

For participants only

CRC/C/Q/LUX.1  
30 January 1998

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD  
Eighteenth session  
Pre-sessional Working Group  
26-30 January 1998

IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with  
the consideration of the initial report of Luxembourg  
(CRC/C/41/Add.2)

General measures of implementation  
(Arts. 4, 42 and 44)

1. In light of the recommendations adopted in the Declaration and Plan of Action of the World Conference on Human Rights, has the State party considered the possibility of reviewing its reservations to the Convention with a view to their withdrawal?
2. With regard to information provided in paragraph 61 of the report, please further clarify the status of the Convention vis-a-vis national law. Please further indicate if all the provisions of the Convention can be invoked in courts and, if so, provide some examples.
3. Please indicate whether a study has been undertaken to review national legislation and its compatibility with the provisions and principles of the Convention on the Rights of the Child. With regard to information provided in paragraph 55 of the report, please also indicate the conclusions and recommendations, if any, resulting from the Working Group ~~APromotion of Children's Rights@~~ Furthermore, please indicate the current status of the four draft laws that have been proposed by the Chamber of Deputies for adoption (para. 64).
4. Please provide further information on existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities.
5. Please indicate what measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, army officials, civil servants including at the local level, personnel working in institutions or places of detention for children, health personnel including psychologists and social workers, about the Convention on the Rights of the Child. In addition, please indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations and the mass media, as well as the public at large including children themselves.

6. Please indicate if the Convention has been translated in Luxembourgish and if it is easily accessible to the general public in French and German. Please also provide an update of the activities and measures undertaken by the State party to disseminate the Convention. In addition to information provided in paragraph 90 of the report, please further indicate measures taken to ensure wide distribution of the initial State report (whether it has been translated in German and Luxembourgish, and if it has been made available to professionals working for and with children, non-governmental organizations as well as the public at large).

- 2 -

Definition of the child  
(Art. 1)

7. Please indicate the legal minimum age for criminal responsibility.

General principles  
(Arts. 2, 3, 6 and 12)

8. In light of article 2 of the Convention, please explain what measures the State party has taken to prevent and combat all forms of discrimination against foreign children, children with disabilities and children born out of wedlock (para. 184). Does the legislation still use the terms Allegitimate/natural or Allegitimate?

9. Please provide further information on the ways the principle of the Best interests of the child (art. 3) is reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of this principle by courts and/or administrative bodies at both central and local levels.

10. With regard to information provided in paragraphs 119 to 120 of the report, please further indicate the measures undertaken by the authorities to implement concretely existing legal provisions that integrate the principle of the Respect for the views of the child (art. 12). What measures have been taken to further sensitize professional groups and public opinion to the need to encourage children's participatory rights?

Civil rights and freedoms  
(Arts. 7-8, 13-17 and 37(a))

11. Please provide information on the laws, policies and practice with regard to the right of the child to a name and nationality as well as the legal and other measures guaranteeing the preservation of the child's identity (arts. 7 and 8 of the Convention). Please also indicate the existing measures to ensure the right of the child to acquire a nationality in case he/she would otherwise be stateless.

12. With regard to information provided in paragraph 150 of the report, please indicate the current status of the draft law to protect children from being exposed to violence and pornography through video movies and electronic media. In this regard, please also provide details, if any, concerning existing or foreseen transnational cooperation and regional

initiatives.

13. Please provide information on the existing specific legal provisions to protect children from being abused, including sexually, and ill-treated within the family, in schools and in other institutions. Are there complaints procedures which can be used by children themselves against such abuses? Have any cases of ill-treatment of children been submitted to the national courts?

14. Please specify if corporal punishment in the family, in care and other institutions, is explicitly prohibited by the law.

Family environment and alternative care  
(Arts. 5, 18 para. 1 and 2, 9, 10, 27 para. 4,  
20, 21, 11, 19, 39 and 25)

15. With regard to information provided in paragraphs 304-5 of the report regarding legislation concerning placement, please indicate the current status of the draft law for the promotion of children's rights and for social protection of children. Please also further provide information on the State party's policy regarding placement of children, and if any, existing alternatives to placement.

- 3 -

16. Please provide further information on legislation and practice concerning guardianship rights of parents in case their child is placed in an institution.

17. Please indicate whether the domestic legislation concerning national and international adoptions covers all provisions of article 21 of the Convention. Please also indicate if the State party is envisaging becoming a State party to the Hague Convention of 1993 on Protection of Children and Cooperation with Respect to Intercountry Adoption.

18. With regard to information provided in paragraph 346 of the report regarding violence against children, please indicate the existing legal provisions protecting children aged between 14 and 18 years old.

Basic health and welfare  
(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3  
and 27 paras. 1-3 of the Convention)

19. Please provide additional information on existing mechanisms, both at central and local levels, to coordinate all health services.

20. Please provide further information on adolescent health problems such as substance abuse, including drugs and alcohol consumption, and suicide. Has any research been undertaken in these areas?

21. Please indicate measures undertaken or foreseen, at national and regional levels, to reduce the impact of environmental pollution on children's health.

Education, leisure and cultural activities  
(Arts. 28, 29 and 31)

22. With reference to article 29 of the Convention, please provide detailed information on the aims of education in the State party. In this regard, please also specify if measures have been taken by the authorities to include human rights education, especially the rights of the child in the school curricula.

23. With regard to information provided in paragraphs 521 and 676 to 682 of the report, please indicate the concrete measures and programmes adopted to implement the 1994 Law on school inclusion for children with disabilities. What are the main achievements and constraints related to the implementation of this law?

24. Please provide further information on policies and measures to increase the participation of children in the educational system, in light of article 12 of the Convention. Additionally, please provide further information concerning the recent establishment of school councils.

Special protection measures

(Arts. 22, 30 and 32-40 of the Convention)

25. Please provide further information, including statistics, on the situation of accompanied and unaccompanied refugee minors. In light of the provisions and principles of the Convention, what type of assistance and support do the authorities provide to such children upon their arrival in Luxembourg? Furthermore, please provide information regarding the domestic laws, policies, regulations, procedures and practices with regard to asylum seekers and child refugees.

- 4 -

26. With regard to the legislation, policies and practices dealing with juvenile justice, please provide further information, in the light of articles 37, 40 and 39 of the Convention, in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

27. With regard to the situation of children in prison, please provide

additional information, in particular, on the following issues:

- the minimum age for imprisonment;
- pre-trial detention;
- the measures taken to ensure the separation of detained children from adults;
- the legal framework for the placement of children in isolation;
- the opportunities for the contact with families;
- the way the conditions in detention centers are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the education, health and social facilities in detention centers.

28. Please explain whether the fact that children aged between 16 and 18 years old can be judged by an ordinary court is compatible with the principles and provisions of the Convention, especially its articles 3 and 40.3. In this regard, please further indicate the criteria used to take such a decision.

29. Please indicate the achievements and constraints of the interministerial working group established to provide appropriate infrastructure to detained children (paras. 763-4).

30. Please provide further information on legal and other measures recently undertaken to combat sexual abuse and sexual exploitation of children, including prostitution, pornography and trafficking. In this regard, please indicate whether the State Party is taking into account the recommendations formulated in the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children.