3-4, para. 48) that recall the more detailed recommendations made by the Committee in its relevant concluding observations (CRC/C/OPAC/LUX/CO/1).

## **III. Statistical information and data**

32. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention on the Rights of the Child and its Optional Protocols. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographic location and socioeconomic status.

33. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

34. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the proportion of each budget line in terms of the total national budget.

### **B. General principles (arts. 2, 3, 6 and 12)**

35. Please provide data, disaggregated as described in paragraph 32 above, on the number of cases affecting children and prosecutions brought before the courts under legislation governing non-discrimination and the sanctions issued to perpetrators.

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

36. Please provide data, disaggregated as described in paragraph 32 above, on the number of stateless children and children impacted by the practice of anonymous births.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

37. Please provide data, disaggregated, on:

(a) The number of cases of violence against children, including corporal punishment, and the sanctions issued to perpetrators, disaggregated by type of offence;

(b) The number of intersex children subjected to medically irreversible surgery and the number of children with disabilities subjected to forced sterilization and medication, including contraception;

(c) The number and type of protective measures provided to child victims of violence.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20, 21, 25 and 27 (4))**

38. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of families with children receiving economic and other types of support services.

39. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of children in institutional care and average days of stay;

(b) The number of children in family- and community-based care.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

40. Please provide data, disaggregated as described in paragraph 32 above, and by type of disability, on:

(a) The number of children with disabilities;

(b) The number of children with disabilities living with their families;

(c) The number of children with disabilities living in family- and community-based care;

(d) The number of children with disabilities in inclusive education and in separate schools, and the number of children with disabilities in inclusive education who receive personalized assistance;

(e) 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 issued.

41. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number and rate of children with health problems relating to overweight and obesity, and to mental health;

(b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.

42. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of adolescent mothers;

- (b) The number of children with tobacco, alcohol and drug abuse problems;
- (c) The number of sexual and reproductive health services available to adolescents, disaggregated by region.

43. Please provide data, disaggregated as described in paragraph 32 above, on the number and proportion of children living below the poverty line and in extreme poverty.

## **G. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

44. Please provide data, disaggregated as described in paragraph 32 above, in respect of:

- (a) The number of children in public and private schools, including asylum-seeking, refugee and migrant children;
- (b) The number and proportion of children not attending compulsory education, and children aged between 16 and 18 years not attending school;
- (c) The number and proportion of children dropping out of school;
- (d) The number of children in special schools and in special classes in regular schools;
- (e) The number and proportion of children attending early childhood care and education and the average years of attendance.

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

45. Please provide data, disaggregated as described in paragraph 32 above, as well as by country of origin, and accompanied or unaccompanied status, on:

- (a) The number of asylum-seeking and refugee children;
- (b) The number of children in a situation of migration;
- (c) The number of unaccompanied asylum-seeking children not covered by child protection services;
- (d) The number of asylum-seeking, refugee and migrant children detained, whether unaccompanied or with their families;
- (e) The number of removal orders against children that have been issued and executed;
- (f) The number of asylum-seeking, refugee and migrant children with access to education, health care, housing and legal assistance.

46. Please provide data, disaggregated as described in paragraph 32 above, and by type of crime, on:

- (a) The number of reported cases and the number of child victims of trafficking;
- (b) The number of such children who have been provided with access to rehabilitation programmes;
- (c) The number and proportion of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

47. Please provide data, disaggregated as described in paragraph 32 above, and by type of crime, on:

- (a) The number of children in police cells, pretrial detention, including shelters, the new closed security unit for minors in Dreibern and prison, and their average stay;

(b) The number of children above the age of 16 years tried by ordinary courts according to article 32 of the law of 10 August 1992 on the protection of children, and the sentences handed down;

(c) The number of children deprived of liberty who have been placed in solitary confinement as a sanction, and the average length of their stay in solitary confinement;

(d) The number of children referred to diversion and non-custodial sentencing options.

## **I. Optional Protocol on the sale of children, child prostitution and child pornography**

48. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) The number of reported cases of the sale of children, child prostitution and child pornography, including online child sexual exploitation and abuse and sexual exploitation of children in travel and tourism abroad;

(b) The number of such cases that have been investigated, prosecuted and sanctioned;

(c) The number of child victims of such crimes who have been provided with recovery assistance or compensation.

## **J. Optional Protocol on the involvement of children in armed conflict**

49. Please provide data, disaggregated as described in paragraph 32 above, on:

(a) 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;

(b) The number of those children who benefit from physical and psychological recovery and social reintegration measures.

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