



Distr.

GENERAL

CRC/C/OPAC/LUX/1

6 November 2006

ENGLISHOriginal: FRENCH

Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

Initial reports of States parties due in 2006

LUXEMBOURG*

[26 September 2006]

Introduction

1. This document is the first report that Luxembourg has submitted to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Protocol was adopted by the United Nations General Assembly on 25 May 2000 and entered into force on 22 February 2002. Luxembourg signed the Protocol on 8 September 2000 in the run-up to the World Summit for Children, held in New York in May 2002, and ratified it on 4 August 2004.

2. The Government of Luxembourg has the honour to submit this report to the Committee on the Rights of the Child under article 8, paragraph 1, of the Protocol. The report should be read together with the core document constituting the first part of the reports of Luxembourg. It covers legislation in force as at August 2006.

3. For many years, Luxembourg has been spared any domestic armed conflict and its membership of the United Nations and of the European Union enables it to thrive in an area of liberty, peace and security. As a founding member of both the European Union and the United Nations, Luxembourg's foreign policy is firmly grounded in an effective multilateral framework. Luxembourg also participates in the work of the main agencies and autonomous organizations of the United Nations system, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organization (ILO), the World Food Programme (WFP), the International Monetary Fund (IMF) and the World Bank.

4. Its commitment to human rights, freedom and democracy has in recent years led it to participate in operations outside its territory and in peacekeeping forces under the auspices of the United Nations or other international or regional organizations of which it is a member. As a result of its commitment to peacekeeping around the world, which includes the prevention and resolution of armed conflict, it plays a very active role in international cooperation efforts and programmes in general and in international events devoted to the problems of children involved in armed conflict in particular.

5. As a member of the European Union, and particularly during its presidency of the European Union, Luxembourg is involved in implementing the guidelines adopted by the European Union in December 2003.

6. This report was prepared in cooperation with the various government departments concerned and will be made available on the website of the Ministry of Foreign Affairs. It reflects the Government's general approach to the promotion and protection of the rights of the child - a cause that meets with the overwhelming approval of all government authorities, civil society and the general public.

Article 1

7. Article 1, by requiring that States parties take all feasible measures to ensure that members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities, marks a step forward in international law, as the 1989 Convention on the Rights of the Child merely requires States parties to take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities, in particular by refraining from recruiting them into their armed forces.

8. Members of Luxembourg's armed forces participate in peacekeeping operations on a voluntary basis. Any soldier who wishes to participate in a peacekeeping operation must volunteer to do so, and the Armed Forces Chief of Staff has been instructed to select only candidates who are at least 18 years old.

9. The Chief of Staff has no particular instructions with regard to participation in military defence operations. However, insofar as there is an age limit for peacekeeping operations, this principle holds a fortiori for war operations too.

10. The Act of 20 December 2002, amending the Military Organization Act clearly prohibits the involvement of volunteer soldiers under the age of 18 either in operations of collective or common defence or in peacekeeping operations. Volunteer soldiers under 18 years of age no longer have combatant status.

Article 2

11. By raising from 15 to 18 the age at which children can be compulsorily recruited, article 2 goes further than article 38, paragraph 3, of the Convention on the Rights of the Child. From now on, each State party must ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

12. As Luxembourg abolished compulsory military service in 1967, no one can be compulsorily recruited for military service.

Article 3

13. Young girls and boys must be at least 17 years of age to be enlisted as volunteers in the Luxembourg army. Seventeen-year-olds make up roughly 20 per cent of applicants.

14. The minimum age of 17 is set out in article 3, paragraph 3, of the amended Grand Ducal Regulation of 22 September 1967 defining the status of volunteers in the army. This is a legally binding provision, as is the consent of the parents or legal guardian of all volunteers.

15. In accordance with the entry requirements for volunteers, any application by a minor must be authorized by his or her legal representative(s). This is a strict requirement enshrined in law and brooks no exceptions.

16. The consent of the person's parents or legal guardian, the information provided to candidates during the selection process, checks on the person's civil status and police inquiries are all safeguards that ensure that the recruitment of a 17-year-old is genuinely voluntary.

17. In accordance with the provisions of the amended Military Act of 2 August 1997, any recruitment for a peacekeeping operation is voluntary. According to the legislation in force, the general staff will only accept volunteers who are at least 18 years old to participate in an operation.

18. The Army School is a secondary-level technical institution that trains army volunteers to do the public-service jobs reserved exclusively for them or to which they have priority access.

19. Since 2002, army volunteers attending classes on an optional basis after 24 months of service have been permitted to complete their general studies.

20. Pursuant to article 3, paragraph 2, of the Protocol, the Government of Luxembourg made the following declaration when depositing its instrument of ratification:

"The Government of the Grand Duchy of Luxembourg declares that, in accordance with article 3 of the Protocol, the minimum age at which voluntary recruitment to the army of Luxembourg shall be permitted is 17 years.

The following principles shall be observed in recruiting persons aged 17 years:

1. Recruitment shall be on a voluntary basis.

2. Voluntary recruits under the age of 18 must have the written consent of their parents or legal guardian.

3. Voluntary recruits under the age of 18 may not take part in the following military operations:

(1) At the national level:

(a) The defence of the Grand Duchy's territory in the event of armed conflict.

(2) At the international level:

(a) Contributing to the collective or common defence within the framework of the international organizations of which the Grand Duchy is a member;

(b) Taking part within such a framework in humanitarian and evacuation missions, peacekeeping missions, and combat missions for crisis management, including peacemaking operations.

4. Voluntary recruits shall be fully informed, prior to their recruitment, of the duties connected with military service.

5. Voluntary recruits may withdraw from their military service at any time."

Article 4

21. In Luxembourg there are no armed groups that are distinct from the armed forces of the State.

Article 5

22. The international instruments and norms of international humanitarian law applicable in Luxembourg that are more conducive to the realization of the rights of the child than the provisions of the Protocol include the following:

The Convention on the Rights of the Child of 20 November 1989, ratified on 7 March 1994;

The International Covenant on Civil and Political Rights of 16 December 1966, ratified on 18 August 1983;

The International Covenant on Economic, Social and Cultural Rights of 16 December 1966, ratified on 18 August 1983;

The Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, ratified on 3 September 1953;

The Rome Statute of the International Criminal Court: by virtue of the Act of 14 August 2000 adopting the Rome Statute of the International Criminal Court, done in Rome on 17 July 1998, Luxembourg approved the Statute of the International Criminal Court, a permanent and independent court set up to try crimes which, by their gravity, are a matter of concern to the whole international community;

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

Luxembourg is a party to the four Geneva Conventions of 1949 and to their Additional Protocols of 1977.

Article 6

23. The Act of 20 December 2002 adapted Luxembourg's military legislation to the requirements of the Optional Protocol.

24. The Act opening up the military profession to European citizens and withdrawing combatant status from volunteers under 18 years of age, amending the Military Organization Act of 23 July 1952 as amended by the Act of 2 August 1997 on the reorganization of the army and amending the Act of 27 July 1992 on the participation of the Grand Duchy of Luxembourg in peacekeeping operations within the framework of the international organizations, contains the following provisions:

"Within the limits on conscription set out in article 20 below, any citizen of Luxembourg can serve as a volunteer and any European citizen as a volunteer soldier, if they are at least 17 years old and fulfil the conditions for recruitment to be set out in the grand ducal regulations provided for in the aforementioned article 20.

Prospective volunteers from Luxembourg and European citizens applying to be volunteer soldiers who are under the age of 18 must have the consent of their parents or legal guardian.

Army volunteers under the age of 18 cannot take part in military operations that fall within the scope of the army missions listed in article 2, paragraphs 1, 2 (a) and 2 (b)."

25. The current administrative measures or regulations are hereby replaced by a provision having legal force. Volunteer soldiers under the age of 18 no longer have combatant status.

26. As far as physical and psychological recovery is concerned, minors are entitled to assistance from existing medical and psychological institutions.

Article 7 - Operational issues

27. Luxembourg has always been deeply concerned by the involvement of children in armed conflicts, particularly in the context of its general efforts to promote rights relating to child protection in international forums.

28. During the last decade, the international community has begun to attach particular importance to the situation of children affected by armed conflicts. The creation of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict has focused international attention on the issue.

29. In 1996, the delegation of Luxembourg to the United Nations General Assembly actively participated in drawing up the draft resolution on the rights of the child, which created the mandate of the Special Representative.

30. After an initial contribution - in 1999 - of €200,000 to the voluntary fund, Luxembourg has continued to contribute to the funding of this office through an annual contribution of €25,000.

31. In May 2002, Luxembourg participated, at the ministerial level, in the United Nations Special Session on Children.

32. During its presidency of the European Union, Luxembourg emphasized the implementation of the European Union guidelines on children in armed conflicts adopted by the European Union in December 2003.

33. In addition, Luxembourg has regularly financed projects for the protection of children in armed conflicts. Particularly worthy of notice are Luxembourg's support for a UNICEF project on child soldiers in Burundi and its regular contributions to the non-governmental organizations Coalition to Stop the Use of Child Soldiers and Save the Children.

34. Among the projects run by non-governmental organizations co-financed by the Development Cooperation Directorate, the following concern children in armed conflicts:

ECPAT/2005/001: “Together against the trafficking and sexual exploitation of children around the world.” Support for activities in the field of protection, prevention and socio-educational support for children: 26 countries in Asia, Africa and the Caribbean, 2005-2008. The project aims, through capacity-building and networking among local associations, grass-roots organizations and institutional actors, to enable multidisciplinary, coordinated action to combat the sexual exploitation affecting thousands of children and young people in the most sensitive regions of Asia, Africa and the Caribbean. Total budget: €2,243,142, of which the Ministry of Foreign Affairs contributed €1,000,090.67;

ECPAT/2006/001: IMTIZAJ (“United we stand”) national project covering six areas : Lahore, Rahimyar Khan, Peshawar, Quetta, Islamabad/Rawalpindi and Karachi, Pakistan (2006-2008) . The project’s overall objectives are: the implementation and protection of the rights of children and young people; the alleviation of poverty among children and young people; sustainable improvements in their living conditions and education; the creation of a social institutional and legislative environment that is conducive to the development of children and young people; and the reduction of their vulnerability to all forms of abuse, exploitation and trafficking, sexually transmitted diseases and AIDS, and the risk of rural exodus and migration. Total budget: €2,350,000, of which the Ministry of Foreign Affairs contributed €361,662.67;

IFBV/2005/001: “Assistance to disabled children and the children of families impoverished by conflict, Zababdeh-Jenin, occupied Palestinian territories” (2006). The project’s overall objective is to improve the situation of disabled and impoverished children in the occupied territories on the West Bank through therapeutic sessions for the disabled children and various training courses for the children of poor families. Total budget: €58,143.07, of which the Ministry of Foreign Affairs contributed €43,607.30;

EDE/2005/002: “Support for the Genesis Foundation centre for displaced children in the city of Soacha, Colombia” (2006-2007). The project’s overall objective is to provide children from Soacha with protection, to improve the education of internally displaced children and to improve the living conditions of families. This project aims to support, train and provide psychological and educational assistance to 275 displaced children and their families who are adapting to a new life in conditions of extreme insecurity. Total budget: €138,094.14, of which the Ministry of Foreign Affairs contributed €92,062.76.

Framework agreement

35. Of the 15 development NGOs from Luxembourg whose relationship with the Ministry of Foreign Affairs is regulated by a framework agreement, only two are as yet working on projects protecting exclusively children in conflict situations - the diocesan charity Briderlech Deelen and the Fondation Caritas Luxembourg, which formed a consortium to implement the projects mentioned below:

Youth centre in Ljubija, Bosnia and Herzegovina (2004-2006): the aim of this project is to create a platform allowing young people from different ethnic groups to meet and work together towards a peaceful multi-ethnic society. Total budget: €31,365, of which the Ministry of Foreign Affairs contributed €25,092;

Social reintegration of demobilized child soldiers, Ruyigi, Burundi (2004-2006): the objective is to provide psychological and social support and training to between 300 and 500 demobilized child soldiers, by supporting Maison Shalom, a specialized centre for child soldiers (of whom there are 14,000 in Burundi alone). Total budget: €473,893, of which the Ministry of Foreign Affairs contributed €379,116;

Living a life of peace and non-violence on a daily basis in underprivileged districts of Bogotá, Colombia (2004-2006): this project, which is run by mothers, aims to introduce a new mindset among young people and their friends that will help build a culture of peace in a country that has been at war for more than 40 years. Total budget: €150,000, of which Ministry of Foreign Affairs contributed €120,000;

Sensitization to a culture of peace and friendship at the youth centre in Ghebale, Lebanon (2004-2006): in a country where the scars of civil war are still visible, this centre works to improve relations between different ethnic and religious groups by organizing meeting for young people and promoting a culture of peace. Total budget: €30,000, of which the Ministry of Foreign Affairs contributed €24,000;

“Noyau de paix” - support programme for initiatives to promote and maintain peace in Rwanda (2004-2006): as a part of the policy of national reconciliation and peacebuilding, this programme aims to support the activities of local associations, in particular young people’s associations working to promote peace. Total budget: €110,000, of which the Ministry of Foreign Affairs contributed €88,000.

Multilateral cooperation

36. Through its voluntary contribution to the budget of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Luxembourg participates in multilateral cooperation programmes implemented in the occupied territories, including projects for children from conflict areas. This contribution amounted to €1.7 million in 2005 and €1.75 million in 2006.
