

REPORTS TO TREATY BODIES

Committee on the Rights of the Child

Luxembourg's initial report (CRC/C/41/Add.2, July 1996; CRC/C/Q/LUX/1) was considered by the Committee at its June 1998 session. The report prepared by the government is exhaustive, and reviews historical developments as they relate to the protection of children. Contemporary information is provided on, *inter alia*: the Protection of Young People Act 1992; amendments to the Civil Code corresponding to provisions of the Convention; the Working Group on Promotion of the Rights of the Child; the establishment of a Children and Family Section in the Ministry of the Family in 1995; the function and role of the Luxembourg Committee on the Rights of the Child, and measures related to the social protection of children; the definition of the child and minimum age levels; non-discrimination provisions in the Civil and Criminal Codes; measures to protect the best interests of the child; name and nationality; freedom of expression, access to appropriate information, the Supervision of Public Cinema Theatres and Cinema Performances Act 1922. The report also contains information on: protection of privacy; principles and measures related to social security and social assistance, and the implications for children, the Poverty Act 1986, the National Solidarity Fund; family environment and alternative care, guardianship arrangements; measures related to children deprived of a family environment; protection against mistreatment — for example, abuse, neglect, abandonment, prostitution, corruption, hotline services for children; measures and programmes related to children with disabilities; basic health and welfare; education, access to education, the education system; the administration of juvenile justice and children in conflict with the law; special protection measures; and sexual exploitation and abuse.

The Committee's concluding observations and comments (CRC/C/15/Add.92) welcomed the existence of the Youth Parliament and its involvement in discussions regarding the proposed law to establish a committee functioning as an Ombudsperson.

The principal subjects of concern identified by the Committee included, *inter alia*: the need for amendments to domestic legislation and enactment of new laws to implement fully the principles and provisions of the Convention, as well as the slow pace for the adoption of proposed appropriate amendments; the failure to adopt a comprehensive policy to promote and protect children's rights; the absence of a strong coordination and monitoring mechanism; the failure to formalize the project to establish a Luxembourg Committee on Children's Rights as an independent monitoring mechanism; that insufficient measures have been taken to provide adequate training on children's rights to all professional groups working with and for children; the absence of a law which fully covers all the grounds related to non-discrimination; that children born out of wedlock may still suffer different forms of discrimination and stigmatization, particularly from the use of the terms "legitimate" and "illegitimate"

in the Civil Code; and that the right of children to know their parents are denied to children born anonymously ("under x"), even if this right is proven to be in their best interests.

The Committee expressed concern over: the lack of legislation to protect children from exposure to violence and pornography through video movies and other modern technologies, most prominently the Internet; the fact that possession of pornographic material, including that involving children, is not an offence; failure specifically to prohibit by law the use of corporal punishment within and outside the family; the fact that legislation does not cover all existing forms of placement, and regular and independent monitoring and periodic review of placement are not systematically undertaken; the placement of children in care institutions in neighbouring countries due to lack of facilities and trained professionals in the country; the apparent failure to ensure that intercountry adoption does not result in improper financial gain for those involved in it; provisions in the Penal Code restricting its protection from all forms of abuse and neglect to children under 14 years of age; the unclear status of implementation of the 1994 law on school inclusion for children with disabilities; the noticeable reduction in the rate of breast-feeding following the first month of birth; the short maternity leave period and failure to implement fully the International Code for Marketing of Breast Milk Substitutes; the rate of suicides among young people and that suicides have occurred among young people when in detention; the increase of drug and alcohol abuse among youth; the insufficient measures taken to introduce human rights education, including the rights of the child, into the school curricula in a systematic manner; the existence of child prostitution and the involvement of children in international prostitution networks; the fact that it is not illegal for children above 16 to get involved in prostitution; and, with regard to the administration of juvenile justice, the fact that children aged between 16 and 18 may be referred to ordinary courts and judged as adults, juveniles may be detained with adults in ordinary prisons, the virtual absence of educational opportunities, and long periods of isolation in cells.

The Committee recommended that the government, *inter alia*:

- ♦ take all necessary measures, on a priority basis, to ensure that domestic legislation is in full conformity with the provisions and principles of the Convention;
- ♦ adopt a comprehensive strategy for children; envisage the establishment of a permanent mechanism of coordination, evaluation, monitoring and follow-up for policies aimed at the protection of the child; continue efforts to establish an independent monitoring body, such as an Ombudsperson;
- ♦ continue to disseminate the Convention in appropriate languages to adults and children alike and continue awareness-raising, education and training programmes about the Convention for professional groups working for and with children;