

COMMITTEE ON THE RIGHTS OF THE CHILD
Thirty-eighth Session
Pre-sessional Working Group
4 – 8 October 2004

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD
List of issues to be taken up in connection with the consideration of
the second periodic report of Luxembourg (CRC/C/104/Add. 5)

Part I

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 25th November 2004.

A. Data and statistics, if available

1. Please provide disaggregated data (by gender, age, minority and ethnic groups) covering the years 2001, 2002 and 2003 on the:
 - a) number and proportion of children under 18 living in the State party;
 - b) number and proportion of children belonging to minority, refugees and asylum-seekers.

2. In light of article 4 of the Convention, please provide additional disaggregated data for 2002-2004, on budget allocations and trends (in percentages of the national budget or GDP) regarding the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:
 - a) education (different types of education, i.e. pre-primary, primary and secondary education);
 - b) child care services, including day care centers and crèches;
 - c) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health care services for children);
 - d) programmes and services for children with disabilities;
 - e) support programmes for families;
 - f) support for children living below the poverty line (please also specify the criteria for 'poverty' and indicate the number of children living below the poverty line);
 - g) the protection of children who are in need of alternative care including the support of care institutions;
 - h) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
 - i) juvenile justice;

- j) juvenile crime prevention and rehabilitation;
 - k) other social services.
3. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by gender, age, minority and ethnic groups) for the last three years on the number of children:
 - a) separated from their parents;
 - b) placed in institutions;
 - c) placed with foster families;
 - d) adopted domestically or through inter-country adoptions;
 - e) migrant unaccompanied minors;
 4. Please specify the number of children with disabilities, disaggregated by sex and age, covering the years 2001, 2002 and 2003:
 - a) living with their families;
 - b) in institutions;
 - c) attending regular schools;
 - d) attending special schools;
 - e) non attending any school.
 5. Please provide information on the number of children abducted from or to Luxembourg.
 6. With reference to child abuse, please provide disaggregated data (by age, gender, minority and ethnic groups and types of violations reported) covering the years 2001, 2002 and 2003 on the:
 - a) number of individual complaints received per year in the last three years;
 - b) number and percentage of reports which have resulted in either a court decision or other types of follow-up.
 7. Please provide disaggregated data (including by gender, age, minority and ethnic groups) covering the years 2001, 2002 and 2003 on:
 - a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;
 - b) number and percentage of drop-outs and repetitions;
 - c) teacher per child ratio;
 - d) number of children attending school abroad.
 8. Please provide disaggregated statistical data (including by gender, age, minority and ethnic groups) on early pregnancy, sexually transmitted infections (STIs), mental health problems (e.g. suicide rates, eating disorders, depression), drug use, alcohol and tobacco abuse covering the years 2001, 2002 and 2003. Please also provide numbers of health professionals working in the health care services for children.
 9. Please provide disaggregated statistical data (including by gender, age groups, minority and ethnic groups) on children infected or affected by HIV/AIDS.
 10. Please provide appropriate disaggregated data (including by gender, age, minority and ethnic groups and type of crime) covering the years 2001, 2002 and 2003, in particular on the number of:
 - a) persons below 18 who have allegedly committed a crime, reported to the police;

- b) persons below 18 who have been sentenced and type of punishment or sanctions related to offences including length of deprivation of liberty;
 - c) persons below 18 who have been tried as adults;
 - d) detention facilities for juvenile delinquents and their capacity;
 - e) persons below 18 detained in these facilities and minors detained in adult facilities;
 - f) persons below 18 kept in pre-trial detention and the average length of their detention;
 - g) reported cases of abuse and maltreatment of children occurred during their arrest and detention.
11. With reference to special protection measures, please provide statistical data (including by gender, age, minority and ethnic groups) covering the years 2001, 2002 and 2003 on:
- a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking;
 - b) the number of children involved in sexual exploitation who received rehabilitation treatments;
 - c) the number of unaccompanied minors and asylum-seeking and refugee children, as well as the number of children awaiting expulsion;
 - d) the number of children involved in labour who are under 16.

B. General Measures of Implementation

1. The Committee would appreciate receiving information on intended or planned activities related to recommendations contained in the Committee's previous concluding observations on the initial report of Luxembourg (CRC/C/15/Add.92) which have not yet been fully implemented, in particular those contained in paragraphs: 23 (on the reservations of Luxembourg to the Convention); 25 (comprehensive strategy for children); 27 (use of the terms "legitimate" and "illegitimate" in the Civil Code) 29 (the right of the child to know his/her parents); 31 (corporal punishment); 39 (administration of juvenile justice).
2. Please indicate whether the Convention on the Rights of the Child has been invoked directly in domestic courts, and if so, please provide examples of such cases.
3. Please further elaborate on the mechanisms that exist for monitoring the State party's implementation of the Convention. In particular, please provide information on the mandate and activities of any independent human rights monitoring mechanisms that may exist, especially the newly established Ombudsman (*Mediatéur*), the Consultative Commission on Human Rights and the Ombuds-Comité (ORK).
4. Please provide updated information on efforts to provide training, awareness and information on the Convention and on human rights in general.
5. Please provide information on the plan elaborated by the Government for "children in distress". Please also update the Committee on the results of the recent studies undertaken on juvenile mortality and young people well being in Luxembourg.
6. Please provide information on the role of non-governmental organisations in the implementation of the Convention as well as in the process of preparation of the State party report.

7. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

Part II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.

Part III

Under this section, the State party is invited to briefly (3 pages maximum) update the information provided in its report with regard to:

- New bills or enacted legislation
- New institutions
- Newly implemented policies
- Newly implemented programmes and projects and their scope.

Part IV

The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.

1. Protection from discrimination in particular with respect to immigrants, undocumented migrants, refugees and asylum-seeking children.
2. The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention (non-discrimination (art.2), the best interests of the child (art.3) and the right of the child to express its views and be heard (art.12)).
3. Efforts undertaken to make the initial and the second report widely available to the public within the State party, along with the recommendations adopted by the Committee after the discussion of the initial report.
4. The right to identity of adopted children.
5. Corporal punishment within the family and in care institutions.
6. The placement of persons below 18 in solitary confinement.
7. Youth suicide.
8. Alcohol, drug and tobacco abuse.
9. Administration of juvenile justice.