



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 44 of the Convention

Combined third and fourth periodic reports of States parties  
due in 2010

**Luxembourg\***

[28 June 2010]

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\* The annexes may be consulted in the files of the Secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–9	4
I. General measures of implementation.....	10–45	5
II. Definition of the child.....	46–47	11
III. General principles.....	48–154	12
A. Non-discrimination (art. 2).....	48–76	12
B. The best interests of the child (art. 3).....	77–108	16
C. Right to life, survival and development (art. 6).....	109–122	19
D. Respect for the views of the child (art. 12).....	123–154	20
IV. Civil rights and freedoms.....	155–214	24
A. Name and nationality (art. 7).....	155–158	24
B. Preservation of identity (art. 8).....	159–164	24
C. Freedom of expression (art. 13).....	165–169	25
D. Freedom of thought, conscience and religion (art. 14).....	170–175	26
E. Freedom of association and freedom of peaceful assembly (art. 15).....	176–191	26
F. Privacy (art. 16).....	192–194	28
G. Access to appropriate information (art. 17).....	195–204	28
H. The right not to be subjected to torture or to inhuman or cruel, inhuman or degrading treatment, including corporal punishment (art. 37(a)).....	205–214	30
V. Family environment and alternative care.....	215–277	31
A. Parental guidance (art. 5).....	216–218	32
B. Parental responsibilities (art. 18, paras. 1 and 2).....	219–229	32
C. Separation from the parents (art. 9).....	230–243	34
D. Family reunification (art. 10).....		36
E. Recovery of maintenance for the child (art. 27, para. 4).....	244–245	36
F. Children deprived of their family environment (art. 20).....	246–249	36
G. Adoption (art. 21).....	250–252	37
H. Illegal travel and non-return (art. 11).....		38
I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39).....	253–271	38
J. Periodic review of placement (art. 25).....	272–277	41
VI. Basic health and welfare.....	278–458	41
A. Survival and development (art. 6, para. 2).....	281–282	42
B. Children with disabilities (art. 23).....	283–316	43

C.	Health and health services (art. 24).....	317–373	48
D.	Social security and childcare services and facilities (arts. 26 and 18, para. 3).....	374–432	60
E.	Standard of living (art. 27, paras. 1–3) (art. 27.3: Material assistance and support programmes, particularly with regard to nutrition, clothing and housing).....	433–458	72
VII.	Education, leisure and cultural activities.....	459–596	75
A.	Education, including vocational training and guidance (art. 28) and		
B.	The aims of education (art. 29), including as regards the quality of education .....	469–556	78
C.	Rest, leisure, recreation and cultural and artistic activities (art. 31) .....	557–596	87
VIII.	Special protection measures.....	597–702	95
A.	Children in emergency situations.....	597–621	95
B.	Children in conflict with the law .....	622–667	100
C.	Children victims of exploitation, including physical and psychological recovery and social reintegration (art. 39) .....	668–672	106
D.	Children belonging to a minority or an indigenous group (art. 30) .....		107
E.	Children living or working on the streets .....	673–702	107
IX.	Optional protocol on the involvement of children in armed conflict .....	703	112
X.	Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography .....	704–712	113

## Annexes

## Introduction

1. By the Act of 20 December 1993, Luxembourg ratified the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989.

2. Pursuant to article 44 of the Convention, States parties have undertaken to submit to the Committee on the Rights of the Child an initial report and periodic reports every five years on child rights.

3. The Luxembourg Government has submitted the following reports to the Committee on the Rights of the Child:

- 1996 initial report on the rights of the child;
- 2002 second periodic report;
- 2010 third and fourth reports submitted as a single combined report.

4. The present report therefore embodies the combined third and fourth reports on the implementation of the Convention on the Rights of the Child under article 44.1(b) of the Convention. It sets out the principal measures adopted by the Grand Duchy of Luxembourg to give effect to the rights recognized in the Convention and the progress made with respect to the enjoyment of those rights from 2002 to December 2009.

5. The present report was prepared by the Department of Children's Rights of the Ministry of Family Affairs and Social Integration on the basis of written submissions from the following departments:

- Ministry of Family Affairs and Social Integration;
- Ministry of Foreign Affairs;
- Ministry of Justice;
- Minister of National Education and Vocational Training;
- Ministry of Health;
- Ministry of Housing;
- Ministry of Social Security;
- Ministry of Equal Opportunities;
- Ministry of Sustainable Development and Transport Infrastructure: Department of Transport.

6. Each section of the report addresses the recommendations of the Committee on the Rights of the Child in its concluding observations on the second periodic report of Luxembourg (CRC/C/15/Add.250), follow-up actions implemented on the basis of the 2005 recommendations and other measures adopted by the Government, in consultation with the communal authorities and associations, in the context of that section from 2002 to 2009.

7. An annex contains the main legislation.

8. All nouns in the masculine form in the text refer to both the feminine and the masculine.

9. The present report will be published on the website of the Ministry of Family Affairs and Social Integration and distributed in printed form to the relevant government departments, communal administrations and associations working for child rights.

## I. General measures of implementation

### Recommendations of the Committee:

- Review of reservations with a view to their withdrawal, with a timetable where appropriate, reservations concerning the upbringing in the marital home of children born out of wedlock, the parentage of children born of incestuous relationships, termination of pregnancy, anonymous childbirth and the freedom of association of minors;
- Comprehensive national plan of action for children.

### Development aid and humanitarian aid to children

10. “Luxembourg’s development cooperation programme is firmly committed to the goal of eradicating poverty, especially in the least developed countries. Its activities are conceived from the standpoint of sustainable development, covering social, economic and environmental aspects – focusing on men, women and children. They are a priority for achieving – by 2015 – the targets of the Millennium Development Goals. (...) the key areas of intervention of cooperation are in the social field: health, education, including job training and placement and integrated local development. Relevant initiatives in the field of micro finance are encouraged and supported, at both conceptual and operational levels.”<sup>1</sup>

11. Of the eight Millennium Development Goals adopted by the United Nations in the year 2000, six are particularly relevant to the child: Goal 1: Eradicate extreme poverty and hunger, Goal 2: Achieve universal primary education, Goal 3: Promote gender equality and empower women, Goal 4: Reduce child mortality, Goal 5: Improve maternal health, and Goal 6: Combat HIV/AIDS, malaria and other diseases.

12. Most of the cooperation efforts undertaken by Luxembourg with a view to contributing to the achievement of the Millennium Development Goals therefore aims to promote child rights, relating notably to articles 24 (survival and health) and 28 (education) of the 1989 Convention on the Rights of the Child. Cooperation takes four forms: bilateral cooperation, multilateral cooperation, cooperation through non-governmental organizations (NGOs) and humanitarian action.

13. It is obviously difficult, if not impossible, to quantify the exact proportion of children among the beneficiaries of all cooperation activities. Based on the guidelines for the preparation of periodic reports, we therefore take into account below only the activities pertaining solely to child rights and the activities designed principally to implement the 1989 Convention, particularly in the fields of health, nutrition, education and vocational training.

### Bilateral cooperation

14. Although children (young people and adolescents) are not the sole beneficiaries of each project implemented through bilateral cooperation, they are nevertheless among the

<sup>1</sup> See Luxembourg cooperation – strategies and principles <http://cooperation.mae.lu/fr/Politique-de-Cooperation-et-d-Action-humanitaire> (in French).

main ones. Between 2005 and 2009, 70 bilateral projects, costing €421,264,155, were implemented primarily under the multi-annual Cooperation Target Programmes (PICs) that Luxembourg is conducting jointly with its partner countries in Africa,<sup>2</sup> Latin America<sup>3</sup> and Asia.<sup>4</sup> These projects cover the following fields:

- Health, access to basic health services and combating HIV/AIDS (39 projects costing €231,339,448);
- Job training and placement and employment promotion (20 projects costing €121,434,697);
- Basic education (8 projects costing €45,435,760);
- Poverty reduction with a focus on families, children and young people (2 projects costing €22,054,250);
- Development of local governance (strengthening municipal institutions dealing with young people) (1 project costing €1,000,000).

15. Examples of bilateral cooperation:

- In Vietnam, Luxembourg development cooperation supports the national immunization programme. This programme was designed to protect children against highly contagious and lethal diseases.<sup>5</sup> Today, 96 per cent of children under five are immunized and infant mortality has fallen by 50 per cent since 1990. This programme has eradicated polio and neonatal tetanus in Vietnam.
- In El Salvador, through its cooperation efforts, Luxembourg supports the expansion of educational coverage and the improvement in the standard of basic education in primary schools in several regions through the construction and renovation of classrooms, provision of furniture and equipment and training of staff in new teaching methodologies.
- In Cape Verde, through its cooperation efforts, Luxembourg has supported the development and institutionalization of a school health service, enabling the health of some 145,000 students to be monitored at preschool, primary and secondary levels and helping to train over 7,800 national teaching staff to that end. Similarly, the proportion of schools with sanitary facilities increased from 56 to 80 per cent.

### **Multilateral cooperation**

16. For the promotion and protection of child rights, Luxembourg's most significant multilateral cooperation partner is the United Nations Children's Fund (UNICEF), with which it signed a framework agreement of indefinite duration in May 2004.

17. From 2005 to 2009, annual contributions (voluntary and thematic) to UNICEF more than doubled from €2,132,395 to €5,100,000. Through its voluntary contributions to the core budget, Luxembourg supports the smooth running of the Fund. Thematic contributions relate to two priorities of the UNICEF work programme: the fundamental right to education and the survival and development of young children. In 2008, Luxembourg contributed

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<sup>2</sup> Cape Verde, Senegal, Mali, Niger, Burkina Faso, Namibia.

<sup>3</sup> Nicaragua, El Salvador.

<sup>4</sup> Vietnam, Laos.

<sup>5</sup> Tuberculosis, tetanus, diphtheria, typhoid, measles, pertussis and hepatitis B.

more than €6.4 million to UNICEF, including through specific projects and notably in our partner countries.

18. UNICEF is not the country's only multilateral cooperation partner whose work benefits children, however. Children also benefit from programmes implemented by our other main multilateral cooperation partners, such as the United Nations Population Fund (UNFPA) and the World Health Organization (WHO).

19. Between 2005 and 2009, 16 projects focused directly on the needs of children and young people were funded to the tune of €17,626,777.

#### **Cooperation with NGOs**

20. Of the 89 non-governmental organizations (NGOs) working in the field of development which are approved by the Ministry of Foreign Affairs, most work in social sectors benefiting children in particular. Based on their relevance to the report, we list below only the NGOs working specifically for the realization of child rights:

- The non-profit NGO *SOS Villages d'Enfants Monde* which relies on a network of SOS Children's Villages associations of southern partner countries to set up children's villages and other development projects (Cape Verde, Senegal, Mali, Niger, Liberia, Guinea Conakry, Nicaragua and Laos).
- The non-profit NGO ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Luxembourg which is committed to combating the sexual exploitation of vulnerable children or victims of exploitation, in partnership with organizations in the South (Bangladesh, Brazil, Chile, Colombia, Guatemala, India, Madagascar, Mali, Mexico, Nepal, Pakistan, Peru and Senegal).
- The non-profit NGO *Aide à l'enfance de l'Inde* works in India and Nepal in the field of social services for children, and the promotion and protection of human rights, particularly for children, women and ethnic minorities.
- The non-profit NGO *Nouvelle Pro Niños Pobres* works to promote child rights, particularly in the areas of education and social services in several Latin American countries.

21. From 2005 to 2009, Luxembourg co-funded more than 26 NGO projects at a cost of €19,006,502.

#### **Humanitarian action**

22. Children are usually the most severely affected by natural disasters and armed conflicts. It is estimated that 50–60 per cent of humanitarian action directly benefits children. Humanitarian action therefore particularly targets children who are refugees, displaced or stateless, unaccompanied, separated from their families or in detention, and children enlisted in armed forces or armed groups. In addition, special attention is paid to the nutrition of children under five and pregnant women, the particularly dangerous situation of girls, and the education of children in humanitarian emergencies and in rehabilitation.

23. In 2009, Luxembourg humanitarian aid supported prevention, protection and assistance activities for children in emergency situations in Sudan, Afghanistan, Colombia, the Occupied Palestinian Territory, Pakistan, West Africa, the Horn of Africa and in the Great Lakes Region.

24. The most significant partners of Luxembourg humanitarian action are the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and the World Food Programme (WFP), with which Luxembourg has concluded multi-annual programmes. Annual contributions to UNHCR, ICRC and WFP now amount to around €20.8 million. These contributions more than doubled from 2002 to 2009, making Luxembourg the top contributor per head of population to these three agencies.

#### **General measures by the Ministry of Foreign Affairs**

25. 2004:

- A voluntary contribution of €20,000 was allocated to the United Nations Secretariat to conduct an in-depth international study on the issue of violence against children.
- The sum of €25,725 was allocated to Save the Children UK, as joint funding for the project Including Roma Children in Primary Education in South Serbia and Vojvodina.
- A voluntary contribution of €15,000 was allocated to the non-governmental organization Coalition to Stop the Use of Child Soldiers.
- The sum of €75,000 was allocated to UNICEF to implement the project Child Soldier Demobilization, Reintegration Social, Recruitment and Prevention in Burundi.

26. 2005:

- A voluntary contribution of €30,000 was allocated to the NGO Defence for Children International.

27. 2006:

- A voluntary contribution of €20,000 was allocated to the non-governmental organization Coalition to Stop the Use of Child Soldiers.
- The sum of €20,000 was allocated to Save the Children UK, as joint funding for the project Roma Children's Right to Education and Protection in Serbia.

28. 2007:

- A voluntary contribution of €25,000 was allocated to the Council of Europe to provide appropriate support to child victims of violence.
- A voluntary contribution of €25,000 was allocated to the non-governmental organization Coalition to Stop the Use of Child Soldiers.
- The sum of €27,358 was allocated to Save the Children UK, as joint funding for the project Roma Children's Right to Education and Protection in Serbia.

29. 2008:

- A voluntary contribution of €30,000 was allocated to the NGO Defence for Children International.
- The sum of €30,000 was allocated to Save the Children UK, as joint funding for the project Roma Children's Right to Education and Protection in Serbia.



30. 2009:

- A voluntary contribution of €30,000 was allocated to the non-governmental organization Coalition to Stop the Use of Child Soldiers.
- A voluntary contribution of €30,000 was allocated to the NGO Defence for Children International.

### **Comprehensive national plan of action for children**

31. The Act of 16 December 2008 on support for children and the family is a major pillar of the overall strategy for children of the Ministry of Family Affairs and Social Integration. The Act establishes a legal framework for child welfare, creates the National Children's Bureau (ONE) and the Higher Council for Support to Children and the Family.

32. One of the main objectives of the Act is to achieve a qualitative leap in support to children and the family. This should help to improve coordination, coherence and continuity of support measures and directly involve young people and families in decisions affecting them. A continuous assessment of the support process will help to demonstrate the effectiveness of the measures taken.

33. Support measures will be coordinated by assistance programme coordination services. In addition to their mission of ensuring the coordination and coherence of the assistance provided to a child or young person, these services also safeguard the rights of the child or young adult and ensure that their development is not jeopardized. The main goal of the action programme coordinator is the welfare of the child; it takes precedence over the welfare of the family system.

34. The mission of ONE is to ensure that this coordination takes place and that the support needed by a child and his or her family is provided, to validate action programmes devised by support services and to monitor and reassess the support measures. Finally, its role is to initiate preventive measures and to act as a one-stop shop for information and guidance to users and support providers.

35. The Act of 16 December 2008 on support for children and the family makes explicit reference to the Convention for the Protection of Human Rights and Fundamental Freedoms and the United Nations Convention on the Rights of the Child when setting the following objectives:

- To promote the fundamental rights of the child: child protection, the organization and delivery of services required for child development and well-being, the prevention of all forms of discrimination or violence, social and cultural participation of the child;
- To specify the missions of the State and communes;
- (To set up a new organization: the National Children's Bureau);
- (The legal foundation of the Higher Council for Support to Children and the Family).

36. Based on the guiding principle of the best interests of the child, the legislator intended to foster support for children, young people and families in distress. The main measures are:

- Support for parents, as the main and preferred players in the harmonious development of their children (arts. 4 and 12);
- A formal ban on all forms of domestic violence (art. 2);

- The right of a child in distress to receive the support required in the circumstances (art. 4);
- Active participation of the child and his or her parents in the organization of support measures (art. 4);
- The upgrading of prevention, promotion of support initiatives in the community and the consequent prevention of far-reaching measures (such as institutional placement) (art. 12);
- The removal from the courts of social support for children in distress by establishing a public system of child support to complement the legal protection structures (art. 5);
- Scientific collection of reliable data on children in distress (art. 6);
- Better coordination of support initiatives devised by the various service providers (art. 11).

### **Child rights awareness campaigns**

37. A number of child rights awareness campaigns have been launched over the years:
- The summer university on child rights was held for four years by the Institut Universitaire Kurt Bösch, the International Institute for the Rights of the Child, the Ministry of Family Affairs and Social Integration and the University of Luxembourg. The training aimed to raise awareness of child rights among professionals working in a field related to children and young people, and students nearing the end of their studies and interested in child rights.
  - The Kannerrechtsweg (child rights path), established in 2006 by the commune of Heinerscheid in cooperation with the Ministry of Family Affairs and Social Integration and the Ministry of Tourism, informs its participants at 10 stations along this path on the various articles of the Convention on the Rights of the Child.
  - The Ministry of Family Affairs and Social Integration takes part every year in the Exhibition of the Child held in Luxembourg City to inform visitors about the various youth services available in Luxembourg.
  - Every year, on the International Day of the Rights of the Child, various events offering games, booths, workshops and events are organized by communes to promote child rights.
  - Posters on child rights were made and distributed to communes, schools and other services for children.
38. From 2002 to 2010, the Ministry of Family Affairs and Social Integration allocated an annual budget of some €50,000 specifically to activities for raising awareness of child rights. Accordingly, a number of campaigns have been carried out each year, each addressing different issues relating to child rights, such as the sexual exploitation of children, adoption, and parental participation and responsibility. There have also been training courses for socio-educational trainers, information brochures and media campaigns.
39. In the context of the 20th anniversary of the Convention on the Rights of the Child, from 9 to 28 November 2009 the Ministry of Family Affairs and Social Integration organized a campaign in cooperation with many organizations involving, protecting and providing services for children (Luxembourg Red Cross, National Youth Service,

Committee on the Rights of the Child-ORK, Janusz Korczak School for Parents, Mediation Centre, General Youth Conference of Luxembourg, UNICEF Luxembourg, Caritas, Inter-Actions, ECPAT Luxembourg, Youth Parliament, *SOS Villages d'Enfants Monde*, etc.).

40. For three weeks, some 30 events (conferences, round tables, exhibitions, film festivals, song contests, short films and photographs, creative workshops, publications, etc.) were offered to professionals in the socio-educational sector and the general public.

#### **Setting-up of an inter-ministerial child rights coordination body**

41. The Higher Council for Support to Children and the Family is an organization that brings together the ministries concerned with child welfare, the courts, service providers, associations representing families, young people and children, along with experts. Its mission is to:

- Advise the Government and the competent ministries on all matters relating to child and family welfare;
- Assess child and family welfare needs;
- Monitor the progress of ONE and service providers working in the field;
- Foster exchange and coordination relationships among providers.

#### **Strengthening human and financial support for the Ombuds-Comité fir d'Rechter vum Kand**

42. The Act of 25 July 2002 established a committee on the rights of the child known as Ombuds-Comité fir d'Rechter vum Kand (ORK).

43. This committee aims to promote and protect the rights of the child as defined in particular in the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989 and ratified by the Act of 20 December 1993.

44. The mission of ORK is to safeguard and promote the rights and interests of children. Among other things, it may deliver its opinion on laws, regulations and bills on child rights; examine situations in which child rights are not respected and make recommendations to the competent authorities for any necessary changes.

45. ORK members perform their duties with complete impartiality and independence, and are appointed by the Grand Duke for five years, renewable once.

## **II. Definition of the child**

46. The definition of the child has not changed since the initial report.<sup>6</sup>

For the definition of the child and the minimum legal age for certain purposes see paragraphs 58–60 of the second periodic report of Luxembourg.

#### **Statistics**

47. Number and proportion of children under age 18.

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<sup>6</sup> See paras. 59-60.

**Children living in Luxembourg on 1 January of the year concerned<sup>7</sup>**

<i>Year</i>	<i>Girls</i>	<i>Boys</i>	<i>Total</i>
2003	51 037	53 626	<b>104 663</b>
2004	51 558	54 350	<b>105 908</b>
2005	52 179	54 989	<b>107 168</b>
2006	52 809	55 720	<b>108 529</b>
2007	53 412	56 379	<b>109 791</b>
2008	53 924	56 893	<b>110 817</b>
2009	54 488	57 566	<b>112 054</b>

**III. General principles****A. Non-discrimination (art. 2)****Recommendations of the Committee:**

- Eliminate any description of children born out of wedlock, which may have a negative or discriminatory connotation;
- Adopt a comprehensive strategy to eliminate discrimination against all vulnerable and minority groups.

**Children born out of wedlock**

48. The bill on parental responsibility, tabled on 11 April 2008, provides that: "With regard to minor children born out of wedlock whose parentage is legally established in respect of the mother and father before the entry into force of this law, the parents may opt for the new rules of joint parental responsibility, making a joint statement before the guardianship judge.

49. The joint statement must be made within one year of the entry into force of the present Act.

50. With regard to minor children born out of wedlock whose parentage is legally established in respect of one parent before the entry into force of this Act, and of the other parent after it enters into force, the parents may opt for the new rules of joint parental responsibility, making a joint statement before the guardianship judge.

51. The joint statement must be made within one year of the establishment of the second parentage after the entry into force of the present Act."

**Equal treatment**

52. The Act of 28 November 2006

- Transposing Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;

<sup>7</sup> <http://www.ork.lu/PDFs/rapport2009.pdf>.

- Transposing Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- Amending the Labour Code and adding a new Title V to Book II on equal treatment in employment and occupation;
- Amending articles 454 and 455 of the Penal Code;
- Amending the Act of 12 September 2003 on persons with disabilities.

53. Transposes in a single text Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

54. These two Directives have laid down standards that must guarantee a common level of protection against discrimination throughout the European Union.

55. The Act strictly prohibits any form of discrimination, direct or indirect, based on religion or belief, disability, age, sexual orientation, actual or supposed membership or non-membership of a given race or ethnic group.

56. With regard to membership or non-membership of a given race or ethnic group, the Act of 27 November 2006 goes further than the European legislator to the extent that it covers this ground for discrimination regardless of whether membership or non-membership of a race or ethnic group is actual or supposed. It is sufficient for the distinction to have been made in a racist spirit.

57. The Act defines direct discrimination and indirect discrimination. Furthermore, the legal system regards harassment as a form of discrimination.

58. The scope of the Act covers employment and occupation, social protection including social security and healthcare, social benefits, education and access to goods and services, and the provision of goods and services, including housing. The ban on discrimination applies in general to a relatively large set of sectors and activities.

59. The burden of proof has been reversed in the sense that the plaintiff must provide the first evidence, facts which raise a presumption of discrimination against him, while the defendant must then prove that there has been no breach of the principle of equal treatment. This is an important tool for combating discrimination.

60. The Act also provides remedies that may be exercised by the person aggrieved by a breach of the principle of equal treatment, or by non-profit organizations. It therefore enhances the remedies available to these organizations by giving them the right to bring legal action in the civil courts. Thus, any countrywide non-profit association constituted for the purpose of opposing discrimination on grounds of race or ethnic origin, which has had legal personality for at least five years on the date on which the acts occurred and has already been approved by the Ministry of Justice, may exercise the rights of a victim of discrimination in civil courts in respect of acts that constitute a violation of article 1 of the Act and that are directly or indirectly harmful to the collective interests that it defends pursuant to its articles of association, even where the existence of a material or moral interest is not established.

61. However, where the offences were allegedly committed against individuals, a non-profit association may not exercise the rights of a victim of discrimination as the principal victim unless the persons concerned state explicitly in writing that they have no objection.

62. Finally, the Act establishes the Centre for Equal Treatment which is responsible, among other things, for delivering opinions and recommendations on issues related to discrimination as covered by the bill concerned, or provide assistance to alleged victims of discrimination. The Centre works fully independently with the aim of promoting, analysing and monitoring equal treatment of all persons without discrimination on the basis of race, ethnic group, sex, religion or beliefs, disability or age. For more detailed information, see the website at <http://www.cet.lu/>.

63. Article 2 of the Act of 16 December 2008 on the reception and integration of foreigners in Luxembourg provides that: “The State, communes and managers of services involved in child welfare are required to uphold the principles of the dignity and worth of the human person, non-discrimination and equal rights, especially with regard to sex, race, physical, psychic and mental resources, national or ethnic origin, language, family situation, social status, financial position, or philosophical and religious beliefs”. Similarly, through the Act of 8 September 1998 (socio-family and therapeutic action – ASFT), the government clearly expressed its desire to ban all forms of discrimination against groups with disabilities or minorities.

64. The Youth Act of 4 July 2008 expressly states that one of the objectives of youth policy is “to promote solidarity and mutual understanding between young people in a multicultural society”.

#### **Raising awareness against discrimination**

65. Information and awareness campaigns are an integral part of the five-year national action plan on integration and combating discrimination pursuant to the Act of 16 December 2008 concerning the reception and integration of foreigners in Luxembourg. This plan will combat discrimination among vulnerable groups and the general public as a whole.

66. Luxembourg is committed to combating all forms of discrimination pursuant to article 13 of the Amsterdam Treaty. Since 2002 it has been conducting a national awareness and information campaign to combat discrimination with the support of the former Community action programme to combat discrimination and the current EU Progress Programme. This campaign covers both vulnerable groups and the general public or more specialized audiences. It allows educational and other tools to be produced in cooperation with stakeholders in the field.

67. The All Different, All Equal campaign was initiated by the Council of Europe and coordinated by the Luxembourg National Youth Service. It was launched in April 2006 in Luxembourg and ended in September 2007. The campaign related primarily to local projects. With more than 60 projects carried out (more than 50 local projects and some 10 nationwide projects), according to a poll by TNS-ILReS, 30 per cent of the population was aware of the campaign as it neared its end.

68. The Cigale service, founded in 2002, is a centre for information, counselling and meetings, aimed at homosexuals and anyone else seeking information on homosexuality. The centre provides information and individual counselling to gays, lesbians and bisexuals and to their friends and families, public awareness-raising on issues related to sexual identity and orientation, a meeting place for young people, and resource and teaching materials.

69. The Caritas Jeunes et Familles non-profit association, notably through its centre, Institut St. Joseph, organizes trips abroad to enable its residents to take an active part in

cooperation projects. For instance, stays were organized in Mali and Bulgaria (participation in work to fit out and renovate a centre for children, mostly from Roma families).

70. The State children's homes (MEE) have set up a working group studying the origins, cultures, religions and traditions of the children, their mother tongues, etc., which raised awareness of the importance of these elements of human identity. Thus, a project was set up to discover and present to other children a child's country of origin or culture of origin. The project is carried out with the cooperation of external cultural mediators and young European volunteers, among others. When it ends the project is illustrated with the children concerned and circulated to all the other children in the home.

71. On 26 March 2006, Luxembourg ratified the Council of Europe's Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 2000.

72. By the Act of 15 December 1988, Luxembourg ratified the Convention on the Elimination of All Forms of Discrimination against Women, a legally binding instrument and the legal basis for the elimination of all forms of discrimination against women. Under article 16 of the Convention, "States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- The same right to enter into marriage;
- The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- The same rights and responsibilities during marriage and at its dissolution;
- The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount".

73. The Committee on the Elimination of Discrimination against Women, established under the Convention to review the progress made by States parties, regularly sent its concerns and recommendations regarding some laws being "outdated", including the Act requiring widows and divorced women to wait 300 days before remarrying, and urged Luxembourg to take immediate steps to amend this discriminatory legislation.

#### **Minimum legal age for marriage**

74. In line with the recommendations of the Committee, a bill to change the legal age of marriage and the provisions relating thereto, and to repeal the waiting period for widowhood and supplement certain provisions of the Civil Code, was tabled in the Chamber of Deputies on 11 September 2008.

75. The bill aims:

- To put men and women on an equal footing, raising the legal age for marriage for girls to 18 years, the same as for men;
- To establish the principle that minors may not marry, and to protect their best interests, in this case those of girls under international legal instruments, allowing them to become more mature and be better equipped to defend themselves properly in situations where they do not understand or are not necessarily in control;
- To combat forced marriages.

76. The right to enter into marriage only with free and full consent is enshrined in the Universal Declaration of Human Rights and several international human rights instruments adopted subsequently.

## **B. The best interests of the child (art. 3)**

### **Recommendation of the Committee:**

- Integrate the principle of the best interests of the child in all legal provisions affecting children;
- Periodic review of placement.

77. The Committee on the Rights of the Child recommends that the general principle of the best interests of the child is understood and appropriately integrated in all legal provisions and judicial decisions affecting children.

78. The Civil Code has for a long time used the term “interests of the child”. The terminological difference in relation to “best interests of the child” has no legal significance, however.

79. The concept of the best interests of the child has recently been introduced into Luxembourg legislation. Indeed, article 2 of the Act of 16 December 2008 on support for children and the family provides that “in any decisions concerning children, the best interests of the child shall be the overriding consideration”.

80. This concept is also referred to in various judgments, such as procedures based on article 302 or 380 of the Civil Code, in which the juvenile court or the guardianship judge must decide on the custody and visiting rights of children whose parents are separated. In their judgments the judges stress that they must resolve these disputes in accordance with the best interests of the child.

81. This law places emphasis on the involvement of parents in their child’s personalized assistance programme in order to protect the child’s best interests, and also emphasizes that court rulings take precedence over ONE action, especially where the action programme is not complied with or where abuse is suspected.

82. Article 6 of the Act provides for an annual review of the action programme and continuous assessment of the measures adopted and applied in the action programme. This allows the parents or guardians to revoke a voluntary placement at any time.

83. Some reception centres have introduced assessment questionnaires which are filled in twice a year by educators (and partly by the young people). They allow a linear long-term assessment of the objectives and action specific to each child. The reports are sent to the juvenile court to show how the personal and family situation of the children is developing, and can be of assistance to the juvenile judge when adapting or postponing decisions.

84. The Act of 5 June 2009 on court hearings involving children and the defence of their interests, amending:

1. Article 37–1 of the amended Act of 10 August 1991 on the legal profession;
2. Book I, Title X, Chapter 1 of the Civil Code;
3. Article 1046 of the New Code of Civil Procedure.



85. The purpose of this Act is to ensure that minors involved in legal proceedings have an independent right to free legal assistance, regardless of any considerations of the resources of their parents, and an effective right to be heard in any proceedings involving them, and to ensure that an ad hoc administrator is designated for minors where there is a conflict of interests between them and their legal representatives.

86. Another new feature is that where a minor requests a hearing, the judge may not refuse it. Article 388–1 of the Civil Code has therefore been amended accordingly.

87. Furthermore, note that article 18 of the Youth Protection Act of 10 August 1992 states that “a minor, his or her parents or guardian or any other natural persons having temporary or permanent custody of the minor may select an attorney or ask the juvenile court to appoint one. A juvenile court appoints an attorney for a minor even in the absence of a request, where the minor is charged with a criminal offence, in respect of which a temporary custody order been made. It does so in all other cases where dictated by the interests of the minor. If a juvenile court appoints an attorney for a person who claims to be entitled to legal aid and requests such aid, the court shall refer the request to the chairman of the bar. The juvenile court may also refer to the chairman of the bar where an attorney has been appointed for the minor. Legal aid covers the attorney’s fee only”.

88. Articles 48–1 and 79–1 of the Code of Criminal Procedure were amended to allow the possibility of hearing a minor by audio or audiovisual recording. This was enacted by the Act of 6 October 2009 strengthening the rights of victims of criminal offences and amending – the Code of Criminal Procedure, – Criminal Code, – the amended Act of 12 March 1984 on compensation for certain victims of bodily injury resulting from an offence and the punishment of fraudulent insolvency, – the Act of 16 July 1986 on certain modes of enforcement of custodial sentences, – the Youth Protection Act of 10 August 1992.

89. Indeed, the first two paragraphs of article 48-1 of the Code of Criminal Procedure provide as follows: “The testimony of a witness or any minor may be captured in an audio or audiovisual recording when so authorized by the State Prosecutor.

90. (2) The recording shall be made after receiving the consent of the witness or the minor, if the latter has the necessary discernment, otherwise of the minor’s legal representative. Where it is observed that there is a risk of a conflict of interests between the minor and his or her legal representative, the recording may be made only with the consent of the ad hoc administrator, where one has been appointed for the minor or, where no ad hoc administrator has been appointed, with the express reasoned approval of the State Attorney.”

91. Moreover, the first two paragraphs of article 79–1 of the Code of Criminal Procedure provides that: “The investigating judge may make or order an audio or audiovisual recording of the hearing of a witness or of any minor.

92. The recording shall be made after receiving the consent of the witness or the minor, if the latter has the necessary discernment, otherwise by the minor’s legal representative. Where it is observed that there is a risk of a conflict of interests between the minor and his or her legal representative, the recording may be made only with the consent of the ad hoc administrator, where one has been appointed for the minor or, where no ad hoc administrator has been appointed, with the express reasoned approval of the investigating judge.”

93. Article 158(4) of the Code of Criminal Procedure provides that “If the testimony of a witness or a minor is taken according to the procedures laid down in articles 48–1 or

79–1, an audio or audiovisual recording may be played back at the hearing. On an express decision of the court, the witness or the minor concerned shall be heard”.

94. These measures help to prevent secondary victimization by avoiding as far as possible visual contact between the victim and the perpetrator, and repeating examinations unnecessarily.

95. In addition, in order to protect minors, paragraph 2 of article 190 of the Code of Criminal Procedure provides that proceedings are to take place in closed session when a public hearing would jeopardize public order or decency.

96. The Youth Protection section of the judicial police interviews children in rooms specially designed for the purpose.

97. All members of the Youth Protection section of the judicial police and some other police officers receive specialist training in the field.

98. Note also the bill to change the legal age of marriage and the relevant provisions, and to repeal the waiting period for widows and supplement certain provisions of the Civil Code.

99. This bill, which amends the legal age of marriage for girls, is intended to serve the best interests of the child.

100. We would also mention the bill on parental responsibility tabled in the Chamber of Deputies on 11 April 2008. The purpose of this bill is to generalize the principle of joint parental authority. The Government has decided to move to a system of co-parenting after a marital breakdown. This means that the father and mother should exercise joint parental responsibility, whether or not the family is based on marriage and after any break-up of the couple. Under this system the father and mother are and remain the parents on an equal footing, regardless of whether or not they are or have been married. They share the authority and responsibility related to fatherhood and motherhood. If they do not live together or cease to do so, this does not raise any radical obstacle to joint parenting, apart from an arrangement that may be required when not living under the same roof as their child. Joint parenting after separation is an obvious extension of the sharing of duties and equal responsibilities.

101. In addition, the bill ratifying the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, was tabled in the Chamber of Deputies on 10 June 2009.

102. With the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction and the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, the 1996 Convention is the third of three instruments developed within the Hague Conference to protect children in international situations.

103. Note that the 1996 Convention also follows in the wake of the United Nations Convention on the Rights of the Child, guaranteeing every child civil, political, social, economic and cultural rights and making the child a citizen with rights.

104. Finally, the bill on divorce reform was tabled with the Chamber of Deputies on 20 May 2003. The purpose of this bill is to replace fault-based divorce with a new form of divorce on the grounds of the irretrievable breakdown of the marital relationship between the spouses. It also lays down measures relating to parental responsibility.

105. The Youth Act of 4 July 2008 defines the objectives of youth policy, the organization and missions of the various stakeholders and the implementation of youth policy. Article 2 on the principles of youth policy makes reference to the general principle of the best interests of the child:

106. “Article 2. (2) Any action for young people taken by the State, communes or organizations under this Act shall be in the best interests of young people. It shall take account of the specific needs arising from the life circumstances of young people in order to work towards equality between young people.”

#### **Communications/media**

107. Article 6(2) of the amended Electronic Media Act of 27 July 1991 (a copy of the Act is attached hereto) under which the television programmes falling within the jurisdiction of Luxembourg may not contain programming that might seriously impair the physical, mental or moral development of minors, including programming containing pornography or gratuitous violence; and

108. Article 6(3) which prohibits all other programming liable to impair the physical, mental or moral development of minors, unless steps are taken, such as the choice of transmission time or any technical means, to ensure that minors do not normally see or hear such programming content.

### **C. Right to life, survival and development (art. 6)**

#### **Prohibition of corporal punishment**

109. The Committee on the Rights of the Child is concerned that there is no legislation explicitly prohibiting corporal punishment within the family and that this practice seems to be largely accepted in society.

110. Article 2 of the Act of 16 December 2008 on support for children and the family states that “in families and school communities in particular, physical and sexual violence, intergenerational transgressions, inhuman or degrading treatment, and genital mutilation are prohibited.”

111. There is therefore now a law expressly prohibiting corporal punishment.

112. It should be noted that even before the 2008 Act, there have long been a number of articles in the Criminal Code suppressing violence against children.

113. For instance, article 401bis of the Penal Code lays down severe punishment for anyone beating or injuring a child under 14 years of age, inflicting any other violence on or assaulting a child, or seriously neglecting a child.

114. If the offender is a parent or person having authority over the child, the penalties are aggravated.

115. If the child is over 14 years of age, articles 398 et seq. of the Criminal Code apply, or article 409 if the offender is a parent of the child.

116. Even mild cases of violence are punishable under article 563(3) of the Penal Code.

117. Our legislation therefore does indeed suppress violence against children.

118. Abuse cases are also systematically prosecuted by the public prosecutor’s office and perpetrators must answer for their actions before the competent criminal courts.

119. The same applies to all acts of sexual assault, punishable under articles 372 et seq. of the Penal Code, which are prosecuted by the public prosecutor's office with the full force appropriate to such serious offences.

120. Note in this regard that the Crime Victims Act of 6 October 2009 introduces an amendment that represents a substantial improvement in relation to the limitation period for such offences (sexual assault and abuse).

121. Indeed, articles 22 and 23 provide that the limitation period for offences committed against a minor begin to run only when the latter comes of age.

122. This Act comes into force on 1 January 2010 and the new limitation period applies only to offences committed after that date.

## **D. Respect for the views of the child (art. 12)**

### **Recommendation of the Committee:**

Children should participate in any decision affecting them, notably within the family, schools and in judicial procedures.

### **Article 12.1**

123. In the context of the International Day of the Rights of the Child, in 2004 the Ministry of Family Affairs and Social Integration organized visits for some primary school students to various institutions, namely the Ministry of Family Affairs and Social Integration, the Juvenile and Guardianship Court, the Council of State, the Chamber of Deputies and the Grand Ducal Court. The project aimed to educate children about the importance of political issues and taking active part in society.

124. The Institut St. Joseph and Kannerhaus Jonglenster children's homes have ongoing projects that systematically record the views of children and adolescents about their living conditions in the homes, notably using standardized questionnaires.

125. On 18 November 2009, an in-service training seminar for socio-educational officers in State children's homes and open to staff from other centres will be organized with the title: "Involving children, adolescents and families in the everyday life of a reception centre".

126. In 2007, the Association of Directors of Reception Centres (ADCA) organized a seminar as part of the Quality for Children project which called on young people to give an account of their experience of life in an institution. The participants – some thirty adolescents aged between 12 and 18 – were invited to join working groups to share their experiences and to make proposals for improving institutional care. The young people showed great interest and offered many suggestions. These will be considered in the study conducted by the University of Luxembourg on the quality of institutional care in Luxembourg.

127. In cooperation with the Ministry of National Education, Vocational Training and Sport and Syvicol, the Ministry of Family Affairs and Social Integration invited all communes in the Grand Duchy to take part in the Mir an eis Gemeng (Us and our Commune) project and organize events in the context of the World Day for Child Rights to inform students about the cooperation between local political institutions and communal authorities for fulfilling child rights, with the active participation of children. Twelve communes responded with a total of 30 different initiatives.

128. At the Kannerhaus Jonglenster reception centre for children aged 4 to 12, the active involvement of children and parents plays an important role: every month, a meeting of children is held in the two groups, where children can express their wishes, fears and expectations of the management, activities and internal rules of the children's home. During each meeting, two rights of the child are analysed and explained to the children. The report of these meetings is written by one of the older children. In addition, in the context of their Evas quality tool, a file documenting the programme of each child, the children state goals that matter to them for the coming six months. Children carry out a self-assessment every day in relation to these goals. The Kannerhaus staff respect the children's wish to see or not to see their parents, unless the juvenile court decides otherwise.

129. As part of a Youth Parliament held in 2005, young firefighters went to the Chamber of Deputies. The emphasis was placed on the social participation of children and adolescents. The project aimed to educate children about the importance of staying informed, forming an opinion and expressing it openly, taking responsibilities in line with their capabilities and gradually taking part in the development of social life.

130. Under the Act of 16 December 2008 on support for children and the family, participation by young people, children and their families is an important principle set out in article 4 of the Act: "... parents or legal guardians and children capable of discernment ... shall take part in devising the socio-educational and psychosocial action programme. This programme shall take effect only if it is signed by the parents or legal guardians and the child if he or she is capable of discernment. The child, his or her parents or legal guardians are entitled to request at any time a review or revocation of the action programme."

131. Moreover, the missions of ONE described in article 6 of the Act on support for children and the family also specify the need to foster stakeholder participation:

- "Organize consultation sessions between the family and the institution to involve children, young adults, parents, service providers ... in the preparation of socio-educational and psychosocial action programmes";
- "Motivate children and their parents or legal guardians to commit to programmes devised in the best interests of the child."

132. The Grand-Ducal Regulation on the organization of student committees of November 1997. This Regulation requires every high school and technical college to have a student committee of thirteen student representatives elected at the beginning of each academic year. It regulates the organization of the elections and determines the rights and duties of members of student committees. This Regulation was adapted and replaced by the Grand-Ducal Regulation of 1 August 2001.

133. Since the 2004/2005 academic year the National Youth Service, in cooperation with the National Conference of Students (CNEL), has been offering training for student committees in secondary education. This training is intended to stimulate the student committees and prepare the members for their duties. To the same end the National Youth Service (SNJ), the Ministry of National Education and the General Conference of Luxembourg Youth (CGJL) have produced a special guide for student committees. Each year since 2008 the Ministry of National Education, SNJ, CGJL and CNEL have run a Student Committee day with workshops on various topics relevant to the committees.

134. The symposium Participation in all its Forms, one of three international symposia organized in the framework of the Council of Europe All Different, All Equal campaign, was organized in 2007 by the National Youth Service in cooperation with Benelux, the Council of Europe and with the support of the European Commission. In summary, the

symposium had three goals: to exchange best practices, to enable networking between the various players and to draw conclusions from experience in the various countries.

135. The symposium brought together young people from 43 European countries and focused on issues such as: obstacles to commitment by young people, discrimination and participation, diversity in organizations, participation and integration, and added value of European cooperation.

136. A follow-up seminar with experts from Benelux, the Council of Europe and the European Commission was held in December 2007. The report of the seminar was presented in 2008.

137. To foster participation by children living in Luxembourg and to make their right to speak more visible, the Ministry of Family Affairs and Social Integration launched a process to consult children on the rights enshrined in the Convention the Rights of the Child. The final outcome of the project was publicized through an exhibition, produced by young people and children, artists and socio-education professionals. The project carried out in cooperation with the National Youth Service was intended for the United Nations Committee on the Rights of the Child and the general public.

138. Since 2003, the commune of Differdange has allowed its youngest citizens to express themselves and take charge of different aspects of community life through the Kannergemengerot. This communal council for children discusses a number of community projects relating to children and problems arising in the city or at school. It can then make proposals directly to the communal council. The Kannergemengerot is composed solely of children in fourth, fifth or sixth year of primary school. Children wishing to join the council apply at the beginning of the academic year by completing a registration form. The members are then elected by their schoolmates in elections held at the various schools in the commune in October. In 2009 the communal council for children had a dozen members. Councillors meet regularly outside of school hours under the supervision of an educator or teacher. There are communal councils for children in three other communes in Luxembourg.

139. The Act of 4 July 2008 established the National Youth Assembly. "A National Youth Assembly is hereby established with a mission to offer young people and their organizations the opportunity to take part in the consideration of issues relating to youth action and policy at national and European level." (art. 14 of the Youth Act of 4 July 2008).

140. The Act represents a further step in strengthening the social and political participation of young people and the dialogue between young people and politicians. The National Youth Assembly consists of three pillars:

- The Youth Parliament is the main body for young people to be heard in Luxembourg society. The Youth Parliament is open to all young people living in Luxembourg aged between 14 and 28. It currently has 210 members and may discuss any issue affecting the lives of young people in Luxembourg. The Youth Parliament is an interface between young people in Luxembourg and the world of Luxembourg politics, first and foremost the government and the Chamber of Deputies, with which the Youth Parliament is to work closely. The inaugural session of the Youth Parliament was held on Saturday 21 November 2009.
- The role of the Infomobile is to link the Youth Parliament to young Luxembourgers. It is designed both to inform young Luxembourgers of the discussions of the Youth Parliament and to communicate the views of young people in Luxembourg to the Youth Parliament. The Infomobile is managed in collaboration with the Youth Information Centre which has the important role of preparing the information for

young people to enable them to form their opinions, in line with the principle that being well informed allows them to participate better.

- The website [jugendparlament.lu](http://jugendparlament.lu) publishes the opinions of young people on issues affecting them. The site provides a permanent resource, will be the library of the Youth Parliament and will enable debates to take place outside of sessions.

141. To provide the necessary framework, including the three pillars and thus the information, consultation and participation, a partnership of several players working in the youth sector has been set up. The Ministry of Family Affairs and Social Integration oversees the project, while the General Conference of Luxembourg Youth (CGJL), which has the main task of encouraging more young people to take part in society, was responsible for implementing the third component, namely establishing the Youth Parliament. The Youth Information Centre (CIJ), the national youth information structure in Luxembourg, will be the main partner for providing the necessary elements for raising awareness and disseminating information on the activities of the Youth Parliament, along with young people's ideas on the issues affecting them.

142. Since 2005 CGJL has been organizing youth conventions, open to all young people in Luxembourg aged between 12 and 30. It is a project in the context of non-formal education encouraging young people to express their opinions, views, aspirations and concerns about one or more of the topics under discussion. For one day, young people have the opportunity to explore some topics in working groups in order to express their aspirations and grievances in a plenary session attended by elected representatives and invited members of the government.

143. Young people have met six times in the Chamber of Deputies to discuss topics such as the European Constitution, dual citizenship, the environment, the role of media, equal opportunities for all young people, diversity, discrimination, citizens' rights and the political outlook in the Greater Region.

## **Article 12.2**

144. The Committee on the Rights of the Child recommends that the child's opinion should be respected in judicial proceedings affecting the child. In this respect, we would draw attention to article 388-1 of the Civil Code, which has just been amended by the Act of 5 June 2009 regulating juvenile court hearings. In any proceedings affecting the child, he or she may be heard by the judge.

145. The Act of 5 June 2009 reworded this article so that the judge may no longer refuse to hear a child's request. Thus, if a minor requests a hearing, the judge must comply. The minor may be heard alone, with his attorney or with a person of his or her choice.

146. In addition, if the interests of the child are in conflict with those of its legal guardians, the guardianship judge or the judge hearing the proceedings involving the minor, must appoint an ad hoc administrator who can then represent the minor in court (art. 388-2 of the Civil Code, introduced by the Act of 5 June 2009).

147. Note also that the same Act of 5 June 2009, amending the Act of 10 August 1991 on the legal profession, now provides that a minor involved in legal proceedings is automatically entitled to legal aid, regardless of the financial circumstances of the parents.

148. This provision will certainly facilitate children's access to a lawyer.

149. In addition, article 18 of the Act of 10 August 1992 on the protection of minors provides that a juvenile court may appoint a lawyer to defend the interests of a minor wherever the interests of the minor so dictate.

150. This article is interpreted as being of general application. For instance, a juvenile court may appoint a lawyer not only when a minor is involved in legal proceedings for youth protection, but also in any other proceedings involving a minor.

151. Thus, the prosecution service has had regular recourse to article 18 to ask the juvenile court to appoint a lawyer, or an ad hoc administrator, for child victims of abuse or sexual abuse, so that they can be assisted and represented by a lawyer in criminal proceedings against the abuser.

152. The latter procedure will be further facilitated when the Crime Victims Act of 6 October 2009 enters into force on 1 January 2010, while article 32 of the Act adds article 41-1 to the 1992 Youth Protection Act, whereby the public prosecutor or investigating magistrate dealing with wilful offences against a child may appoint an ad hoc administrator to defend the minor's interests and represent him or her in court.

153. Note also that, pursuant to article 356 of the Civil Code, the consent of the child to an adoption is required, if he or she is over 15 years of age.

154. Finally, under article 359 of the Civil Code, the consent of the child is also required in case of a change of name if the child is over 13 years of age.

## **IV. Civil rights and freedoms**

### **A. Name and nationality (art. 7)**

155. The Act of 23 December 2005 relates to the naming of children. It changes the principle of giving surnames and forenames. Since the Act entered force, parents can now decide whether the child will have the surname of the father, of the mother or a compound surname; children of the same mother and father must have the same surname.

156. The new rules apply to all children, though the content may be adapted to different kinds of parentage.

157. The new Luxembourg Nationality Act of 23 October 2008 created the opportunity to retain the original nationality in case of voluntary acquisition of Luxembourg nationality, and vice versa, in accordance with the residency requirements for sufficient assimilation and integration.

158. In international adoptions, this provision allows children from countries that require the child to retain his or her original nationality also to acquire the nationality of Luxembourg adoptive parents.

### **B. Preservation of identity (art. 8)**

#### **Recommendation of the Committee:**

If anonymous births continue to take place: register and file the available information about the parents.

159. The Act of 23 December 2005 on the naming of children provides that a child that is stillborn or dies before the birth is declared may be registered with a surname and forename.

160. The bill of 4 May 2009 amending certain provisions of the Civil Code (parliamentary paper No. 6039) aims to prevent not only late declarations of birth by



sending a notice of birth to the registrar, but also fraudulent declarations by requiring supporting documents to be produced.

161. Birth certificates are prepared on presentation of the notice of birth, identity documents and the family record book, if any or, failing that, the marriage certificate. In exceptional cases, the State Procurator may waive the requirement to produce such documents.

162. Finally, it is proposed no longer to state the profession in civil status documents, namely birth, marriage and death certificates. To ensure parallelism of forms, the proposal also applies to the publications required before a marriage.

163. Recognizing the importance of preserving cultural identity, contact with families and helping to establish the personal background at the age of majority, the Ministry of Family Affairs and Social Integration aims to reduce placements abroad by creating some 100 extra places in reception centres for various groups such as children under three, young people requiring stationary psychotherapy, pregnant girls and under-age mothers.

164. In 2010 the Government plans to draft a bill to reform adoption. In connection with this bill, it is planned to set up a database managed by the Adoption Service, containing all the necessary data for all adopted children to help them search for their origins when they reach adulthood.

### **C. Freedom of expression (art. 13)**

165. Act of 12 December 2002 ratifying the Hague Convention on International Access to Justice of 25 October 1980. This Act ratifies the Hague Convention.

166. Act of 21 June 2007 amending the Act of 10 August 1991, as amended, on the legal profession and transposing certain provisions of Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

167. This Act is designed to complement the 1995 legislation, in combination with adjustments made to the Grand-Ducal Regulation of 18 September 1995 on legal aid, to ensure the full transposition of Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, and ratify the Additional Protocol to the European Agreement of 27 January 1977 on the transmission of applications for legal aid, signed in Moscow on 4 October 2001.

168. The Act of 5 June 2009 on court hearings involving children contains measures relating to free legal aid for minors whose interests are in conflict with those of their parents. In addition, it redefines the term “court hearing”. For comments on this Act, please refer to the section on the best interests of the child.

169. The Kannerhaus Jonglënster is conducting a project to produce a book together with external professionals in which children can express their experiences and emotions through writing and drawing.

For a number of years, State children’s homes have been setting up art and culture workshops with the aim of offering children opportunities to come into contact with various fields of art and culture and to invite professional artists interested in working with children.

**D. Freedom of thought, conscience and religion (art. 14)**

170. Please refer to paragraph 84 of the second periodic report of 2002.

171. Articles 19 and 20 of the Constitution guarantee freedom of religion, conscience and public worship, subject to respect for public order. There is no need, therefore, for a religious community to apply for prior authorization to practise its faith, and the State will not interfere in the internal affairs of any religion. The Constitution further guarantees the right of peaceful assembly subject to the law, and the right of association.

172. At the same time article 22 of the Constitution establishes an optional system for the settlement of relations between the State and religious communities on the basis of “conventions” in certain matters, such as the payment of the salaries of ministers of religion out of public funds. This provision, which dates back to 1868, and its organic texts no longer restrict the scope of these relations to the Catholic, Protestant and Jewish faiths.

173. These conventions may be concluded on certain conditions; for instance, a religious community must be:

- (a) Practising a religion that is recognized worldwide;
- (b) Already officially recognized in at least one Member State of the European Union;
- (c) Prepared to respect public order in the Grand Duchy;
- (d) Well established in Luxembourg and supported by a congregation which is large enough and reasonably representative in its religious practice.

174. Thus conventions based on article 22 of the Constitution have been concluded with the Roman Catholic Archbishopric of Luxembourg, the Jewish faith, the Protestant Reformed Church of Luxembourg, the Protestant Church of Luxembourg, the Hellenic Orthodox Church in Luxembourg, the Romanian and Serbian Orthodox Churches of Luxembourg, and the Anglican Church of Luxembourg. Discussions are well under way to arrive at a convention with the Muslim community of Luxembourg.

175. As far as relations between the State and the religious communities are concerned, article 22 has a bearing chiefly on the payment of salaries for religious ministers. Religions that do not wish to sign a convention and those that do not qualify of course enjoy the full range of their constitutional rights, free of any interference from the State except as regards the maintenance of public order.<sup>8</sup>

**E. Freedom of association and freedom of peaceful assembly (art. 15)**

176. According to the Convention adopted by the United Nations General Assembly on 20 November 1989, a child is “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”.

177. According to article 15 of this Convention, States parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

178. In Luxembourg, while we consider that the enjoyment of these rights should not pose a problem, the same cannot be said for the exercise of these rights. Indeed, since

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<sup>8</sup> See Document A/HRC/WG.6/3/LUX/1, paras. 17 to 21.

minors do not have legal capacity, they cannot represent an association in legal proceedings or in civil acts; they may not enter into contracts, for example.

179. The general rules governing the capacity of minors contained in the Civil Code must remain intact. It is for this reason that, when approving the Convention on the Rights of the Child, the Luxembourg legislature entered a reservation to that article, stating that “article 15 of the present Convention does not impede the provisions of Luxembourg legislation concerning the capacity to exercise rights.” (Act of 20 December 1993, art. 2. sub.5)

180. In other words, minors may not on their own form an association with legal personality. However, this provision does not prevent their joining an association or forming a de facto association (a simple group of people which does not have legal personality).

181. Freedom of association is guaranteed in Luxembourg by article 26 of the Constitution.

182. It is true that Luxembourg law does not specifically prohibit racist or xenophobic organizations, as required by article 4 of the Convention.

183. Nevertheless, article 18 of the Non-Profit Associations and Foundations Act of 21 April 1928 provides for the possibility of a legal dissolution in the event that an association, through its activities, disrupts public law and order. An application for legal dissolution may be filed before the civil court by the public prosecutor or a concerned third party.

184. Under this measure, the legislature did not intend to provide a special law prohibiting racist organizations per se.

185. In fact, it considered that prohibiting such racist organizations might drive their members underground and make it more difficult for the authorities to monitor such organizations.

186. Moreover, article 457–1 of the Criminal Code punishes all persons belonging to an organization whose aims or activities consist of inciting discrimination, hatred or racial violence, be it orally, in writing or through any other audio-visual medium.

187. Therefore, it is the individuals themselves, not the legal entity, who are held directly responsible and punished.

188. The criminal sanctions prescribed are a prison term of from eight days to two years and a fine of from 251 to 25,000 euros, or one of those penalties alone.

189. We would draw attention to the bill 1. Introducing criminal liability for legal persons in the Penal Code and the Code of Criminal Procedure 2. Amending the Criminal Code, the Code of Criminal Procedure and certain other legislation that was tabled in the Chamber of Deputies on 20 April 2007.

190. This bill seeks to introduce into Luxembourg law a system of criminal liability for legal persons. With the introduction of this system, a legal person incurs criminal liability when a criminal felony or misdemeanour is committed in its name and in its interest by one of its statutory bodies or by one or more members of its statutory bodies. The current legislation enshrines the traditional principle of criminal liability of legal persons, allowing only the individuals involved in committing an offence to incur criminal liability. By introducing a system of liability for legal persons, the bill extends criminal liability to legal persons which henceforth incur criminal liability for crimes and misdemeanours committed

on their behalf and in their interest, and are subject to criminal penalties in the same way as natural persons committing such offences.

191. The introduction of this system of criminal liability under the Criminal Code is justified on account of Luxembourg's international obligations, both at EU level and as a member of other international organizations (OECD, Council of Europe, United Nations). Thus, the obligation to punish legal persons on account of certain specific criminal offences arises out of several instruments adopted by the European Union, such as Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings and Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography.

## **F. Privacy (art. 16)**

192. The Act of 6 October 2009 strengthening the rights of crime victims and amending the Code of Criminal Procedure, the Penal Code, the Act of 12 March 1984 on compensation for crime victims and the punishment of fraudulent insolvency, the Act of 16 July 1986, as amended, on certain modes of enforcement of custodial sentences, the Act of 10 August 1992, as amended, on the protection of minors, amends, among other things, the Act of 12 March 1984 which already allows victims of violent crime to be compensated by the Luxembourg State. The amendments to the Act expand the circle of potential beneficiaries of the provisions of the amended Act of 1984, help the victim to prove the harm suffered and extend the powers of the committee investigating claims for compensation.

193. Furthermore, when a child is a victim of certain offences listed exhaustively in these articles, hearings with the child must be recorded unless otherwise decided by the State Prosecutor. In addition, such children are entitled to be accompanied by an adult of their choice.

194. Article 18 of the Act of 8 June 2004 on freedom of expression in the media establishes the principle that, in certain circumstances, information concerning the identity of a minor or allowing a minor to be identified may not be published in the media. Article 19 allows exceptions to this rule in some cases, however. These exceptions also apply to the protection of reputation and honour, and the presumption of innocence, and reflect the desire for balance between freedom of expression and the protection of the rights of others. Article 18 of the Act on freedom of expression in the media has a broader scope than article 38 of the amended Youth Protection Act of 10 August 1992 (and which prohibits any publication or broadcasting whatsoever of the proceedings of the juvenile courts and publication or broadcasting of anything that might disclose the identity or personal circumstances of minors who are being prosecuted or are subject to a measure provided for by the law), since that provision applies only where minors are being prosecuted or subject to a measure provided for by the above-mentioned Act of 10 August 1992.

## **G. Access to appropriate information (art. 17)**

### **Recommendation of the Committee:**

- Improve protection against violence, discrimination and pornography in the media;
- Raise awareness among both children and parents of such dangers.

195. Luxembourg radio broadcasts a daily news programme for children that discusses topical issues in a language suitable for children.

196. The Bicherbus, a mobile library containing hundreds of books, tours many towns in Luxembourg and stops at local schools to enable children and adults to borrow books.

197. The Youth Information Centre (CIJ) offers general information nationwide. The CIJ is accessible free of charge and without appointment, and strives to ensure equal access to information in areas such as education and training, holidays, sport and leisure, jobs, practical life, health and European/international issues. Benefits cards such as the TEAMK8 young volunteer card and the new Euro <26 youth card issued in June 2009 (for 12–25 year olds) are proving a great success. Similarly, student and holiday job offers (age 15 and upwards) are much in demand.

#### **Communal Information Point (PIC).**

198. The PIC project is a cooperation group which brings together the manager of a youth centre, the competent commune, the Ministry of Family Affairs and Social Integration, the National Youth service and the Youth Information Centre. It aims to create an information point to facilitate access to information at local and commune level and enable everyone, children and young people alike, to obtain general information through a personalized service. The 12 current PICs are located in local youth centres.

199. Magazines specifically targeting children:

- The publications of the three scout federations in Luxembourg: Contact and De Knuet by Lëtzebuenger Guiden a Scouten (Luxembourg Guides and Scouts) (LGS), De Scout by FNEL and Solidarité by AGGL;
- The Federation of Youth Clubs regularly publishes the Daachsverbandzeitung newspaper. The Luxembourg Red Cross publishes the youth periodical Read & Talk about which offers information principally on activities for children and young people (summer camps, training for facilitators, young people's experiences, etc.);
- The various youth centres publish magazines designed by the young visitors themselves;
- The Panda Club section of the National Museum of Natural History, which offers activities for children aged 6–10, publishes the periodical De Panewippchen which provides information on ecological topics, flora and fauna and also contains DIY fact sheets;
- The Regulus Junior Club, for children aged 6–12 of the Luxembourg League for the Study and Protection of Birds (LNVL) publishes Regulus magazine with the Regulus Junior pages. Various daily and weekly newspapers publish regular columns for children.

#### **Communication/media**

200. In February 2009, the Luxembourg company ZAP.lu, publisher of the social network site ZAP.lu, signed the European agreement "Safer social networking principles for the EU", a copy of which is attached.

201. In 2008, the fifth generation of the youth portal youth.lu went online. This portal is a gateway to a wealth of information for young people. At the same time, the portal raises the profile of the Luxembourg youth sector.

202. The portal has four tabs. The "agenda" and "news" sections have been revised while "youth pages" and "reports" have been added. The "youth pages" provide a brief overview of the youth sector and direct the visitor to specialist sites. The "reports" (in the form of

videos, photo albums, blogs, etc.) offer an up-to-date view of what is happening in the various areas of the sector.

203. With the relaunch of the portal in 2008, cooperation with sectoral associations was expanded. Youth.lu is also the first State portal exploiting synergies with non-governmental organizations.

204. A long list of related sites has emerged since 2006. Each site is the result of a firmly participatory approach: public institutions and associations can contribute occasional content and complete modules. Examples:

- Jobs.youth.lu – A site bringing together offers and tips for student jobs;
- Colonies.lu – Site bringing together holiday camps of the youth associations and organizations working in the Grand Duchy of Luxembourg;
- Campagne.jeunesse.lu – Site of the Move More, Eat Better campaign: Agenda, News, Albums;
- Youthnet.lu – Site dedicated to volunteers and professionals working with young people. The site offers a range of modules, such as:
  - The national and international training timetable;
  - Important news for volunteers and professionals working with young people;
  - The directory of Luxembourg youth associations.
- Chalets.lu – Site listing chalets open to organized youth groups. These accommodation centres are covered by an operating licence from the Factory and Mines Inspectorate. This module is updated by Lëtzebuenger Guiden a Scouten;
- Babysitting.lu – Site offering babysitting services by specially trained young people.

#### **H. The right not to be subjected to torture or to inhuman or cruel, inhuman or degrading treatment, including corporal punishment (art. 37 (a))**

##### **Recommendation of the Committee:**

The Committee on the Rights of the Child recommends avoiding as much as possible the use of solitary confinement.

205. Minor inmates of Luxembourg Prison are never subjected to disciplinary sanctions such as confinement in a punishment cell or in solitary confinement.

206. All minors, even those subject to disciplinary action, are entitled to one hour outdoors in the courtyard. All minors are entitled to play sports daily, except in exceptional cases (disciplinary measures for serious breaches of the prison rules).

207. The Act of 16 December 2008 expressly prohibits corporal punishment, as indicated under (c) The right to life, survival and development.

208. A bill (1) ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the General Assembly of the United Nations in New York on 18 December 2002 and (2) amending the Act of 22 August 2003 establishing an Ombudsman was tabled in the Chamber of Deputies on 13 March 2008.

209. The Convention to which the Protocol relates is the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was signed and then ratified by the Luxembourg Act of 31 July 1987.<sup>9</sup> The Convention requires States parties to take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment and establishes the Committee against Torture. Our legislation was brought into line by an Act of 24 April 2000<sup>10</sup> introducing and amending articles, principally in the Penal Code and the Code of Criminal Procedure.

210. Luxembourg also signed the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 26 November 1987 and went on to ratify it on 22 June 1988. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was set up under that Convention.

211. For some time now, there has therefore been a concerted effort at international and European level to ban torture and cruel, inhuman and degrading treatment or punishment. The focus of this new initiative and purpose of the Protocol to which this bill relates is to provide, in addition to the existing measures, “further measures ... necessary to achieve the purposes of the Convention against Torture ... and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment”.<sup>11</sup> These “further measures” are “based on regular visits to places of detention” by creating a system that would be implemented in a complementary manner by national and international bodies of independent experts. The Protocol establishes this dual system through the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter the Subcommittee on Prevention) and the national preventive mechanisms to be designated by each State party.

212. The bill has a twofold aim: (1) to allow the ratification of the Protocol and (2) to bring Luxembourg law into line with the obligations arising from the ratification of the Protocol.

213. Our legislation is to be brought into line on two levels. The first level relates to the designation of the national preventive mechanism and the definition of places of detention.

214. The second level relates to the material changes required to enable the Ombudsman, as the national preventive mechanism, to perform his new functions.

## V. Family environment and alternative care

215. On 7 and 8 December 2007, ADCA and the Ministry of Family Affairs and Social Integration organized two seminars on the subject of the quality of services offered to users of reception centres and services for children and young people in distress. One of the seminars was aimed at professionals of reception and support centres for children and young people in distress, and anyone called upon to accompany the minors concerned. Its goal was to present the quality standards devised under the Quality 4 Children project, in which 32 European countries took part, and a Luxembourg document presenting quality standards for the reception of children and young people in distress, drafted by a group of directors of Luxembourg reception centres.

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<sup>9</sup> Luxembourg Official Gazette No. 70 of 26 August 1987.

<sup>10</sup> Luxembourg Official Gazette No. 41 of 31 May 2000.

<sup>11</sup> Preamble to the Protocol.

## A. Parental guidance (art. 5)

216. The Kannerhaus Jonglenster is making great efforts on parental guidance to enable parents of children on placements to participate in all decisions concerning the children (ranging from hairstyle to medical or educational decisions) and inviting them to participate in routine tasks such as medical appointments, homework in class or the daily bath.

217. Representatives and employees of the Fondation Lëtzebuerger Kannerduerf (Luxembourg children's village foundation) have devised a work manual to optimize quality throughout a child's reception process, notably by issuing the following 10 criteria:

- Optimize the reception process in the interests of the child;
- Provide a reliable and lasting relationship;
- Accept the child as a whole person;
- Avoid any form of abuse against a child;
- Involve the child in any decision affecting him or her;
- Work in partnership with the biological family;
- Respect the child's social and cultural identity;
- Support the transition to independent living;
- Adapt the attitude, training and development of staff;
- Revise reception conditions, methods and everyday action.

218. Article 2 of the Youth Act, on the principles of youth policy, provides that "Action by the State and the communes is subordinate to that of the parents or legal guardian in providing care, maintenance and education for children and adolescents for whom they are responsible and with respect to the action of the young adults themselves to provide for their needs, training or employment".

## B. Parental responsibilities (art. 18, paras. 1 and 2)

### Recommendation of the Committee:

- Protect parental rights (parental responsibility) for children in placements;
- Abolish the automatic transfer of parental authority where a child is given a permanent placement.

219. The youth protection bill tabled in 2003 makes improvements to the system of measures for the protection of minors.

220. Indeed, in 2000 the Ministry of Justice established an inter-ministerial working group to analyse the elements in the Youth Protection Act of 10 August 1992 that required reform. The working group comprised representatives of the judicial authorities (juvenile judges, prosecutors and Attorney-General's Office) with responsibility for the protection of young people, as well as various representatives of ministries, including the Ministry of Family Affairs and Social Integration and the Ministry of Justice. The working group conducted an in-depth analysis of the problems of young people in distress.

221. In parallel with the work of the group, in April 2000 the Chamber of Deputies approved the establishment of a special parliamentary commission on young people in distress.



222. The commission adopted its final report on 23 October 2003. The report served as the basis for the discussion of the future of the existing system of assistance and protection for young people in Luxembourg, held in the Chamber of Deputies in a plenary meeting on 26 November 2003.

223. In the new bill the regulations governing leave (providing for re-assumption of parental authority) and the duration of suspension of visiting rights have been amended. Juvenile courts are obliged, in each case, to provide the minor with legal assistance, in the interest of assuring the defence of their rights. The procedures for consultation of the file before the hearing have been changed, so that the minor can prepare his or her defence properly, especially where the issues are serious. Further, the time frame for the optional review of placement measures is reduced to 6 months (down from 1 year) and the time frame for compulsory legal review to 18 months (down from 3 years).

224. The minor may be placed in a private place, an open prison, such as a State socio-educational centre or, in exceptional cases where the circumstances or behaviour of the minor so require, in a closed prison.

225. In April 2006 the Government tabled a bill on parental responsibility with the aim of introducing joint parental responsibility of the father and mother for their minor child, in any circumstances, except in exceptional cases where the interests of the child dictate another solution. This fundamental reform applies to all parents, whether married or unmarried, living in partnership, divorced or separated (and hence to all children, whether born in or out of wedlock).

226. Article 11 of the Youth Protection Act of 10 August 1992 specifies the conditions for the transfer of parental authority. Since the new Act on children and the family focuses on cooperation between parents, it can be assumed that instances of educational assistance and voluntary placement will grow in number in relation to placements ordered by a court. In this case, parental authority will be transferred in the medium or long term only in cases where the court had to order a placement owing to severe distress.

#### **Parental training service**

227. The Janusz Korczak parenting school was founded in 2002 with the mission of educating parents of children and prospective parents at conferences, seminars and training courses in their educational function and the challenges that arise in certain specific situations. Topics such as family communication, limits and freedoms in the education of children, violence at school, the empowerment of children and divorce situations are discussed.

#### **Socio-familial mediation and criminal mediation services**

228. Since 1998, the non-profit Mediation Centre has been running the Access to the Law information service and a socio-familial mediation and criminal mediation service that caters specifically for young people who are directly or indirectly involved in family conflicts or are in conflict with the law.

229. Two additional socio-familial mediation centres have been founded since the year 2000. The purpose of the centres is to provide socio-familial mediation consultations for people experiencing emotional, interpersonal, marital, family or parental difficulties. The goals are to get the various players involved in a family conflict to take responsibility, to help them find practical solutions for the future and to re-establish communication between family members. These services are run by the Pro Familia foundation and Family Consultation and Preparation Centre (CPF).

### C. Separation from the parents (art. 9)

230. As stated above, the Act on support for children and the family introduces a new way of thinking and acting with emphasis on the involvement of parents/legal guardians and young people. An action programme cannot take effect unless it is signed by the parents or legal guardians and the child if he or she is capable of discernment. They are entitled to request at any time a review or revocation of the action programme. This principle clearly aims to remove responsibility for placements from the courts, to reduce separations between parents and children and provide social support for families.

231. Following the founding of the Treff-Punkt service run by the State children's homes as a place to exercise visiting rights between children and parents, in 2003, the Prison Treff-Punkt Service was set up in 2003. The service provides support groups and workshops for prisoners, and escorts for visits to the Luxembourg Prison. The aim is to help maintain or restore the relationship between the child and parent in prison, in an effort to mitigate the psycho-emotional suffering of the child, the parent and the family.

#### Statistics

232. Number of children deprived of parental care:

2002: 777 children

2008: 1,063 children

233. Number of children separated from their parents as a result of judicial decisions:

2002: 68 new placements (79 per cent of all admissions to the institution that year)

2008: 121 new placements (86 per cent of all admissions to the institution that year)

234. Number of institutions admitting these children:

2002: 14 managers

2008: 15 managers

235. Number of places available (CAC, CAS, SAPEF, MEE, CSEE, drop-off centres for girls) with staff-to-children ratio:

2002: 474 places

2008: 593 places

236. Staff numbers are governed by the Grand-Ducal Regulation of 16 April 1999 on the accreditation of managers of reception centres for children and young adults, with accommodation, and are determined as follows:

- Six full-time positions for every 10 children under the age of 2;
- Five full-time positions for every 10 children aged 2 to 12;
- Four full-time positions for every 10 children aged 13 to 15;
- Three full-time positions for every 10 children aged 15 to 18.

237. The Grand-Ducal Regulation will, however, be revised when the Act of 16 December 2008 on support for children and the family enters force.

238. The Ministry of Family Affairs and Social Integration also has a budget to finance enhanced support measures for children with special needs placed in approved reception centres.

239. Number of foster families:  
 2002: 137 families (224 children)  
 2008: 208 families (285 children)
240. Number and percentage of children separated from their parents living in institutions or with foster families:  
 2002: 777 separated children in relation to 108,836 children resident in Luxembourg (0.715 per cent)  
 2008: 1,063 separated children in relation to 116,442 children resident in Luxembourg (0.915 per cent)
241. Duration of placement in conventional reception centres:  
 2002: < 1 year old 35%  
       Aged 1–2: 27%  
       Aged 2–4: 13%  
       Aged 4–6: 11%  
       > Age 6: 14%  
 2008: < 1 year old 57.26%  
       Aged 1–2: 15.8%  
       Aged 2–4: 8.87%  
       Aged 4–6: 4.57%  
       > Age 6: 13.5%

CAC = conventional reception centre

CAS = specialized reception centre

Fadep = short-stay family-problem homes

MEE = State children's homes

CSEE = State socio-educational centre

### **Review frequency**

242. The parties concerned may request the review of a custody measure at any time. The same applies to the review of the socio-educational and psychosocial action programme by ONE, which may be required at the request of one of the parties involved and at least every twelve months.

243. Number and percentage of children reunited with their parents after a placement:

2002: 34 children (39 per cent of returns)

2007: 115 children (30.5 per cent of returns)

**D. Family reunification (art. 10)****E. Recovery of maintenance for the child (art. 27, para. 4)**

244. This matter is regulated by the Act of 26 July 1980 on the payment and recovery of maintenance by the National Solidarity Fund and by the Grand-Ducal Regulation of 2 December 1983 laying down implementing procedures for the Act of 26 July 1980. See paragraphs 258 to 259 of the initial report for further information.

245. At 31 December 2009, there were 421 beneficiaries. The recovery of maintenance amounted to €1,801,680 borne by the State budget.

**F. Children deprived of their family environment (art. 20)**

246. As the statistics set out above show, the number of children separated from their parents is increasing year by year. There are many causes of these separations (see 2002 report), and it emerges from the waiting lists of CNAP (National Placements Arbitration Commission) that applications for placements for adolescents have risen sharply since 2005.

247. To cope with this growing demand, between 2005 and 2008 the Ministry of Family Affairs and Social Integration approved 88 new places in homes for children aged 4 to 18:

- The new Maison Française Dolto reception centre for children aged 0 to 3 accepts 18 young children with special developmental needs and whose family situation is such that institutional care is necessary in the interests of the child's welfare. The development and restructuring of the relationship between parents and children are among the primary goals of the work of this institution;
- The group for adolescents at the *Kréintgeshaff* offers socio-educational reception and accommodation for 13 teenagers aged between 13 and 18;
- The *Kannerheem* Norbert Ensich in Roodt-Syr offers 15 places for children aged 4 to 12;
- The Maison Zoe new family group for teenage mothers and pregnant girls hosts seven mothers and seven children;
- The Kannerhaus Jonglënster offers 20 places for children aged between 4 and 12 who are placed by a court decision or on a voluntary basis. They have undertaken a mission of intensive work with families with a view to their rapid and sustainable reintegration;
- The Parc Brill home receives eight girls, working closely with the State Socio-Educational Centre in Schrassig, and hosts several girls leaving that institution and gradually learning to live independently.

248. In addition, 18 places in treatment facilities were created in 2008:

- The Kannerhaus Jean day treatment centre hosts six children aged between 4 and 12. This partial inpatient service provides day care and partial schooling for children with special psychological and social development needs. The main services offered are: animal-assisted therapy, equestrian therapy, psychoeducational workshops and art therapy for children, psychoeducational support and family therapy;

- The Schneiderhaff therapy farm offer eight places for girls aged between 13 and 16 who have experienced traumatic life situations and are in psychosocial distress. The therapeutic context is the interaction and relationship between the girl and the animal, with the principal goal of stabilizing the young woman, family reintegration or redirection to a social-educational reception centre. The farm also offers four semi-autonomous accommodation units for girls leaving an inpatient environment.

249. In addition, there are plans to set up specialized boarding schools for children aged 6 to 12 (14 places) and 12–18 (12 places), a new group for children of 0–3 years of age (12 places) a treatment centre of the Kannerschlass Foundation (15 places) and a treatment group of the State children's home (8 places).

## **G. Adoption (art. 21)**

250. Until 2002, and pursuant to the Act of 31 January 1998 approving adoption services and defining their obligations, the role of the Ministry of Family Affairs and Social Integration in adoption was restricted to the granting and withdrawal of approval for adoption services, auditing their accounts and verifying compliance with their legal obligations.

251. The Act of 14 April 2002 on the ratification of the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption granted much wider powers to the Ministry of Family Affairs and Social Integration, namely those of a central authority.

252. The following powers relating to child rights were added:

- It ensures, with the central authority of the country of origin, that the child travels in complete safety;
- It takes all necessary measures to protect the child if it considers that after the child moves to Luxembourg, it is no longer in the child's best interests to stay in the family home;
- It keeps the information it holds about the origins of the child, including details of the identity of the mother and father, and the medical history of the child and his or her family. It gives the child or his guardian access to the information, accompanied by appropriate guidance;
- It takes measures to prevent improper financial gain and deter practices contrary to the objects of adoption;
- It promotes adoption counselling and post-adoption services.

The number of adoptions from 2001 to 2009 was as follows:

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Adoption applications				114	83	70	67	71	59
Domestic adoptions					3	3	4	2	0
Inter-country adoptions				64	41	45	31	32	33
<b>Total</b>	<b>N.A.</b>	<b>N.A.</b>	<b>N.A.</b>	<b>64</b>	<b>44</b>	<b>48</b>	<b>35</b>	<b>34</b>	<b>33</b>

## H. Illegal travel and non-return (art. 11)

### I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

253. With the support of the Ministry of Family Affairs and Social Integration, five associations (ALUPSE, Kannerschlass foundation, Pro Familia foundation, Family Planning and the Red Cross) met to set up the Cellule Info Viol-Violences sexuelles (Rape – Sexual Abuse Info Unit), which offers a hotline for professionals who suspect sexual abuse and are seeking help to handle the situation with advice from experienced professionals in the field. The unit members meet regularly to analyse the content of the calls received. They have also organized training for teachers entitled “I suspect that a pupil in my class is being abused”...

254. The brochure Sexual Abuse of Children, published in 1997 and informing the public about the warning signs, how to behave if in doubt and giving useful addresses, has also been corrected and republished.

255. To raise awareness and accountability among tourists travelling from Luxembourg, in autumn 2005 a campaign against sex tourism was initiated by a working group of the Ministry of Family Affairs and Social Integration in collaboration with Luxembourg ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes). Awareness messages are printed in brochures and also on the leaflets used to identify the owner of luggage.

256. The Domestic Violence Act of 8 September 2003 allows the police to evict from their home for a period of 10 days anyone who endangers a person close to them and who lives with them.

257. The protected person may apply to the president of the district court for a restraining order preventing the evicted person returning home for up to three months following the expiry of the eviction measure.

258. Under the Domestic Violence Act, a committee of cooperation between professionals combating violence collects annual statistics on perpetrators and adult and minor victims, provided by the various bodies represented on the committee, including the prosecution services of the district courts, the Grand Ducal Police and the support service for victims of domestic violence.

259. Support service for victims of domestic violence.

260. The police notifies a helpline for victims of domestic violence of the eviction and provides the address and identity of the protected person. “Support service for victims of

domestic violence” means any private or public law body which aims to support, guide and counsel victims of domestic violence by actively seeking to contact them.

261. Following the results of the study entitled “Assessment of changes in Luxembourg since the introduction of the Domestic Violence Act” between 2003 and 2005, support for child victims and/or witnesses of domestic violence has been stepped up.

262. Since 2006, the concept of the support service for victims of violence has been modified in an innovative way. When working in family homes, a member of the support team is designated to work specifically with the child or children, while the other team member handles the adult victim.

The following table gives the ages of children and adolescents living in households of families in which an eviction took place.

	2003	2004	2005	2006	2007	2008	Total	relative
age 0–1	6	10	16	27	20	27	<b>106</b>	7.0%
age 1–3	3	21	29	31	52	62	<b>198</b>	13.1%
age 4–12	24	102	98	150	136	166	<b>676</b>	44.8%
of which age 4–6				62	47	42	<b>151</b>	15.3%
of which age 7–12				88	89	124	<b>301</b>	30.5%
age 13–17	10	48	62	67	61	81	<b>329</b>	21.8%
adults	14	23	31	25	26	41	<b>160</b>	10.6%
unknown		14	11	7	2	7	<b>41</b>	2.7%
<b>Total</b>	<b>57</b>	<b>218</b>	<b>247</b>	<b>307</b>	<b>297</b>	<b>384</b>	<b>1 510</b>	<b>100.0%</b>

#### The Psy-enfants child psychology service

263. With Government support, a specialist psychology service for child victims and/or witnesses of domestic violence was set up in 2006. One goal of this service is to help children overcome their trauma and to educate them in the values of a culture of non-violence.

264. Working methods and goals of the service:

(a) Working with children/adolescents:

- To teach them about domestic violence, the roles and responsibilities of each member of the family;
- To help them to recognize and express their emotions through various media (speech, singing, writing, drawing, etc.);
- To end their social isolation and encourage them to develop their social network;
- To develop protection scenarios;
- To develop their social skills: conflict resolution strategies, empathy for others (role playing, relationships with siblings, reading stories, etc.);
- To discuss gender stereotypes.

(b) Working on relationships between the parent (victim) and child/adolescent:

- To help the parent to build the child’s/adolescent’s sense of security;

- To develop empathy in the parent towards the child/adolescent;
- To refer to psychosocial services in case of need;
- To strengthen the parent-child/adolescent relationship;
- To restore communication between the parent and the child/adolescent;
- To help the parent to support their child/adolescent in his or her development, and to identify and meet his or her needs.

265. This work is done through interviews in the presence of the parent (victim) and his or her child(ren)/adolescent(s) and/or individual interviews with the child/adolescent.

The following table provides information on the number and age of children and adolescents supported by the Psy-enfants child psychology service.

	2006		2007		2008	
age 0–3	6	7%	13	9.7%	21	14.29%
age 4–6	19	21%	31	23.1%	35	23.81%
age 7–12	48	54%	70	52.3%	67	45.58%
age 13–18	16	18%	19	14.2%	24	16.33%
Unknown	0	0%	1	0.7%	0	0.00%
<b>Total</b>	<b>89</b>	<b>100%</b>	<b>134</b>	<b>100%</b>	<b>147</b>	<b>100%</b>

#### **Shelter services for women and children**

266. These State-funded services receive girls, women and women with children in distress and in need of socio-educational support.

267. In 2008, 467 women and children were accommodated in reception centres for women in distress, including 149 girls and 108 boys. The reason for the stay was domestic/marital violence in 74 per cent of cases and a housing problem in 10 per cent of cases.

#### **Training on domestic violence and sexual abuse**

268. In cooperation with the Ministry of Equal Opportunities and the police, non-governmental organizations have devised specific training programmes to improve training courses provided for members of the professions that are in contact with women and child victims of violence.

269. The non-governmental organizations were allocated additional funding to provide training courses and workshops in post-primary schools on the topic of domestic violence and sexual abuse.

#### **Recommendation of the Committee:**

##### Prohibition of corporal punishment

270. Article 2 of the Act of 16 December 2008 states that in families and school communities in particular, physical and sexual violence, intergenerational transgressions, inhuman or degrading treatment, and genital mutilation are prohibited. (See para. 44 et seq.)



271. In addition, a number of awareness campaigns have been launched by the Ministry of Family Affairs and Social Integration in the form of posters conveying messages about non-violence in schools and families.

## **J. Periodic review of placement (art. 25)**

### **Recommendation of the Committee:**

Order placements with the possibility of prolonging the placement after a review of the circumstances

272. The parties concerned may request the review of a custody measure at any time. The same applies to the review of the socio-educational and psychosocial action programme by ONE, which may be required at the request of one of the parties involved and at least every twelve months.

273. The Committee on the Rights of the Child recommends the introduction of the rule that placement of children may be ordered for a fixed period only, e.g. one year, with the possibility of extending the placement and a periodic review.

274. There has been no change in Luxembourg law on the issue of the duration of placements. Both provisional and definitive placements are ordered for a set period.

275. However, we would recall the principle that the circumstances are reviewed every three years, and the various remedies available to the parties (appeal, application for review and application for release). The Youth Protection Act of 10 August 1992 governs the procedures for reviewing placements ordered by a court. No later than one year after the juvenile court has made its ruling, the minor or his or her parents or guardians may apply for a review of the placement. Every three years the juvenile court must automatically review placements ordered. To that end, the court asks the educational officers responsible for the child to prepare a social report on the social development of the child or adolescent and proposing any new measures.

276. Article 6 of the Act of 16 December 2008 provides for an annual review of the action programme and continuous assessment of the measures adopted and applied in the action programme. This allows the parents or guardians to revoke a voluntary placement at any time.

277. Some reception centres have introduced assessment questionnaires which are filled in twice a year by educators (and partly by the young people). They allow a linear long-term assessment of the objectives and action specific to each child. The reports are sent to the juvenile court to show how the personal and family situation of the children is developing, and can be of assistance to the juvenile judge when adapting or postponing decisions.

## **VI. Basic health and welfare**

### **Health and welfare of children and adolescents**

278. Since 2002, Luxembourg has made significant progress in promoting the health of children and young people as defined by WHO, i.e. physical, psychological, social and cultural health, creating favourable environments and circumstances, and devising supportive policy and networks. Prevention and health promotion, notably for children and young people, are prominent elements in the Grand Duchy of Luxembourg Government declarations of 2004–2009 and 2009–2013. Considerable attention is being paid to improving the quality of medical services and care, universal access to them, improved information on the health

status of the population, interdisciplinary cooperation and coherence of activities. Action targeting children and young people has been stepped up since 2002, particularly in the areas of promoting healthy lifestyles, mental health, protection against infectious diseases, emotional and sexual health, health at school, and health monitoring.

279. The initiatives of the Ministry of Health are built upon a interdisciplinary and multisectoral approach, in close partnership with medical professionals and services on the ground, along with other relevant ministries, notably the Ministry of National Education and Vocational Training and the Ministry of Family Affairs and Social Integration. Strengthening frontline services and networks near places where children and young people and their families live are important objectives.

280. Major international references for the development of the child health policy framework:

- The health for all policy framework for the WHO European Region (Health 21, European Health for All Series; No. 6, WHO, 1999);
- European Strategy for child and adolescent health and development, WHO, 2005;
- Mental health in youth and education, Consensus paper, EU, 2008.

## A. Survival and development (art. 6, para. 2)

### Recommendation of the Committee:

Reduce traffic accidents, inter alia, by raising awareness through educational campaigns.

### Accidents

281. Since 1968, overall rates of “accidental death” among children and adolescents have steadily declined. This can be explained mainly by a significant reduction in fatalities in traffic accidents. The Ministry of Health is nevertheless very concerned that the suicide rate among young people has been rising since the 1980s.

### Deaths through accidental causes/100,000 by age group

<i>Age</i>	<i>1–4</i>	<i>5–9</i>	<i>10–14</i>	<i>15–19</i>	<i>20–24</i>
<b>“Accidental death” rate</b>					
1968–1977	28.3	25.4	18.5	72.4	75.6
1978–1987	22.2	15.7	11.9	62.9	67.7
1988–1997	11.4	8.1	6.3	56.8	74.3
1998–2007	11.5	4.1	4.7	29.8	60.9
<b>“Traffic accidents” rate</b>					
1968–1977	4.4	7.1	4.2	51.5	52.8
1978–1987	4.2	4.7	4.7	41.3	41.1
1988–1997	3	2.1	3.2	35.8	35
1998–2007	2.7	2.4	2.2	15.9	29.7
<b>“Suicide” rate</b>					
1968–1977			2.8	3.9	9.8
1978–1987			1.3	9.3	9.5

Age	1-4	5-9	10-14	15-19	20-24
1988-1997			0.9	8.9	11.4
1998-2007			1.1	7.2	12.7

*Reference:* Death statistics/Department of Health.

282. In order better to understand the causes and circumstances of accidents, including home and leisure accidents, which mainly affect children and young people, housewives and older persons, Luxembourg participates in the European Commission EU Injury Database (IDB) working group. A pilot project has been under way since last year to implement a national accident monitoring system using accident data systematically collected at hospital emergency departments, using a methodology adopted at European level. The system is expected to be operational in 2010.

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

283. On 30 March 2007 Luxembourg signed the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol.

284. The Grand-Ducal Regulation of 23 April 2004 concerning government approval of managers of services for persons with disabilities and implementing the Act of 8 September 1998 governing relations between the State and organizations working in the social, family and therapy fields.

285. The Regulation extends the scope of the Grand-Ducal regulation of 18 December 1998 by including sheltered employment services or workshops in the approval procedures concerned, introducing more new definitions of activities to be approved, and modifying staffing ratios in accommodation services as well as some procedural and technical aspects.

286. The Grand-Ducal Regulation of 19 December 2008 amended the Grand-Ducal Regulation of 23 April 2004 concerning government approval of managers of services for persons with disabilities. The new text provides support for end-of-life situations as part of the services to be offered to people with disabilities by accommodation facilities and domestic support services. It also lays down a number of technical changes to bring the formal requirements more into line with the reality on the ground. The term "person with disabilities" replaces the term "disabled person".

287. Act of 12 September 2003 on persons with disabilities.

288. This legislation introduced from 1 June 2004 the right to an income for all persons with disabilities. This income replaces the various welfare benefits. The Act distinguishes between two situations: persons with disabilities declared fit for work and severely disabled persons declared unfit for work. Regardless of whether they are employed in the first or second labour market, they are now entitled to the minimum wage, while the Act introduces an alternative income (income for persons with severe disabilities) for the second category of people. The legislation abolishes the special allowance for disabled persons with the exception of a few very specific cases where the person does not receive any income. There are provisions to prevent the income for persons with disabilities being drawn at the same time as benefits under family allowance legislation.

- Grand-Ducal Regulation of 7 October 2004 implementing the Act of 12 September 2003 on persons with disabilities.

289. The Act of 22 July 2008 on the accessibility of public places to people with disabilities accompanied by a guide dog.

290. Since 22 July 2008 this Act has established the principle of accessibility of all public places to persons with disabilities accompanied by a guide dog, with a view to their full participation and integration in society. Two Grand-Ducal regulations clarify certain provisions:

- Grand-Ducal Regulation of 19 December 2008 on restricted access to public places by persons with disabilities accompanied by a guide dog;
- Grand-Ducal Regulation of 11 December 2008 on the appearance and the conditions for obtaining guide dog medallions and implementing articles 2 and 3 of the Act of 22 July 2008 on the accessibility of public places to persons with disabilities accompanied by a guide dog.

291. Accessibility to persons with disabilities has been improved by amending the Grand-Ducal Regulation of 23 November 2001 on accessibility of public places to persons with disabilities accompanied by a guide dog.

292. In 2003, the Department for Persons with Disabilities and Accident Victims of the Ministry of Family Affairs, Social Solidarity and Youth – in close collaboration with the departments involved in accessibility – devised a comprehensive accessibility scheme for Luxembourg, building on resources and skills already in place. The scheme incorporates two awareness campaigns, the first of which, at national level, involves the recognition of an accessible public service through the introduction of the Label Plus label by the 2001 legislation on the accessibility of public places. The second is a cross-border campaign, known as Eurecard, which aims to promote accessibility in the Greater Region and introduces the Eurewelcome label.

293. At Luxembourg Airport measures to improve the accessibility of air transport to persons with disabilities and reduced mobility have been implemented since 2009. A practical guide sets minimum standards of care for persons with reduced mobility and disabilities, and fosters a better quality of service for these air passengers at no extra cost.

294. The La Cordée pilot project was established in 2002 by the Ministry of Family Affairs, Social Solidarity and Youth in close cooperation with the Ministries of National Education and Vocational Training; Sport; Health; and Social Security. The project ended in September 2003 after 18 months of support.

295. Under this pilot project, ongoing support is provided to families by a professional coordinator. The pilot project focuses on children with special needs and their families and has two main goals:

- To analyse the factors that can support families of children with special needs;
- To explore a model to coordinate all the services and support required by children with special needs and their families.

296. In late 2004, the Freiburg University Institute of Remedial Teaching and a Canadian expert from Barbara Rourke Specialty Services in Quebec presented a scientific assessment of the results of the pilot project. It is based – among other things – on user satisfaction, in this case the families and professionals who took part in the pilot project.

297. The assessment enabled the Ministry of Family Affairs and Social Integration to identify shortcomings in the current system of assistance and support to families of children with special needs.

298. Based on the problems and shortcomings identified, it will determine priority action to promote family support, quality of service providers and especially the coordination of services for children with special needs and their families.

299. In particular, the Department expects benefits for devising a scheme to coordinate specialist services for families of children with special needs in accordance with child-welfare legislation.

300. The year 2003 was declared European Year of People with Disabilities, and was marked by many awareness campaigns and exchanges of experience on the rights of persons with disabilities and also by the entry into force of a number of legislative measures, notably the Act of 12 September 2003 on persons with disabilities which reviewed the labour status of persons with disabilities and introduced the right to an alternative income for persons with a severe disability.

301. Thanks to funding provided by the European Commission and the Luxembourg Government, two calls for proposals were launched: the first in 2002 and the second in early 2003. Based on a single analysis grid, the National Coordinating Committee selected some 45 projects for either European or national co-funding.

302. We list below some projects for/with children with disabilities in the context of the European Year of People with Disabilities:

303. Independence course lasting 10 days for children and adolescents organized by the Spina Bifida non-profit association.

304. Translation of the English information brochure on autism “My brother is different” into French and German, by the Luxembourg Autism Foundation.

305. Children’s story about difference “Mit den Mini-Dickmanns ist es so wie mit den Menschen” sent to 240 nurseries and day-care centres by the non-profit association Elteren a Pedagoge fir Integratioun.

306. Significant financial contributions were also made to many national events and organizations such as the “Solutions pour Tous” (Solutions for All) exhibition and the participation of the Luxembourg national team in the Special Olympics in Dublin, Ireland, in the summer of 2003.

307. On 3 January 2004, Come Together – the official “non-closure” event – presented not only the achievements of the year, but also the challenges of the future.

308. The Ministry of Family Affairs and Social Integration published a brochure taking stock of the vast majority of projects carried out during the year.

309. In 2003, efforts began to draft an agreement to fund socio-pedagogical support for persons with disabilities as a matter of course. Thanks to the commitment of all partners, agreement was reached to begin implementation in 2006.

310. The new model introduces changes at several levels including:

- The partnership concept;
- State financial contributions;
- Human rights.

311. In the agreement, the roles and responsibilities of the partners are set out in more detail than in the past. It confirms the organizations’ managerial autonomy, and focuses the responsibility of the State on follow-up visits and monitoring the implementation of the

agreements. The new text also sets out the latter's obligations regarding the protection of human rights.

**Approved services for persons with disabilities**

312. In general, the Ministry of Family Affairs and Social Integration has continually stepped up resources for the various types of services for persons with disabilities, namely:

- Early assistance;
- Day care;
- Accommodation;
- Training;
- Information, consulting and meeting;
- Home help.

313. To cite just two examples: an accommodation centre opened a family group with eight beds for children and adolescents in September 2008 (Yolande non-profit association) and one manager obtained co-funding for new places for children and young people in day activities (APEMH foundation).

314. Since 2006, considerable efforts have been made to set up a comprehensive scheme to raise awareness of the dangers associated with the use of new media for children, young people, socio-educational trainers and parents. In cooperation with the Ministry of Family Affairs and Social Integration, Ministry of the Economy and Ministry of Education, a memorandum of joint action was drafted with a view to devising a common strategy and coordinating the various awareness activities such as information meetings in primary and secondary schools, information evenings for parents, the Luxembourg Safer Internet Day campaigns and training for trainers.

**Statistics**

315. The Integration and Assistance Department of the Ministry of Family Affairs and Social Integration is currently devising a coherent strategy for collecting data and statistics on the situation of persons with disabilities.

316. The most recent available data are set out below.

<i>Children with disabilities</i>	<i>Number of children</i>
Beneficiaries of the special supplementary allowance for children with disabilities from the National Family Benefits Fund (CNPF) <sup>12</sup>	
Beneficiaries in 2008	1 962
Beneficiaries in 2007	1 851
of which under 18 years of age (2007)	1 606

<sup>12</sup> Special supplementary allowance  
 This benefit was partially replaced in 2004 in the vast majority of cases by the income for disabled persons (Act of 12 September 2003) for beneficiaries aged over 18.

<i>Children with disabilities</i>	<i>Number of children</i>
Beneficiaries of the special allowance for persons with severe disabilities from the National Solidarity Fund (FNS)	
Beneficiaries in 2008	939
of which under 18 years of age	193
Beneficiaries of long-term care insurance	
All beneficiaries at 31 December 2007	10 207
of which aged 0–19, presumed to be children with disabilities (place of residence: home)	625
• Benefits in kind	44
• Cash benefits	355
• Combined Benefits	266
Early-assistance services	
SIPO (service approved by the Ministry of Family Affairs and Social Integration)	
Number of children reported in 2008	163
Monitoring ended in 2008	120
Number of children currently monitored (after 31/12/08)	208
Waiting list	57
Early rehabilitation service (SRP) (service approved by the Ministry of Health)	
Children receiving one or more specific treatments in 2008	346
New admissions in 2008	119
Hëllef fir de Puppelchen (service approved by the Ministry of Health)	
Children in treatment, observation or consultation in 2008	399
National education	
Differentiated education (2007/2008)	
Students in differentiated regional education centres or specialist institutes	689
Outpatient treatment at the speech therapy centre	3 626
Outpatient treatment at the institute for the visually impaired (IDV)	67
Support from the outpatient re-education service	383
Child Guidance Service (SGE) – students in consultation	2 919

<i>Children with disabilities</i>	<i>Number of children</i>
<b>Daytime activity services</b> (approved by the Ministry of Family Affairs and Social Integration)	
Number of users (31/12/2008)	249
of which aged 0–17	10
<b>Accommodation services</b> (approved by the Ministry of Family Affairs and Social Integration)	
Number of users (31/12/2008)	662
of which aged 0–17	38
<b>Information, consulting and meeting service</b>	
<b>Solidarität mit Hörgeschädigten</b> (approved by the Ministry of Family Affairs and Social Integration)	
Patients handled in 2008	74
of which aged 0–16	5

### C. Health and health services (art. 24)

#### Recommendation of the Committee:

- Health programmes to combat suicide;
- Strengthen child psychiatry and preventive and curative mental health services;
- Health education programmes in schools (mainly on alcohol and drugs);
- Training of health personnel in child rights.

317. Under the national action plan *Gesond Iessen, Méi Bewegen* (Move More, Eat Better youth campaign which ran from March 2008 to September 2009) the National Youth Service, in partnership with other institutions, conducted awareness projects and supported projects from the youth sector.

The goal of this campaign was to educate and motivate young people to become more active and adopt healthy eating habits without seeming too restrictive or moralizing.

#### Article 24.2 Provide appropriate antenatal and postnatal care for mothers

##### Pregnant women and babies

318. The National Neonatal Screening Programme, in which infants are tested within the first days of life for potentially very serious diseases if not treated promptly, (phenylketonuria, hypothyroidism and congenital adrenal hypoplasia), was expanded in 2008 to include early detection of Medium Chain Acyl CoA deficiency (MCAD). More than 99 per cent of babies are covered by the programme, involving gynaecologists, paediatricians, midwives and the Ministry of Health. Since 1 January 2009, the programme has been accompanied by detailed information (in French, German, Portuguese and English) and an informed consent procedure for parents. (<http://www.sante.public.lu/fr/fil-de-la-vie/petite-enfance/depistage-neonatal/index.html>)



319. Also, in 2002 the national audiometric neonatal screening programme was introduced for all babies within 48 hours of birth. (<http://www.sante.public.lu/fr/fil-de-la-vie/petite-enfance/audition-enfant/index.html>)

320. The Grand-Ducal Regulation of 20 February 2007 amending the Regulation of 8 December 1977, as amended, on procedures for medical examinations of babies, adds an audiometric examination for babies to those provided for in the Regulation to be eligible for the childbirth allowance. Linking the childbirth allowance to medical screening for babies has achieved coverage in excess of 95 per cent.

321. To improve health monitoring of pregnant women and newborn babies and peri- and neonatal health policies in place, the National PERINAT Committee has expanded the FIMENA system (medical birth records) into the SUSANA system (health monitoring at birth). This system was introduced in 2008 in all maternity hospitals in the country and collects administrative and medical data of all births occurring in Luxembourg. It includes data on risk factors for the mother and the unborn baby such as smoking or alcohol consumption during pregnancy. (<http://www.sante.public.lu/fr/catalogue-publications/sante-fil-vie/grossesse-maternite/susana-sante-bebes-mamans/index.html?highlight=SUSANA>)

322. A report on perinatal health for 2001–2003 in Luxembourg is about to be published. Luxembourg also took part in the drafting of the “European Perinatal Health Report. Better statistics for better health for pregnant women and their babies.” (data from 2004) Euro-Peristat project, EC, 2008 (<http://www.sante.public.lu/publications/sante-fil-vie/petite-enfance/european-perinatal-health-report/european-perinatal-health-report.pdf>)

323. In the context of the medical monitoring of pregnant and lactating women and their newborn babies, we would mention the Grand-Ducal Regulation of 30 April 2004 on the procedures for two additional consultations that may be performed by the midwife, one during pregnancy and the second during the postpartum. This arrangement is an important contribution to the early strengthening of mother-child bonding, promotion of breastfeeding, and the identification of risk factors for neglect or abuse of the baby.

324. In 2006, Luxembourg adopted the WHO recommendations as a policy guideline for child nutrition and treats breastfeeding as a public health priority. In this context, the Ministry of Health, in cooperation with the National Committee for Breastfeeding has devised a national programme for protecting, promoting and supporting breastfeeding in Luxembourg for 2006–2010. (<http://www.sante.public.lu/publications/sante-fil-vie/grossesse-maternite/programme-national-protection-allaitement-maternel-lux-2006-2010/programme-national-protection-allaitement-maternel-lux-2006-2010.pdf>)

325. Its main goals are:

- To increase breastfeeding rates in general in Luxembourg;
- To increase the exclusive breastfeeding rate. To sustain this rate up to age six months and avoid mothers giving up early;
- To step up promotion campaigns among less privileged populations, which have lower breastfeeding rates than higher income groups.

326. As part of the implementation of the Labour Code (art. L-326-4; Act of 14 December 2001 amending the Act of 17 June 1994 on occupational health services), referring to the safety of workers, a procedure was introduced for drawing up an inventory of hazardous jobs every three years; this inventory was prepared in 2003, 2006 and 2009 in cooperation with occupational medical specialists. The purpose of this exercise is to identify hazardous jobs in businesses, guide and organize the medical monitoring of employees, help prevent occupational diseases and accidents at work. This measure also

allows a systematic and regular assessment of the risks of jobs for pregnant women. In the exercises conducted since 2003, 10 per cent of businesses identified such positions and adequate protective measures were taken.

### Vaccination programmes

327. Regarding vaccinations recommended by the State, which are free for children and young people, we would point out the following:

328. The surveys of 1996, 2002 and 2007 on the immunization coverage of children up to 24 months old continue to show a growing trend of excellent coverage in excess of 90 per cent. The free provision of the recommended vaccines ensures fair access to vaccinations for all children:

- Introduction of new vaccines in the vaccination programme for babies: 2001 Meningococcal C:
  - 2005 Pneumococcal;
  - 2006 Rotavirus.
- Rise in immunization coverage of children under the age of 24 months between 1996 and 2007.

329. Note: Rates of vaccination against pneumococcus and rotavirus are not yet included because they are newly introduced vaccines and at the time of the study a large number of children surveyed had not yet received the entire dose necessary to provide full protection from these vaccines.

<i>Vaccine</i>	<i>1996</i>	<i>2002</i>	<i>2007</i>
Polio	73.7	93.2	96.4
DTP	89	94.9	96.5
Haemophilus influenza	86.1	92.2	95.3
Hep B	5.8	94.5	94.5
Measles, mumps and rubella	91.8	95.3	96.2
Meningococcal C		81.9	95.8

*Reference:* Survey of immunization coverage in Luxembourg, 2008.

<http://www.sante.public.lu/publications/rester-bonne-sante/vaccinations/enquete-couverture-vaccinale-lux-2007-oct-2008-mars/enquete-couverture-vaccinale-lux-2007-oct-2008-mars.pdf>

330. A programme to vaccinate young girls against human papilloma virus (HPV), the virus responsible for almost all cervical cancers, began on 1 March 2008. Girls aged 12–13 are offered a vaccination by personal letter. There is a catch-up programme for adolescents aged 13 to 18. (<http://www.sante.public.lu/fr/fil-de-la-vie/petite-enfance/audition-enfant/index.html>)

### Promoting a healthy diet and active lifestyle

331. Regarding the safety of baby food, various EU directives have been implemented, notably by:

332. The Grand-Ducal Regulation of 13 November 2003 amending the Regulation of 27 August 1997 on processed cereal-based foods and baby foods and amending the Regulation of 20 November 1993 on infant formulas and follow-on formulas.

333. The Grand-Ducal Regulation of 19 March 2008 lays down standards of composition and labelling for the preparations referred to in the article and implements the objectives of the International Code of Marketing of Breast-milk Substitutes regarding marketing, information and responsibilities of health authorities.

334. The Department of Food Security conducts regular campaigns to sample and analyse food for infants and children.

(<http://www.ms.public.lu/fr/activites/securite-alim/index.html>)

335. Training courses on food safety that focus on preventing gastrointestinal diseases are offered to organizations representing nurseries, day-care centres, etc.

336. Similarly, special attention is paid to monitoring institutions for children (crèches, drop-in centres, etc.).

([http://www.securitealimentaire.public.lu/publications/campagnes\\_controle/2006/produits\\_bebe/index.html](http://www.securitealimentaire.public.lu/publications/campagnes_controle/2006/produits_bebe/index.html))

([http://www.securitealimentaire.public.lu/publications/campagnes\\_controle/2004/creches\\_in\\_sa/index.html](http://www.securitealimentaire.public.lu/publications/campagnes_controle/2004/creches_in_sa/index.html))

337. A campaign to check pesticide contamination of infant foods is currently being conducted in accordance with the Community control programme.

338. Based on the Global Strategy on Diet, Physical Activity and Health (WHO 2004) and the European Commission white paper: A strategy for Europe on nutrition, overweight and obesity-related health issues (2007), Luxembourg has stepped up its efforts to stem the alarming increase in the rates of overweight and obesity in the Luxembourg population and especially among children and young people, where these rates exceed 20 per cent. A national interdepartmental programme involving the Ministries of Health, of National Education and Vocational Training, of Family Affairs and Social Integration and of Sport, was launched officially on 5 July 2006 by a joint statement on a policy to promote physical activity and a healthy diet, entitled “Gesond iessen, méi bewegen” (Eat healthily, move more).

(<http://www.sante.public.lu/fr/campagnes/alimentation/2006/gesund-iessen/index.html>.)

339. The initiatives of the action plan target children and adolescents as a priority, as well as the environments in which they live, including schools, reception facilities and communes. Since the programme’s inception, very good cooperation between government and a wide range of sectors has developed at national and local levels, many local and national interdisciplinary networks were established and many sustainable projects, most involving young people, have been conducted throughout the country.  
<http://www.sante.public.lu/fr/catalogue-publications/rester-bonne-sante/alimentation/plan-national-alimentation-saine-activite-physique/index.html>

(<http://www.sport.public.lu/fr/sport-loisir/meter-meter/index.html>.)

340. On 5 July 2006, the common policy “Gesond iessen, méi bewegen” promoting a healthy diet and physical activity, was formalized between the Ministries of Health, of National Education and Vocational Training, of Family Affairs and Social Integration and the Department of Sport. An interdepartmental committee was set up and a number of specific measures were carried out, especially for school-age children, to respond to the urgent appeal of the World Health Organization and the European Commission to develop common intersectoral approaches with a view to countering the epidemic of overweight and sedentary lifestyle, the main causes of the major diseases in our society, including cardiovascular disease, some cancers and osteoporosis.

341. Of particular importance for promoting healthy habits and creating environments favourable to health are the Maison Relais Enfants (child drop-off centres) as a place for learning lifestyle habits, and for meetings and exchanges. Since 2007, the Ministry of Health, in close consultation with the Ministry of Family Affairs and Social Integration, approached the reception centres to promote in a gradual and continuous manner a balanced diet and regular physical activity for children in their various living environments.

342. In 2008, training and awareness sessions on healthy diets were organized for professionals at child drop-off centres.

### **Combating alcohol consumption by young people**

343. In Luxembourg society, alcohol is the main drug that creates addictions. Alcohol and tobacco are usually the first drugs used by adolescents, often at a very young age. This often plays an important role in later consumption of other drugs and in their becoming drug addicts. The massive appearance of alcopops on the Luxembourg market, very specifically targeting very young consumers, has caused great concern in this country.

344. The following measures to prevent and reduce alcohol consumption among young people have been taken since 2002:

- Organization of a multidisciplinary working group coordinated by the Drug Addiction Prevention Centre and comprising among others, representatives of the Ministries of Health, National Education and Justice, the Grand-Ducal Police, Road Safety, the Consumers' Union, the National Youth Service and the Ombuds-Committee on the Rights of the Child;
- Article 12 (10) of the Budget Act of 23 December 2005 and implemented on 1 January 2006 introduced a surcharge of €6/litre on alcopops. This increase of €1.50 per bottle of alcopops, which for young people is a substantial financial disincentive, was designed to encourage them to choose other, alcohol-free drinks. Customs and excise officials indicate that imports of these products have declined by more than 90 per cent to date;
- The Act of 22 December 2006 prohibiting the sale of alcoholic beverages to minors under 16 years of age. Previously, this Act applied only to drinks outlets whereas it now extends to all shops (notably supermarkets and service stations) and all public places. Alcoholic beverages or mixtures of alcoholic beverages containing more than 1.2 per cent alcohol by volume may not be sold or given free of charge to children under 16 years of age, for consumption on the premises or to take away. Any infringement of the Act is punishable by a fine of €251 to €1,000;
- An extensive outreach programme "No alcohol for under 16s" has been conducted to ensure that the Act is enforced. It focused primarily on adults, appealing to their responsibility towards young people;
- Information brochure for adults (parents, professionals in contact with young people): "No alcohol for under 16s; our pledge!";
- Recommendations for points of sale and outlets for alcoholic beverages;
- Manual of recommendations for organizing festivals and other public events;
- The Act of 18 September 2007 introducing a lower blood-alcohol limit, general screening for drugs and other measures to improve road safety. The Act lowers the blood-alcohol limit for drivers from 0.8 g to 0.5 g per litre of blood, and from 0.35 mg of alcohol per litre of exhaled air to 0.25 mg. The Act introduces a legal

limit of 0.2 g of alcohol per litre of blood, or 0.1 mg of alcohol per litre of exhaled air for certain categories of drivers, notably:

- Vehicle drivers under 18 years of age;
- Candidates for driving licences;
- Learner drivers.

345. The vast majority of cases in the last two bullets relate to young drivers aged 18 to 20.

346. The Act was introduced too recently to assess its impact as yet.

Comparison between data for 2000 and 2007

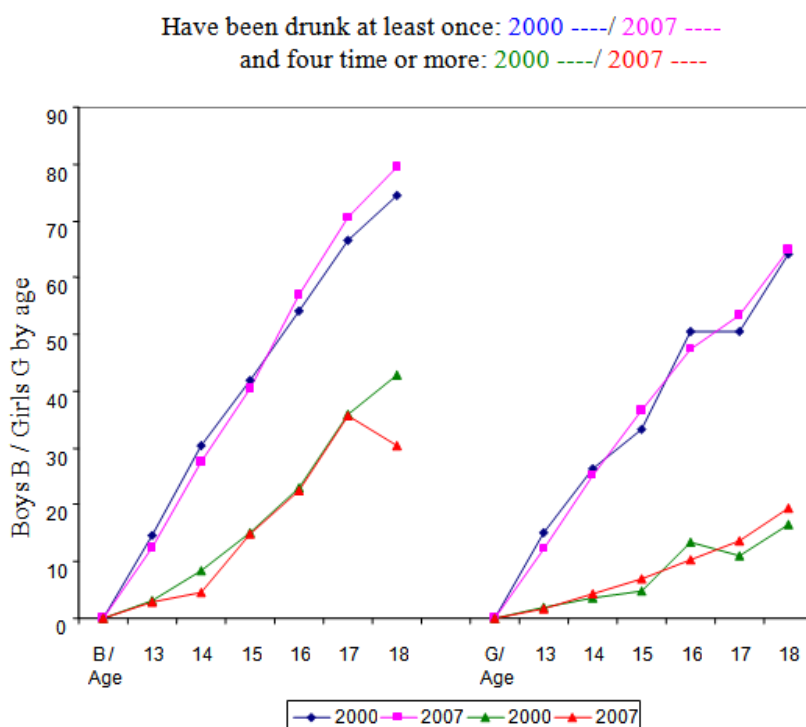
(HBSC data for 2000 and 2007, the latter not yet published)

#### **Have experimented with getting drunk at least once in their lives**

<i>Gender</i>	<i>Age</i>	<i>Boys</i>	<i>Girls</i>
B/G	13	14.5/12.5	15.1/12.1
	14	30.5/27.5	26.3/25.2
	15	42.0/40.4	33.2/36.7
	16	54.2/57.0	50.4/47.5
	17	66.6/70.5	50.6/53.4
	18	74.4/79.5	64.1/64.9

#### **Have experimented with getting drunk four times or more**

<i>Gender</i>	<i>Age</i>	<i>Boys</i>	<i>Girls</i>
B/G	13	3/2.8	2/1.6
	14	8.3/4.6	3.7/4.3
	15	15.1/14.9	4.9/7
	16	23/22.6	13.3/10.3
	17	35.8/35.7	10.9/13.7
	18	42.9/30.5	16.4/19.5



347. These figures show that alcohol consumption among young people remains a worrying problem in this country. Apart from a decline in the rate of drunkenness “four times or more in young men aged 18”, we do not observe any significant changes either for boys or girls. In girls aged 17 and 18, there is even a 3 per cent increase.

### Combating illegal drugs

348. Since its inception in 1994, the Luxembourg Focal Point (NFP) of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) has established a national drugs and drug addiction observation and information network, known as the Luxembourg Drugs and Drug Addiction Information Network (RELIS) <http://www.relis.lu/>.

With the publication of an annual report on the drug phenomenon in Luxembourg it makes an important contribution to the assessment of the issue of drugs in this country, as well as identifying needs for prevention and treatment provision. In an approach to ensure coherent policy and complementary action, the Ministry of Health which, following the parliamentary elections of 1999, was charged with coordinating measures to combat drug addiction, has brought together the key partners involved.

The Interministerial Drug Addiction Group was officially set up in 2006. It is coordinated by the Ministry of Health and includes the Ministries of National Education and Vocational Training, Family Affairs and Social Integration, Social Security, Foreign Affairs and Immigration, and Justice, along with representatives of the Drug Addiction Prevention Centre (CePT), the National Youth Service, the Prosecution Service, the Police, and Customs and Excise. Implementation strategies have been set out in action plans:

- Anti-drug action plan, 2000–2004;
- Strategy and action plan 2005–2009 to combat drugs and drug addiction <http://www.sante.public.lu/publications/rester-bonne-sante/drogues-illicites->

dependances/strategie-plan-action-2005-2009-drogues-toxicomanies/strategie-plan-action-2005-2009-drogues-toxicomanies.pdf.

349. The drafting of multi-annual action programmes has increased the budget allocated to this issue and improved the coordination and sustainability of the initiatives. The main priorities for action include the prevention and reduction of risks and harm caused by drugs. Many initiatives specifically target children and adolescents. Information and training for adults, professionals and parents is another important area. Schools and communes, as living spaces of this target group, have been identified as priority areas for action. To improve the geographical coverage of support, particularly for young drug addicts, several decentralized services have been opened since 2002. In 2003 the Jugend-an Drogenhëllef foundation opened a parenting service to offer help and support to pregnant women and parents with past or present experience of drug problems.

#### **Anti-smoking campaign**

350. Act of 8 June 2005 approving the WHO Framework Convention on Tobacco Control (FCTC), done at Geneva on 21 May 2003. In adopting this Act, Luxembourg demonstrates that it attaches a high priority to national initiatives designed to reduce smoking and its adverse effects on public health. It pays special attention to reducing tobacco consumption and passive smoking by children and young people.

351. The Act of 11 August 2006 on tobacco control significantly enhances the legislative provisions introduced by the Act of 24 March 1989 that it repeals. In this context, the following factors are particularly important to children's health:

- Tightening up the ban on advertising for tobacco and tobacco products;
- Mandatory health warnings on the packaging of cigarettes and tobacco products;
- Increasing the subsidy for awareness campaigns, especially in schools;
- Ban on smoking in public places, specifically: schools and school premises, places receiving or accommodating children under 16 years of age, cinemas, theatres, etc., halls and corridors thereof, sports arenas, and discotheques open to children under 16 years of age;
- Children under 16 years of age may not be sold tobacco or tobacco products or allowed access to cigarette machines.

352. Grand-Ducal Regulation of 14 March 2007 on warnings with a financial penalty and rules pertaining to the smoking ban.

353. In order to prevent and reduce smoking among young people and to ensure enforcement of the law in schools, the Tobacco-Free Schools Network was set up, bringing together representatives of all the secondary schools in the country, the Ministries of National Education and Health, and associations working to combat smoking. This network has met since its inception on a regular basis, and aims to promote cooperation and sharing of best practice, and coordinate concrete action in schools.

Percentage of daily smoking (at least once per day)

**Comparison of 2000 and 2007**

<i>Age</i>	<i>Boys</i>	<i>Girls</i>
13	5.0/3	5.5/4
14	16.3/7.3	13.6/7.6
15	20.2/13.6	21.0/16.4
16	26.6/19.1	30.5/17.9
17	33.5/23.0	29.8/22.2
18	35.2/30.5	39.6/30.2

354. Although lifestyle changes can be demonstrated only over fairly long periods of time, we draw attention to the following data from surveys on the well-being of young people/HBSC in the year 2000 (<http://www.sante.public.lu/publications/sante-fil-vie/enfance-adolescence/wohlbefinden-jugendlichen-lux/wohlbefinden-jugendlichen-lux.pdf>) and 2007 (report not yet published).

355. In the coming years, we hope to be able to confirm this very encouraging decline in the rate of young daily smokers, from about 28 per cent in 2000 to about 20 per cent in 2007.

**Protection of sexual health**

356. To improve the protection and promotion of the sexual health of children and adolescents, the Ministry of Health has improved cooperation with the key partners concerned, including Family Planning and AIDS Berodung, an AIDS assistance and support association. The major concerns are: to improve information to young people on healthy and responsible sexuality, access to contraceptives and condoms, the issue of the large number of abortions, especially the many young women who go abroad for an operation.

357. To avoid unwanted pregnancies, the Ministry of Health has authorised the morning-after pill to be sold over the counter in pharmacies, i.e. without prescription, since 1 May 2005. This initiative was accompanied by a comprehensive awareness campaign at all secondary schools in the country in cooperation with the School Medicine Services and the School Psychology and Counselling Services.

358. With a view to facilitating access, improving medical follow-up and psychological support, and reducing the number of trips abroad for abortions, in May 2008 the Ministry of Health approved Luxembourg Family Planning, which is often visited by girls, as a centre for carrying out medically induced abortions.

359. In close cooperation with the partners already mentioned, a brochure was prepared in French, German and Portuguese, entitled: "The emotional and sexual health of young people" (<http://www.sante.public.lu/publications/impacts-milieu-vie/sante-ecole/guide-sante-affective-sexuelle-jeunes/guide-sante-affective-sexuelle-jeunes.pdf>)

360. Since it was first published in 2007, more than 100,000 copies have been circulated. This tool is used almost systematically in secondary schools for sex education modules.

- This cooperation gave rise to a regular interdisciplinary working group which is preparing a dossier on the provision of contraceptives free of charge or at very low cost to young women.



Extract from the Government declaration for 2009–2013

361. Sex education in schools will be provided across the board at all levels and it is an integral part of the curriculum in primary education. To combat sexually transmitted diseases (STDs), access to condoms will be guaranteed. The same will apply to other contraceptives to prevent unwanted pregnancies. (...) It is planned to provide free contraception for all women up to the age of 25.

### **Mental health**

362. As part of the reform of psychiatry in Luxembourg which came into effect with the establishment in 2005 of the Psychiatry Platform, bringing together all the key players for both inpatients and outpatients, the issue of mental health for children and young people was among the top priorities. While decentralization of psychiatric support services, upgrading of outpatient facilities, and improving care procedures and rehabilitation measures are the key themes for adults, the approach to be followed in regard to children and young people is the comprehensive treatment of mental health.

363. The aspects of medical, psychological, educational or social care are treated in the same way as early detection of psychosocial problems, identification of risk factors, and the protection and promotion of mental health.

364. Regarding hospitals, we would draw attention to the following:

- Opening of the Juvenile Psychiatry Department at the Kirchberg Hospital in 2003;
- Setting-up of the Child Psychiatry Inpatient Unit at the Centre Hospitalier Luxembourg (CHL) in 2008, which until then had outpatient infrastructure only;
- Setting-up in 2007 of an inpatient support procedure for adolescents in difficulty with psychiatric disorders, with the principal objective of gradually reintegrating them into their family, social, academic and professional environments. It consists of one closed unit, two semi-closed/open treatment centres and home psychiatric care for young people. This infrastructure provides therapeutic care facilities for young people who are in conflict with the justice system. Although this project has not yet solved the problem of all minors in prison, it does make an important contribution to solving the problem.

365. With the support and cooperation of the Ministry of Health, an interdisciplinary group was formed in 2006 with the aim of devising a concerted action programme for suicide prevention: Networked Initiative / Suicide Prevention. In recent years, a considerable number of awareness events were held, including study days on suicide prevention, the fourth of which is scheduled for February 2010.

366. In 2007/08, an assessment of the state of the mental health of children and young people in Luxembourg identified a considerable multitude of partners involved as well as specific needs and problems. In 2009, under the coordination of the Ministry of Health and in close cooperation with the Ministry of Family Affairs and Social Integration and the Ministry of Education, a broad national consultation process was initiated with partners on the ground to improve:

- Cooperation between services and professionals;
- Complementarity and geographical coverage of available treatment;
- Cooperation with families;

- The quality of psychiatric care, early detection of disorders and promotion of mental health of children and young people both individually and collectively.

367. Since the start of the psychiatry reform in 2004, a highly dynamic and cooperative movement has grown up between ministries and professionals, which has already introduced a lot of very positive changes both for treating mental illness and for promoting the mental health of children and adolescents and their families, and has also created environments and circumstances favourable to their welfare (schools, communes, youth associations, etc.).

368. In this connection, the Ministry of Health appreciates the excellent cooperation with the Ministries of Family Affairs and National Education, which it regards as essential for implementing a sustainable and effective policy of health and well-being for children and young people.

369. On 18 November 2009, an in-service training seminar for socio-educational officers in State children's homes and open to staff from other centres will be organized with the following title: "Involving children, adolescents and families in the everyday life of a reception centre."

### Statistics

Table 1  
**Infant mortality rate and mortality rate of children under 5**

<i>Period</i>	<i>Infant mortality (≤ 1 year old)</i>	<i>Child mortality (≤ 5 years old)</i>
1967–1969	20.00	23.30
1970–1974	17.32	21.72
1975–1979	11.38	13.97
1980–1984	11.22	13.52
1985–1989	8.40	9.93
1990–1994	6.65	8.08
1995–1999	4.17	5.08
2000–2004	4.05	5.04
2005–2007	2.39	2.85
Change from 1990–1994 to 2005–2007	-64%	-65%

*Source:* Department of Health, Register of causes of death.

Table 2  
**Proportion of children with low birth weight**

<i>Year</i>	<i>&lt;500 g</i>	<i>500- 1 499 g</i>	<i>1 500- 2 499 g</i>	<i>2 500- 4 499 g</i>	<i>≥4 500 g</i>	<i>Unknown</i>	<i>Total births</i>
2004	0	13	239	5 008	40	186	5 486

*Source:* Euro-Peristat project, 2009, "European Perinatal Health Report – better statistics for better health for pregnant women and their babies", Ed. European Commission → Data from FIMENA.

Table 3  
**Maternal mortality, including main causes of mortality**

<i>Period</i>	<i>Number of deaths</i>	<i>Maternal mortality rate</i>
1970–1974	8	38.71
1975–1979	12	59.70
1980–1984	-	-
1985–1989	1	4.56
1990–1994	2	7.73
1995–1999	2	7.25
2000–2004	2	7.33
2005–2007	2	7.33

*Source:* Department of Health, Register of causes of death.

370. The causes of death are always included in Chapter XV of the International Classification of Diseases – Pregnancy, childbirth and the puerperium. The causes of death listed between 1998 and 2007 are as follows:

- O14.1: Severe pre-eclampsia;
- O88.1: amniotic fluid embolism;
- O88.2: obstetric blood-clot embolism;
- O99.4: diseases of the circulatory system complicating pregnancy, childbirth and the puerperium.

4. Proportion of pregnant women with access to antenatal and postnatal care and that benefit from them.

371. Since social security coverage is virtually universal in this country and childbirth allowances are generous (linked to examinations to monitor pregnancy and early childhood), practically all pregnant women have access to and benefit from such care (99.9%).

Table 5  
**Proportion of children born in hospital**

<i>Year</i>	<i>Number of births</i>	<i>Number of home births</i>
2001	5 514	2
2002	5 426	4
2003	5 341	2

*Source:* Monitoring perinatal health in Luxembourg 2001–2003.

372. Births outside of hospitals are rare in Luxembourg: over the period from 2001 to 2003, of the 16,281 births listed in the FIMENA register of births only eight births occurred outside the hospital or at home.

Table 6  
**Absolute numbers of obstetricians and midwives in Luxembourg**

<i>Year</i>	<i>Number of obstetricians</i>	<i>Number of midwives</i>	<i>Births</i>
1995	53	75	5 421
1996	55	80	5 689
1997	57	82	5 503
1998	58	85	5 386
1999	61	93	5 582
2000	57	97	5 723
2001	58	95	5 459
2002	56	95	5 345
2003	55	114	5 303
2004	62	123	5 452
2005	61	159	5 371
2006	66	159	5 514

*Source:* Register of active doctors and health professionals (within and outside hospitals).

7. Number and percentage of children infected by HIV/AIDS

373. The annual report of the AIDS Surveillance Committee has been publishing epidemiological data since 2006, broken down by age group. The lowest age group is limited to under 20.

The figures of the incidence (new cases) of HIV among persons under age 20 are given below.

<i>Year</i>	<i>Number of new HIV cases among persons under age 20</i>
2006	3
2007	1
2008	3
2009	1

*Source:* AIDS Surveillance Committee – Annual activity report.

**D. Social security and childcare services and facilities (arts. 26 and 18, para. 3)**

374. In addition to the conventional branches, Luxembourg social security includes long-term care. In this connection, please refer to paragraphs 201 to 215 of the initial report and paragraph 160 of the second report.

375. Since the last report was submitted in March 2005, the legislation on the various branches has seen only minor changes, such as the Act of 23 December 2005 amending various provisions of long-term care insurance. On this basis the Grand-Ducal Regulation of 21 December 2006 established new specific procedures for determining long-term care for children.

376. The Act of 16 March 2009 on palliative care, advance directives and end-of-life support establishes the right to palliative care as a common right, regardless of the living environment chosen by the person concerned. People at the end of their lives have the choice between various living environments where palliative care can be provided: at home, in hospital, in a long-stay institution or in a nursing homes for people in the final stage of life. Mechanisms for supporting people at the end of their lives will be improved and made more flexible through sickness and long-term-care insurance. Generally speaking, these provisions also apply to children.

377. The Act also provides for the refusal of further treatment and clarifies the rights and obligations of the person being treated and of the consulting physician. Minors and adults protected by a judicial measure may not take all decisions about their health on their own. The parents, person having parental authority or legal guardian are in principle trusted adults of the child, adolescent or protected adult.

378. If these people do not have the capacity to give their consent on their own to certain health choices, it is important to involve them in decision-making to the extent of their discernment. Accordingly, it is important for children or protected adults to be able to discuss their wishes with this reference person and their doctor. Children, adolescents and persons with disabilities under guardianship are all entitled to express their wishes and the doctor can take them into account.

379. The Act on palliative care, advance directives and end-of-life support introduced leave to support people at the end of their lives. This leave may be requested by any employee who is a mother/father, sister/brother, son/daughter or spouse of a person at an advanced or terminal phase of a severe and incurable disorder.

380. The maximum duration of compassionate leave is five working days per case. This means that all employees are entitled to leave whenever they are giving support to a family member who is dying. However, if two or more people share the support, the total leave may not exceed forty hours. This leave can be divided between two or more people. It may be taken part-time subject to agreement with the employer. The duration of the leave is increased proportionately. Compassionate leave ends upon the death of the person in question.

### **Institutional day care for children**

#### **Crèches, day-care centres and nurseries**

381. Following the appointment of the new Government in 2009, an internal reorganization began within the Ministry of Family Affairs and Social Integration affecting socio-educational day-care services for children between 3 months and 12 years of age. Socio-educational day-care services such as crèches, nurseries, day care centres and drop-off centres, plus parental support services are grouped under the service reconciling family and working life. This restructuring into a common service is based on the principle of focusing our efforts on the needs of the child and his or her family, and the child's capabilities. The goal of the Ministry is to support quality reception of children, laying emphasis on their welfare, education and learning, especially for young children. Regarding the quality of education, the Ministry of Family Affairs and Social Integration conceives quality not only in terms of content, but also as a process in which the contributions and culture of all the stakeholders, namely professionals, managers, policymakers, parents and also children, are considered and actively turned to account.

382. As part of the development of an action plan for child care (see the Government declaration of July 2009) it is planned to construct an educational framework, a kind of

national curriculum for the socio-educational reception of children, especially young children, thereby stimulating decision-makers at commune level and professionals on the ground to devise educational programmes based on their specific circumstances. Cooperation with the University of Luxembourg (Inside Research Axis – Early Childhood: Education and Care) and other socio-educational research centres is being stepped up to foster exchanges between practice, policy and research.

383. At 31 December 2009 and 31 December 2001, the sector of day-care centres for young children meeting the requirements of the Grand-Ducal Regulation of 20 December 2001 on obtaining approval was composed of the following institutions:

<i>Type of socio-educational reception centre for children</i>	<i>Number in 2009</i>	<i>Number in 2001</i>
Approved crèches – structures receiving children aged 3 months to 4 years. An agreement to absorb the deficit is signed between the Luxembourg State and the non-profit management body.	47	16
Commercial crèches – centres receiving children aged 3 months to 4 years run by management bodies for profit	83	37
Approved day-care centres – structures receiving school children aged 4 to 12. An agreement to absorb the deficit is signed between the Luxembourg State and the management body.	21	20
Commercial day-care centres – centres receiving school children aged 4 to 12 run by management bodies for profit.	8	18
Approved nurseries receiving on request young children aged 3 months to 8 years and for less than 16 hours per week per child. An agreement to absorb the deficit is signed between the Luxembourg State and the non-profit management body.	17	24
Commercial nurseries – centres receiving on request children aged 3 months to 8 years run by management bodies for profit.	22	46

384. The number of crèches grew significantly between 2001 and 2009 and the trend is rising. With the introduction of “child drop-off centres” from 2005, the supply of socio-educational facilities for children at commune level has expanded and has impacted on socio-educational nurseries. The number of nurseries declined between 2001 and 2009.

The following table gives details of approved places for the years 2009 and 2001:

<i>Age group</i>	<i>Approved day-care centres and crèches</i>	<i>Commercial day-care centres and crèches</i>	<i>Approved nurseries</i>	<i>Commercial nurseries</i>	<i>Total approved places</i>
Age 0–3	2009: 1 504 places 2001: 452 places	2 055 places	62 places	365 places	3 986
Age 4–12	2009: 538 places 2001: 1 523 places	314 places	/	/	852
<b>Total</b>	<b>2009: 2 042 places</b> <b>2001: 1 975 places</b>	<b>2 369 places</b>	<b>62 places</b>	<b>365 places</b>	<b>4 838</b>

*Source:* Ministry of Family Affairs / Service for Reconciling Working and Family Life, 31 December 2009.

385. Note that an approved place can be occupied by several children where places are partially occupied.

#### **Services for receiving children with special needs**

386. For many years, approved socio-educational reception facilities for children have been working on the social integration of children requiring additional attention either because of a physical or mental problem or because of late development.

387. In 2009, funds to strengthen the educational team taking care of a child with special needs were granted in 48 cases compared to 27 cases in 2001.

388. The results achieved over the years by the teaching teams of approved reception facilities, working closely with the early rehabilitation services, clearly show that if the integration of special-needs children is based on cooperation among all the parties concerned, namely the parents, the consulting physician, and the specialist rehabilitation services, the facility can provide valuable assistance for both the child and its parents.

#### **Drop-off centres**

389. Childcare services and facilities (art. 18, para. 3) were presented in the initial report<sup>13</sup> and the second report.<sup>14</sup> Paragraphs 185–191 of the second report (childcare services and facilities) are to be completed.

390. In the Government declaration of August 2004, after the parliamentary elections of June 2004, the priority policy goal with a view to better reconciling family and working life was to expand the provision of high quality and affordable facilities for children, with flexible opening hours.

391. Indeed, the supply of reception facilities is grossly inadequate to meet the real needs of families in terms of both the number of available places and opening times.

392. The aim is by no means to impose a lifestyle on families, but rather to take the necessary steps to give them the choice to combine family and working life. Under the EU Lisbon strategy, the low female employment rate in Luxembourg (50.6 per cent in 2004) should increase to 60 per cent in 2010.

393. A sufficient number of reception facilities (demand for out-of-school care can be estimated at 30,000 places) is essential to facilitate the access of both parents, especially mothers, to the labour market and thereby help them to combine family and working life.

394. Out-of-school care of children is closely related to the timetables and operation of preschool and primary education, organized by the 116 communes in the country. The school hours for children in pre-school and primary school, aged 4 to 12, are as follows: every morning from Monday to Friday from 8 a.m. to noon, three afternoons a week on Mondays, Wednesdays and Fridays from 2–4 p.m. and two free afternoons on Tuesdays and Thursdays. Until recently children returned home for lunch. However, a family structure with one parent at home is becoming increasingly rare for young families, as more and more children live in families in which both parents work or with a single parent.

395. This necessitated the widespread organization of school meals suited to pupils in preschool and primary education at commune level, and child care outside school hours in general.

<sup>13</sup> CRC/C/41/Add.2, E. Educational childcare services (art. 18, para. 3) of 11 April 1997.

<sup>14</sup> CRC/C/104/Add.5., VI C Childcare services and facilities (art. 18, para. 3) of 19 July 2004.

396. Cooperation and educational consistency between schools and drop-off centres while maintaining their respective specific educational features is a concern of the present Government (see Government declaration of July 2009).

397. Since children's education is not organized solely around academic subjects but also all the areas that are important for the child's personal development, there is a need to foster the opening of both systems, namely socio-educational childcare facilities and schools, to what the Organization for Economic Cooperation and Development (OECD) calls a "strong and equal partnership". Accordingly, there have been regular exchanges between representatives of the Ministries of National Education and Vocational Training, the Ministry of Family Affairs and Social Integration and the Ministry of Health.

#### **Legislation on drop-off centres for children**

398. The Grand-Ducal Regulation of 20 July 2005 concerning the approval of managers of drop-off centres for children<sup>15</sup> as amended by the Grand-Ducal Regulation of 13 February 2009 establishing the "reception service voucher".<sup>16</sup>

399. The rules on reception services providing childcare outside school hours were reformed by the Grand-Ducal Regulation of 20 July 2005 on the approval of managers of drop-off centres for children.

400. This new concept of the "drop-off centre for children" was therefore developed and implemented in 2005. That name therefore means the reorganization of day-care services offering a number of services to school children outside school hours which, before the entry into force of the above-mentioned Grand-Ducal regulation were governed by the Grand-Ducal Regulation of 20 December 2001 on the approval of managers of childcare facilities without accommodation. The reorganized services are day-care centres, school meals, help with homework, the temporary reception and holiday activities. These services are now no longer each subject to approval under individual agreements, but they are part of a single entity known as "drop-off centres for children".

401. The Regulation assumes that drop-off centres provide minimal functions outside school hours for at least 200 days and 500 hours per calendar year (i.e. at least 40 weeks a year and 12.5 hours a week). In addition, the Ministry of Family Affairs and Social Integration aims to encourage opening hours to be extended by contributing under agreements to the operation of drop-off centres up to 6 days a week, Monday to Saturday, between 6 a.m. and 8 p.m.

402. It also provides for various services, some of which are mandatory, such as meals for the children, including lunch and intermediate snacks; supervision of children; entertainment and socio-educational activities; and support to help children with homework.

403. These services may be introduced gradually over a limited period of up to five years.

404. Ancillary services may be offered at the discretion of the management body without the need for specific approval. These ancillary services are: socio-educational support; care for sick children, either within the infrastructure of the service or at the children's home; socio-educational, instructive or cultural get-together, entertainment or leisure sessions for children and their families; parenting training sessions; socio-educational, intergenerational,

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<sup>15</sup> MEMORIAL, official gazette of the Grand Duchy of Luxembourg A – No. 123 of 10 August 2005.

<sup>16</sup> MEMORIAL, official gazette of the Grand Duchy of Luxembourg A – No. 26 of 18 February 2009.



social and transcultural get-together and entertainment initiatives within the communities where the service or its units are located.

405. These ancillary services are subsidized over and above the mandatory services based on a project or written documentation.

406. Drop-off centres promote the establishment of synergies. In addition to the extension of opening hours and services, they seek to promote cooperation with families and schools. Under article 5 of the Regulation, the manager gives a general undertaking to organize its activities in close cooperation with schools and families.

407. In 2005, “drop-off centres for children” covered by an agreement with the Ministry of Family Affairs and Social Integration were set up in 87 of the 116 communes (75 per cent). The authorities of the local commune are responsible for managing them.

408. A specific agreement for drop-off centres was drafted in 2006. Under this agreement, the State financial contribution is calculated at a flat rate based on the number of hours the admitted children actually attend, regardless of the legal status of the management body.

409. In 2007, this agreement was supplemented by the terms of the financial contribution payable by parents. The parents’ financial contribution is based on the financial situation of the household. These conditions were the result of negotiations within the standing working group established under the agreement, composed of representatives of the Ministry of Family Affairs and Social Integration, the Union of Luxembourg Towns and Communes and the Association of Day-Care Centres.

410. In his Declaration on the State of the Nation on 22 May 2008, Prime Minister Jean-Claude Juncker expressed the government’s determination to achieve more equal opportunities for children living in Luxembourg.

411. For out-of-school educational reception, the “childcare service voucher” was introduced that is partly free of charge, with a reduced financial contribution for parents, assisting beneficiaries to gain access to professional educational services. It is aimed at all children under age 13 or still in primary education and who are resident in the Grand Duchy of Luxembourg. The “childcare service voucher” was introduced on 1 March 2009 as a new support measure from the State and communes for children and their families. The service voucher is not a cash benefit, but a benefit in kind: educational care for children aged between 3 months and 12 years. The service voucher entitles every child, regardless of the parents’ income, to at least three hours of free care per week.

The comprehensive “childcare service voucher” project has the following goals:

- To expand the network of educational child care;
- To invest the resources required to provide quality services;
- To ensure that childcare services become centres of excellence;
- To guarantee access to childcare for all children, regardless of their parents’ social or financial circumstances.

**The service voucher in figures<sup>17</sup>****Number of members**

412. At 31 December 2009, 42,509 membership cards had been issued under the responsibility of the communal authorities. It can be estimated that 57.9 per cent of children aged 0 to 13 living in Luxembourg have joined the childcare voucher scheme.<sup>18</sup>

**Number of childcare service providers by category**

Approved crèches, day-care centres and nurseries	81
Drop-off centres for children	110
Commercial crèches	93
Parental aides	272
Socio-educational boarding schools	2
Holiday services	10
Musical education institutions	13
Sports associations	118
<b>Total</b>	<b>699</b>

413. Since the drop-off centres were established in 2005, the supply of childcare has steadily increased to meet the real needs of families in terms of both the number of places available and the degree of flexibility offered.

**Growth of drop-off centres**

<i>Year</i>	<i>Number of communes with a drop-off centre</i>	<i>Number of approved places for children aged 3 months – 12 years</i>
2005	87	8 000
2006	92	10 247
2007	100	11 751
2008	106	15 751
2009	116	16 971

**Day care for children in families**

414. The legislation on parental aides approved by the Ministry of Family Affairs and Social Integration has been changed:

- The Grand-Ducal Regulation of 6 October 2008 on the training of parental aides pursuant to the Act of 30 November 2007 regulating the activity of parental aides.<sup>19</sup>

<sup>17</sup> Source: Ministry of Family Affairs and Social Integration/SIGI 31/12/2009.

<sup>18</sup> Source: STATEC (Population by age and sex at 1 January 2001–2009); the total population of children aged 0–13 years living in Luxembourg in 2009 was 73,395.

<sup>19</sup> MEMORIAL, official gazette of the Grand Duchy of Luxembourg A – No. 157 of 24 October 2008.

*Act of 30 November 2007 regulating the activity of parental aides*<sup>20</sup>

415. On the basis of the Act of 8 September 1998 governing relations between the State and organizations working in the social, family and treatment fields, parental aides (“Daageselteren” in Luxembourgish) offering day and/or night care for four to seven children are subject to approval. The above-mentioned Act is supplemented by the Grand-Ducal Regulation of 29 March 2001 laying down the conditions and procedures for approving the activity of day care and/or accommodation by night of more than three and fewer than eight minors at a time, in the home of the person carrying on the activity.<sup>21</sup>

416. The new Act of 30 November 2007 regulating the activity of parental aides helps to protect children and anyone carrying out the activity of parental aide. The Act differs from the previous legal reference on a number of points and has the following main features:

417. Any person who cares for minors, on a regular basis and for payment, by day or night at the request of persons with parental authority, must apply for approval for the activity of parental aide.

418. The reception capacity of the premises where the activity is carried may not exceed five children.

419. It is mandatory to take a training course, have social security and take out professional indemnity insurance. Training for parental aide functions is organized jointly by the Ministries of National Education and Vocational Training and of Family Affairs and Social Integration. Approved aides must attend at least 20 hours a year of regular in-service training or supervision sessions.

420. Parental aides must formally undertake to abide by the principles of the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November 1989.

421. At the end of 2008, the total number of places with parental aides (1,296) and drop-off centres (15,751) was 17,047, representing 20 per cent of the child population between 3 months and 12 years old.

422. At the end of July 2009, the total number of places with parental aides (1,431) and drop-off centres (16,971) was 18,402, representing 21.5 per cent of the child population between 3 months and 12 years old.

	2003	2004	2005	2006	2007	2008	2009
Number of approved parental aides	18	38	51	73	101	298	355
Number of places with approved parental aides for children aged 3 months to 12 years	90	181	247	347	437	1 296	1 431
Number of places in a drop-off centre for children aged 3 months to 12 years			8 000	10 247	11 751	15 751	16 971
<b>Total</b>			<b>8 247</b>	<b>10 594</b>	<b>12 188</b>	<b>17 047</b>	<b>18 402</b>

**Social and family boarding facilities**

423. Since 1989, the Ministry of Family Affairs and Social Integration has taken part in the financial management of private social and family boarding facilities. With public

<sup>20</sup> MEMORIAL, official gazette of the Grand Duchy of Luxembourg A – No. 214 of 7 December 2007.

<sup>21</sup> MEMORIAL, official gazette of the Grand Duchy of Luxembourg A – No. 45 of 18 April 2001.

support, social and family boarding facilities have succeeded in initiating reform processes covering institutional, educational and technical aspects.

424. The Ministry of Family Affairs and Social Integration is the ministry responsible for 10 social and family boarding facilities. These boarding facilities are managed by the following non-profit associations under private-law: les Internats Jacques Brocquart, l'Association pour la gestion des écoles et internats de la doctrine chrétienne (AGEDOC) and Anne on the basis of agreements with the ministry responsible.

425. These three non-profit associations manage the following social and family boarding facilities:

- Les Internats Jacques Brocquart:
  - Institution St Willibrord, Echternach;
  - Pensionnat St Joseph, Ettelbruck;
  - Pensionnat Jos Schmit, Diekirch;
  - Convict épiscopal, Luxembourg;
  - Internat Ste Marie, Luxembourg;
  - Internat du Nord, Wiltz.
- AGEDOC:
  - Internat Privé Fieldgen, Luxembourg;
  - Pensionnat Ste Anne, Ettelbruck;
  - Notre Dame de Lourdes, Diekirch;
- Anne:
  - Pensionnat Ste Élisabeth, Troisvierges.

426. As part of comprehensive educational projects and in cooperation with the families of residents, social and family boarding facilities provide care and guidance for pupils and students in the form of accommodation, meals, supervision and support of studies, pastoral care and leisure activities. Educational activities are handled by socio-educational teams consisting of personnel who have received vocational training especially in the humanities, teaching and social and educational work.

427. The Regulation on the approval of managers of social and family boarding facilities and implementing the Act of 8 September 1998 governing relations between the State and organizations working in social, family and treatment fields entered force on 18 February 2009. While the approval of the various institutions is of limited duration under the aforementioned Act, the Grand-Ducal Regulation establishes a legal basis to determine the conditions for obtaining unlimited approval. It specifies the requirements for infrastructure, safety, staff qualifications and staffing ratios.

#### **State contributions to operating costs**

428. In 2009, the State's financial contribution to the running of social and family boarding facilities amounted to €6,961,029 as against €6,539,964 in 2008 (+ 6.4 per cent). A total of 116.5 places were approved.

### Approved positions and places in boarding and semi-residential facilities in 2009

		<i>Number of approved places</i>		
		<i>Number of approved places</i>	<i>Boarding</i>	<i>Semi-residential</i>
<b>Primary education</b>				
Girls and boys	Internat Ste Marie Luxembourg	9.5	40	20
Girls and boys	Pensionnat Ste Elisabeth Troisvierges	18.25	62	60
		27.75	102	80
<b>Secondary education</b>				
Girls	Internat Privé Fieldgen Luxembourg	9.5	90	/
Girls	Pensionnat Ste Anne Ettelbruck	6.50	40	/
Girls	Notre Dame de Lourdes Diekirch	8.50	50	/
Boys	Convict épiscopal Luxembourg	9.50	50	10
Boys	Pensionnat St Joseph Ettelbruck	8.00	65	15
Boys	Institution St Willibrord Echternach	8.75	70	25
Girls and boys	Internat Jos Schmit Diekirch	15.75	108	30
Girls and boys	Internat du Nord Wiltz	11.00	24	/
		77.50	497	80
<b>Total</b>		<b>115.5*</b>	<b>599</b>	<b>160</b>

\* Including 1.75 teacher-psychologist positions (AGEDOC non-profit association) and 8.50 administration and psychologist positions (Les Internats Jacques Brocquart non-profit association).

429. In 2009, the three management bodies ran 599 approved boarding places in the 10 institutions and 160 approved semi-residential places.

430. Of the 10 social and family boarding establishments, eight take students attending the various post-primary education systems and two, Internat Ste Marie in Luxembourg and Pensionnat St. Elizabeth in Troisvierges, take primary schoolchildren. The two boarding facilities for school pupils, and Internat Jos Schmit in Diekirch and Internat du Nord in Wiltz are mixed establishments, while the other six take only boys as boarders (Les Internats Jacques Brocquart non-profit association) or only girls (AGEDOC non-profit association).

**Enrolments**

431. At 1 January 2009, boarding and semi-residential enrolments in the various approved establishments were as follows:

	<i>Boarding</i>			
	<i>Approved places in 2009</i>	<i>Number of enrolments</i>		
		<i>2006/07 academic year</i>	<i>2007/08 academic year</i>	<i>2008/09 academic year</i>
Les Internats Jacques Brocquart non-profit association	357	265	320	320
• Convict épiscopal Luxembourg	50	47	50	50
• Institution St Willibrord Echternach	70	63	60	60
• Pensionnat St Joseph Ettelbruck	65	54	50	47
• Pensionnat Jos Schmit Diekirch	108*	66 (17♀ + 49♂)	99 (44♀ + 55♂)	103 (48♀ + 55♂)
• Internat du Nord Wiltz	24**	/	24 (6♀ + 18♂)	24 (7♀ + 17♂)
• Internat Ste Marie Luxembourg	40	35 (14♀ + 21♂)	37 (15♀ + 22♂)	36 (16♀ + 20♂)
AGECOC non-profit association	180	179	166	172
• Internat privé Fieldgen Luxembourg	90	94	90	90
• Pensionnat Ste Anne Ettelbruck	40	41	39	42
• Notre Dame de Lourdes Diekirch	50	44	37	40
Anne non-profit association	62	40	40	40
• Pensionnat Ste Élisabeth Troisvierges	62***	40 (21♀ + 19♂)	40 (20♀ + 20♂)	40 (23♀ + 17♂)
<b>Total</b>	<b>599</b>	<b>484</b>	<b>526</b>	<b>532</b>

\* Gradual opening of the new Internat Jos Schmit by September 2006.

\*\* Opening of Internat du Nord for September 2007.

\*\*\* Capacity temporarily reduced to 40 places pending completion of the second expansion and modernization phase.

	<i>Semi-residential</i>			
	<i>Number of enrolments</i>			
	<i>Approved places in 2009</i>	<i>2006/07 academic year</i>	<i>2007/08 academic year</i>	<i>2008/09 academic year</i>
Les Internats Jacques Brocquart non-profit association	100	38	41	45
• Convict épiscopal Luxembourg	10	2	5	4
• Institution St Willibrord Echternach	25	15	(1♀ + 16♂)	(3♀ + 17♂)
• Pensionnat St Joseph Ettelbruck	15	/	3	4
• Pensionnat Jos Schmit Diekirch	30	6	(5♀ + 1♂)	(5♀ + 2♂)
• Internat du Nord Wiltz	/	/	/	/
• Internat Ste Marie Luxembourg	20	15	(6♀ + 4♂)	(4♀ + 6♂)
AGECOC non-profit association	0	0	0	0
• Internat privé Fieldgen Luxembourg	/	/	/	/
• Pensionnat Ste Anne Ettelbruck	/	/	/	/
• Notre Dame de Lourdes Diekirch	/	/	/	/
Anne non-profit association	60***	68	30	40
• Pensionnat Ste Élisabeth Troisvierges	60	68	(14♀ + 16♂)	(17♀ + 23♂)
<b>Total</b>	<b>160</b>	<b>106</b>	<b>71</b>	<b>85</b>

432. At non-profit associations Anne and Jacques Brocquart, 77 applications for enrolment for the 2008/09 academic year could not be accepted owing to a lack of space: 38 applications had to be refused by boarding facilities for primary pupils and 39 by boarding facilities for secondary students.

**Boarders****Family circumstances**

<i>Family circumstances</i>	<i>Primary</i>		<i>Secondary</i>	
	<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>
Live with both parents	39	43.8	263	52
Single-parent family or stepfamily	47	52.8	176	34.85
Other	3	3.4	66	13.15
<b>Total</b>	<b>89</b>	<b>100.00</b>	<b>505</b>	<b>100.00</b>

**Type of education**

<i>Type of education</i>	<i>Secondary</i>	
	<i>Number</i>	<i>%</i>
Modular education	50	10
Technical education	317	62.7
Traditional education	138	27.3
<b>Total</b>	<b>505</b>	<b>100.00</b>

**E. Standard of living (art. 27, paras. 1–3) (art. 27.3: Material assistance and support programmes, particularly with regard to nutrition, clothing and housing)**

**Housing benefits**

433. The benefits described in this chapter consist mainly of those provided for by the amended Housing Benefit Act of 25 February 1979 and its implementing regulations, the main purpose of which is to foster home ownership by helping households to raise the necessary starting capital through various grants or by reducing their monthly loan repayments through interest subsidies and/or rebates.

**Individual benefits granted by the State of Luxembourg between 2002 and 2008***Interest rebates and subsidies*

434. The interest subsidy was introduced in 1991, primarily for families, and is not linked to any requirement regarding their income or assets. Anyone who has taken out a loan with a bank or pension institution to build, buy or improve accommodation in Luxembourg and has at least one dependent child is eligible under this measure.

435. It is calculated to reduce the loan interest rate by 0.75 per cent per dependent child. Between 2002 and the end of 2008, some 235.7 million euros were paid to beneficiaries of this type of individual housing benefit.



**Marital status of beneficiary households in 2008 compared with 2002***(a) Interest rebate*

436. In 2008, the percentage of households receiving an interest rebate and with one or more dependent children was almost identical to the percentage for 2002, i.e. 77.30 per cent.

*(b) Interest subsidy*

437. The proportion of households receiving an interest subsidy in 2008 and with one or more dependent children, was 72.20 per cent as against 70.5 per cent in 2002.

*(c) Construction/purchase subsidy*

438. In 2008, the proportion of households with one or more dependent children was over half (54.70 per cent) of the beneficiaries of a construction/purchase subsidy, as against 52.8 per cent in 2002.

**General home-purchase savings benefit**

439. Pursuant to the Grand-Ducal Regulation of 22 March 2004, every child born after 2 December 2002 can receive general home-purchase savings benefit in the form of a payment of the sum of 100 euros onto a “housing” savings account, mainly so as to qualify for individual housing benefits at a later date. Some 1,324 general home-purchase savings benefits were granted between 2005 and 2008.

**Individual housing benefits granted by communes between 1994 and 2008**

440. Following closely behind the State measures, 92 per cent of Luxembourg communes also offer housing benefits to promote greater access to home ownership to households, many of which have dependent children.

441. Between 2002 and the end of 2008, the various communal authorities paid some 24.5 million euros to beneficiaries of this type of individual housing benefit.

**State aid to finance a rental guarantee**

442. Since many households with a moderate or low income, and also often with dependent children, are in a financial situation that makes it virtually impossible to buy their own home, State aid to finance a rental guarantee was introduced by the Grand-Ducal Regulation of 2 April 2004. Since then, the State can provide a rental guarantee for prospective tenants, because most landlords require a security deposit equivalent to 2–3 months’ rent. Accordingly, 293 applications for a guarantee were granted between 2004 and the end of 2008.

**Slum loan**

443. In view of the trend in prices on the property market and socio-economic and demographic changes (rising divorce rates, the continuing high level of migration, etc.) in Luxembourg it is increasingly difficult, particularly for large and/or single-parent families on low incomes, to find appropriate affordable housing.

444. The slum loan is a guarantee by which the State aims to facilitate home ownership for such large families (3 or more children) which cannot by themselves provide sufficient guarantees to obtain the mortgage loan required to buy accommodation to suit their needs.

445. Of the 87 applications to the Department of Housing between 2002 and 2008, 49 were approved.

#### **Loans offered by the non-profit association Chantiers de la Fraternité Chrétienne**

446. Founded in 1955, the association's goal is to provide low- to medium-income households having at least two dependent children with the initial capital in the form of an interest-free loan repayable over 10 years. The monthly repayments are based on the amount of the loan and the borrowers' ability to pay.

447. Since 1987, the Department of Housing has been providing this NGO with around €50,000 a year.

448. Between 2002 and the end of 2008, support was provided to 91 families with a total of 246 dependent children.

#### **Other housing measures with an impact on children**

##### *The Housing Pact Act*

449. Luxembourg, which has one of the highest immigration rates in Europe, has seen its population grow by almost 30 per cent since 1990, with growth of some 10 per cent between 2004 and the end of 2008. The Housing Pact Act of 1 November 2008 authorizes the Government to sign agreements with communal authorities and thereafter to give them financial incentives to enable citizens to realize their right to adequate housing. For their part, the communes undertake to make an active contribution to the construction of new housing on their territory with a view to increasing their population by more than 15 per cent over a period of 10 years.

##### *Housing fund*

450. The 1979 Act also authorizes the State to make financial contributions to promote initiatives by public promoters (communes, housing funds, etc.) to acquire and develop building land and to build low-cost housing for sale or lease. As the largest public promoter in Luxembourg, between 2002 and the end of 2008 the Housing Fund accommodated more than 600 additional households in its rental stock, including 690 dependent children in these households.

##### *Social Housing Agency (AIS)*

451. This concerns the provision of adequate housing suited to the composition of the household of people suffering from social exclusion, to foster their inclusion or social reintegration and thereby contribute to social cohesion. The AIS is aimed at customers on a low income and/or with multiple problems (physical, psychological or social) often also with dependent children.

452. This pilot project is co-funded by the Ministry of Housing and the Ministry of Family Affairs and Social Integration to support the staff and administrative costs and miscellaneous expenses relating to the rental accommodation itself.

453. The Ministry of Housing budget allocation for 2009 was 57,000 euros.

##### *Social grocery stores*

454. The first two social grocery stores opened in 2009. "Social grocery stores" arose out of an initiative of the Luxembourg Red Cross and the Caritas Luxembourg foundation, in

cooperation with the Ministry of Family Affairs and Social Integration. Their goal is to give disadvantaged groups access to food, cleaning and personal hygiene products at affordable prices.

455. To be a customer of the “social grocery stores” you need a customer card issued by the managers of the social grocery stores, following an application by a social worker or agency operating in the social field.

456. The “social grocery stores” obtain the products they sell either through donations or by buying them at very low prices from various suppliers at the Spëndcen non-profit association, the central “social grocery” supply centre. The centre, founded by the Aarbéchtshëllef non-profit association, Luxembourg Red Cross and the Caritas Luxembourg foundation, handles buying, reception, storage and distribution of the goods for the various “social grocery stores”. Spëndchen has offices and a storage depot in Bertrange.

457. Two social grocery stores opened on 7 December 2009 and are currently in operation, one run by the Caritas Luxembourg foundation at 79, rue Dicks in Esch-sur-Alzette, and another under the name “Croix-Rouge Buttek”, run by the Luxembourg Red Cross at 16 Grand-Rue in Differdange. There are plans to open other grocery stores across the country.

458. A similar concept was introduced by the den Cent Buttek non-profit association. This association collects products that can no longer be sold and may therefore be discarded from shops and suppliers, and distributes them free of charge to the needy and disadvantaged. To facilitate distribution, on 9 February 2010 the association opened its own distribution centre at 2A, rue de l’Independence, Bettembourg. There are plans to open a second Cent Buttek in Bereldange.

## VII. Education, leisure and cultural activities

### Recommendations of the Committee:

- Develop the facilities and opportunities for education in the country;
- Put an end to the practice of placing children with learning disabilities and/or behavioural problems in facilities for mentally and physically disabled children;
- Grant foreign children and children of asylum-seekers equal access to the same standard of education services and ensure that language does not become an obstacle.

## Statistics

Enrolment (and attendance) rates for primary and secondary schools and vocational training centres.

### Luxembourg education in figures (Change in number of students in public education and private schools following the official curriculum)

(End-of-year figures)

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Early education	2 377	2 802	3 093	3 088	3 410	3 492	3 671	3 865	4 036
Preschool education	10 706	10 850	10 896	10 412	10 441	10 411	10 001	9 824	9 966
Girls in the above category	48.6%	48.4%	48.9%	49.3%	48.2%	48.4%	48.8%	47.8%	47.7%
Foreigners in the above category	40.4%	41.9%	41.7%	43.2%	43.5%	43.8%	44.9%	46.2%	49.1%
Primary education	31 278	31 963	32 004	32 456	32 840	33 138	33 136	33 020	32 496
Girls in the above category	48.7%	48.6%	48.7%	48.8%	49.1%	49.0%	48.8%	49.1%	49.1%
Foreigners in the above category	36.5%	37.8%	37.8%	39.2%	40.2%	40.9%	41.6%	42.7%	44.4%
Differentiated education	700	746	694	718	706	681	707	671	663
Post-primary education	31 218	31 540	32 056	32 520	33 031	33 873	34 970	35 927	36 792
Girls in the above category	50.4%	50.4%	50.2%	50.2%	50.4%	50.1%	49.9%	49.7%	49.6%
Foreigners in the above category	29.8%	30.6%	31.2%	31.1%	31.8%	32.4%	33.2%	34.4%	34.9%
Secondary education	9 859	9 942	9 963	10 316	10 571	11 114	11 693	12 122	12 469
Girls in the above category	55.8%	56.0%	56.3%	56.1%	56.4%	55.7%	55.3%	54.7%	54.7%
Foreigners in the above category	13.7%	14.7%	15.6%	16.5%	16.9%	17.1%	17.8%	18.6%	19.2%
Technical secondary education	21 359	21 598	22 093	22 204	22 460	22 759	23 277	23 805	24 323
Girls in the above category	47.9%	47.8%	47.5%	47.5%	47.6%	47.3%	47.2%	47.2%	47.0%
Foreigners in the above category	37.2%	37.9%	38.2%	37.9%	38.9%	39.8%	41.0%	42.5%	43.0%
Lower classes	10 196	10 294	10 535	10 835	11 125	11 206	11 434	11 762	12 081
Girls in the above category	47.1%	47.3%	47.3%	46.6%	46.7%	46.6%	46.7%	46.6%	46.6%
Foreigners in the above category	41.7%	42.1%	41.3%	41.1%	42.3%	44.4%	46.4%	48.6%	49.6%
Technical career	4 291	4 323	4 336	4 305	4 265	4 309	4 626	4 739	4 840
Girls in the above category	61.6%	61.2%	60.4%	60.2%	60.7%	60.5%	59.8%	59.6%	59.0%
Foreigners in the above category	25.1%	25.5%	26.9%	27.4%	29.5%	30.2%	30.8%	31.8%	30.8%
Technical training career	2 670	2 732	2 869	2 792	2 953	3 072	3 092	3 162	3 182
Girls in the above category	43.5%	43.0%	40.8%	42.3%	41.8%	41.5%	42.0%	42.6%	43.5%
Foreigners in the above category	32.4%	34.3%	35.3%	34.4%	34.8%	34.5%	36.4%	37.5%	38.5%
Vocational career	4 202	4 249	4 353	4 272	4 117	4 172	4 125	4 142	4 220
Girls in the above category	38.6%	38.6%	39.9%	40.6%	41.0%	40.0%	38.7%	38.0%	37.0%
Foreigners in the above category	41.6%	42.8%	43.6%	42.5%	42.0%	41.3%	40.8%	40.9%	41.6%
<b>Total</b>	<b>76 279</b>	<b>77 901</b>	<b>78 743</b>	<b>79 194</b>	<b>80 428</b>	<b>81 595</b>	<b>82 485</b>	<b>83 307</b>	<b>83 953</b>

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**Change in number of students in other private and international schools**


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	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
<b>Total</b>	<b>5 106</b>	<b>5 335</b>	<b>5 539</b>	<b>5 740</b>	<b>6 040</b>	<b>6 420</b>	<b>6 748</b>	<b>7 143</b>	<b>7 524</b>
Girls in the above category	49.5%	48.9%	49.1%	49.1%	48.5%	48.6%	48.5%	47.9%	47.7%
Foreigners in the above category	91.0%	91.0%	90.3%	89.9%	90.1%	90.3%	90.8%	91.1%	91.5%

Source: [http://www.men.public.lu/publications/etudes\\_statistiques/chiffres\\_cles/100105\\_depliant\\_chiffres09/100105\\_depl\\_chiffres09.pdf](http://www.men.public.lu/publications/etudes_statistiques/chiffres_cles/100105_depliant_chiffres09/100105_depl_chiffres09.pdf).

459. For 2008/2009, there were 93 enrolments for adult literacy courses; the registrants did not necessarily attend school in Luxembourg. In the differentiated education system there are approximately 200 illiterate students out the total of 663 students, all of whom have problems with reading and writing.

460. Enrolment rates in the national school system for the 2008/2009 academic year are as follows:

461. Up to age 4            81.5 per cent

462. Age 5–14            95.9 per cent

463. Age 15–19           73.6 per cent

464. These rates do not include almost 3,000 students enrolled in private or international schools or Luxembourg residents educated abroad.

465. Since schooling is compulsory, we estimate that the all children aged 4 to 15 attend school.

466. The rates of failure of the academic year in public education are:

Primary education        4.0 per cent

Vocational education    34.6 per cent (estimate)

Secondary education     18.2 per cent

467. The average number of students per class is 15.8 for children aged 3 to 12 and 20.0 for children over 12 years of age.

468. For the last two years, training for social workers has included a course on child rights. Training for primary school teachers (Bachelor in Educational Science) and for social educators (Bachelor in Social and Educational Science) has for several years included material on child rights and human rights.

**A. Education, including vocational training and guidance (art. 28) and****B. The aims of education (art. 29), including as regards the quality of education**

The Compulsory Education Act of 6 February 2009<sup>22</sup>

469. On 6 February 2009, the Government Council adopted the draft Grand-Ducal Regulation laying down detailed rules for schools to organize activities or classes to prevent exclusion from school of students with learning difficulties or behavioural problems, before they obtain a qualification.

470. The new Compulsory Education Act sets the length of compulsory education to 12 years, from age 4 to 16.

471. Article 12 of the new Act implements measures for pupils at risk of exclusion aimed at keeping them in school. It provides that schools are to organize activities or classes to prevent students with learning difficulties or behavioural problems being excluded from before they obtain a qualification, with a view to:

- Giving them educational and behavioural assistance;
- Supporting them in their school work;
- Involving them in cultural, sporting and community activities outside school hours.

**Skills-based approach**

472. The skills-based approach is the backbone of the reforms at all levels of education.

473. It is not about replacing knowledge with skills, or choosing between the two. Students continue to acquire knowledge, but the school also undertakes to empower them to use it in a variety of new contexts.

474. In primary education, the skills-based approach was extended to all learning cycles from the 2009–2010 academic year.

475. In post-primary education, 13 pilot high schools are now entering their third year of implementing the skills-based approach. All other institutions are starting their second year. During the coming parliamentary term, the skills-based approach will be gradually applied in the senior classes and vocational training.

**Assessment**

476. Documenting progress and the development of motivation are key factors of the new assessment approach. Students who become aware of their progress will be more motivated to catch up in areas where they are weaker and to do better in those where they excel.

477. In primary education, the new tools are being gradually introduced from 2009–2010. The interim assessments describe the progress for each area of learning and thus give a more accurate picture of what the student can actually do. The end-of-cycle assessment certifies the skill level achieved at the end of the learning cycle.

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<sup>22</sup> <http://www.guichet.public.lu/fr/citoyens/actualites/2009/02/06-exclusion-scolaire/index.html>.

478. In the same vein, in the lower cycle of post-primary education, a supplement is still attached to each term's report.

### **Teamwork**

479. Teachers need to use teamwork to carry out their complex and difficult task: everyone's efforts contribute to the common cause. Teamwork is being applied throughout the new primary school from this year. To support students with severe learning difficulties or special needs, the teaching teams are supported by multi-disciplinary teams, operating in each district.

### **Combating failure at school and exclusion**

480. The new Primary School Act of 6 February 2009 implements instruments and creates resources to provide special services to those needing them: differentiation, educational support, individual care measures, etc. Efforts to combat exclusion are targeted mainly at post-primary education. To that end, 20 teachers were recruited in 2008/2009 to guide students and organize activities to keep them in school; a further 10 will be recruited in 2009/2010.

481. The work of setting up the Second-Chance School is moving ahead, and the first classes should begin in 2010–2011.

482. The efforts of National Education to improve the training of all our young people are focused on these areas. They will be implemented as part of a participatory process involving all the partners concerned.

### **Primary education**

#### **Learning cycles**

483. From the 2009–2010 academic year, all primary schools have been organized into learning cycles.

484. The cycles replace the grades.

Cycle 1: early education (optional year) and preschool education

Cycle 2: first and second years of study

Cycle 3: third and fourth years of study

Cycle 4: fifth and sixth years of study

485. A cycle normally lasts two years. The student goes on to the next cycle if he or she has acquired the knowledge and developed the skills required (skill stages) by the end of the cycle.

486. When the child is making exceptional progress, the teaching team may recommend admission to the next cycle after one year.

487. However, if the student has difficulty achieving the required skill stages, the team may decide, during the cycle, that a three-year cycle will give him or her the time to develop the necessary skills. This is not a standard repeated year. Repeating means following the same syllabus for a second year. However, even if a student does not attain the skill stages in one subject, this does not mean that he or she has failed at everything and learned nothing.

488. For the benefit of students who have not attained the skill stages after the third year of the cycle, a personal care plan is devised.

489. Early or late changes of cycle are an exceptional measure, however.

490. During and at the end of the cycle, parents are regularly informed about their child's progress (see: New assessment tools).

### **Skills-based approach**

491. Skills-based teaching and learning are fundamental to the new primary school.

492. As in the past, the students acquire knowledge: grammar and spelling rules, vocabulary, multiplication tables, etc. However, even if they can recite the multiplication tables, this does not necessarily mean that they can use multiplication in a problem. Students acquire a skill only when they can actually use what they have learned at school, not only in school tests, but also in new and complex situations.

493. For each subject and field of learning, the required knowledge and skills (stages) are defined that the student should have acquired by the end of a learning cycle in order to move on to the next cycle. But education is not restricted to the stages. Teachers' first task is to get all students to develop at least the skills of the stage. Their second task is to get as many as possible to achieve an advanced level in relation to the stage.

494. In primary education, the skill stages are defined for all subjects. They are listed in the study plan which came into force for the 2009–2010 academic year. The teachers focus their teaching and create complex and varied learning situations using the skills-based approach. They also include documents representing what the student has learnt in his or her file.

495. Based on experience on the ground and the findings of the monitoring system, the stages will be validated or adapted if necessary.

### **New assessment tools**

496. New assessment tools are gradually being introduced from 2009–2010. They illustrate how far the student has developed the required skills and what progress is still needed to attain the stages.

497. As in the past, the teacher regularly assesses the students. The methods used may vary: tests, analysis of the student's work, observation, class work.

498. At the end of each term, parents are invited to the school and are informed of their child's progress.

### *Cycle 1*

499. At the end of each term, parents will receive an interim skills-development report for their child. The report allows a genuine exchange of observations and ideas between the teaching staff and the parents on the child's personal progress. At the end of cycle 1, the teaching team prepares an end-of-cycle report. It certifies that the child has developed the skills required to continue his or her schooling in cycle 2.

500. The interim and end-of-cycle reports used in cycle 1 are different from those used for cycle 2. They are specially adapted to the learning situations and types of work of children in cycle 1.



501. The Ministry recommends that teaching teams use a supplementary tool that extremely useful for preparing reports: the Lëtzebuerger Beobachtungskonzept fir den 1. Cycle (Luxembourg monitoring programme for cycle 1) (LBK1).

#### *Cycle 2*

502. In cycle 2, traditional reports are replaced by interim assessments of skills development. The interim reports do not have marks. They describe the skills expected at the end of the cycle and indicate, for each target skill, the individual student's progress over the terms of the cycle. Students attain the stage when they are able to perform a complex task regularly, without outside assistance and in situations they have not practised.

503. At the end of the last quarter of cycle 2, the teaching team prepares an end-of-cycle report. It summarizes the skills that the student has developed in each subject and field of learning, again in relation to the objectives for the stages. The end-of-cycle report certifies that students have developed the skills they need to continue their learning in the next cycle.

#### *Cycles 3 and 4*

504. In cycles 3 and 4, the traditional report with numerical marks was retained in 2009–2010. It will be gradually replaced by interim assessments in the coming years on the basis of the findings for cycles 1 and 2 and taking account of the students' growing maturity.

505. At the end of cycles 3 and 4, an end-of-cycle report is given to parents (see above). The procedure for moving from primary education into secondary education remains unchanged in 2009–2010.

#### **New reports**

506. The interim reports for cycles 1 and 2 were presented to teachers at regional meetings in July 2009. The Ministry, in cooperation with the Federation of Parents' Associations (FAPEL), will also organize regional information sessions for parents of students.

507. The end-of-cycle report for cycles 1–4 will be finalized during the first term and presented to teachers.

#### **Differentiation**

508. Students, even if they are of the same age, differ in their personal abilities, learning methods, pace of learning and degree of autonomy. There are also differences in family and socio-cultural background and the language spoken at home. If schools are to get all students to achieve their full potential, they must relinquish a system where all students study the same thing at the same time and in the same way.

509. It must take a more flexible and differentiated approach. Such an approach is important for students with difficulties, but equally so for high-achievers who must be given the opportunity to excel.

510. The Act gives primary schools several tools to improve differentiation:

**Two-year learning cycles**

511. The organization in two-year cycles gives teachers more time and flexibility to help students reach the objectives. They can more easily adapt the teaching to each student's work rate.

**Differentiated education in the classroom**

512. Depending on individual students' progress, teachers differentiate their teaching to place each student in an ideal learning situation and help them to reach their full potential. They can change the work rate, degree of difficulty of the exercises, etc.

**Composition of groups**

513. A considerable advantage of learning cycles is that they enable the teaching staff to bring students together temporarily into uniform or heterogeneous groups to target a particular learning goal. These groups can be formed on the basis of a specific learning need, students' interests, a common project, etc.

**School achievement plan**

514. Each school can differentiate its teaching and take its own initiatives to meet the needs of the socio-economic environment of its students. It can choose teaching materials, timetables, the type of support it gives to pupils in difficulties and activities designed to stimulate the highest achievers. The choices are entered in the school achievement plan that each school must prepare.

**Pupils in difficulties**

515. Whatever their learning difficulties, all students are capable of learning and making progress. The school's mission is to help each student to achieve their maximum individual potential. The new Act introduces tools and creates resources to provide support and special services to those needing them.

**Differentiation and teaching support**

516. When a student has temporary difficulties, the teacher differentiates his teaching and offers assistance, either during or after school hours.

517. The annual duties of every teacher include 54 hours of teaching support. These are in addition to direct teaching lessons. Support hours are not reserved solely for the main subjects; they can also be spent on science, sports, etc. The allocation and organization of support hours is decided within the teaching team.

**Using an interdisciplinary team**

518. If the student's needs and problems prove more serious, the teaching team may request the assistance of the district's interdisciplinary team. It is composed of specialists: psychomotor specialists, psychologists, educators, remedial teachers, etc. The goal is always to keep the student in their class and to use consistent and appropriate assistance, provided through consultation between the professionals involved. Parents are kept informed by the class teacher.

**Extended stay in the learning cycle**

519. When students' shortcomings are substantial and prevent them achieving the skill stages at the end of the cycle, they may need additional time to address their problems. In this case, the teaching team may decide, during the cycle, that a three-year cycle will enable a student to develop the required skills and overcome his or her difficulties. In this way, students receive an education suited to their learning needs.

**Individual care plan**

520. For students with special needs and who are not making sufficient progress, an individual care plan is prepared by the School Inclusion Commission. The child is still included in the learning process, but is given specific support that can take a number of forms depending on the needs assessment: special-needs education, assistance in the classroom from a member of the interdisciplinary team (formerly known as "SREA hours"), temporary move to another class, to a differentiated education school or to a specialist institute.

521. Setting-up of classes in the interest of children undergoing medical treatment either as inpatients or outpatients. A Grand-Ducal Regulation has been adopted for such pupils. The classes are for children whose state of health enables them to follow all or part of the school curriculum as provided by the Primary Education Act of 6 February 2009.

**The transition from primary to secondary education**

522. At the end of cycle 4, students move on either to general secondary education or to technical secondary education.

523. The procedure for moving from primary education into secondary education remains unchanged in 2009–2010. It will be adjusted during the parliamentary term. The importance of language skills as a career criterion will be reviewed no later than when the first students using the new assessment tools reach the fourth cycle.

**Partnership with parents**

524. Good cooperation between families and the school is critical to children's academic success. The Act treats parents as members of the school community and gives them a number of rights and duties.

*Information to parents*

525. The class teacher is the first point of contact for parents. He or she regularly informs them, at individual meetings, on their child's school development. These interviews are arranged at times that take account of the constraints of working parents. Parents are required to attend.

526. The chairman of the school committee liaises with the parents to organize information meetings, etc. Parents can contact him to ask for information or report a problem.

527. To report a more serious problem, parents may contact the inspector at the regional inspection office.

*Parent representatives*

528. In each school, parents elect representatives for a two-year period. The representatives liaise with the school committee and give their opinions on the school achievement plan and school organization. They play an active part in the life of the school.

529. Parents are also represented on the communal school board, which is responsible for the organization of the schools, and the national school board which may make proposals to the Minister on all matters relating to primary education.

**Post-primary education****Consolidating and extending the skills-based approach**

530. In secondary education (ES) and technical secondary education (EST), the skills-based approach was consolidated and expanded during the 2009–2010 academic year. The 13 pilot secondary schools that initiated this approach in 7th grade in 2007/2008 are now entering their third year with 5th and 9th grade classes. All other institutions are starting their second year.

**Grade 7 ES and EST**

531. All seventh grade classes in ES and EST have been working in 2009–2010 using the skills-based approach in six subjects: mathematics, German, French, natural sciences, art and physical education. For all these subjects except for art, students receive a supplement to the report that provides a more detailed interpretation of their skills in the various fields of learning.

**Grade 6 ES and grade 8 EST**

532. The skills-based approach is also applied across the board in these six subjects, plus English. The supplement to the report is used in five subjects: German, English, French, mathematics and physical education. All these classes will work on the basis of revised curricula and teaching materials adapted to the skills-based approach.

**Grade 5 ES and grade 9 EST**

533. Thirteen pilot schools are extending the skills-based approach to 5th grade ES and 9th grade EST classes in mathematics, German, French and physical education and use the supplement to the report in these subjects. In addition, 5th grade ES Latin option classes are working with the skills-based approach in English; they are also using the supplement to the report.

**Fourth-grade ES classes and 10th grade CM and TG classes in EST**

534. The skills-based approach is being introduced in mathematics and physical education.

**Assessment**

535. The supplement to the report remains unchanged for German, French and mathematics in 2009–2010. The following subjects are added:

- English (6th grade ES modern and 8th grade EST, 5th grade ES classical and 9th grade EST);
- Natural sciences (7th grade ES and EST); and

- Physical education (7th-5th grade ES, 7th-9th grade EST).

536. The Grand-Ducal Regulation of 14 July 2005 on the assessment and promotion of students remains in force. Promotion criteria remain unchanged for this year.

537. The new promotion procedures, based on skills certification, will be developed by the working groups.

#### **Transition from 9th to 10th grade**

538. For 2009–2010, the criteria for promotion from 9th to 10th grades and the current career orientation process remain unchanged. They will be reviewed by September 2010–2011, when the first students who have worked with the skills-based approach since 7th grade reach 9th grade.

#### **Reform of vocational training**

539. The Vocational Training Reform Act, passed in November 2008, radically revises the current vocational training system in terms of both initial training and life-long learning.

540. The reform of the initial vocational training system reorganizes the vocational stream and the technical stream.

541. It covers a total of 118 courses spread over 3 levels:

- Training leading to the Certificate of Professional Competence (CCP). It normally lasts three years and takes place mainly in the workplace. It is aimed at students with learning difficulties.
- Training leading to a Diploma of Professional Aptitude (DAP), which replaces the current Certificate of Technical and Professional Aptitude (CATP). It normally lasts three years and may be offered under either a trainee contract or an apprenticeship contract.
- Training leading to a Technical Diploma (DT), normally consisting of four years' technical and practical vocational training. Special modules are provided for students who are also working towards the certificate giving access to higher technical education in the relevant speciality.

#### **Secondary-school students in difficulty**

542. A Grand-Ducal Regulation was adopted laying down procedures for schools to organize activities or classes to prevent exclusion from school of students with learning difficulties or serious behavioural problems, before they obtain a qualification. Its main goal is to keep all such students in school.

543. The Act of 12 May 2009 established a Second-Chance School for learners aged 16 to 24. The school's mission is to implement a general and practical education, and an integrated socio-educational framework for students enrolled in the school. Its objectives are to enable learners:

- To join or rejoin secondary schools or technical colleges;
- To join or rejoin the vocational training system;
- To join adult education classes;
- To enter the labour market.

544. These initiatives are designed to combat failure and exclusion of students in the school system and to allow as many as possible to obtain a qualification allowing them to join the labour force.

### **Action Teams project**

545. In early 2005, the Conférence Générale de la Jeunesse [General Youth Conference] and non-profit association 4Motion started a joint project to promote youth engagement, Action Teams. The educational concept of the project is to raise awareness among young people and involve them in the life of society through introductions to the topics of development education, environmental education and cultural and media studies.

546. The Action Teams project was set up in academic years 2006/2007 and 2007/2008, as an optional course at the Lycée Robert Schuman. The project is currently being reformulated so that Action Teams will be integrated as a fourth pillar (concrete action) in the National Youth Assembly and organize projects in schools, when the Infomobile visits (please see arts. 17 and 31).

### **Vocational Preparatory Centres (CPP)**

547. In consultation with the Differentiated Education Department of the Ministry of National Education and Vocational Training, and thanks to the commitment of the heads of the various institutions concerned, a survey was conducted in 2006 at a number of differentiated education centres with a view to assessing and planning the requirements for places over the coming years in private vocational preparatory centres.

548. This allowed an inventory to be made of the number and profiles of young people at school or reaching the end of compulsory schooling.

549. Based on these findings, the Department has gradually expanded the supply of places available for students with disabilities in various private vocational preparatory centres in step with the needs identified by the survey. The following table shows the adjustments that were made solely between academic years 2007/08 and 2008/09.

<i>Private CPP managers*</i>	<i>Total number of students</i>		<i>Total number</i>
	<i>2007/08</i>	<i>Net increase</i>	<i>2009/08</i>
Apemh	63	+ 7	70
Ligue HMC	20	+ 3	23
Op der Schock	10	+ 1–2	11–12
Autisme Luxbg.	9	+ 10–12	19–21
Kraizbiereg			
ISJB	3	+ 2	5
Cooperation	0	+ 4	4
<b>Total</b>	<b>111</b>	<b>33–36</b>	<b>132–135</b>

\* Vocational preparatory centres.

### **Reform of language teaching**

550. The skills-based approach in languages, begun in 2006 in the lower cycle with the Languages Action Plan, will be gradually extended to the upper classes of secondary and technical secondary schools. Language skills are defined for each career system and each cycle, including the graduation examinations.

551. At the same time, language teaching will be redesigned with the dual aim of:

- Improving students' language skills in all languages of the school; and
- Preventing a less advanced level in one language from becoming an insurmountable obstacle to obtaining a qualification.

552. There is no question of Luxembourg schools giving up their main asset that is multilingualism. As in the past, it must equip its students to pursue studies in Luxembourg, France, Belgium, Germany, Great Britain, Switzerland and Austria. It must also ensure that people can successfully join the Luxembourg labour market which is dominated by language requirements.

553. At the same time, it is more necessary than ever to improve the language skills of our students.

554. To ensure that our young people are competitive, the levels of language skills need to be revised upwards. At the same time, we must face the fact that it is unrealistic to aim for an equal level of competence in the three school languages. Accordingly, it is planned to introduce a system that differentiates the levels required in the various languages in accordance with the real and realistic needs of the planned career:

At secondary school:

- A very advanced level in at least one language (mother tongue level).

555. Each student should develop very advanced skills in at least one language to near-native-speaker level:

- An advanced level sufficient for access to university studies in the other languages.

556. In the other languages, each student should develop at least the communication skills needed to pursue university studies in the countries of the languages concerned. This is an advanced level in writing, reading comprehension, oral and listening comprehension.

At technical secondary school:

- A very advanced level in at least one language (mother tongue level);
- An advanced level sufficient for access to university studies in at least one other language;
- A third language language at "communication level".

### **C. Rest, leisure, recreation and cultural and artistic activities (art. 31)**

557. The Youth Act of 4 July 2008 brings the legal framework into line with identified needs and lays down new measures to address them, based mainly on the findings of the second Youth Policy Guidelines, devised in consultation with young people and youth organizations in 2004, as well as the resolutions adopted by the Youth Ministers in the Council of the European Union under the open method of coordination and the European Youth Pact.

558. The State intends to contribute actively to the creation of an environment conducive to the successful development and integration of young people in our society and to promote the personal development of young people. Lifelong learning, mobility, initiative and the ability to work in multicultural groups are skills that young people must acquire nowadays. Through its objectives and methods, non-formal education allows the youth

sector to develop these attitudes and skills that cannot readily be acquired through formal education.

559. The speed of social change also requires a cross-cutting approach and a more detailed observation of the living standards of young people. The complexity of society means that policy measures in one area of young people's lives have an impact on the others. The new Youth Act creates an interdepartmental committee to take account of the cross-cutting nature of youth policy, a periodic national report every five years to present an overview of the situation of young people in Luxembourg and a youth observatory responsible for providing the basis of the national report and contributing to European work. It also lays down a national action plan for the implementation of youth policy priorities with the cooperation of all concerned.

560. The Youth Council has been expanded as a body to dialogue with civil society in the youth sector, and a youth assembly allows young people to express themselves directly on all matters affecting them. State financial assistance for communal infrastructure projects for your people will be conditional on the implementation of a communal youth plan that involves active participation by young people.

561. Players in the youth sector are identified and State financial aid is granted accordingly. The importance of volunteer work and youth organizations is formally recognized.

562. The Act of 27 February 1984 setting up the administration of the National Youth Service was then the only general law relating to youth policy. The new Youth Act therefore reviews the missions and administrative structures of the National Youth Service.

563. The Act of 27 February 1984 establishing the National Youth Service was repealed by the Youth Act of 4 July 2008. The activities and missions of the National Youth Service were adapted and diversified in line with developments at national and European level. Article 7 of the Youth Act lists the missions of the National Youth Service as follows:

- (a) To offer young people opportunities for learning by organizing extracurricular, socio-educational and socio-cultural activities, either alone or in association with other bodies;
- (b) To develop specific educational programs in specialist youth centres;
- (c) To support youth volunteer work and organize voluntary service programmes;
- (d) To promote European and international exchanges between young people and players working with young people;
- (e) To initiate and carry out projects for youth information, active citizenship by young people and the promotion of human rights and fundamental values such as social justice, equal opportunities, tolerance and solidarity;
- (f) To encourage young people to take part in economic, social and cultural life, and promote creativity and initiative;
- (g) To organize and coordinate training for youth leaders and managers of organizations, offer in-service training courses for professionals working with young people and publish educational publications;
- (h) To organize loans of equipment, provide premises, fund educational projects and manage youth leave;



(i) To support quality youth work, promote non-formal education and work for the recognition of youth volunteer experience;

(j) To contribute to the development of communal youth plans;

(k) To facilitate liaison between organizations working in the field of youth and the Government, and State and communal administrations;

(l) To network the various players in the youth field at local, regional and national levels and contribute to European and international cooperation on working with young people;

(m) To contribute to the implementation of national, European and international youth agreements and programmes.

564. On 1 January 2008, education leave was replaced by youth leave and personal training leave. Youth leave is managed by the National Youth Service while personal training leave is managed by the Ministry of National Education and Vocational Training.

565. The purpose of youth leave is to support youth development activities at local, regional and national levels.

566. Youth leave allows youth leaders to take part in training courses, study days or weeks, courses, sessions, meetings and holiday camps in Luxembourg and abroad.

567. The following activities are eligible for obtaining youth leave:

- Standard and advanced training for youth leaders;
- Standard and advanced training of managers of youth movements or cultural and sports associations, provided that the training activities are basically targeted at young people;
- Organizing and managing training courses or educational activities for young people.

568. Since 31 October 2007, the Youth Voluntary Service has been governed by a new Act, which introduces new openings, adaptations and clarifications in relation to the previous legislation. For instance, it offers greater security for volunteers and a better response to growing demand for this type of commitment.

569. Since 2007, the National Youth Service has been offering specific programmes for young people wishing to take part in a public-interest project. This is the voluntary guidance service of the European Voluntary Service, targeting young residents with fewer opportunities and proposing offering a variety of projects in different areas and countries to young people wishing to offer voluntary service abroad and the voluntary service programme in the field of development cooperation.

570. Regarding the voluntary guidance service (SVO), the Government decided to implement this system to give young people with a low level of qualifications and with few prospects for schooling and/or socio-professional integration the opportunity to gain a rewarding experience by getting involved in activities in the public interest. The National Youth Service is the coordinating body for voluntary service.

571. The Grand-Ducal Regulation of 9 January 2009 regulates the procedures for training facilitators and assistant facilitators. This Regulation introduced an approval procedure regarding certificates for facilitators and assistant facilitators:

“(1) The certificate for assistant facilitators or facilitators may be issued at the end of training course only if the course has been approved beforehand. The Minister grants approval on the basis of a written request, after consulting the Commission for an opinion.”

572. An advisory committee, composed of full members and members nominated by the bodies offering training activities for assistant facilitators or facilitators, has the following duties:

- (a) Coordinating training for assistant facilitators and facilitators;
- (b) Giving its opinion on all matters relating to the training of assistant facilitators and facilitators;
- (c) Giving its opinion to the Minister on applications for approval of training courses for assistant facilitators or facilitators;
- (d) Producing educational materials for assistant facilitators and facilitators;
- (e) Examining the equivalence between the training courses organized by different organizations.

573. In 2007 a charter on risk prevention in youth activities was drafted and signed by the following organizations: Association des Girl-Guides du Luxembourg (Luxembourg Girl Guides Association) (AGGL), CAPEL, Caritas – Holidays Service, Luxembourg Red Cross, Union Grand Duke Adolphe (UGDA) music school, Fédération nationale des éclaireurs du Luxembourg (Luxembourg National Pathfinders Federation) (FNEL), Young Catholic Students (JEC), Lëtzebuenger Jugendpompjeeën (Luxembourg youth firefighters), Lëtzebuenger Guiden a Scouten (Luxembourg Guides and Scouts), SdS (Sportwochen Ville de Luxembourg) (Luxembourg City Sports Weeks) and the National Youth Service.

574. In the context of Luxembourg and Greater Region, European Capital of Culture 2007, young people had the opportunity to carry out cultural projects or to participate in activities that foster creativity. Firstly, they enjoyed financial and conceptual support and logistics for organizing their projects. Secondly, the National Youth Service set up a programme to foster youth creativity in the field of music, theatre, video, architecture and the circus. The goal of this programme is to support youth initiatives in the creative field (design consultancy and financial support) and to put young talent in contact with cultural institutions.

575. Furthermore, the Ministry of Family Affairs and Social Integration, in cooperation with the A'Musée association and with the participation of 170 children from drop-off centres, created a digital work of art in the form of a short film on the theme of the Convention on the Rights of the Child.

576. Since the year 2000, the Youth Centre has brought together a dozen youth organizations within the same infrastructure, thereby facilitating contacts and stimulating interesting synergies between the partners involved in the youth field. The Youth Centre is currently hosting the following services and organizations: The Centre de Médiation (Mediation Centre), Centre Information Jeunes (Youth Information Centre) (CIJ), Conférence Générale de la Jeunesse Luxembourgeoise (General Conference of Luxembourg Youth) (CGJL), Entente des Gestionnaires des Maisons de Jeunes (Union of Youth Centre Managers) (EGMJ), Mérite Jeunesse Benelux, Luxembourg (Awards for Young People Benelux, Luxembourg), Daachverband vun de Lëtzebuenger Jugendklibb

(Federation of Luxembourg Youth Clubs), Graffiti non-profit association (programmes for young people on Radio ARA, a national broadcaster), European Youth Information and Counselling Agency (Eryica), Phoenix non-profit association (training courses on violence prevention), Comité Spencer (a youth group of Cape Verdean origin working in the integration, culture, social and cooperation fields), Together Luxembourg (association contributing to better international mobility, recognition of voluntary work and understanding of European citizenship), Centre pour l'égalité de traitement (Centre for Equal Treatment, promoting, analysing and monitoring equal treatment for all persons without discrimination based on race, ethnicity, gender, sexual orientation, religion or belief, disability or age).

577. The number of meeting, information and entertainment centres for young people, commonly known as “youth centres” grew substantially between 2000 and 2009. In 2000, Luxembourg had 21 local centres of this kind in the towns and communes and two regional centres covering the territory of several communes, while there are now 30 local centres and 12 regional ones. A “Youth Centre on the Airwaves” gives young people the opportunity to express themselves through the media and new technologies. The Youth Centres are key players in the development of youth policy in the communes and, as such, are an important go-between for the Ministry of Family Affairs and Social Integration. In cooperation with the National Youth Service, the Youth Centres are actively involved in training young unemployed people. Alongside their ongoing educational work, often with young people at risk of exclusion, the Youth Centres are very effective at reflecting the issues of national and European campaigns at local and commune level.

#### **Creating coordinated research tools (statistical studies)**

578. The non-profit association Centre for Studies on the Situation of Young People in Europe (CESIJE) was dissolved in 2009. The Centre's staff were hired and the association's resources passed on to the University of Luxembourg.

579. Under the cooperation agreement signed on 26 November 2007 between the University of Luxembourg and the Ministry of Family Affairs and Social Integration, the University operates the Centre for Studies on the Situation of Young People (CESIJE) within the Integrative Research Unit on Social and Individual Development (INSIDE). The Centre is responsible for research, evaluation, documentation and consultancy in the youth field.

580. Since 2001, the CESIJE has carried out or participated in the following surveys, studies and research projects:

- Since 1999, CESIJE has been conducting surveys of young people as part of the Communal Youth Plan, gathering data from some 2,700 young people aged 12 to 20. A comparative analysis of these data was made available to the public in a publication that was finalized in 2003. Since 2002, CESIJE has regularly taken part in the preparation of a communal youth plan in several communes.
- Since the year 2000, the Institute of Higher Education and Educational Research (ISERP) and CESIJE have been working together on the research project Transnational Openness and Mobility as Factors for Socializing Young People. The target group of the study was young people aged 15 to 25, residents and non-residents alike, who live, work or study in Luxembourg and are affected by the new forms of career mobility and training.
- Since 2001, CESIJE has been working on the project Streetwork – Youth in the City. The Youth in the City study is a pilot project seeking to document the situation

of disadvantaged young people who spend much of their time in the public space. The project goal was to produce a catalogue of socio-educational measures.

- Diversity Among Young People and Access to Well-Being (DJAB) is a project aimed at disadvantaged young people. The DJAB project seeks to flesh out the image revealed by the first HBSC (Health Behaviour in School-Aged Children), which took place in Luxembourg schools in 1999. The CESIJE is conducting the same survey of young people who for one reason or another no longer attend regular school or who are at risk. The long-term challenge is to improve access to well-being and health of young people in a variety of personal and social circumstances.
- The Pauling project on language policy is a research project conducted in cooperation with the Ministry of National Education and Vocational Training and the Council of Europe, with the aim of assessing and improving the language education policies in Luxembourg.
- In October 2005 CESIJE, in cooperation with the University of Luxembourg, began a project on the situation of young people in the southern region of Luxembourg, entitled Young People in an Urban Area. The study aims to make a detailed analysis of the real-life situations of young people in the region, their participation in social life, their leisure activities and their problems.
- The Young People and Public Transport project aims to study the motivation behind young people's transport choices and understand the meaning of public transport in their lives.
- The goal of the project School Climate in Luxembourg Primary Schools is to achieve a better understanding of the school climate and to devise measures to improve it.
- The assessment of the Ganzdaagschoul project, on a continuous school schedule, was completed in 2008.
- The Youth Centre Quality Assurance project aims to describe and systematically evaluate the development of the various youth centres.
- Late in 2009, CESIJE completed a first draft of the national report on the situation of young people in Luxembourg. By examining a wide range of topics concerning young people, the report offers an overview of the situation of 12–29 year-olds living in Luxembourg. Development began of a comprehensive system of indicators that will be used to represent and compare the situation of young people over time. The first national report on the situation of young people in Luxembourg will be published in 2010.

581. The Communal Youth Plan is a working tool that the Ministry of Family Affairs and Social Integration offers to communes in Luxembourg. The tool has a twofold purpose: to enable the communes to pursue a rationally planned youth policy and to include, as far as possible, young people themselves in the process. While this tool has been in use since it was developed in 1998, it was decided to update it based on experience during the initial years. Accordingly, in 2005 the Ministry of Family Affairs and Social Integration published a second edition of the Communal Youth Plan brochure alongside an update based on experience. This second edition focuses on cooperation between communes and across the region, and the establishment of youth services in communal administrations in order to foster the development of cross-cutting local youth policies. The brochure is aimed primarily at the Luxembourg communes, but also youth organizations, youth centres and anyone working for young people at local level.

582. In 2002, the Ministry of Family Affairs and Social Integration published the brochure "Dialogue with youth", a manual for setting up local youth forums. This working paper is a tool for communal officials that explains how to set up youth forums, an ideal model for implementing youth participation. These forums allow young people to have a direct influence in their respective commune and give communal officials an opportunity to establish a dialogue with their young residents. Youth forums are an important step towards the development of a communal youth plan.

583. The Ministry of Family Affairs and Social Integration proposes that the Communal Youth Plan should be based on three pillars. First, it should make optimum use of the knowledge of those who are in constant contact with local young people. They often have an in-depth knowledge of young people and their problems. Next, there is a need to gather objective data and thirdly to allow young people themselves to take part in decisions affecting local youth policy.

584. The General Conference of Luxembourg Youth (CGJL, founded in 1960) brings together 27 member organizations working in the political, trade union, scouting and socio-educational fields. CGJL defends the interests of young people in all bodies set up by the Government. It is consulted by ministries and other public institutions on issues affecting young people, and delivers official opinions.

585. The founding of the Luxembourg Volunteer Association in September 2002 is an initiative that originated in 2001, the United Nations International Year of Volunteers. The association is approved by the Ministry of Family Affairs and Social Integration.

586. The operational structure of the Volunteer Association, the Volunteer Agency, was founded in June 2003. The Volunteer Agency has had an agreement since 2003 with the Ministry of Family Affairs and Social Integration. It has the following missions:

- To welcome, inform and guide volunteers of all ages and nationalities who contact it;
- To train volunteers as part of its welcome mission;
- To act as a clearing house between volunteers and associations working with volunteers;
- To act as a facilitator to support associations managing volunteers, for instance by offering them an exchange and training platform (skill centre);
- To inform and educate the public with a view to creating conditions for voluntary work in civil society (resource centre).

587. By providing two approved part-time posts, the Volunteer Agency offers interested parties the opportunity to access voluntary work via a multitude of contacts.

588. The Government established the Higher Volunteer Council in September 2002. Its mission is to advise the Minister, to prepare opinions on issues relating to volunteer work and to propose initiatives in the field of volunteer work.

589. The Volunteer Agency and the Higher Volunteer Council organize discussion forums for young people and targeted measures to introduce young people to volunteer work.

590. In 2007 the Ministry of Family Affairs and Social Integration launched the campaign: Volunteering? Of Course!, prepared in partnership with the National Youth Service, Volunteer Agency, the Luxembourg General Youth Conference and the Youth Information Centre. The primary goal of this campaign is to show young people what other

committed young volunteers are doing, why they do it, and what they gain from it for their personal life and development. The basic medium of the campaign is a DVD containing interviews with 12 young people aged 17 to 25, reflecting their commitment in very diverse fields, particularly in the context of youth organizations.

591. In January 2009 the youth volunteer card was launched, offering many benefits to holders. It is the fruit of cooperation between the Ministry of Family Affairs and Social Integration, the Youth Information Centre and the Volunteer Agency.

592. The Luxembourg TEAMK8 card is free for young volunteers in Luxembourg, aged between 14 and 26 and actively involved in the voluntary sector. The card is a formal and visible recognition of this commitment to society, and is indicative of personal merit. The holder is entitled to various benefits and services offered by public services, communes, Euro <26 services and other private partners.

593. The Act of 4 July 2008 provides for a new measure officially recognizing youth volunteer commitment, known as the Commitment Certificate. It is a certificate of skills and tasks performed during volunteer work, and is signed by the Minister responsible for youth and the head of the host youth organization. One of the main goals of this measure is to enhance commitment by young people and provide a certificate that can be an asset in the young person's CV, and thereby foster their socio-professional integration.

### **Cooperation with local governmental and non-governmental organizations**

#### **“Youth and Society” guidelines**

594. The process of devising a new action plan for youth policy began in 2002. The establishment in 2002 and 2003 of four working groups dealing with issues of youth participation, autonomy, integration and structures/infrastructure led to the proposal of the following priorities for setting out new bases for youth policy over the coming years:

1. Take account of young people's environment with a view to supporting social cohesion;

- Take systematic account of the multicultural environment;
- Work for equal opportunities at all levels, combating exclusion and promoting social integration.

2. Support the personal development of young people and more specifically the aspects relating to their well-being, independence, the development of their identity and their capacity for mobility;

3. Develop the necessary structures and projects for participation and dialogue;

4. Take account of the cross-cutting nature of youth policy;

5. To that end, support the local and communal players best able to reach the young people in their environment;

6. Support youth work by recognizing the value of non-formal education.

595. Youth policy affects many people at different levels; young people of course, but also parents, teachers, civil society, and volunteer and professional educators. Priorities should be decided on the basis of solid pillars constructed from:

- Verifiable data on the situation of young people;
- Experience of specific action;

- Assessment of measures and projects;
- Dialogue between the players concerned.

596. The final document of the “Youth and Society” guidelines, drafted by the Ministry of Family Affairs, Social Solidarity and Youth in cooperation with the National Youth Service, was published in early April 2004.

## VIII. Special protection measures

### A. Children in emergency situations

#### (i) Refugee children (art. 22)

##### **Recommendation of the Committee:**

Ensure adequate reception of unaccompanied children applying for asylum, with special protection and assistance, provide supervision by qualified persons to ensure their physical and psychological well-being (in institutions or foster families), reduce the length of application procedures, provide statistical data on the registration of unaccompanied children.

##### **Right of asylum and international protection<sup>23</sup>**

597. The Act of 5 May 2006 on the right of asylum and additional forms of protection introduced substantial changes in the right of asylum practised in Luxembourg. In particular the Act introduced a new status called “subsidiary protection”. This status is intended to protect persons for whom there are serious, well-founded reasons to believe that they are exposed to grave physical danger, such as the death penalty or execution, torture or inhuman or degrading treatment or punishment inflicted in their country of origin, or serious and personal threats to the life or person of a civilian as a result of blind violence in the event of internal or international conflict. In accordance with UNHCR doctrine, non-State persecution has now been added to the list.

598. The new law also allows the possibility for applicants for international protection to work, under certain specific conditions. Despite criticism to the effect that this measure would never be applied in practice, 367 temporary work permits have been issued in this way, amounting to 76 per cent of acceptances.

599. Applicants for international protection must also be informed in writing, in a language that they may reasonably be expected to understand, of the content of the international protection procedure, and of their rights and obligations during the procedure. The Ministry of Foreign Affairs and Immigration has published a very detailed brochure in 12 different languages for the information of international protection applicants.

600. Under the new law, a guardian is automatically appointed to assist unaccompanied minors with application formalities.

601. The new legislation has considerably shortened the time needed to process asylum applications, while ensuring better scrutiny. Since 2004, the proportion of acceptances of refugee status has been steadily increasing (2004: 5 per cent; 2005: 12 per cent; 2006: 7 per cent; 2007: 37 per cent).

<sup>23</sup> See Document A/HRC/WG.6/3/LUX/1, paras. 85 to 91.

602. The Act of 5 May 2006 gives a list of safe countries of origin, which was drawn up under a Grand Ducal Regulation of 21 December 2007. While the list has been criticized, the Government wishes to point out that applicants from countries on the list are not automatically turned down, since applications are always considered on a case-by-case basis. Nevertheless, the application will be processed according to the fast-track procedure, although this faster procedure is in practice little used (about 5 per cent of all decisions).

603. Between 2004 and 2007, some 777 rejected asylum-seekers succeeded in obtaining a residence permit “on humanitarian grounds”. Most of them had been living in Luxembourg in an irregular situation for many years.

#### **The social rights of refugees<sup>24</sup>**

604. It is not easy to ascertain the situation of persons and families who have obtained refugee status or subsidiary protection status in Luxembourg, since they are not listed in the statistics of the public administration under a separate “refugee” category. They are classified rather according to their country of origin and so are not easy to identify.

605. However, all recognized refugees, as soon as they are granted refugee status in Luxembourg, are entitled to the welfare benefit known as the “guaranteed minimum income” (revenu minimum garanti, or RMG), with the exception of persons under the age of 25 who have no dependent children.

606. Beneficiaries receive various forms of financial and material assistance under the system.

607. Refugees are also entitled to family benefits for their children (monthly family allowance, maternity benefit, schooling allowance, disabled child supplementary allowance) as well as specific study benefits, like all residents and workers in Luxembourg.

608. Adults and children suffering from severe disabilities or sicknesses receive aid in cash or in kind under the dependence-insurance scheme, which is part of compulsory sickness insurance.

#### **The social rights of international protection applicants<sup>25</sup>**

609. All international protection applicants who have no income of their own are entitled to a monthly social benefit for the whole duration of the necessary administrative procedures to determine whether they qualify as refugees, including the time needed to appeal before the Administrative Tribunal and Court.

610. Social assistance to international protection applicants includes a number of measures and benefits in support of households. These depend on the composition of the household and the age and state of health of its members. In addition to material and financial aid, all international protection applicants are entitled to the support of a social health worker from the Government Commission for Foreigners (CGE) and personal assistance where necessary. The CGE, which is answerable to the Minister for Family Affairs and Social Integration, is in sole charge of this social assistance, which includes:

- (a) A monthly financial grant;
- (b) Medical assistance;

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<sup>24</sup> See Document A/HRC/WG.6/3/LUX/1, paras. 92 to 95.

<sup>25</sup> See Document A/HRC/WG.6/3/LUX/1, paras. 96 to 99.



- (c) Public transport vouchers;
- (d) Occasional grants where necessary;
- (e) Provision of lodgings for the whole duration of the procedure and even beyond.

611. Special efforts are made to provide schooling for the children of international protection applicants, offering coordination in the Ministry of Education, the contribution of intercultural mediators and financial subsidies to the communes, which are proportional to the number of children of international protection applicants attending their schools.

612. Rejected international protection applicants who volunteer to return to their countries of origin are offered the following assistance by the public administration, via the CGE:

- (a) Advice regarding formalities;
- (b) Administrative assistance to obtain travel papers;
- (c) Booking and purchase of plane or train tickets;
- (d) Payment of a financial resettlement grant (paid at checking-in time) and luggage allowance;
- (e) Transport to the airport on the day of departure;
- (f) Assistance at checking-in time.

613. The *Caritas Jeunes et Familles* (Caritas Young People and Families) non-profit association has hosted young refugees and unaccompanied minors at its centre in Rumelange. Despite their “illegal” situation, the association took in these three young people in a very precarious situation.

614. In addition, the Form’Actif project, launched in 2001 by the Caritas Luxembourg foundation aims to meet the need to support and monitor child and young adult immigrants in distress. The project offers seekers of international protection and migrants up to age 27 courses in French and Luxembourgish, as well as courses on Luxembourg practices and customs.

615. Young unaccompanied minors seeking international protection have been systematically recorded since June 2002. Increasing numbers of unaccompanied young people have been arriving in Luxembourg since that date.

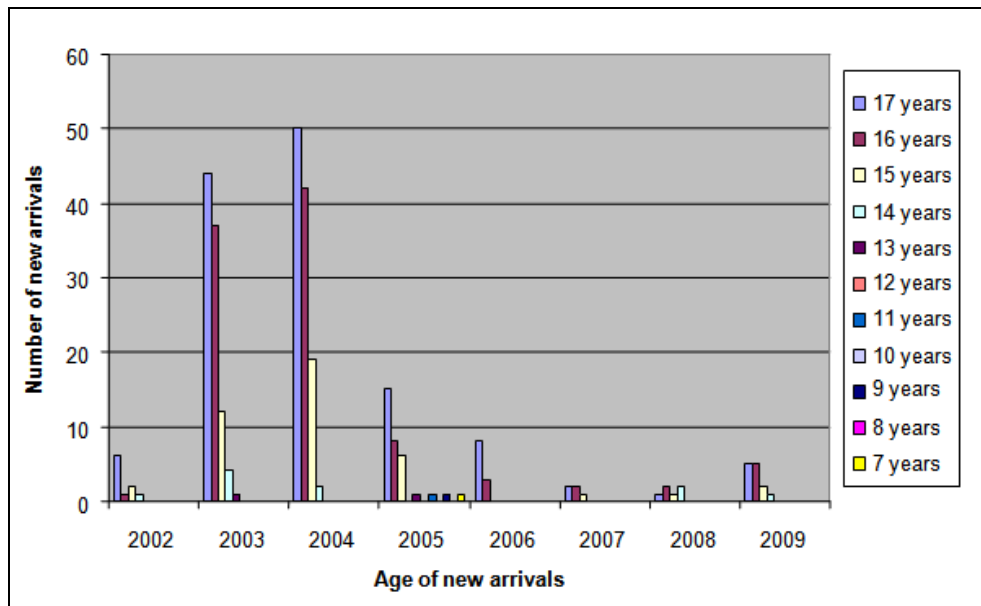
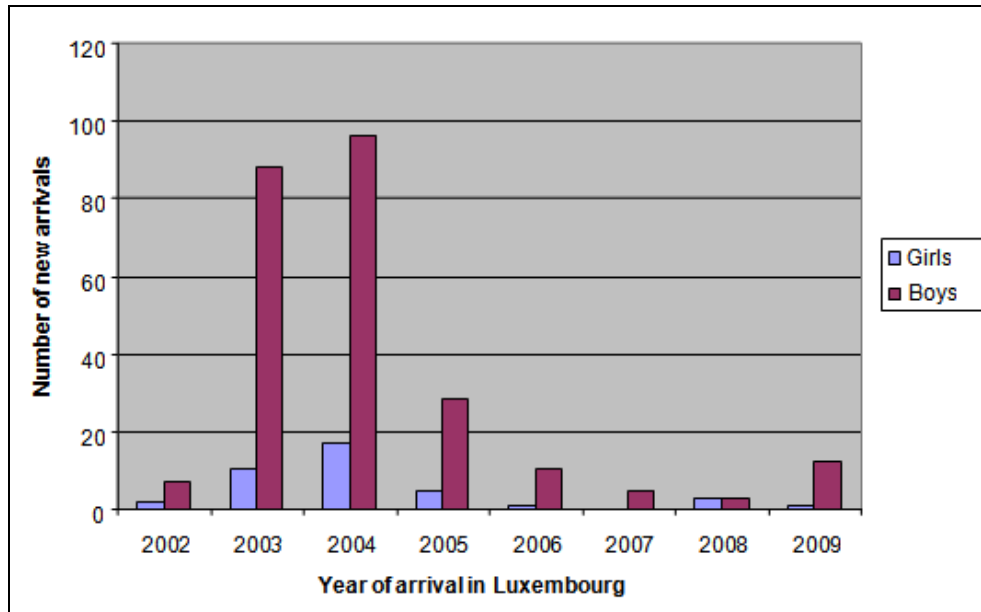
616. There was a sharp increase in 2003 and 2004, and this is the first time the authorities have faced such a large number of young people who must be given special protection and assistance. Owing to the lack of available places in special reception centres, young people aged between 15 and 18 are accommodated in reception centres for families while the younger ones are placed in facilities for young people needing permanent support.

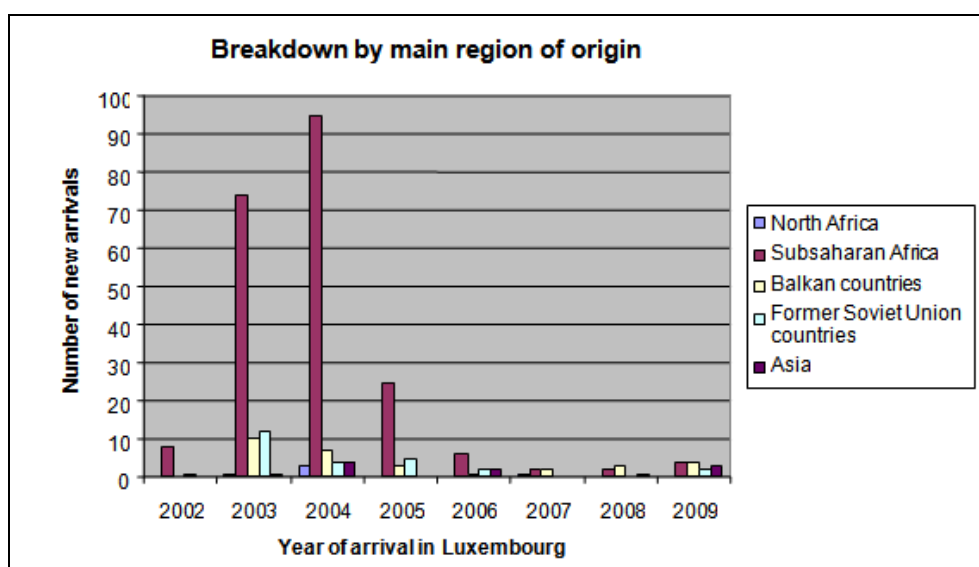
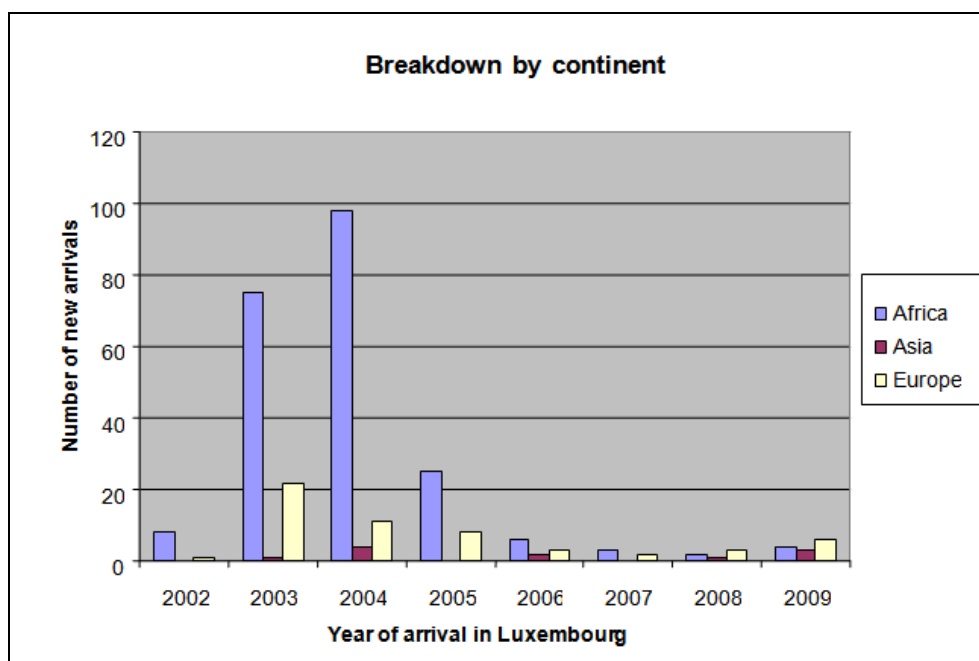
617. This massive influx of unaccompanied young people entails consultation with various ministries and departments and the authorities make the following observations: the majority of these young people arrive without valid identity documents, some try to falsify their fingerprints, many have already applied for asylum in other countries, and a significant number leave the country before completing the asylum procedure or the initial decision of the competent authority.

618. In addition to these findings, it is often difficult to determine the exact age of the young people. In fact, most of the young people claim to be aged between 15 and 17 and medical examinations can determine their exact age with an accuracy of no more than +/-

3 years. We suspect that many of them are adults but this cannot be proved. This idea is reinforced by the fact that many of these young people are involved in the drug scene, though there is no specific indication of functioning or organized networks. Being a minor entitles them to special protection if they break the laws on the use and sale of illegal substances.

619. From 2005 to 2009 the number of unaccompanied young arrivals fell sharply, which enabled us to cope with the specific needs of these young people. A guardian is appointed for each unaccompanied minor, to assist during the asylum procedure and provide socio-educational guidance. Any minor under the age of 16 is placed in a youth shelter. Older juveniles continue to be housed in family structures if they are mature enough.





**(ii) Children involved in armed conflicts (art. 38), with particular attention to physical and psychological recovery measures and social reintegration (art. 39)**

620. The Grand-Duchy of Luxembourg signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 8 September 2000 and ratified it on 4 August 2004.

621. The Committee on the Rights of the Child considered the initial report of Luxembourg (CRC/C/OPAC/LUX/1) at its 1262nd meeting (CRC/C/SR.1262), held on 20 September 2007.

## B. Children in conflict with the law

### (i) Administration of juvenile justice (art. 40)

#### Recommendation of the Committee:

Bring the system of juvenile justice fully into line with the Convention and with other United Nations standards in the field of juvenile justice.

622. During the judicial year 2007/2008, 928 new cases were registered with the juvenile courts.

623. Mediation was ordered in 84 cases.

### (ii) Children deprived of liberty, including children subjected to any form of detention, imprisonment or placement in a supervised institution (art. 37 (b), (c) and (d))

#### Statistics

Persons under 18 years of age in these institutions and the average length of stay

#### Adolescents who have stayed in prison in Luxembourg over the past 10 years

Year	Number of young people admitted over the year		Age	Length of stay in prison
	Boys	Girls		
2000	23	2	15 to 17 ½	1 day–23 months
2001	21	3	15 to 17 ½	1 day–12 months
2002	38	7	14 to 17 ½	1 day–9 months
2003	31	7	15 to 17 ½	2 days–11 months
2004	35	5	13 to 17	2 days–11 months
2005	30	6	14 to 17	2 days–12 months
2006	23	4	15 to 17	1 day–10 months
2007	25	7	12 to 17	2 days–5 months
2008	23	9	11 to 17	10 days–9 months
2009 (until 1 November)	13	5	15 and 18	9 days–5 months

#### Recommendation of the Committee:

- Separate detention facilities;
- Reduce the use of pre-trial detention through alternatives to detention;
- Keep minors who are in conflict with the law separate from those with behavioural problems;
- Avoid persons under 18 being tried as adults;
- Set up an independent monitoring body to inspect regularly juvenile facilities.

**Separate detention facilities for persons under 18**

624. There is as yet no separate detention facility for minors. Luxembourg Prison (CPL) has to accept young people placed there by the juvenile court. Minors are separated from adults and girls are separated from boys. It is possible that children and adults meet during movements within the prison (e.g. transfers to the visiting area or the infirmary). Staff accompanying minors during such movements ensure minors and adults do not come into contact. Minors are treated appropriately, as provided for in articles 8 and 329 of the Grand-Ducal Regulation on the administration and internal regulations of prisons and in accordance with articles 6 and 24 of the Youth Protection Act. A copy of the service memo in force at CPL concerning arrangements for minors is attached.

625. The professional team of the special juveniles' section provides regular and ongoing support for each minor. Juveniles in conflict with the law (minors having committed an offence and sentenced in accordance with the usual powers and procedures pursuant to article 32 of the Youth Protection Act) are not strictly separated from minors with social problems or behavioural disorders (minors placed by a juvenile court pursuant to articles 6, 24 and 26 of the Act). The category of minors in conflict with the law is so small that separation would entail total isolation. Any decision relating to this category is nevertheless taken in agreement with the president of the juvenile and guardianship court, and always in the best interests of the minor. The prison medical and psychology service (SMPP) provides psychiatric support for minors, in particular through a paediatric psychologist hired specifically to care for minors.

626. We would draw attention, however, to the plans to build a security unit at the Dreibern State Socio-Educational Centre, provided for by the Act of 16 June 2004 on the reorganization of the State socio-educational centre.

**Reduce the use of pre-trial and other forms of detention**

627. Our youth-protection legislation does not embody the principle of preventive detention.

628. If a minor is placed in prison after committing a criminal offence, it may be only a temporary custody order pursuant to the 1992 Youth Protection Act. Imprisoning a minor is always an exceptional measure.

629. The minor must in this case be summoned to a hearing of the juvenile court within 30 days, where a ruling will be made, after both parties have been heard, on the merits of the placement.

630. Furthermore, the minor is entitled at any time to submit an application for release from temporary custody.

631. Regarding the use of alternative measures to placement, the placement of a juvenile who has committed an offence is considered only if the seriousness of the facts and the personal circumstances of the minor so dictate.

632. The court, which receives the police reports of offences committed by minors, very often makes use of a mediation procedure. This is especially the case where perpetrator and victim know one another and may come into contact in their daily lives. Mediation then allows the protagonists in the case to resolve the conflict between them and at the same time repair the harm caused by the offence.

633. In other cases, the court orders minors to consult a specialist service, for example in the case of minors who have been caught consuming alcohol or cannabis.

634. Community service sentences, as recommended by the Committee, are expressly provided for by article 1 of the 1992 Youth Protection Act. Article 1 of the Act states that a juvenile court may reprimand a minor and order him or her to perform an educational or voluntary service.

635. Most minors who are brought before the juvenile court to answer criminal charges are subject to such measures. Minors who have to carry out a volunteer service must find the work themselves and work the hours ordered by the court during their free time. They are assisted and monitored in this process by the Central Social Assistance Service (SCAS) that reports to the court whether or not they have complied with the obligation. If a minor fails to comply, he or she will be summoned again before the juvenile court to explain the reasons why.

636. In addition to the information above, we set out below the number of new admissions for the period 2002–2009. Note that the number of new admissions does not match the number of minors detained in Luxembourg prison over the year:

2002: 44

2003: 33

2004: 37

2005: 26

2006: 21

2007: 22

2008: 30

2009: 18

637. It is difficult to determine the average length of detention for minors. Luxembourg prison does not have precise statistics.

638. Under article 26 of the Youth Protection Act, a minor subject to a detention order may not be imprisoned for more than one month. The order must be renewed every month.

639. Regarding the treatment of minors in Luxembourg prison, we would point out the following:

- The prison's Education and Training Service provides school education, offering a variety of courses for minors from Monday to Saturday. Nine teachers or instructors are seconded to prisons by the Ministry of National Education and Vocational Training. Courses are chosen to suit the educational background of each child, their needs and the expected duration of the placement. Attached is the schedule of courses for the third week of November 2009.

640. The teachers help minors to find a secondary school where they can study in preparation for a Certificate of Technical and Professional Aptitude (CATP), Certificate of Technical and Vocational Initiation (CITP) or a Certificate of Manual Skills (CCM) outside prison:

- A social worker from the Central Social Assistance Service (SCAS) handles the social and family aspects. She is in contact with the minor's parents to collect certain information needed for rejoining the family and to investigate the socio-economic situation. She uses interviews to determine whether support will be forthcoming from the parents.

- Psychologists from Youth Solidarity provide psychosocial support for minors. If the minor has already been in contact with Youth Solidarity before entering prison, this relationship is automatically continued in Luxembourg prison. If no such contact exists, the minor need only write a letter to Youth Solidarity asking for help.
- Even without contact with the Youth Solidarity treatment service, psychologists from the Luxembourg prison psycho-socio-educational service (SPSE) are involved in the care of the minor.
- The socio-educational aspects are handled by the graduate teacher responsible for minors together with the custodial staff of the special section for minors. These guards are recruited and assigned in accordance with strict selection criteria. The minor learns the importance of abiding by the rules of civil society – complying with internal and external regulations, physical and mental health, respect for society and individuals, etc.
- As stated above, the medical, psychology and educational service (SMPP) provides psychiatric support for minors. In cases of substance abuse, minors are monitored by specialists in the field.

641. Keep minors who are in conflict with the law separate from those with social or behavioural problems.

642. In the vast majority of cases, minors who are in conflict with the law also suffer to a greater or lesser extent from behavioural problems.

643. Moreover, our legislation is based on the principle that a minor who commits criminal offences is in danger and must primarily be protected.

644. Minors in placements on account of social problems are generally placed in a foster home rather than a socio-educational centre. Note, however, that Luxembourg has a serious shortage of places in homes, especially for adolescent boys.

**Avoid, in all cases, persons under 18 being tried as adults**

645. Recourse to article 32 of the 1992 Youth Protection Act is essentially a special procedure. With the permission of the juvenile court, juvenile “delinquents” are summoned before the ordinary court for adults only for very serious offences or in cases of multiple repeat offences. During the 2007/2008 judicial year, there were six such cases in total.

646. Firstly, it is possible only where minors were at least 16 years old at the time the offence was committed.

647. In accordance with the usual powers and procedures, a minor may be referred for trial only on the written request of the court. The juvenile court must make a substantiated order allowing or rejecting the prosecution’s request.

648. Referral may be ordered only if a custody, education or welfare order designed for youth protection is considered inadequate. This is particularly the case if the minor is a multiple repeat offender, has already been the subject of a number of youth protection measures, and nevertheless continues to lead a life of crime.

649. Moreover, in substantiating such a referral, the juvenile court always has regard to the gravity of the acts committed by the minor and will not allow a minor to be tried in an adult court for a petty misdemeanour. Finally, the judge will also always consider whether a minor has the necessary maturity to understand an ordinary criminal procedure.

650. There is no independent monitoring body to inspect regularly the special section for minors. However, the chairman of the Luxembourg committee on the rights of the child (Ombuds-Comité fir d'Rechter vum Kand) has access to Luxembourg prison at any time. Note that this committee is not an official monitoring body. However, a bill assigning this function (independent monitoring body for detention centres in Luxembourg) to the Luxembourg Ombudsman is nearing completion.

### **The State socio-educational centres (Dreiborn, Schrassig)**

Treatment of children deprived of liberty, including children subjected to any form of detention, imprisonment or placement in a supervised institution

#### **Inmates admitted**

<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Dreiborn	100	110	128	113	111	96	145	153
Schrassig	79	62	102	95	77	74	117	115

651. Regarding temporary isolation in the Dreibern-Schrassig State Socio-Educational Centres (CSEE), article 9 of the Act of 16 June 2004 on the reorganization of the CSEE reduces the maximum isolation from 20 to 10 consecutive days. The measure is suspended if the doctor finds that its continuation may impair the minor's physical or mental health.

652. The two blocks of closed sections of the CSEE have been equipped with an open-air space allowing residents to spend at least one hour a day in that enclosure.

653. The duration of solitary confinement measures is fixed in advance. Many young people are no longer isolated for drug use. Users of psychotropic substances must carry out philanthropic work as a remedial measure.

654. The procedure for information forms on the temporary isolation measure has been completed; young people now have to sign a receipt for the temporary isolation form.

655. During 2009, 115 girls spent time in the CSEE. During this period the closed section was occupied for 223 days, which corresponds to an average of 1.9 girls per day in solitary confinement. Over the same period, 153 boys spent time in the CSEE and the closed section was occupied for 330 days, which corresponds to an average of 2.1 boys per day in solitary confinement.

656. Following the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in April 2009, a register was introduced to document all temporary isolation measures, visits to the closed section by staff and outdoor accesses.

657. Strip cartoons, literary works in German and French and board games were added to the libraries of the closed sections.

658. Education in closed sections has been supplemented by physical education sessions.

659. A security unit for minors is being built on the CSEE Dreibern site.

660. Article 11 of the Act of 16 June 2004 on the reorganization of the CSEE states as follows: "The placement of an inmate in the security unit requires a formal decision of the judicial authorities in accordance with the Youth Protection Act of 10 August 1992.

661. No more than 12 inmates may be placed in the security unit, however.



662. The duration of a measure admitting anyone to a security unit may not exceed three months. Any extension requires a formal decision by the judicial authorities.”

663. Regarding alternative disciplinary sanctions to isolation, article 9 of the Act of 16 June 2004 states that inmates subject to a temporary isolation measure may appeal to the chairman of the supervision and coordination commission; the appeal may be lodged before the juvenile court.

664. An alternative disciplinary measure to isolation is a remedial measure (philanthropic work).

#### **Physical and psychological recovery and social reintegration**

665. CSEE works closely with the Youth Solidarity Service, which is approved by the Ministry of Health. CSEE directs most of its inmates who abuse psychotropic substances to the Youth Solidarity service which provides psycho-social assistance and treatment for minors and their families. Besides taking care of children and their families, the Youth Solidarity service is also active in the CSEE through its CHOICE programme. The goal of this programme is to inform and raise awareness among young people about the effects and risks of psychotropic substances, to motivate them to become aware of their own consumption and to encourage them to change their attitude and behaviour in relation to drugs. In 2009, all CSEE inmates took part in the CHOICE programme.

666. Since 2007, CSEE has been allocated a budget item labelled “Emergency assistance, miscellaneous subsidies, extraordinary assistance” for young patients of the centre’s psycho-social service. Assistance or subsidies of this kind are intended for all inmates of the centre, but also for young people who have stayed at CSEE and need help and support in their daily lives. Under this budget item, CSEE enabled an inmate to get in touch with his biological father in Cape Verde. An inmate leaving the centre at age 18 was provided with furniture for his new home. This budget item has also been used to help young teenage mothers by providing the necessary products for their newborn babies.

667. To ensure that inmates reintegrate into society as well as possible, over the past six years CSEE has planned regular campaigns to ensure that young people take part and get involved while allowing them to establish contacts with external players within or outside the CSEE site:

- Reception for participants in the European World Harmony Run. The runners explained the objectives of their cause, brotherhood, civility and tolerance and invited inmates take part in their goodwill project;
- Creation of and participation in the Child Rights Path with Luxembourg secondary schools in cooperation with the Ministry of the Family under the Luxembourg presidency of the EU;
- Highlighting multiculturalism in the CSEE population and society in general through a travelling exhibition with the theme “Experiencing and living with difference”.

(iii) Sentencing of juvenile delinquents, in particular the ban on capital punishment and life imprisonment (art. 37(a);

(iv) Physical and psychological recovery and social reintegration (art. 39).

**C. Children victims of exploitation, including physical and psychological recovery and social reintegration (art. 39)**

- (i) Economic exploitation, in particular child labour (art. 32);
- (ii) Drug abuse (art. 33);

**Recommendation of the Committee:**

- Analyse the causes and consequences of substance abuse as well as its possible links with violent behaviour and the high suicide rate among adolescents;
- Increase efforts to prevent the use of illicit drugs and substances.

- (iii) Sexual exploitation and sexual abuse (art. 34);
- (iv) Other forms of exploitation (art. 36);
- (v) Sale, trafficking and abduction of children (art. 35).

**Recommendation of the Committee:**

Efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem.

668. The Act of 8 May on assistance, protection and safety of victims of trafficking and amending the New Code of Civil Procedure is designed to address the prevention of trafficking and protection and assistance to victims.

669. It embodies measures to protect children and adults against trafficking and to assist victims of trafficking in persons.

670. Article 10 provides for the establishment of educational programmes to discourage the demand that fosters all forms of exploitation of persons that lead to trafficking. Educational programmes for girls and boys of school age will emphasize the dignity and integrity of every human being, including in relation to sexuality, the importance of gender equality, the unacceptability of discrimination based on gender and other types of discrimination and their adverse effects.

671. Article 3 of the Act provides for the protection of unaccompanied minor victims. Where a minor victim from another European Union Member State, an assimilated state or third country is not accompanied and supported by an adult who is legally responsible for the minor and able to ensure his or her security and protection, the minor must be represented by a guardian as long as this situation persists or until taken into the care of an authority of his or her country of origin that is responsible for acting in the best interests of the child.

672. Article 12 of the Act provides for a committee to be set up to monitor the fight against trafficking in human beings. The committee centralizes and analyses the statistical data so as to obtain statistics on the situation of child victims of trafficking in human beings.

**D. Children belonging to a minority or an indigenous group (art. 30)****E. Children living or working on the streets****Statistics and general information in the context of the special protection measures**

*Training of judges on the Convention and other international texts (Beijing Rules, Riyadh Guidelines, etc.) on the protection of juveniles deprived of their liberty*

673. All judges have received human rights training during their studies. In addition, judicial assistants are instructed in human rights when they enter the judiciary, on courses organized by the National School for the Judiciary. This training consists of a one-week course on the subject of the protection of minors (in detention or placements). These courses take place in Luxembourg in cooperation with the National School for the Judiciary (ENM) or other youth-protection players, such as specialist judges or social workers.

Reported cases of torture, reported cases of other forms of cruel treatment and punishment, including forced marriage and female genital mutilation, judicial decisions in this field, special care for rehabilitation and social reintegration, prevention of violence, and training for staff of specialist institutions

674. No reported cases.

*Number of children abducted from and to the State party*

**Children abducted from a third country to Luxembourg:**

2007: 2 children from Portugal to Luxembourg

2008: 2 children from Germany to Luxembourg

1 child from Portugal to Luxembourg

2009: 2 children from France to Luxembourg

1 child from Italy to Luxembourg

1 child from France to Luxembourg

1 child from Belgium to Luxembourg

2010: 1 child in the Netherlands to Luxembourg (as at 25 March 2010)

**Total** children abducted from a third country to Luxembourg: 11

**Total children abducted from Luxembourg to a third country:**

2007: 1 child from Luxembourg to Portugal

1 child from Luxembourg to Romania

2008: 2 children from Luxembourg to Portugal

2 children from Luxembourg to France

1 child from Luxembourg to Belgium

2009: 3 children from Luxembourg to Belgium

1 child from Luxembourg to Morocco

2 children from Luxembourg to Portugal

2010: 1 child from Luxembourg to Portugal (situation as a 25 March 2010)

**Total** children abducted from Luxembourg to a third country: 14

**Grand total** children abducted to and from Luxembourg: 25

*Number of perpetrators of abductions arrested and percentage of convictions*

675. These are civil cases on the application of the EU Council Regulation known as Brussels IIa, see the Hague Convention on the Civil Aspects of International Child Abduction. These international instruments aim to have the child returned immediately to his or her country of origin.

676. These are abductions by parents, which do not entail criminal proceedings unless one party presses charges for non-restitution of a child.

**Number and percentage of reported cases of child victims of abuse and/or neglect by parents**

(a) Cases brought before the prosecution service over the period:

	<i>Assault and battery</i>	<i>Rape</i>	<i>Indecent assault</i>
Judicial year 2007/2008	50	19	42
Judicial year 2008/2009	37	19	39

(b) Judgments that acquired the force of res judicata over the period (unrelated to (a)):

	<i>Assault and battery</i>	<i>Rape</i>	<i>Indecent assault</i>
Judicial year 2007/2008	6	1	1
Judicial year 2008/2009	7	6	7

*Persons under 18 held in police stations or in pretrial detention after being charged with an offence reported to the police and average length of detention*

677. Since Luxembourg has no juvenile criminal law, but rather the Youth Protection Act, which applies equally to minors committing criminal offences, the question does not arise in these terms.

678. The concept of custody does not exist as such in Luxembourg criminal law. Luxembourg youth protection legislation does not embody the principle of preventive detention.

679. If a minor is placed in prison after committing a criminal offence, it may be only a temporary custody order pursuant to the 1992 Youth Protection Act. Imprisoning a minor is always an exceptional measure:

- Note that Luxembourg legislation has no juvenile criminal law. Pursuant to the Youth Protection Act of 10 August 1992, no distinction is made between the minors to be protected and minors who have committed an offence. They all fall within the scope of the Act and are subject to the same type of measures, known as custody, education and protection measures (art. 1 of the Act of 10 August 1992). Please see the comments in point (b) "Reduce the use of pre-trial and other forms of detention".

*Persons under 18 convicted of an offence by a court and sentenced to detention, and the average length of detention*

680. It is impossible to answer this question because it does not tally with the logic of the Act of 10 August 1992, which makes no such distinction. Indeed, since Luxembourg does not have a juvenile criminal law, we are unable to provide such statistics. Pursuant to the Luxembourg Youth Protection Act, a minor who commits an offence is a minor in danger, not a criminal.

681. No minor who has committed an offence may be convicted unless he or she is referred in accordance with the usual powers and procedures and is at least 16 years of age (art. 32 of the Act of 10 August 1992). As was mentioned above, the only measures that may be taken in respect of a minor are custody, education and protection measures.

*The State Socio-Educational Centres (CSEE) are obliged to accept minors, both boys and girls, entrusted to them by a decision of the competent judicial authorities for an indefinite period and generally up to age 18*

682. The capacity of the CSEE is 60 boys in Dreibern and 40 girls in Schrassig.

*Minors may occasionally be placed in the juvenile section of Luxembourg prison (CPL)*

683. Please see the comments in point (d) "Avoid, in all cases, persons under 18 being tried as adults". In exceptional circumstances, a minor who is at least 16 years old and has committed an offence may be referred in accordance with the usual powers and procedures, i.e. before a criminal court for adults (art. 32 of the Act of 10 August 1992). However, this is possible only if a custody, education or protection measure has already proved inadequate and if the minor in question is sufficiently mature to appear in court for adults.

Table of statistics on minors in Luxembourg prison from 2007 to 2010:

2007: 22 in total;

2008: 30 in total;

2009: 26 in total.

From 1 January 2010 to 24 March 2010, 11 in total.

2007		2008		2009		2010	
6 days	3	1 day	3	5 days	2	7 days	2
22 days	1	10 days	3	6 days	1	10 days	1
29 days	1	27 days	2	21 days	1	13 days	2
40 days	1	28 days	1	25 days	1	14 days	1
56 days	2	29 days	6	28 days	2	16 days	1
58 days	1	35 days	1	29 days	1	29 days	1
85 days	2	67 days	1	31 days	1	33 days	1
96 days	1	69 days	1	40 days	1	38 days	1
97 days	2	78 days	1	44 days	1	55 days	1
105 days	1	85 days	1	46 days	1		
208 days	1	94 days	1	62 days	1		
292 days	1	108 days	1	64 days	1		
365 days	1	131 days	1	84 days	1		

2007		2008		2009		2010	
403 days	1	139 days	1	95 days	1		
471 days	1	143 days	1	96 days	1		
629 days	1	175 days	1	120 days	1		
769 days	1	231 days	1	148 days	2		
		237 days	1	162 days	1		
		258 days	1	165 days	1		
		276 days	1	217 days	1		
				257 days	1		
				277 days	1		
				278 days	1		

684. Long periods in a disciplinary section are due to the many cases of indefinite leave granted.

*Reported cases of abuse and maltreatment of persons under 18 years old during arrest or detention/imprisonment*

685. This question does not tally with the logic of the Act of 10 August 1992, which does not permit the arrest or detention of minors. Moreover, no cases were reported to prosecutors.

686. It is true that the few minors in prison, whether under a temporary custody order or a judgment, have a lawyer. Should they suffer abuse in prison, they would be able to report it to their lawyer.

*Child victims of sexual exploitation, including prostitution, pornography and trafficking and their potential access to rehabilitation programmes*

687. No cases reported.

*Cases of sexual exploitation for commercial purposes, sexual violence and other kinds of violence against children, and the sale of children and child abduction, recorded during the period covered by the report*

688. Cases of sexual violence against children are handled by the various sections of the Judicial Police Service, including the Youth Protection section. These services have jurisdiction over the whole of Luxembourg territory.

689. Regarding the regional police services, some police criminal investigation services specialize in child protection.

690. In theory, any officer could investigate these matters, but in principle sexual abuse cases are handled either by a criminal investigation officer or by the Youth Protection section:

- The Luxembourg prosecution service has a section specializing in juvenile cases. In cases of child sexual abuse the prosecution service has a dual role: youth protection and criminal prosecution.

1. *Youth protection (Act of 30 August 1992):*

691. The public prosecutor or one of his deputies is a member of the juvenile court. The prosecution service is the contact body for law enforcement officers, and often also for social services and doctors.

692. Where there is an urgent need to protect a child, the juvenile court has primary jurisdiction to make a temporary custody order. The prosecution service has subsidiary jurisdiction if in practice the case cannot be referred to the juvenile court.

693. Where a child is sexually abused, protective measures are urgently needed to prevent a recurrence, often mainly to avoid immediate pressure on the victim who has dared to break the silence, at least as the police investigation begins. Later, once there is no further danger of evidence being suppressed, the child may be released from temporary custody either on application or following a summons at the initiative of the prosecution service.

694. Note that in Luxembourg a minor may apply in person to the juvenile court for help. Some minors in distress or suffering sexual violence report directly to the prosecution service. The Prosecutor immediately notifies any measure taken in respect of a minor to the juvenile court and the judge then acts accordingly for the minor.

2. *Criminal prosecution:*

- In cases of flagrante delicto, the prosecution service may have the perpetrator of sexual violence arrested, and then brought before the examining judge within 24 hours. The examining judge may issue a committal warrant;
- In cases other than flagrante delicto, the prosecution service may apply for a warrant to arrest the alleged perpetrator or a summons to appear before the examining judge. After the preliminary examination, the examining judge may issue a committal warrant;
- The prosecution service may also open an investigation with the examining judge with a view to having a search carried out or obtaining an expert opinion.

695. A crime must be referred to the examining judge who assembles the evidence for the prosecution and the defence.

**Prosecution service statistics on rape and indecent assault:**

(a) Cases brought before the prosecution service over the period:

	<i>Assault and battery</i>	<i>Rape</i>	<i>Indecent assault</i>
Judicial year 2007/2008	50	19	42
Judicial year 2008/2009	37	19	39

(b) Judgments that acquired the force of res judicata over the period (unrelated to a)

	<i>Assault and battery</i>	<i>Rape</i>	<i>Indecent assault</i>
Judicial year 2007/2008	6	1	1
Judicial year 2008/2009	7	6	7

696. There are no cases of commercial exploitation.

*Children trafficked for other purposes, including labour*

697. One case was reported by the juvenile prosecution service, concerning a child who was forced to work in a Chinese restaurant (see judgment annexed).

698. There were no other cases of child trafficking.

699. Note that since the entry into force of the Act of 6 October 2009 strengthening the rights of crime victims and amending:

- The Criminal Investigation Code;
- The Penal Code;
- The Act of 12 March 1984, as amended, on compensation for certain victims of personal injury resulting from an offence and the punishment of fraudulent insolvency;
- The Act of 16 July 1986, as amended, on certain modes of enforcement of custodial sentences;
- The Youth Protection Act of 10 August 1992, as amended.

700. The limitation period for the prosecution of the crimes referred to in articles 372–377 and articles 382–1 and 382–2 of the Penal Code committed against minors begins to run only once they attain majority, or their death if that occurs before they reach majority.

701. Likewise, the limitation period for the prosecution of crimes committed against minors begins to run only once they attain majority, or their death if that occurs before they reach majority, where the offences relate to the facts covered and punished by articles 372, 379, 379bis, 400, 400bis, 402 and 405 of the Penal Code.

702. Furthermore, the Youth Protection Act of 10 August 1992, as amended, has been supplemented by article 41–1 as follows:

“Article 41–1. – The public prosecutor or the examining judge ruling on acts committed intentionally against a minor, shall designate an ad hoc administrator chosen from the court’s list of lawyers published by the bar association, where the interests of the minor are not fully protected by at least one of his or her legal representatives. The ad hoc administrator shall protect the interests of the minor and, where appropriate, exercise the rights of the plaintiff on his or her behalf.”

## **IX. Optional protocol on the involvement of children in armed conflict**

### **Recommendation of the Committee:**

- Ensure that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities are explicitly criminalized in legislation;
- Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State Party;
- Ensure that military codes, manuals and other military directives are in accordance with the provisions and the spirit of the Optional Protocol;
- Develop systematic awareness-raising education and training in the provisions of the Optional Protocol for all relevant professional groups, including those working with



asylum-seeking, refugee and migrant children coming from countries affected by armed conflict;

- Continue systematically identifying, at the earliest possible stage, refugee, asylum-seeking and migrant children entering Luxembourg who may have been recruited or used in hostilities abroad contrary to the Optional Protocol and providing them with immediate assistance;
- Continue activities in the area of international cooperation, including the provision of financial and other support for action to protect children in armed conflict;
- Make the initial report and the concluding observations widely available in order to generate debate and raise awareness.

703. This protocol was ratified in Luxembourg by the Act of 25 April 2003.

## **X. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

### **Recommendation of the Committee:**

Ratify the Optional Protocol

704. A bill has been tabled for the ratification of the Optional Protocol.

705. This bill concerns: 1. The ratification of (a) the Convention of the Council of Europe for the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature in Lanzarote on 25–26 October 2007 (b) the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2. The amendment of certain articles of the Penal Code and the Code of Criminal Procedure, and was tabled in the Chamber of Deputies on 25 May 2009.

706. This bill amends or adds certain articles of the Penal Code to improve protection for minors. For instance, the Government intends to implement the Decision of the Council of the European Union of 29 May 2000 to combat child pornography on the Internet and the Council framework Decision on combating the sexual exploitation of children and child pornography (2004-68-JHA) which require Member States to criminalize certain behaviours and provide for a minimum level of maximum penalties incurred for these offences.

707. The bill implements in criminal law the provisions found in these various instruments. It introduces certain new criminal offences (soliciting children via the Internet, sale and distribution to minors of material that is violent and affronts human dignity), and adapts a number of articles of the Codes on indecent assault, rape, sexual exploitation of minors, the universal jurisdiction of the Luxembourg authorities, etc.

708. In this bill, it is proposed to extend the criminalization of possession of child pornography also to any consultation of such material on the Internet. Previously, for example, unless someone had printed or downloaded images of child pornography, the offence provided for in article 384 had not been committed. This offence corresponds to paragraph 1(f) of article 20 of the Council of Europe Convention.

709. Article 385–2 of the new Penal Code introduces the new offence of soliciting children for sexual purposes. This new offence, provided for in article 23 of the Council of Europe Convention, is one example of added value under this Convention.

710. Soliciting for sexual purposes is generally known as “grooming”. Grooming (building trust) refers to the preparation of a child for sexual abuse, motivated by the desire to use the child for sexual purposes. It may refer to adults attempting to establish friendly relations with a child, often posing as another young person, drawing the child into a discussion of intimate matters and then gradually exposing him or her to material with explicit sexual content to lower his or her resistance or inhibitions.

711. The child may also be involved in the production of child pornography by sending compromising personal photos taken with a digital camera, webcam or mobile phone camera, which gives the person soliciting the child a means of controlling him or her through blackmail. Where the adult organizes a physical meeting, the child may be a victim of sexual or other types of abuse. This article, taken from article 227-22-1 of the French Penal Code, goes further than article 23 of the Convention, requiring Parties to criminalize the proposal to meet a child with the intention of committing an offence, where this proposal has been followed by material acts leading to such a meeting.

712. It is proposed to criminalize the act of soliciting children for sexual purposes and to provide for an aggravating circumstance where this proposal is followed by material acts leading to such a meeting.

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