



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Luxembourg\*\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Luxembourg (CRC/C/LUX/5-6) at its 2512th, 2514th and 2516th meetings,<sup>1</sup> held online on 19–21 May 2021, and adopted the present concluding observations at its 2534th meeting, held on 4 June 2021.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party, in response to the list of issues prior to reporting,<sup>2</sup> under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party.<sup>3</sup> The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including its ratification of or accession to international instruments, in particular its accession to the Convention on the Reduction of Statelessness on 21 September 2017 pursuant to the new Luxembourg Nationality Act of 8 March 2017. The Committee notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention on the Rights of the Child, in particular the strengthening of the office of the Ombudsman for Children and Youth.<sup>4</sup> It also welcomes the Act of 20 July 2018 approving the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which establishes the obligation to provide support to any child who is a direct or indirect victim of domestic violence. Finally, the Committee welcomes the adoption of the Act of 28 February 2018 on strengthening measures to combat the exploitation of prostitution, and procuring, and trafficking in human beings for sexual purposes, which establishes the seeking, accepting or obtaining of sexual relations with a child in exchange for payment or a promise of payment as a criminal offence. It further welcomes the significant increase in budgetary resources to the child and youth sectors from €985,725,834 in 2009 to €1,682,703,838 in 2018. The Committee commends the State party for the measures taken during the coronavirus disease (COVID-19) pandemic, particularly

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\* Reissued for technical reasons on 1 July 2021.

\*\* Adopted by the Committee at its eighty-seventh session (17 May–4 June 2021).

<sup>1</sup> See CRC/C/SR.2512, 2514 and 2516.

<sup>2</sup> CRC/C/LUX/QPR/5-6.

<sup>3</sup> The term "children" encompasses anyone under the age of 18, including adolescents.

<sup>4</sup> *Ombudsman fir Kanner a Jugendlicher* (OKaJu).



the paid family leave including for private sector employees and for self-employed persons with dependents at home.

### **III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 12); right to identity (para. 16); children deprived of a family environment (para. 21); children with disabilities (para. 23); asylum-seeking, refugee and migrant children (para. 29); and administration of child justice (para. 31).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

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

##### **Reservations**

6. The Committee notes the information provided by the State party that its reservations to articles 2, 6 and 15 of the Convention may be withdrawn if Bills No. 6568 and No. 7674 concerning parentage and access to information on one's origin are adopted by Parliament. In this regard, and in line with its previous recommendations,<sup>5</sup> the Committee recommends that the State party take measures to accelerate the adoption of the above-mentioned bills, and, in the light of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993, urges the State party to consider withdrawing all its reservations to articles 2, 6, 7 and 15 of the Convention.

##### **Legislation**

7. Noting the ongoing reform of the Constitution, which 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 Committee recommends that the State party take all measures necessary to expedite the process and ensure that children's rights are raised to the rank of fundamental rights under the new Constitution.

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

8. Recalling its previous recommendation<sup>6</sup> and noting that the Department of Children's Rights of the Ministry of Education, Children and Youth, together with other ministries and civil society organizations, has been tasked with drafting a national action plan for the coordinated and coherent implementation of the Convention, the Committee encourages the State party to finalize the national action plan covering all children below the age of 18, in particular those up to 12 years of age, that encompasses all areas covered by the Convention and to develop a strategy with the necessary

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<sup>5</sup> CRC/C/15/Add.250, para. 9; and CRC/C/LUX/CO/3-4, para. 11.

<sup>6</sup> CRC/C/LUX/CO/3-4, para. 15.

elements for its application, which is supported by sufficient human, technical and financial resources.

#### Data collection

9. The Committee welcomes the data provided by the State party in a number of areas covered by the Convention and notes the State party's information that it lacks the capacity to undertake more intensive efforts to further diversify its data-collection practices. In this regard, with reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Expediently improve its data-collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability;

(b) Ensure that the data and indicators are shared among the ministries concerned and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information.

#### Dissemination, awareness-raising and training

10. While noting the efforts undertaken by the State party to raise awareness and train professionals working with and for children, the Committee recommends that the State party further strengthen its awareness-raising programmes, including campaigns, and efforts to ensure that the provisions and principles of the Convention and its Optional Protocols are widely recognized and understood. The Committee recommends, in particular, that the State party increase children's awareness of their rights under the Optional Protocol on a communications procedure and that it ensure that children have access to remedies at the domestic level.

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

#### Non-discrimination

11. The Committee takes note of the law of 27 June 2018 addressing to a certain extent the discrimination against children of unmarried parents, and of Bill No. 6568 aimed at eliminating the concepts of legitimate and illegitimate parentage, but remains concerned that the distinction between children of married and unmarried parents continues to exist.

12. The Committee recommends that the State party take all measures necessary to expedite the adoption of Bill No. 6568 and ensure that there is no discrimination against children of unmarried parents.

#### Best interests of the child

13. The Committee welcomes the fact that the right of the child to have his or her best interests taken as a primary consideration is routinely invoked in the State party. Nevertheless, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children, in particular with regard to unaccompanied children, children deprived of a family environment, intersex children and children with disabilities. In this regard, the State

party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

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

14. Recalling the concerns raised in its previous concluding observations<sup>7</sup> and with reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child, irrespective of his or her age, to be heard in relevant legal proceedings and to ensure that the views of the child are given due weight in accordance with his or her age and maturity;

(b) Ensure that children are heard either directly or through a representative, and are provided with the necessary support and assistance during legal proceedings;

(c) Promote – including by conducting programmes and awareness-raising activities – meaningful and empowered participation of all children, especially those below 14 years of age, within the family, communities and schools, and include children in decision-making in all matters related to children with particular attention to children in vulnerable situations;

(d) Institutionalize the Children’s Parliament as a regular event and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children’s effective engagement with national legislative processes on issues that affect them.

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

#### **Right to identity**

15. The Committee notes Bill No. 7674 on arranging access to information on an individual’s origins following adoption or conception through egg or sperm donation. However, the Committee is concerned about information that the draft law remains very vague, with reference to anonymous births, births to surrogates and gamete and embryo donations in the State party or abroad for parents who are resident in the State party, and that it is unclear which service would be responsible for managing and storing the data that would subsequently allow the child a right of access to this data concerning his or her origins.

16. The Committee recommends that the State party ensure that the draft legislation provide for children to have access to information regarding their identity if they were adopted or were born via anonymous birth or assisted reproduction technology, including technologies involving gamete or embryo donation, or via surrogacy arrangements concluded abroad regarding parents who are resident in the State party. The State party should ensure that the legislation provides clear procedures for managing and storing data regarding children’s origins.

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

#### **Corporal punishment**

17. With reference to its general comment No. 8 (2006) on corporal punishment, the Committee recommends that the State party:

(a) Introduce an explicit prohibition of all forms of corporal punishment, however mild, in law, in all settings, including for children between the ages of 14 and 18 years, and abolish in its legislation the possibility of light forms of violence;

<sup>7</sup> CRC/C/LUX/CO/3-4, para. 26.

(b) Promote positive, non-violent and participatory forms of child rearing and discipline, including through awareness-raising campaigns aimed at changing public perceptions on corporal punishment of children;

(c) Develop a comprehensive national strategy to prevent and address all forms of violence against children, especially in the family.

#### Violence against children, particularly abuse and neglect

18. The Committee welcomes the Domestic Violence Law of 2018 and the procedural manual regarding child abuse cases issued in 2018 by the Ministry of Education, Children and Youth. With reference to its general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 25 (2021) on children's rights in relation to the digital environment, and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Further strengthen awareness-raising and training programmes for all professionals working with and for children to report suspicions and proven cases of any form of abuse;

(b) Take legislative and policy measures to prevent not only physical but also psychological violence against children;

(c) Ensure that the strategy to prevent and address all forms of violence against children includes measures against bullying and online violence;

(d) Take measures to facilitate the development of voluntary, self-regulatory, professional and ethical guidelines and standards of conduct and other initiatives, such as the adoption of child protection policies and technical solutions promoting online safety, which are accessible to children;

(e) Take legislative and administrative measures to protect children from violence in the digital environment, including regular review, updating and enforcement of robust legislative, regulatory and institutional frameworks that protect children from recognized and emerging risks of all forms of violence in the digital environment;

(f) Accelerate the establishment of a children's house for child victims and witnesses of violence (*Barnahus*) where children can receive all services in one place;

(g) Ensure that children facing violence are provided with appropriate remedies and redress, appropriate to their age, gender and cultural background, including psychosocial counselling.

#### Harmful practices

19. While welcoming the Act of 10 August 2018 on changes of sex designation and forename(s) in civil status records, and the first National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, adopted in 2018, the Committee recommends that the State party ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to intersex children, and provide families with intersex children with adequate counselling and support.

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

#### Children deprived of a family environment

20. The Committee welcomes the measures taken by the State party, in particular the adoption of the Act of 27 June 2018 establishing the family court and providing for reforms in the areas of divorce and parental authority. It is, however, concerned that:

(a) In cases of judicial placement of children in an institution or foster family, the law allows the judge concerned to decide on the transfer of parental authority without respecting certain fundamental procedural rights of parents and children, such as the right to a remedy, the right to have a lawyer in attendance and the right of the child to be heard;

(b) Priority continues to be given to institutionalizing children and the number of foster families remains low;

(c) Children are sometimes placed in foster families abroad, creating difficulties for some of them to stay in contact with their biological families;

(d) The State party continues to use police intervention at home or in schools for court-ordered placements of children in institutions and such placements take place without the parents being informed.

**21. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party:**

**(a) Ensure that transfer of parental authority respects fundamental procedural rights of parents and children, such as the right to a remedy, the right to have a lawyer in attendance and the right of the child to be heard;**

**(b) Phase out institutionalization and facilitate family-based care for children wherever possible, and strengthen the system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

**(c) Take measures to train and support members of extended families who decide to take in a child;**

**(d) Ensure adequate safeguards and clear criteria when determining the necessity for the separation of children from parents and ensure that it only occurs if it is in the best interests of the child;**

**(e) Ensure that parents receive adequate support so that they can be involved in their children's lives and that children placed in alternative care can be reunited with their families;**

**(f) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

**(g) Ensure that children are placed in foster families within the State party's territory and in close proximity to their biological families;**

**(h) Ensure that children and parents are informed of the transfer of the child to an institution or foster family well in advance and that the child is prepared for his or her new environment.**

## **F. Children with disabilities (art. 23)**

22. The Committee welcomes the measures taken by the State party during the COVID-19 pandemic to provide support to families with children with disabilities. It takes note of the Act of 20 July 2018 providing for the establishment of nine centres of expertise in educational psychology for inclusive education, but remains concerned that there is insufficient professional training aimed at inclusion. It is also concerned that:

(a) Girls with disabilities remain at high risk of multiple forms of discrimination, and of being victims of gender-based violence, including domestic violence and sexual exploitation, which are difficult for them to report;

(b) Although there are positive measures in place for the use of contraception by sexually active adolescents with disabilities, the policy on forced sterilization of children with disabilities is not clearly formulated;

(c) There are gaps in the availability of qualified and trained personnel, including speech therapists, child psychiatrists who establish diagnoses, psychomotor therapists and occupational therapists;

(d) The 2019–2024 national action plan for the implementation of the Convention on the Rights of Persons with Disabilities is focused on inclusion in non-formal education and does not propose measures for inclusion in formal education;

(e) Creation of reasonable accommodation is a lengthy process, with very complicated administrative procedures, and is not always put into action;

(f) Children with disabilities are not asked to express themselves directly in matters that concern them, and often their parents are not consulted.

**23. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

**(a) Address all forms of discrimination against children with disabilities in all settings;**

**(b) Set up comprehensive measures to develop inclusive education, and train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;**

**(c) Take measures to detect, prevent and combat violence against children – especially girls – with disabilities, and collect and publish disaggregated statistics on the incidence of such violence;**

**(d) Ensure that there is a rights-compliant policy in place to prevent forced sterilization and that the relevant professionals are trained to apply the policy;**

**(e) Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes, and to specialists such as speech therapists, child psychiatrists who establish diagnoses, psychomotor therapists and occupational therapists;**

**(f) Take all measures necessary to provide children with disabilities with reasonable accommodation in all settings, including at school and in leisure centres.**

## **G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Mental health**

**24. Taking note of target 3.4 of the Sustainable Development Goals and welcoming the National Suicide Prevention Plan 2015–2019 and additional measures taken in 2020 during the COVID-19 pandemic, the Committee recommends that the State party evaluate the implementation of the plan and develop a new plan that will take into account the results of such evaluation. In doing so, the State party should ensure the provision of adequate human, technical and financial resources for parents and professionals working with or for children to address the issue of suicide and its related root causes. It also recommends that the State party ensure that children with behavioural disorders, as well as their parents and teachers, have access to a wide range of psychological and educational services.**

### **Adolescent health**

**25. With reference to its general comment No. 4 (2003) on adolescent health and development and to its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party take measures to train health professionals, and engage them, especially in high schools.**

**Standard of living**

26. The Committee welcomes the measures taken by the State party, in particular the Social Inclusion Income Act of 28 July 2018, replacing the guaranteed minimum income scheme, the reform of parental leave and changes in benefits and other measures taken to combat poverty, including affordable meals for children in secondary school and free meals for asylum-seeking children. While concerned that the child poverty rate remains higher than that of the general population and continues to grow, especially in single-parent households and among children of immigrant parents, children without residence permits and children of parents affected by unemployment and/or with a low level of education, the Committee draws attention to target 1.3 of the Sustainable Development Goals and recommends that the State party:

- (a) Renew its commitment to end child poverty, including through a national plan of action and by addressing the root causes of such poverty;
- (b) Take targeted measures and provide adequate financial support and free and accessible services without discrimination;
- (c) Take all measures necessary to ensure that children receive adequate support and attention in the aftermath of the COVID-19 pandemic in order to reduce its negative socioeconomic consequences on children.

**H. Education, leisure and cultural activities (arts. 28–31)****Education, including vocational training and guidance**

27. The Committee welcomes the introduction of French-speaking and/or English-speaking classes in certain high schools, as well as the creation of the first public and free international school in Differdange. It also welcomes the creation of the school mediation services aimed at preventing violence among children, handling complaints and providing recommendations. Taking note of target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Continue measures to address inequalities generated by the COVID-19 crisis during home schooling, including by ensuring, among other things, the availability of computer equipment and sufficient Internet access;
- (b) Continue investing the necessary resources to improve and/or expand schooling facilities and opportunities to ensure the right of all children, including children of migrant workers and asylum-seeking and refugee children, to access quality education in the State party;
- (c) Continue its efforts to ensure that language does not become an obstacle in education, including through the provision of support classes and welcome units to provide assistance to children and their families with regard to languages;
- (d) Continue its efforts to reduce school dropout and exclusions from school and to raise awareness about the services available to children and their families, in particular school mediation services, and implement the recommendations of school mediation services.

**I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)****Asylum-seeking, refugee and migrant children**

28. The Committee welcomes the Government's 2018–2023 coalition agreement, which reiterates the best interests of asylum-seeking unaccompanied and separated children as a primary consideration throughout the asylum procedure. It also welcomes the State party's significant support with relocating unaccompanied children, in both 2020 and 2021, and welcomes the creation of an advisory commission for evaluating the best interests of unaccompanied children. Nevertheless, the Committee is concerned that:



(a) The State party's legislation on immigration and asylum allows the detention of children under certain conditions and in certain circumstances;

(b) The maximum length of detention for families with children was extended from three to seven days;

(c) Removal orders are enforced in violation of the rights and dignity of children, including at school;

(d) Article 20 (4) of the asylum law allows the use of medical tests, including bone tests, which have been found to be unreliable for carrying out age assessments of asylum-seeking persons;

(e) The advisory commission responsible for determining the best interests of the child in the context of the return of unaccompanied children is not independent or neutral and is composed of actors who are responsible for carrying out returns;

(f) There appears to be a lack of a system in place to provide adequate care for unaccompanied children who do not apply for international protection;

(g) Unaccompanied children change accommodation once or twice, sometimes being placed together with adults, before being accommodated in a specialized reception centre for unaccompanied children, sometimes without the prior consent of the child.

**29. With reference to the Committee's general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, and to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to immediately:**

**(a) Ensure non-custodial solutions, including foster care and accommodation in specialized open reception centres, for unaccompanied children or for children with their families;**

**(b) Continue to work with great caution in terms of removals targeting families with children in school;**

**(c) Develop a standard protocol on age-determination methods that is multidisciplinary, reliable, respectful of children's rights, and used only in cases of serious doubt about the claimed age; apply the principle of the benefit of the doubt in case of persistent uncertainty; consider documentary or other forms of evidence available and ensure access to effective appeal mechanisms;**

**(d) Strengthen the capacity of the authorities to determine and apply the best interests of the child in asylum and migration-related procedures, including in "Dublin" cases, and ensure that the advisory commission for evaluating the best interests of unaccompanied children becomes an independent multidisciplinary and decision-making body, which includes representatives of non-governmental organizations and competent bodies responsible for unaccompanied migrant children, and ensure that such children have access to effective appeal mechanisms;**

**(e) Establish a special status for the benefit of unaccompanied children who do not apply for international protection, including by providing them with long-term solutions;**

**(f) Provide the resources necessary to prevent unaccompanied children from being placed in centres together with adults, and to limit the number of transfers for each child to a minimum.**

#### **Administration of child justice**

30. The Committee notes the State party's information that new draft legislation is being prepared to replace Bill No. 7276 on protecting children in the administration of child justice. The Committee is concerned, however, that:

- (a) Children above the age of 16 can be referred for trial by ordinary courts, and in some cases children's lawyers are appointed by a judge;
- (b) Child protection legislation does not differentiate between child victims of offences and children in conflict with the law;
- (c) The State party has not established a minimum age for the deprivation of liberty of children;
- (d) There is no time limit for detaining children in prison-like conditions in security units (UNISEC), which can be extended into adulthood;
- (e) The law still permits a child to be detained in an adult penitentiary centre;
- (f) Solitary confinement is used frequently for repeated absconding, both for children in socioeducational boarding schools and children in security units;
- (g) There is no systematic re-examination of temporary placements in socioeducational boarding schools.

31. **With reference to its general comment No. 24 (2019) on children's rights in the child justice system, and other relevant international and regional standards, including the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

- (a) **Accelerate the adoption of a new draft law aimed at protecting children in the child justice system, and address the shortcomings enumerated above;**
- (b) **Ensure that all children below the age of 18 years, without any exceptions, alleged to have infringed, or accused of or recognized as having infringed, criminal law are treated within the child justice system by specialized judges with appropriate education and training, prioritizing diversion, restorative justice and reintegration, and ensuring all procedural rights, including the support of a specialized lawyer, allowing choice from an accessible list as far as possible, or appointed by the bar association;**
- (c) **Take measures to separate protection measures aimed at child victims or children at risk of becoming victims of offences and measures aimed at children in conflict with the law, taking into account the best interests and rights of the children affected.**
- (d) **Establish a minimum age for deprivation of liberty of children;**
- (e) **Ensure that detention, including in prison-like conditions in security units, is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal, and completely ban the possibility of transferring a child to an adult prison or penitentiary centre;**
- (f) **Ensure that solitary confinement is not used for a child, and that any separation of the child from others is for the shortest possible time and is used only as a measure of last resort for the protection of the child or others, in the presence of, or under the close supervision of, a suitably trained staff member;**
- (g) **Take measures to ensure that placements in socioeducational boarding schools are re-examined regularly with the aim of reconsidering and terminating such placements.**

## **J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

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

32. **The Committee welcomes the measures taken by the State party to implement the recommendations contained in its concluding observations of 3 June 2016 on the**

State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography,<sup>8</sup> in particular the development of training courses for professionals working in this area, and the adoption of the Act of 28 February 2018 on strengthening measures to combat the exploitation of prostitution, and procuring, and trafficking in human beings for sexual purposes. With reference to its 2019 guidelines on the implementation of the Optional Protocol, and recalling its previous recommendations, the Committee recommends that the State party:

(a) Strengthen its efforts to ensure that prevention efforts also target children in vulnerable and marginalized situations, including asylum-seeking and refugee children, as well as children affected by migration situations;

(b) Establish specialized mechanisms and procedures for the identification of children at risk of becoming victims of the offences covered in the Optional Protocol, in particular among children in vulnerable situations, and strengthen prevention programmes and the protection of potential victims;

(c) Ensure that the national legislation provides for definitions of "sexual exploitation of children in prostitution" and "commercial distribution of child abuse materials" in accordance with article 2 (b) and (c) of the Optional Protocol;

(d) Criminalize improperly inducing consent, as an intermediary, for the purpose of illegal adoption, in conformity with article 3 (1) (a) (ii) and article 5 of the Optional Protocol;

(e) Ensure that all children under the age of 18 are fully protected by the Criminal Code;

(f) Increase in-country expertise to ensure that specialized services, adequate support and age-appropriate information are provided to child victims of crimes under the Optional Protocol in a language they understand;

(g) Take the measures necessary to facilitate and increase access to appropriate accommodation for child victims of offences, particularly for children in the most vulnerable situations;

(h) Increase legal and psychological training opportunities for all professional groups responsible for assisting child victims and likely to come into contact with child victims of any of the offences covered in the Optional Protocol.

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

33. The Committee commends the State party for its work on protecting students, teachers and schools during armed conflict abroad and for its endorsement of the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. It recalls its previous concluding observations<sup>9</sup> and its concluding observations on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict<sup>10</sup> and recommends that the State party:

(a) Formally criminalize the recruitment of all children in hostilities;

(b) Continue its efforts to cooperate with other States in order to prevent recruitment of children in armed conflict and to rehabilitate and integrate children involved in armed conflicts.

<sup>8</sup> CRC/C/OPSC/LUX/CO/1.

<sup>9</sup> CRC/C/LUX/CO/3-4, para. 48.

<sup>10</sup> CRC/C/OPAC/LUX/CO/1.

## **K. Ratification of international human rights instruments**

34. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) International Convention for the Protection of All Persons from Enforced Disappearance.

## **L. Cooperation with regional bodies**

35. The Committee recommends that the State party continue its active collaboration with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

36. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

37. The Committee recommends that the State party strengthen its Interministerial Human Rights Committee established to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from the mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Consultative Human Rights Commission of Luxembourg and civil society.

### **C. Next report**

38. The Committee invites the State party to submit its seventh periodic report by 5 April 2026 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>11</sup> and should not exceed 21,200 words.<sup>12</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

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<sup>11</sup> CRC/C/58/Rev.3.

<sup>12</sup> General Assembly resolution 68/268, para. 16.

39. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>13</sup> and paragraph 16 of General Assembly resolution 68/268.**

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<sup>13</sup> HRI/GEN/2/Rev.6, chap. I.