

Mapping child protection systems in the EU (27)

Luxembourg

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Contents

1. Legislative and regulatory framework and policies	3
1.1. Overview of normative and regulatory framework.....	3
1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection.....	8
1.3. Policy framework.....	10
1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection.....	14
1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards.....	40
1.6. Orientation/fragmentation of national child protection policy and legislation.....	43
1.7. Development in the past years: achievements, gaps, and challenges.....	45
1.8. Promising practices.....	46
2. Governance, coordination structures, and services	48
2.1. Primary institutions and main service providers responsible for child protection.....	48
2.2. Civil society organisations active in the area of child protection.....	67
2.3. Inter-agency cooperation in the area of child protection.....	70
2.4. Developments in the past years: achievements, gaps, and challenges.....	76
2.5. Promising practices.....	79
3. Capacities (human and financial resources)	80
3.1. Information on budget allocation and funding.....	80
3.2. Information on human resources, qualification requirements, and training.....	87
3.3. Developments in the past years: achievements, gaps, and challenges.....	93
3.4. Promising practices.....	94
4. Care	95
4.1. Prevention measures and services.....	95
4.2. Identification and reporting procedures.....	98
4.3. Referral procedures(s) and investigation and protection.....	103
4.4. Placement decisions – care orders.....	107
4.5. Types of care with focus on alternative care.....	109
4.6. Developments in the past years: achievements, gaps, and challenges.....	123
4.7. Promising practices.....	124
5. Accountability, data collection, and monitoring mechanisms	126
5.1. Accountability mechanisms.....	126
5.2. Developments in the past years: achievements, gaps, and challenges.....	131
5.3. Promising practices.....	131
6. General education, promotion, and awareness raising	132
6.1. Education on child rights.....	132
6.2. Promotion and awareness raising.....	135
6.3. Promising practices.....	136
7. Child participation and community engagement	138
7.1. Complaint procedures.....	138
7.2. Feedback mechanisms.....	139
7.3. Promising practices.....	140

1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

Ca. 300 words

The Luxembourgish national child protection system is currently governed by the Act of 10 August 1992 on youth protection¹ and the Act of 16 December 2008 on child and family assistance.²

The Act of 10 August 1992 on youth protection regulates judicial procedures applicable to children who are in danger.³ It takes precedence over the voluntary child protection regime enshrined in Act of 16 December 2008 on child and family assistance, which is implemented by the National Office for Children (*Office national de l'enfance*). As such, in the event of proceedings pending before the courts and tribunals under the Act of 10 August 1992 on youth protection, the National Office for Children may only intervene at the express request of the judicial authorities.⁴

The Act of 10 August 1992 on youth protection applies both to child protection and juvenile crime.⁵ In 2021, the UN Committee on the Rights of the Child expressed its concerns for that fact and urged Luxembourg to “[t]ake measures to separate protection measures aimed at child victims or children at risk of becoming victims of offences and measures aimed at children in conflict with the law, taking into account the best interests and rights of the children affected”.⁶

¹ Luxembourg, Act of 10 August 1992 on youth protection (Loi du 10 août 1992 relative à la protection de la jeunesse), 25 September 1992.

² Luxembourg, Act of 16 December 2008 on child and family assistance (Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille), 16 December 2008.

³ According to Art. 7 of the Act of 10 August 1992 on youth protection, these consist of children who habitually avoid compulsory schooling; who engage in debauchery; who seek their resources through gambling, trafficking, or occupations that expose them to prostitution, begging, or vagrancy; who commit criminal offenses; or whose physical or mental health, education, or social or moral development are compromised.

⁴ Luxembourg, Act of 16 December 2008 on child and family assistance (Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille), Art. 5, para. 3.

⁵ Luxembourg, Bill N°7994 on protecting minors, youth, and families (Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles), 25 April, 2022, p.3.

⁶ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, para. 30-31.

The Act of 16 December 2008 on child and family assistance is applicable to any requesting child or young adult in distress.⁷ It aims to complement the legal framework enshrined in the Act of 10 August 1992 on youth protection by encouraging the early and diversified care of situations of distress that may affect both children and their families. The focus is on prevention and the implementation of a "non-judicialized" social assistance system that prioritises participation of those concerned.⁸ According to the available statistics, however, alternative care measures have not significantly decreased in the last years, remaining for the most part of a judicial nature.⁹

In 2022, the Government set out to completely overhaul the existing legal framework, submitting to Parliament (*Chambre des Députés*) a child legislative package¹⁰.

In accordance with the Bill N°7994 on protecting minors, youth, and families¹¹, the voluntary protection procedure is triggered whenever the best interests of the minor is not guaranteed or is in danger of not being guaranteed.¹² The judicial procedure shall only be used when all voluntary interventions have failed or when judicial intervention seems essential to ensure the best interest of the minor.¹³ As opposed to the

⁷ Art. 1 of Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*). According to its Art. 3(3), shall be considered «in distress» children or young adults of both sexes who are threatened in their physical, mental, psychological or social development, or are in physical or moral danger, or are at risk of social and professional exclusion.

⁸ Luxembourg, Parliament (*Chambre des Députés*), Bill N° 5754 on child and family assistance, Summary of the file (*Projet de loi N° 5754 relatif à l'aide à l'enfance et à la famille, Résumé du dossier*), 22 August 2007; and Parliament (*Chambre des Députés*), Bill N° 5754 on child and family assistance (*Projet de loi N° 5754 relatif à l'aide à l'enfance et à la famille*), 22 August 2007, pp.3-4 and 8-9.

⁹ Luxembourg, National Office for Children (*Office national de l'enfance*), Statistics on children and young adults living in Luxembourg in institutional or foster care (*Statistiques sur les enfants et jeunes adultes vivant au Luxembourg accueillis ou placés en institution ou en famille d'accueil*). Between 2017 and 2022, the number of children and young adults in alternate care (residential care and foster care) has only decreased from 1337 to 1299. Of these, the number of judicial placements has only decreased from 80,25% to 78, 14%.

¹⁰ The package includes, among others, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*) and Bill N° 7991 introducing a criminal law for minors (*Projet de loi N° 7991 portant introduction d'un droit pénal pour mineurs*).

¹¹ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022. This bill is currently under discussion in Parliament.

¹² Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, Art. 41.

¹³ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, Art. 51 and p.4. This is the case, notably, whenever the child's safety is in danger or the conditions for his or her education or physical, emotional, intellectual and/or social development are seriously compromised.

existing legal framework¹⁴, the Bill N°7994 on protecting minors, youth, and families provides for a single set of protection measures applicable in judicial and voluntary procedures.¹⁵

Once in force, the youth legislative package will ensure the separation between juvenile criminal law and youth protection. Consequently, judicial youth protection will be governed by civil rather than criminal procedure and the Act of 10 August 1992 will be repealed.¹⁶

In accordance with the Act of 16 December 2008 on child and family assistance, the State contributes financially to the costs of support measures ordered by the judicial authorities under the Act of 10 August 1992 on youth protection, or proposed by the National Office for Children in accordance with the Act of 16 December 2008 on child and family assistance.¹⁷ The procedures for establishing the corresponding lump sums and their amounts are regulated by the Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families.¹⁸ The corresponding funds must be registered in the State budget¹⁹ and the State budget for 2022 therefore includes different lines to cover the costs of these support measures.²⁰ Furthermore, in accordance with the Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic

¹⁴ Respectively, Art. 1 and 7 of the Act of 10 August 1992 on youth protection and Art. 11 of the Act of 16 December 2008 on child and family assistance.

¹⁵ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, p.3.

¹⁶ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, pp. 3 and 5.

¹⁷ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 15. According to the same Art. 15, the funding in question consists of monthly, daily or hourly lump sums and the State participation shall be laid down in one or more "framework conventions" to be concluded between the relevant Minister and the service providers.

¹⁸ Luxembourg, Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*), 17 August 2011. The amount of the lump sums is foreseen in Annex 9.

¹⁹ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 15.

²⁰ Luxembourg, Act of 23 December 2022 on the State revenue and expenditure budget for the year 2023 (*Loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*).

fields, the State may provide subsidies or financial participations to service providers in these areas on the basis of conventions.²¹ The inherent funds must also be registered in the State budget.²²

According to the current legal framework, the provision of certain support measures ordered by the judicial authorities under the Act of 10 August 1992 on youth protection, or validated by the National Office for Children in accordance with the Act of 16 December 2008 on child and family assistance, is conditional upon the operator obtaining a license from the Ministry in charge of family policy.²³ Depending on the type of support measures provided²⁴, the applicable rules require among others that the operator ensures a minimum ratio of support staff (*personnel d'encadrement*) per child, as well as minimum qualifications, training and linguistic skills of that staff.²⁵

The Minister of Education, Children and Youth (*Ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse*) launched the National Action Plan for Children's Rights on 18 May 2022.²⁶ The action plan – the first ever of his kind - stems from a recommendation of the UN Committee on the Rights of the Child for the development of a comprehensive policy and strategy for the overall realization of the principles and provisions of the Convention on the Rights of the Child.²⁷ The plan encompasses certain priority areas which

²¹ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 Septembre 1998, Art. 11-12.

²² Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 Septembre 1998, Art. 23.

²³ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 08 September 1998; and Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011.

²⁴ These consist of the support measures enshrined in Art. 11, (a), (c), (d), (h), (i) and (y) of the Act of 16 December 2008 on child and family assistance – see Art. 1 of the Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*).

²⁵ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011, Chapter 2, Section 2.

²⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

²⁷ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 8; and Luxembourg,

are particularly relevant for child protection. These include: i) placement measures - prioritising the preservation of the family link²⁸; ii) justice for children, notably a clear distinction between the protection and the criminal regime²⁹; and iii) promoting the coherence of measures for children as victims of violence.³⁰ In its initial assessment, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) welcomed the plan but recalled the need for a children's rights policy which is more generously funded in budgetary terms and provided with the necessary resources so that the plan can have the intended impact.³¹

The Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) presents an annual report to Parliament on the situation of children's rights in Luxembourg.³² In its latest report, it highlighted the situation of children and youth forced to leave their country of origin, either alone or with their family, or born to parents who fled their country of origin. A priority area for analysis and recommendations was the assessment of vulnerabilities in the asylum procedure and the existing child protection policies.³³ Regarding 2023, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) identified ordinary educational violence, school bullying, and happy slapping and the youth protection reform as policy priorities.³⁴

Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 10.

²⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 34-35.

²⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 43-45.

³⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 46-49.

³¹ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2022), National Action Plan strengthens children's rights (*Nationaler Aktionsplan stärkt Kinderrechte*), 18 May 2022.

³² Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters (*Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher*), 01 April 2020, Art. 8.

³³ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2022), Annual report 2022, Childhood in limbo, Situation and reception of children from exile in Luxembourg (*Rapport annuel 2022, Une enfance mise en suspens, Situation et accueil des enfants issus de l'exil au Luxembourg*), November 2022.

³⁴ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2022), Presentation, Annual report 2022, (*Présentation, Rapport Annuel 2022*), 15 November 2022.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		Not yet. The Act of 17 January 2023 revising Chapter II of the Constitution ³⁵ introduces new provisions in the Constitution according to which: i) the child's interests shall be given primary consideration in any decision affecting the child; ii) every child may express his or her views freely on any matter affecting him or her, which shall be taken into account, having regard to his or her age and understanding; iii) and every child has the right to such protection, measures and care as are necessary for his or her well-being and development. ³⁶ The Act of 17 January 2023 revising Chapter II of the Constitution will come into force on 1 July 2023.
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		X	Please refer to question 1.2.3.

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
Constitution of the Grand Duchy of Luxembourg (<i>Constitution du Grand-Duché de Luxembourg</i>) ³⁷	17/01/2023	Best interests of the child as a primary consideration in all actions concerning the child; right of the child to express his or her views freely in all matters affecting him or her; right to protection, measures and care necessary for well-being and development.

³⁵ Luxembourg, Act of 17 January 2023 revising Chapter II of the Constitution (*Loi du 17 janvier 2023 portant révision du chapitre II de la Constitution*), 17 January 2023.

³⁶ Luxembourg, Act of 17 January 2023 revising Chapter II of the Constitution (*Loi du 17 janvier 2023 portant révision du chapitre II de la Constitution*), 17 January 2023, Art. 1, which introduces a new Art. 11 (5) to the Constitution.

³⁷ Luxembourg, Constitution of the Grand Duchy of Luxembourg (*Constitution du Grand-Duché de Luxembourg*), as amended by the Act of 17 January 2023 revising Chapter II of the Constitution (*Loi du 17 janvier 2023 portant révision du chapitre II de la Constitution*), Art. 11(5), which will come into force on 1/7/2023.

Act of 10 August 1992 on youth protection (<u>Loi du 10 août 1992 relative à la protection de la jeunesse</u>)	10/08/1992	Judicial procedures aimed at protecting children who are in danger.
Act of 16 December 2008 on child and family assistance (<u>Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille</u>).	16/12/2008	Voluntary protection regime for children and young adults in distress
Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (<u>Règlement grand-ducal du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille</u>)	17/08/2011	Funding of social assistance measures for children and families in danger/distress
Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (<u>Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse</u>)	17/08/2011	Licensing granted to managers of activities for children, young adults and families in distress
Grand-Ducal Regulation of August of 17 August 2011 1. regulating the organization and functioning of the National Office for Children, and 2. amending the amended Grand-Ducal Regulation of 7 June 1979 determining the acts, documents and files authorized to use the identity number of natural and legal persons (<u>Règlement grand-ducal du 17 août 2011 1. réglant l'organisation et le fonctionnement de l'Office national de l'enfance, et 2. modifiant le règlement grand-ducal modifié du 7 juin 1979 déterminant les actes, documents et fichiers autorisés à utiliser le numéro d'identité des personnes physiques et morales.</u>)	17/08/2011	Organization and functioning of the National Office for Children

Grand-Ducal Regulation of 17 August 2011 regulating the organisation and functioning of the High Council for Child and Family Assistance (<i>Règlement grand-ducal du 17 août 2011 réglant l'organisation et le fonctionnement du Conseil Supérieur de l'aide à l'enfance et à la famille</i>)	17/08/2011	Organisation and functioning of the High Council for Child and Family Assistance
Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (<i>Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique</i>)	08/09/1998	Licensing control and funding by the State of organisations working in the social, family and therapeutic fields
Act of 1 April 2020 establishing the Ombudsman for children and youngsters (<i>Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher</i>)	01/04/2020	Establishes the Ombudsman for children and youngsters in charge of promoting, safeguarding and protecting children's rights
Act (amended) of 13 March 2018 establishing a National Observatory for Children, Youth and School Quality (<i>Loi du 13 mars 2018 portant création d'un Observatoire national de l'enfance, de la jeunesse et de la qualité scolaire</i>)	18/10/2022	The National Observatory for Children, Youth and School Quality has the task of analysing the situation of children and young people in Luxembourg, based on a global approach, centred on the child or young person and based on the rights of the child

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection?	X		A National Action Plan for Children's Rights was presented on 18 May 2022 ³⁸ , which encompasses certain priority areas particularly relevant for child protection (please refer to question 1.1.) According to the plan, its content is based on the findings of the

³⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

<p>If <u>yes</u>, does it require an integrated approach to child protection?</p>		<p>UN Committee on the Rights of the Child, inter-ministerial cooperation, and consultation with key civil society actors. Luxembourg has applied to the European Commission to benefit from the Technical Support Instrument, which provides Member States with tailored technical expertise to design and implement reforms. In this framework, logistical support will be provided by UNICEF International, and the project aims, among others, to strengthen collaboration between stakeholders and the integration of the children's perspective. An integrated approach strengthening the synergies with the National action plan developed in the framework of the European Child Guarantee and the consultation platforms created in the same framework will be sought.³⁹</p>
<p>1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?</p>	<p>X</p>	<p>The National Action Plan for Children's Rights⁴⁰ includes, among its priority areas and actions, certain specific groups of children, such as unaccompanied minors, children of unmarried parents, adopted children, children in care, children with disabilities, children as victims of crimes and violence and in conflict with the law, refugee and asylum-seeking children.</p> <p>The Luxembourg Action Plan 2021 – 2030⁴¹ in the framework of the European Child Guarantee is aimed at children in need, notably children at risk of poverty (single-parent families, large families, immigration); children in institutions; children with disabilities; children with health problems (physical or mental) or in situations of psychological distress; and children in a household with housing difficulties. Its overall objective is to continue to make efforts in the area of social inclusion policy and to reduce or even eliminate the financial and non-financial</p>

³⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 20-21 and 53.

⁴⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

⁴¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), July 2022.

		<p>obstacles faced by individuals at risk of poverty or social exclusion.</p> <p>The multiannual National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights⁴² was approved by the Government in 2018 and is structured around eight thematic chapters - education, employment and work, health, family, reception and integration, discrimination, hate crime and hate speech, equal rights for transgender people and equal rights for intersex people. The plan includes objectives and actions which focus specifically on children, notably in the areas of inclusive and equitable education; protecting the diversity of family structures; equal rights of transgender persons; and equal rights of intersex persons.</p> <p>The National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019 - 2024⁴³ was approved by the Government in December 2019 and subject to a mid-term evaluation in 2022⁴⁴. The plan focusses on eight priority topics and includes objectives and actions specifically targeting children with disabilities in relation to two of those – awareness raising and education.</p>
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?	X	<p>BEE SECURE is a governmental initiative operated by the National Youth Service (<i>Service national de la jeunesse</i>) and the <i>Kanner-Jugendtelefon</i>, a civil society organisation, in partnership with the Luxembourg House of Cybersecurity, the Police, and the Public Prosecutor. It aims to promote a safer,</p>

⁴² Luxembourg, Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2018), National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights (*Plan d'action national pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes*), July 2018.

⁴³ Luxembourg, Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2019), National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019 - 2024 (*Plan d'action national de mise en œuvre de la Convention relative aux droits des personnes handicapées 2019 – 2024*), 20 December 2019.

⁴⁴ Luxembourg, Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2022), Mid-term evaluation of the implementation of the measures announced in the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019-2024 (*Evaluation à mi-parcours de l'implémentation des mesures annoncées dans le plan d'action national de la mise en œuvre de la Convention relative aux droits des personnes handicapées 2019-2024*), October 2022.

		<p>more responsible and positive use of information technologies among the general public and, in particular, by children and young people. To that end, it conducts awareness raising and information initiatives, notably through training for students and teachers in primary and secondary schools; manages the BEE SECURE Helpline, a contact point for questions related to online safety and responsible use of new communication technologies; manages the BEE SECURE Stopleveline, where illegal online content, such as child sexual abuse material (paedopornography), can be reported anonymously and confidentially, leading to referrals to law enforcement authorities; and assesses new trends in the use of information technologies.⁴⁵</p> <p>Within the priority areas of the National Action Plan for Children's Rights, the coherence of measures for children victims of violence focusses among others on promoting and updating the BEE SECURE Stopleveline and the trainings provided in the framework of the BEE SECURE initiative.⁴⁶</p>
1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform?	X	<p>The consultation and participation of children and young people in youth policy design is encouraged by different tools. At the national level, the Act of 4 July 2008 on youth provides for two consultative structures – the Higher Council for Youth (<i>Conseil supérieur de la jeunesse</i>) and the Youth Parliament (<i>Parlement des jeunes</i>).⁴⁷ The Higher Council for Youth is an advisory body for youth issues. The Government may seek the advice of the Council on measures that are contemplated in legislation or regulations in the interest of youth. The Council may recommend to the Government such reforms and innovations as it deems appropriate for the welfare</p>

⁴⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), National Youth Service (*Service national de la jeunesse*), About BEE SECURE (*À propos de BEE SECURE*); Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 12.

⁴⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 47.

⁴⁷ Luxembourg, Act of 4 July 2008 on youth (*Loi du 4 juillet 2008 sur la jeunesse*), 04 July 2008, Art. 12 and 14.

<p>If yes, are appropriate child protection and safety measures in place?</p>		<p>of young persons.⁴⁸ The Youth Parliament (YP) is a platform where all young people between the ages of 14 and 24 living in Luxembourg can discuss and debate together on topics of interest to them that affect their daily lives. Thematic commissions elaborate opinions that are presented to the Chamber of Deputies every year.⁴⁹ The Act of 4 July 2008 on youth does not provide for specific child protection and safety measures in this framework. Furthermore, the Grand-Ducal Regulation of 2 February 2015 on the organisation of the National Pupils' Conference⁵⁰ states that the Conference is an independent platform for student representation at national level. Among others, it is an advisory body and acts as a link between the Ministry of Education and the students. Finally, the National Youth Council of Luxembourg (<i>de Jugendrot</i>) is an umbrella organisation of youth organisations in Luxembourg which are active in a great variety of different areas in the youth sector. The National Youth Council of Luxembourg acts as a discussion partner for the ministries and other official actors in youth-related topics.⁵¹</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant **action plan, protocol, procedure, or guidance** issued by competent authorities. Please always specify how children's participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children's right to be heard).

⁴⁸ Luxembourg, Act of 4 July 2008 on youth (*Loi du 4 juillet 2008 sur la jeunesse*), 04 July 2008, Art. 12.

⁴⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Youth participation (*Participation des jeunes*), 15 February 2021.

⁵⁰ Luxembourg, Grand-Ducal Regulation of 2 February 2015 on the organisation of the National Pupils' Conference (*Règlement grand-ducal du 2 février 2015 portant organisation de la Conférence nationale des élèves*), 12 February 2015.

⁵¹ Luxembourg, National Youth Council of Luxembourg (*de Jugendrot*) (2021), *About de Jugendrot*, 2021.

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>The National Action Plan for Children's Rights encompasses, within the priority area of promoting the coherence of measures for children as victims of violence, certain activities which are relevant for sexual abuse and school bullying. These include: i) educating students of basic education about the risks of sexual abuse and ii) the transparent communication of a protocol for managing situations of disclosure of violence, in particular harassment from another student or an adult in the school community, either experienced or witnessed.⁵² Regarding trafficking in human beings, the National Action Plan for Children's Rights foresees, within the priority area of ensuring the protection of children's rights in crisis situations, activities aimed at combating the risk of trafficking of children fleeing the war in Ukraine.⁵³ The National Action Plan for Children's Rights also foresees, within the priority area of identity and non-discrimination, the objective of accelerating the adoption of Bill N° 6568 and eliminate the discrimination against children of unmarried parents.⁵⁴</p>	<p>Act of 20 July 2018 approving the Council of Europe Convention on preventing and combating violence against women and domestic violence, signed in Istanbul on 11 May 2011 (<i>Loi du 20 juillet 2018 portant approbation de la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique, signée à Istanbul le 11 mai 2011</i>) – foresees the mandatory care of children who are direct or indirect victims of domestic violence by a service for victims of domestic violence, specialised in the care of children; introduces a new Article 409bis in the Criminal Code which criminalises genital mutilation.</p> <p>Act of 27 June 2018 establishing the family court, reforming divorce and parental authority (<i>Loi du 27 juin 2018 instituant le juge aux affaires familiales, portant réforme du divorce et de l'autorité parentale</i>) - removes the discrimination regarding parental authority of children of unmarried parents.</p>

⁵² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 48.

⁵³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 52.

⁵⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 32. The objective of the bill is to eliminate the concepts of legitimate and illegitimate parentage and introduce the principle that the child has the right to have access to his or her origins without being discriminated – see United Nations (UN), Committee on the

The National Action Plan for Equality Between Women and Men, presented by the Ministry of Equality between Women and Men in 2020, includes among its measures raising awareness of gender equality among teaching staff. The objectives of this measure include the prevention of **sexual harassment**.⁵⁵

Regarding **online sexual abuse**, please refer to question 1.3.3.

In 2020, BEE SECURE published a guide against **sexting** for young people which provides information about the legal framework and the risks of sexting, as well as practical advice for those concerned on how to react to problematic situations related to sexting.⁵⁶ In 2022, it published a guide which provides practical advice on how to deal with **cyber bullying**. It aims to raise awareness and provide information and is aimed primarily at young people.⁵⁷

The National Action Plan against Human **Trafficking**, published in 2016, included among its measures the establishment of an adequate reception and support for minor victims.⁵⁸

Act of 28 February 2018, reinforcing the fight against the exploitation of prostitution, pimping and human trafficking for sexual purposes (*Loi du 28 février 2018 renforçant la lutte contre l'exploitation de la prostitution, le proxénétisme et la traite des êtres humains à des fins sexuelles*). Introduces changes to the Criminal Code in order to criminalize the solicitation, acceptance, or obtaining of **sexual relations with minors in exchange for remuneration or the promise of remuneration**.

Grand-Ducal Regulation of 11 September 2014 on 1. implementation of Article 2, (1) point a) and (2) and (4) of the amended Act of 8 May 2009 on the assistance, protection and safety of victims of human trafficking; 2. amendment of the amended Grand-Ducal Regulation of 19 March 1999 on the governmental licensing to be granted to managers of services for girls, women and women with children (*Règlement grand-ducal du 11 septembre 2014 portant 1. exécution de l'article 2, paragraphes (1) point a) et (2) et (4) de la loi modifiée du 8 mai 2009 sur l'assistance, la protection et la sécurité des victimes de la traite des êtres humains; 2. modification du règlement grand-ducal modifié du 19 mars 1999 concernant l'agrément gouvernemental à accorder aux gestionnaires de services pour filles, femmes et femmes avec enfants*).

Rights of the Child (CRC) (2021), Combined fifth and sixth periodic reports submitted by Luxembourg, 24 November 2020, *para.* 28.

⁵⁵ Luxembourg, Ministry of Equality between Women and Men (*Ministère de l'Égalité entre les femmes et les hommes*) (2020), National Action Plan for Equality Between Women and Men (*Plan d'action national pour une Égalité entre les femmes et les hommes*), p. 26.

⁵⁶ Luxembourg, National Youth Service (*Service national de la jeunesse*) and the *Kanner-Jugendtelefon* (2020), BEE SECURE, Naked on the net? ALL YOU NEED TO KNOW ABOUT SEXTING!.

⁵⁷ Luxembourg, National Youth Service (*Service national de la jeunesse*) and the *Kanner-Jugendtelefon* (2022), BEE SECURE, Are you a victim of cyber-bullying? (*Tu es victime de cyber-harcèlement ?*).

⁵⁸ Luxembourg, Ministry of Justice (*Ministère de la Justice*) (2016), National Action Plan against Human Trafficking (*Plan d'action national contre la traite des êtres humains*), 16 November 2016, p. 30. According to the latest Evaluation Report of the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe, published in October 2022, the National Action Plan is still in force and its implementation is yet to be assessed

The Ministry of Equality between Women and Men launched a new Equality Observatory in 2021.⁵⁹ The Equality Observatory publishes annual statistics on **domestic violence** disaggregated by age, which include information on child victims.⁶⁰

The multiannual National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights⁶¹ was published in 2018. The plan includes objectives and actions which focus specifically on children and are aimed at combatting: i) **discrimination**, notably in the areas of inclusive and equitable education; protecting the diversity of family structures; equal rights of transgender persons; and equal rights of intersex persons; and ii) **bullying**, such as awareness raising campaigns explaining its risks.

The National Action Plan for Youth 2022-2025⁶² foresees three areas of intervention, of which one is focussed on promoting well-being within youth and socio-educational animation structures. The plan aims to develop educational tools for youthworkers regarding the psychological effects and the phenomenon of **cyberbullying**.

In 2018, the Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*) coordinated the publication of the guidelines Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*). The guidelines outline the procedures to be followed by child and youth care professionals and all other

Grand-Ducal Regulation of 10 March 2014 on the composition, organization and functioning of the Monitoring Committee for the Fight against Trafficking in Human Beings (*Règlement grand-ducal du 10 mars 2014 relatif à la composition, à l'organisation et au fonctionnement du Comité de suivi de la lutte contre la traite des êtres humains*).

⁵⁹ Luxembourg, Ministry of Equality between Women and Men (*Ministère de l'Égalité entre les femmes et les hommes*) (2021), Taina Bofferding presents the new Equality Observatory (*Taina Bofferding présente le nouvel Observatoire de l'égalité*), 09 March 2021.

⁶⁰ Luxembourg, Ministry of Equality between Women and Men (*Ministère de l'Égalité entre les femmes et les hommes*) (2021), Equality Observatory (*Observatoire de l'égalité*), Domestic violence (*Violence domestique*).

⁶¹ Luxembourg, Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2018), National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights (*Plan d'action nationale pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes*), July 2018.

⁶² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), National Action Plan for Youth 2022-2025 (*Plan d'action nationale pour la jeunesse 2022-2025*), June 2022, pp. 35 and 39.

<p>professionals who encounter children and youth in cases where a child discloses abuse or when such professionals perceive signs of abuse in a child, including sexual abuse, exposure to pornography, trafficking, witnessing domestic violence, bullying or neglect.⁶³</p>	
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Action Plan for Children's Rights includes, among its medium-term operational objectives, promoting the well-being of children with disabilities, as well as raising awareness on their rights. Within its priority area of awareness on the rights of children with disabilities, the plan provides for actions with the following objectives: detecting, preventing and responding to violence against children with disabilities; access to health care through screening and diagnosis; ensure that children with disabilities are provided with reasonable adaptations; and increased inclusion of children and youth with disabilities in music education and leisure centres.⁶⁴</p> <p>The Government published a National Action Plan for the implementation of the Convention on the Rights of Persons with Disabilities for the period 2019 to 2024. The priority topics of the plan include awareness raising and education, which themselves include actions specifically aimed at children with disabilities and students with special needs. These include awareness campaigns in</p>	<p>Act of 7 January 2022 on the accessibility to all public places, public roads and collective housing buildings (<u><i>Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs</i></u>)</p> <p>Act of 20 July 2018, creating Centres of Expertise in Specialized Educational Psychology for Inclusive Education (<u><i>Loi du 20 juillet 2018 portant création de Centres de compétences en psycho-pédagogie spécialisée en faveur de l'inclusion scolaire</i></u>). The Special Education Competency Centres will make a specialized diagnosis of each referred student, provide ad hoc assistance in the classroom, outpatient care, and, for some students, offer temporary or permanent attendance of a class from the centre.⁶⁹</p> <p>Act of 18 June 2018 establishing a service for school continuance, inclusion and integration of the National Education (<u><i>Loi du 18 juin 2018 portant institution d'un service au maintien, à l'inclusion et</i></u></p>

⁶³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

⁶⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 23 and 37-38.

⁶⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2018), Nine centers of expertise for inclusive education (*Neuf centres de compétences en faveur de l'inclusion scolaire*), 26 June 2018.

schools on the situation and skills of people with disabilities; inclusion of people with disabilities in school and out-of-school settings, notably by promoting exchange with all the actors involved; strengthen the inclusive approach to all children in childhood education and care services (day care centres, transition houses); strengthen the inclusive approach of non-formal education services working for youth (youth centres, National Youth Service); promote the inclusion of students with special needs in music education and in extracurricular sports and leisure activities; train and sensitize teaching and socio-educational staff to the needs and inclusion of persons with disabilities; promote in-service training on the specific needs of people with disabilities and on inclusive education for teaching and socio-educational staff; organize courses and internships in inclusive education in the initial training of teachers and socio-educational staff; improve the involvement and information of parents regarding the schooling of their children with special needs; and create an electronic platform and edit publications centralizing all useful information for students with special needs.⁶⁵ The actions of the National Action Plan for the implementation of the Convention on the Rights of Persons with Disabilities for the period 2019 to 2024 were subject to a mid-term evaluation published in October 2022.⁶⁶

The National Program for the Promotion of Affective and Sexual Health, published in 2019, includes actions which are relevant for children with disabilities. These include strengthening the training in affective and sexual health for all professionals working in the field of public health, including disability professionals; and an interdisciplinary project to identify the specific

à l'intégration scolaires de l'Éducation nationale), which establishes a mediation service within the Ministry of Education for school inclusion, i.e. the enrolment in basic and high schools of students with special or particular educational needs.

Act of 29 June 2017 amending 1. the amended Act of 6 February 2009 on the organization of basic education; 2. the amended Act of 6 February 2009 concerning basic education personnel; 3. the amended Act of 7 October 1993 having as its object a) the creation of a Coordination Service for Educational and Technological Research and Innovation ; b) the creation of a Centre for Computerized Management of Education; c) the institution of a Scientific Council; 4. the amended Act of 9 December 2005 determining the conditions and modalities of appointment of certain civil servants occupying managerial functions in the administrations and services of the State; 5. the amended Act of 13 July 2006 reorganizing the Center for School Psychology and Guidance (CPOS); 6. The Act of 6 February 2009 on compulsory education; 7. the amended Act of 5 March 2015 establishing the salary system and the conditions and modalities of promotion of State employees; 8. the Act of July 30, 2015 establishing a National Education Training Institute (Loi du 29 juin 2017 portant modification 1. de la loi modifiée du 6 février 2009 portant organisation de l'enseignement fondamental; 2. de la loi modifiée du 6 février 2009 concernant le personnel de l'enseignement fondamental; 3. de la loi modifiée du 7 octobre 1993 ayant pour objet a) la création d'un Service de Coordination de la Recherche et de l'Innovation pédagogiques et technologiques; b) la création d'un « Centre de Gestion Informatique de l'Éducation »; c) l'institution d'un Conseil Scientifique; 4. de la loi modifiée du 9 décembre 2005 déterminant les

⁶⁵ Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*) (2020), National Action Plan for the implementation of the Convention on the Rights of Persons with Disabilities for the period 2019 to 2024 (*Plan d'action national de mise en œuvre de la Convention relative aux droits des personnes handicapées 2019 – 2024*), pp. 28 and 95-99.

⁶⁶ Luxembourg, Ministry for Family, Integration and the Greater Region (*Ministère de la Famille, de l'Intégration et à la Grande Région*) (2022), Mid-term evaluation of the implementation of the measures announced in the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019-2024 (*Évaluation à mi-parcours de l'implémentation des mesures annoncées dans le plan d'action national de la mise en œuvre de la Convention relative aux droits des personnes handicapées 2019-2024*), October 2022, pp. 20 and 48-60.

affective and sexual health needs of vulnerable populations, including of persons with disabilities.⁶⁷ In this framework, a Guide to Young People's Affective and Sexual Health for professionals was published in 2020. The guide includes a factsheet on sexuality and disabled persons.⁶⁸

conditions et modalités de nomination de certains fonctionnaires occupant des fonctions dirigeantes dans les administrations et services de l'Etat; 5. de la loi modifiée du 13 juillet 2006 portant réorganisation du centre de psychologie et d'orientation scolaires (CPOS); 6. de la loi du 6 février 2009 relative à l'obligation scolaire; 7. de la loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'Etat; 8. de la loi du 30 juillet 2015 portant création d'un Institut de formation de l'éducation nationale). The Act reorganizes the care and supervision of children with special or specific educational needs at the local and regional levels.

Act of 23 July 2016 amending: 1. the Social Security Code; 2. the amended Act of 4 December 1967 concerning income tax, and repealing the amended Act of 21 December 2007 concerning the child bonus. (Loi du 23 juillet 2016 portant modification: 1. du Code de la sécurité sociale; 2. De la loi modifiée du 4 décembre 1967 concernant l'impôt sur le revenu, et abrogeant la loi modifiée du 21 décembre 2007 concernant le boni pour enfant). The Act provides for an increase of the special supplementary allowance for disabled children. The special supplementary allowance is a benefit intended to compensate for the additional expenses arising from a child's disability. This benefit is paid monthly and is granted in addition to the family allowance.⁷⁰

Grand-Ducal Regulation of 27 July 2016 implementing certain provisions of Book IV of the Social Security Code (Règlement grand-ducal du 27 juillet 2016 portant exécution de certaines dispositions du Livre IV du Code de la sécurité sociale). Includes provisions regarding the determination of travel and living expenses for

⁶⁷ Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*) (2019), National Program for the Promotion of Affective and Sexual Health (*Programme national - Promotion de la Santé Affective et Sexuelle*), pp.12-13.

⁶⁸ Luxembourg, Ministry of Health (*Ministère de la Santé*) (2020), Let's Talk about Sex, Guide to Young Peoples' Affective and Sexual Health for Professionals.

⁷⁰ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Combined fifth and sixth periodic reports submitted by Luxembourg, 24 November 2020, *para.* 104.

	<p>persons whose children are being examined for purposes of the special supplementary allowance provided for in Article 274 of the Social Security Code.</p> <p>Act of 15 December 2017 amending 1. the Labour Code; 2. the amended Act of 31 July 2006 introducing a Labour Code, and repealing 3. the amended Act of 12 February 1999 creating a parental leave and a leave for family reasons (<u><i>Loi du 15 décembre 2017 portant modification 1. du Code du travail ; 2. de la loi modifiée du 31 juillet 2006 portant introduction d'un Code du travail, et abrogeant 3. la loi modifiée du 12 février 1999 portant création d'un congé parental et d'un congé pour raisons familiales</i></u>). The Act provides for the doubling of the duration of the leave for family reasons for all age groups in the case of parents who are recipients of the special supplementary allowance for children with disabilities.</p>
<p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Action Plan for Children's Rights includes, among its priority areas, the promotion of the best interest of unaccompanied minors. Within this area, the plan aims to enable children in migration to enjoy the rights and protection recognised by the Convention of the Rights of the Child. To this end, the plan foresees the provision of a document to children which describes the age assessment procedure in accessible language and which reflects the holistic and scientific approach currently used.⁷¹</p> <p>Regarding the identification and registration of Ukrainian children seeking international protection to allow access to essential child protection services, the relevant authorities have set up a "one-stop shop - Ukraine registration" in</p>	<p>Act of 18 December 2015 on international protection and temporary protection (<u><i>Loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire</i></u>). Includes specific provisions on asylum seeking and refugee children, including unaccompanied and separated children. These provisions regulate, among others, the processing of applications for international protection; legal representation in the procedure; age assessment; detention; content of international protection, including access to education, health and accommodation; family tracing; extended voluntary departure deadlines; and family reunification.</p> <p>Act of 16 June 2021, amending the Act of 18 December 2015 on international protection and</p>

⁷¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 42.

Luxembourg city center. This one-stop shop, exclusively intended for applicants for temporary protection who have fled the war in Ukraine, brings together on one site the Immigration Directorate (*Direction de l'immigration*) of the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*), the National Reception Office (*Office national de l'accueil*), the Police, the Ministry of Health (*Ministère de la Santé*), the Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*), as well as POST. All these actors cooperate very closely to ensure that the decision-making process for applicants for temporary protection is smooth, efficient and fast. Within a few hours, the vast majority of people obtain a decision. If the conditions for granting temporary protection are met, a temporary protection certificate is issued, allowing the holder to remain on Luxembourg territory, but not conferring a right of residence in accordance with the legislation on the entry and residence of foreigners. Children have immediate access to the school system under the same conditions as any Luxembourg national.⁷²

Civil society organisations that visited the premises noted in April 2022 that the one-stop-shop functioned well and treated between 70-90 applications per day.⁷³

The initial reception of Ukrainians took place in the Wanteraktioun (WAK) and then in the Kirchberg emergency accommodation structure (SHUK). After that, a specific first reception site was set up at the Tony Rollman site in Kirchberg in September 2022, to be able to accommodate all persons from Ukraine before their transition to the Immigration Directorate (*Direction de l'immigration*). In order to cope with this influx, the National Reception Office (*Office national de l'accueil*) opened, as a matter of urgency, around twenty structures, often temporary, to accommodate more than 3,870 people until 31 December 2022. A total of 11 accommodation structures existed by 31

temporary protection ([Loi du 16 juin 2021 portant modification de la loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire](#)). Transfers the jurisdiction to appoint the ad hoc administrator who is responsible for assisting and representing the unaccompanied minor in the international protection procedure from the guardianship judge to the family affairs judge. The appointment of a guardian to the unaccompanied minor remains a competence of the guardianship judge.

Act of 4 December 2019 amending the amended Act of 29 August 2008 on the free movement of persons and immigration ([Loi du 4 décembre 2019 portant modification de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration](#)). Establishes an advisory commission to evaluate the best interest of unaccompanied minors in return decisions.

Grand-Ducal Regulation of 4 November 2020 on the composition and functioning of the advisory commission for the evaluation of the best interest of unaccompanied minors provided for in article 103 of the amended Act of 29 August 2008 on the free movement of persons and immigration ([Règlement grand-ducal du 4 novembre 2020 relatif à la composition et au fonctionnement de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés prévue à l'article 103 de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration](#))

Ministerial order of 30 April 2021 appointing the members of the advisory commission for the evaluation of the best interest of unaccompanied minors ([Arrêté ministériel du 30 avril 2021 portant nomination des membres de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés](#)).

Grand-Ducal Regulation of 12 August 2022 amending the Grand-Ducal Regulation of 4

⁷² Luxembourg, Ministry of Foreign and European Affairs (Ministère des Affaires Étrangères et Européennes) (2023), Year in Review 2022 on asylum, immigration and reception ([Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil](#)), 2023, pp. 11-12.

⁷³ Luxembourg, University of Luxembourg (2022), fundamental rights implications of the war in Ukraine within the EU, 2022 (unpublished), p.3.

December 2022. These have a maximum capacity of 1,881 beds and had a net occupancy rate of 90.5% by 31 December 2022.⁷⁴ Furthermore, many reception places were urgently provided to accommodate many Ukrainian refugees arriving daily by Municipalities and other private and public organisations.⁷⁵

Also, regarding housing, two projects of the European fund AMIF "Asylum, Migration and Integration", were implemented by the ONA and the Ministry of Family, in collaboration with the Luxembourg Red Cross and Caritas Luxembourg, in order to support the solidarity of private persons wishing to host a beneficiary of temporary protection. The first project entitled "Hosting of beneficiaries of temporary protection" was aimed at meeting potential host families to prepare them and make them aware of the daily implications of their commitment. The second project entitled "Independent housing for beneficiaries of temporary protection" aimed, on the one hand, to collect the offers of independent housing for the reception of beneficiaries of temporary protection and to audit the housing and, on the other hand, to collect and process the needs of beneficiaries of temporary protection who wished to be housed in independent accommodation.⁷⁶ According to the latest information collected, these projects are no longer being implemented at Luxembourg Red Cross.⁷⁷

In Luxembourg there is the possibility to use Dublin Units or police cooperation channels for the purpose of family tracing if it is known that the

November 2020 on the composition and functioning of the advisory commission for the evaluation of the best interest of unaccompanied minors provided for in article 103 of the amended Act of 29 August 2008 on the free movement of persons and immigration (*Règlement grand-ducal du 12 août 2022 portant modification du règlement grand-ducal du 4 novembre 2020 relatif à la composition et au fonctionnement de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés prévue à l'article 103 de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration*). Adds a civil society actor to the composition of the advisory commission for the evaluation of the best interest of unaccompanied minors.

⁷⁴ Luxembourg, Ministry of Foreign and European Affairs (Ministère des Affaires Étrangères et Européennes) (2023), Year in Review 2022 on asylum, immigration and reception (*Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil*), 2023, p. 38.

⁷⁵ Luxembourg, University of Luxembourg (2022), fundamental rights implications of the war in Ukraine within the EU, 2022 (unpublished), p. 2.

⁷⁶ Luxembourg, Ministry of Foreign and European Affairs (Ministère des Affaires Étrangères et Européennes) (2023), Year in Review 2022 on asylum, immigration and reception (*Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil*), 2023, pp. 11; 38-39.

⁷⁷ Luxembourg, Ministry of Foreign and European Affairs (Ministère des Affaires Étrangères et Européennes) (2023), Year in Review 2022 on asylum, immigration and reception (*Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil*), 2023, pp. 38-39.

unaccompanied child's parents are in a Member State.⁷⁸

Regarding education and access to schools, the Department for the Schooling of Foreign Children (*Service de la scolarisation des enfants*) welcomed all pupils from Ukraine (aged 3 to 18) from 9 March 2022 and achieved a 100% enrolment rate. The one-stop shop for all administrative procedures was opened on 30 March 2022. Pupils and their families were advised on the various possibilities for schooling in Luxembourg public schools. Schools and high schools were informed through an application created by the Department for this purpose. A total of 1,169 pupils were received at the one-stop shop and enrolled as follows: basic schools (322), international public schools (795), the National School for Adults (51) and the private Lycée Emile Metz (1).⁷⁹

Regarding access to health care, beneficiaries of temporary protection enjoy full medical coverage in the public healthcare system, which is dependent on payment of insurance, even though a free three-month period is guaranteed.⁸⁰

1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p>The National Action Plan for Children's Rights includes, among its priority areas, the preservation of the family link in placement measures. Within this area, the plan aims to guarantee procedural rights in relation to the transfer of parental authority, encourage contact with parents, phase out institutional care while promoting family-based care, as</p>	<p>Bill N°7994 on protecting minors, youth, and families (<i>Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles</i>), 25 April 2022.</p> <p>Grand-Ducal Regulation of 2 April 2021 amending the amended Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (<i>Règlement grand-ducal du 2 avril</i></p>

⁷⁸ Luxembourg, Sommarribas, A. (2022), [Children in Migration: The Ukrainian Crisis: Challenges and Lessons learned](#), 19 July 2022, p.18.

⁷⁹ Luxembourg, Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2023), 2022 Activity Report ([2022 Rapport d'activité](#)), March 2023, p. 53. For more detailed information, see also University of Luxembourg (2022), Fundamental rights implications of the war in Ukraine within the EU, 2022 (unpublished), p.3.

⁸⁰ Luxembourg, Sommarribas, A. (2022), [Children in Migration: The Ukrainian Crisis: Challenges and Lessons learned](#), 19 July 2022, p.47.

well as train and support members of extended families who decide to foster a child.⁸¹

In line with its main objective⁸², the public-private platform for exchange, innovation and co-creation called "AEF Social Lab" developed a national child and family assistance reference framework that encompasses support measures offered to children and families in distress, such as alternative care.⁸³ Presented in November 2021⁸⁴, it aims to be a reference document for quality care and support and to promote the ongoing professional exchange of best practices. The framework correlates the support measures with the general principles of the International Convention on the Rights of the Child and reinvigorates the importance of quality development. To that end, it pursues the introduction of a mandatory system for assessing the quality of services and includes, among others, support tools for the implementation of quality management. These include a grid for drafting the general concept of action, standards for the internal and external evaluation of quality, and a questionnaire for the collection of the beneficiaries' opinions.⁸⁵ The standards for the internal and external evaluation of quality encompass residential – institutional care and

2021 modifiant le règlement grand-ducal modifié du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille

Grand-Ducal Regulation of 11 March 2020 amending the amended Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 11 mars 2020 modifiant le règlement grand-ducal modifié du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*)

Grand-Ducal Regulation of 8 July 2019 amending the amended Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 8 juillet 2019 modifiant le règlement grand-ducal modifié du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*)

Grand-Ducal Regulation of 9 April 2018 amending the amended Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 9 avril 2018 modifiant le règlement grand-ducal modifié du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*)

Grand-Ducal Regulation of 15 March 2017 amending the amended Grand-Ducal Regulation of 17 August

⁸¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 34-35.

⁸² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), *AEF Social Lab, Mission (Mission)* (2023).

⁸³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence national de l'aide à l'enfance et à la famille*) (2021).

⁸⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework: A step towards equal opportunity for all children (*Le cadre national de référence pour l'aide à l'enfance et à la famille: un pas de plus vers l'égalité des chances pour tous les enfants*), 11 November 2021.

⁸⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence national de l'aide à l'enfance et à la famille*) (2021), pp. 10-11 and 14-16.

foster care.⁸⁶ While the national child and family assistance reference framework is not legally binding, the Bill N°7994 on protecting minors, youth, and families currently being discussed in Parliament provides for its mandatory nature.⁸⁷In 2017, the Government launched the campaign "Become a Foster Family" ("*Gitt Fleegefamill!*"), an awareness and information campaign aimed at recruiting new foster families. The campaign included a toll-free number, a website, advertisements in the press, radio presence, a Facebook campaign; posters; information evenings and the distribution of leaflets to municipalities, paediatricians, general practitioners and in public places.⁸⁸

The National Action Plan for Children's Rights also includes, in its priority area relating to identity and non-discrimination, the objectives of insuring the possibility of adopted children to access information concerning their identity, as well establishing clear procedures regarding the management and storage of data on the child's origin.⁸⁹ To this end, Bill No 7674 on the organisation of access to knowledge of one's origins in the context of adoption or medically assisted procreation with third-party donors (*Projet de Loi No 7674 portant organisation de l'accès à la connaissance de ses origines dans le cadre d'une adoption ou d'une procréation*

2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 15 mars 2017 modifiant le règlement grand-ducal modifié du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*).

Bill No 7674 on the organisation of access to knowledge of one's origins in the context of adoption or medically assisted procreation with third-party donors (*Projet de Loi No 7674 portant organisation de l'accès à la connaissance de ses origines dans le cadre d'une adoption ou d'une procréation médicalement assistée avec tiers donneur*).

⁸⁶ Luxembourg, Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*), Annex 2, Guidelines and Standards for Stationary Aids (*Annexe 2, Lignes directrices et standards pour les aides stationnaires*) (2021); and Annex 2, Guidelines and Standards for Foster Families (*Annexe 2, Lignes directrices et standards pour familles d'accueil*).

⁸⁷ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April 2022, Art. 94.

⁸⁸ Luxembourg, Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2016) Press kit, GITT FLEEGEFAMILL! Campaign, Providing a home for a child in distress (*Dossier de presse, Campagne « GITT FLEEGEFAMILL ! », Offrir un cadre de vie à un enfant en détresse*), 23 May 2016.

⁸⁹ Luxembourg, Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 33.

<p><u>médicalement assistée avec tiers donneur</u>) was submitted to Parliament on 21/9/2020. The Bill is currently under discussion in the Committee on Justice (<i>Commission de la Justice</i>).</p>	
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>A cooperation agreement for the implementation of the “AMBER Alert” system in Luxembourg was signed in 2016. “AMBER Alert Luxembourg” entails a cooperation between the Ministry of Justice (<i>ministère de la Justice</i>), the Ministry of Internal Security (<i>ministère de la Sécurité Intérieure</i>), the Public Prosecutor's Office (<i>Parquet général</i>), Prosecutor's Offices (<i>Parquets</i>), the Police and “AMBER Alert Europe”. It aims to quickly inform the general public nationwide of instances where abducted or missing children are in imminent danger. The alert is launched by the police on the orders of the Prosecutor's Office in charge. It uses different communication channels, such a newspapers, television and social media.⁹⁰ The first Amber Alert in Luxembourg was successfully launched in June 2018 in the framework of a parental abduction.⁹¹</p>	<p>Act of 27 June 2018 establishing a family affairs judge, as well as reforming divorce and parental authority (<u><i>Loi du 27 juin 2018 instituant le juge aux affaires familiales, portant réforme du divorce et de l'autorité parentale</i></u>). It introduced the following changes to the legal framework applicable to custody disputes and parental abduction: i) joint parental authority as the rule, unless it is contrary to the best interests of the child. This principle applies both to children of divorced parents and to children of separated unmarried parents (Art. 244, 375 and 376 of the Civil Code, as amended/introduced by the Act of 27 June 2018)⁹² ii) the right of the child who is capable of discernment to address the court directly in order to request a modification of the exercise of parental authority or of the right of access and accommodation (Art. 378 of the Civil Code and Art. 1007-50 of the Civil Procedure Code as amended/introduced by the Act of 27 June 2018); iii) in order to prevent international child abductions or cases of non-return of children after the exercise of a right of visit and accommodation, the possibility for the family affairs judge to order, in exceptional circumstances, the registration in the child's passport of the prohibition for the child to leave the territory of the Grand Duchy of Luxembourg without the authorization of both parents (article 1007-55 of the Civil Procedure Code as introduced by the Act of 27 June 2018); iv) providing for the crime of child abduction,</p>

⁹⁰ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (2017), Reply of Luxembourg to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, Second evaluation round (Reply submitted on 9 June 2016), 24 January 2017, pp. 50-51.

⁹¹ AMBER Alert Europe (2018), Luxembourg's first Amber Alert for 7-year old, 3 July 2018.

⁹² Luxembourg, Parliament (*Chambre des Députés*), Bill No 6996 establishing a family affairs judge, as well as reforming divorce and parental authority, Summary of the file (*Projet de loi No 6996 instituant le juge aux affaires familiales, portant réforme du divorce et de l'autorité parentale, Résumé du dossier*), 2016.

	including by parents (Art. 371-1 of the Criminal Code, as amended by the Act of 27 June 2018).
1.4.6. Missing children	
Policy developments	Legislative developments
<p>The Prosecutor's Office decides, together with the police officers in charge of the case, on the search means to be used. The publication of a search notice in the media for a missing child is subject to a formal decision by the Prosecutor's Office. It is a last resort means of investigation reserved for missing children who are potentially in danger and situations where its publication is likely to provide useful information.⁹³</p> <p>A missing child is signaled nationally and in the Schengen Information System (SIS). While Europol and Interpol are not directly involved, it is possible to signal the missing child in the Interpol system if there are suspicions that the person involved could be outside the Schengen area. However, this is only done at the discretion of the Prosecutor's Office.⁹⁴</p> <p>Regarding the "Amber Alert" system for missing children in imminent danger, please refer to question 1.4.5.</p> <p>In the case of unaccompanied children who apply for international protection, a pamphlet containing explanations and information on the prohibition to leave the country has been</p>	--

⁹³ Luxembourg, Joint answer of the Minister of Justice and the Minister of Internal Security to the parliamentary question n°3877 of 18 March 2021 of the honorable MPs Nancy Arendt and Paul Galles concerning disturbing disappearances (*Réponse commune de Madame la Ministre de la Justice et Monsieur le Ministre de la Sécurité intérieure à la question parlementaire n°3877 du 18 mars 2021 des honorables Députés Nancy Arendt et Paul Galles concernant les disparitions inquiétantes*), 23 April 2021.

⁹⁴ Luxembourg, Answer by the Minister of Justice (*Ministre de la Justice*), Mrs. Sam Tanson, and the Minister of Internal Security (*Ministre de la Sécurité Intérieure*), Mr. Henri Kox, to the parliamentary question n° 6728 of 29 August 2022 of the honorable MPs Claude Lamberty and Carole Hartmann on reports of missing minors (*Äntwert vun der Madamm Justizministesch Sam Tanson a vum Här Minister fir bannenzeg Sécherheet Henri Kox zu der parlamentarescher Fro n°6728 vum 29. August 2022 vun den honorablen Deputéierten Claude LAMBERTY a Carole HARTMANN iwwert Vermësstemeldunge vu Mannerjärege*), 4 October 2022.

developed. Furthermore, information on this issue is also provided by reception officers. ⁹⁵	
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)	
Policy developments	Legislative developments
<p>The Luxembourg Action Plan 2021 – 2030 in the framework of the European Child Guarantee is aimed at the following children in need: children at risk of poverty (single parent families, large families, children living in a (quasi) unemployed household, immigration background); children in institutional care; children with disabilities; children with health problems (physical or mental) or in situations of psychological distress; and children in a household with housing difficulties.⁹⁶</p> <p>The number of children at risk of poverty or social exclusion is a high proportion of the population under 18 (24.2%)⁹⁷ The overall objective of the Action Plan is therefore to continue to make efforts in the area of social inclusion policy and to reduce or even eliminate the financial and non-financial</p>	<p>Act of 29 August 2017 amending: 1. the amended Act of 4 July 2008 on youth ; 2. the Act of 18 March 2013 on the processing of personal data concerning pupils (<u><i>Loi du 29 août 2017 portant modification 1. de la loi modifiée du 4 juillet 2008 sur la jeunesse ; 2. de la loi du 18 mars 2013 relative aux traitements des données à caractère personnel concernant les élèves</i></u>). Introduces changes to the childcare service voucher scheme, notably to its pricing system, in order to increase the support to families in need and better adapt to varying family situations.¹⁰¹ The childcare service voucher is a state contribution to the cost of childcare for all children aged between 0 and 12 who reside in Luxembourg.¹⁰²</p> <p>Grand-Ducal Regulation of 27 June 2016 implementing the provisions relating to the childcare service voucher of the amended Act of 4 July 2008 on youth (<u><i>Règlement grand-ducal du 27 juin 2016 portant exécution des dispositions relatives au chèque-service accueil de la loi modifiée du 4 juillet 2008 sur la jeunesse</i></u>).</p> <p>Grand-Ducal Regulation of 29 August 2017 laying down the procedures for granting the subsidy for low-income</p>

⁹⁵ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Combined fifth and sixth periodic reports submitted by Luxembourg, 24 November 2020, *para.* 163.

⁹⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, p. 8.

⁹⁷ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, p. 6.

¹⁰¹ Luxembourg, Parliament (*Chambre des Députés*), Bill N° 7064 amending: 1. the amended Act of 4 July 2008 on youth; 2. the Act of 18 March 2013 on the processing of personal data concerning pupils, Summary of the file (*Projet de loi N° 7064 portant modification 1. de la loi modifiée du 4 juillet 2008 sur la jeunesse; 2. de la loi du 18 mars 2013 relative aux traitements des données à caractère personnel concernant les élèves, Résumé du dossier*), 21 Septembre 2016.

¹⁰² Luxembourg, Fund for the Future of Children (Caisse pour l'avenir des enfants) (2019), Childcare service voucher, Residents (*Chèque-service Accueil, Résidents*), 18 March 2019.

obstacles faced by individuals at risk of poverty or social exclusion.⁹⁸

The Action Plan includes measures specifically aimed at children and young adults that cover the following areas: early childhood care, education and extracurricular activities (non-formal education); access to health care; psychosocial care; access to healthy food; assistance with housing problems; and assistance and support for parents.⁹⁹ In addition to these measures that target children and young adults directly, there are also measures that are targeted at adults, including parents, and which therefore indirectly impact on children and young adults.¹⁰⁰

households and the school maintenance subsidy (*Règlement grand-ducal du 29 août 2017 fixant les modalités d'octroi de la subvention pour ménage à faible revenu et de la subvention du maintien scolaire*). The subsidy for low-income households is intended for the purchase of school material and the participation in the costs of extracurricular activities and is addressed to any pupil enrolled in a Luxembourg public secondary school, or private school under contract following the Luxembourg public education programmes. The school maintenance subsidy is intended to enable secondary school students who have reached the age of majority and are in psycho-social distress to continue schooling until the completion of a secondary school diploma.¹⁰³

Act of 23 July 2016 amending: 1. the Social Security Code; 2. the amended Act of 4 December 1967 concerning income tax and repealing the amended Act of 21 December 2007 concerning the child bonus. (*Loi du 23 juillet 2016 portant modification: 1. du Code de la sécurité sociale; 2. De la loi modifiée du 4 décembre 1967 concernant l'impôt sur le revenu, et abrogeant la loi modifiée du 21 décembre 2007 concernant le boni pour enfant*). Its main purpose was to reform and modernize the family benefits system. To that end, it introduced, among others, a single amount per child for the family allowance, as well as an adjustment of the amounts of the different family benefits.¹⁰⁴ It also increased the

⁹⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, p. 10.

⁹⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, pp. 35-41. See also Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), 2022 Activity Report (*2022 Rapport d'activité*), March 2023, p. 76.

¹⁰⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, pp. 26-32.

¹⁰³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, pp. 14-15.

¹⁰⁴ Luxembourg, Parliament (*Chambre des Députés*), Bill No 6832 amending: 1. the Social Security Code; 2. the amended Act of 4 December 1967 concerning income tax and repealing the amended Act of 21 December 2007 concerning the child bonus, Summary of the file (*Projet de loi No 6832 Loi du 23 juillet 2016 portant modification: 1. du Code de la sécurité sociale; 2. De la loi modifiée du 4 décembre 1967*

amount of the special supplementary allowance for disabled children (please refer to question 1.4.2). Act of 23 December 2022 amending: 1° the Social Security Code; 2° the Labour Code; 3° the amended Act of 16 April 1979 establishing the general status of State civil servants; 4° the amended Act of 24 December 1985 establishing the general status of municipal civil servants (Loi du 23 décembre 2022 portant modification : 1° du Code de la sécurité sociale ; 2° du Code du travail ; 3° de la loi modifiée du 16 avril 1979 fixant le statut général des fonctionnaires de l'État ; 4° de la loi modifiée du 24 décembre 1985 fixant le statut général des fonctionnaires communaux). Reintroduces, under certain conditions, the family allowance for the child of the spouse or partner of EU cross-border workers. This entitlement had been excluded by the reform of the family allowance introduced by the Act of 23 July 2016. Regulation of the Government in Council of 25 November 2022 on the granting of a cost-of-living allowance for the year 2023 (Règlement du Gouvernement en conseil du 25 novembre 2022 relatif à l'octroi d'une allocation de vie chère au titre de l'année 2023). Provides for a cost-of-living allowance and an energy bonus in the form of a supplement to the cost-of-living allowance. Eligibility to the allowance and the bonus is dependent on the annual income of the applicant's domestic community, while taking into account the number of members of such community (i.e. notably children) (Article 2(1) and Article 3.)

Act of 22 July 2022 on a rent subsidy (Loi du 22 juillet 2022 relative à une subvention de loyer). Provides for the adaptation of the rent subsidy, by widening the access criteria and increasing the amounts allocated under the subsidy.¹⁰⁵ In this regard, single-parent households are given special consideration.¹⁰⁶ The rent subsidy was first approved by the Act of 9 December 2015 introducing a rent subsidy (Loi du 9 décembre 2015 portant

concernant l'impôt sur le revenu, et abrogeant la loi modifiée du 21 décembre 2007 concernant le boni pour enfant, Résumé du dossier), 3 July 2015.

¹⁰⁵ Luxembourg, Parliament (Chambre des Députés), Bill No 8000B on a rent subsidy, Summary of the file (Projet de loi No 8000B relatif à une subvention de loyer, Résumé du dossier), 24 May 2022.

¹⁰⁶ Luxembourg, Parliament (Chambre des Députés), Bill No 8000 transposing certain measures provided for by the "Agreement between the Government and the Union des Entreprises luxembourgeoises and the trade unions LCGB and CGFP" of 31 March 2022 (Projet de loi No 8000 portant transposition de certaines mesures prévues par l'« Accord entre le Gouvernement et l'Union des Entreprises luxembourgeoises et les organisations syndicales LCGB et CGFP » du 31 mars 2022), 29 April 2022, p.3.

	<p><i>introduction d'une subvention de loyer</i>). The aim of this Act was to provide housing assistance in the form of a rent subsidy to low-income households, depending on their income and composition.¹⁰⁷</p> <p>Act of 28 July 2018 on the social inclusion income (<i>Loi du 28 juillet 2018 relative au revenu d'inclusion sociale</i>). Provides for a social inclusion income which offers basic means of subsistence to eligible candidates. It aims to fight against poverty and social exclusion, notably by supporting families with children and single-parent families, given their higher risk of poverty.¹⁰⁸ One of its four main objectives is to take action on child and single-parent poverty.¹⁰⁹</p>
<p>1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Action Plan for Children's Rights includes, among its cross-cutting actions in relation to long-term strategic objectives, improving the quality of monitoring and data collection.¹¹⁰ This prioritisation of data collection, notably of data disaggregated by ethnic and national origin, stems from a recent recommendation of the Committee on the Rights of the Child.¹¹¹</p> <p>The National Action Plan on Integration is based on two areas of action, one of which consists of the integration of all non-</p>	<p>Bill No 8069 in favour of the reception, orientation, integration and school support of newly arrived pupils and concerning: 1° the creation of the School Integration and Reception Service; 2° the modification of : 1° the amended Act of 25 June 2004 on the organisation of secondary schools; 2° the amended Act of 6 February 2009 on the organisation of basic education (<i>Projet de loi No 8069 en faveur de l'accueil, de l'orientation, de l'intégration et de l'accompagnement scolaires des élèves nouvellement arrivés et portant : 1° création du Service de l'intégration et de l'accueil scolaires ; 2° modification de : 1° la loi modifiée du 25 juin 2004 portant organisation des lycées</i></p>

¹⁰⁷ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Combined fifth and sixth periodic reports submitted by Luxembourg, 24 November 2020, *para.* 127, p. 18.

¹⁰⁸ Luxembourg, Parliament (*Chambre des Députés*), Bill N° 7113 on the social inclusion income, Summary of the file (*Projet de loi N° 7113 relatif au revenu d'inclusion sociale, Résumé du dossier*), 27 January 2017.

¹⁰⁹ Luxembourg, Act of 28 July 2018 on the social inclusion income (*Loi du 28 juillet 2018 relative au revenu d'inclusion sociale*), Explanatory Memorandum (Exposé des Motifs), p. 9.

¹¹⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p.31.

¹¹¹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 9(a).

Luxembourgers residing on the territory.¹¹² This area of action aims, among others, at promoting the linguistic and educational integration of children through various measures, such as: adapting reception classes to the specific needs of newly arrived pupil; ensuring their rapid integration into regular classes; develop support for teachers through, among other things, in-service training such as intercultural training, diversity management and the promotion of civic values; and promote the intervention of intercultural mediators.¹¹³

In light of the EU Framework for National Roma Integration Strategies up to 2020 guidelines issued by the European Commission in 2011, Luxembourg has opted for an integrated set of policy measures within broader social inclusion policies to implement its National Roma Integration Strategy (NRIS).¹¹⁴¹¹⁵ This approach has been restated

; 2° la loi modifiée du 6 février 2009 portant organisation de l'enseignement fondamental). It aims to institutionalise a differentiated and holistic care of newly arrived pupils in Luxembourg's public education system, both in basic and secondary education. To that end, it provides for the systematic preparation of a reception project by schools and colleges, in collaboration with the newly created School Integration and Reception Service (*Service de l'intégration et de l'accueil scolaires*), which will replace the current Department for the Schooling of Foreign Children (*Service de la scolarisation des enfants étrangers*). The reception project will allow to set individual objectives and support measures for the pupil, taking into account his/her life project and that of his/her parents.¹¹⁷ The ultimate objective is to improve the quality of currently existing measures, which are a multitude of initiatives applied on a case-by-case basis.¹¹⁸ The bill is currently under discussion in the Committee on National Education, Children, Youth, Higher Education and Research (*Commission de l'Education nationale, de*

¹¹² Luxembourg, Ministry for Family, Integration and the Greater Region (Ministère de la Famille, de l'Intégration et à la Grande Région) (2018), National Action Plan on Integration (*Plan d'action nationale d'intégration*), 2018, p. 5.

¹¹³ Luxembourg, Ministry for Family, Integration and the Greater Region (Ministère de la Famille, de l'Intégration et à la Grande Région) (2018), National Action Plan on Integration (*Plan d'action nationale d'intégration*), 2018, p. 15.

¹¹⁴ Luxembourg, University of Luxembourg (2020), Franet National contribution to the Fundamental Rights Report 2021, Luxembourg, 10 June 2021, p. 14.

¹¹⁵ Luxembourg, Government of the Grand-Duchy of Luxembourg, Luxembourg's national Roma strategyhttps://ec.europa.eu/info/sites/info/files/roma_luxembourg_strategy_fr.pdf, 14 January 2012.

¹¹⁷ Luxembourg, Bill No 8069 in favour of the reception, orientation, integration and school support of newly arrived pupils and concerning: 1° the creation of the School Integration and Reception Service; 2° the modification of : 1° the amended Act of 25 June 2004 on the organisation of secondary schools; 2° the amended Act of 6 February 2009 on the organisation of basic education (*Projet de loi No 8069 en faveur de l'accueil, de l'orientation, de l'intégration et de l'accompagnement scolaires des élèves nouvellement arrivés et portant : 1° création du Service de l'intégration et de l'accueil scolaires ; 2° modification de : 1° la loi modifiée du 25 juin 2004 portant organisation des lycées ; 2° la loi modifiée du 6 février 2009 portant organisation de l'enseignement fondamental*), Explanatory Memorandum (*Exposé des Motifs*), pp. 18-19.

¹¹⁸ Luxembourg, Bill No 8069 in favour of the reception, orientation, integration and school support of newly arrived pupils and concerning: 1° the creation of the School Integration and Reception Service; 2° the modification of : 1° the amended Act of 25 June 2004 on the organisation of secondary schools; 2° the amended Act of 6 February 2009 on the organisation of basic education (*Projet de loi No 8069*

<p>in 2022 by the Luxembourgish Action Plan 2021 – 2030 in the framework of the European Child Guarantee. According to the latter, the National Action Plan on Integration from 2018 provides a framework for programmes and tools to promote social cohesion among all residents, regardless of their nationality, country of origin or ethnicity. It claims that Luxembourg pursues a generalist approach which is sensitive to inclusion, racism and discrimination against minorities, and measures such as the National Action Plan on Integration are open to all, including Roma, Sinti and Travellers.¹¹⁶</p>	<p><i>l'Enfance, de la Jeunesse, de l'Enseignement supérieur et de la Recherche</i>).</p>
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Action Plan for Children's Rights includes the topic of justice for children among its priority areas. Within this area, it aims to promote a separate bill on justice in cases involving children as victims and witnesses.¹¹⁹</p>	<p>Act of 8 March 2017 strengthening procedural guarantees in criminal matters (<i>Loi du 8 mars 2017 renforçant les garanties procédurales en matière pénale</i>), which transposes into national law, among others, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. It introduces certain changes to the Code of Criminal Procedure which are relevant for children involved in judicial proceedings as victims. These consist, in particular, of new provisions enshrined in Article 3-7 (3), which provide for a presumption of minority of the victim and the right of the child to be accompanied by his/her legal</p>

en faveur de l'accueil, de l'orientation, de l'intégration et de l'accompagnement scolaires des élèves nouvellement arrivés et portant : 1° création du Service de l'intégration et de l'accueil scolaires ; 2° modification de : 1° la loi modifiée du 25 juin 2004 portant organisation des lycées ; 2° la loi modifiée du 6 février 2009 portant organisation de l'enseignement fondamental), Impact assessment form (*Fiche d'évaluation d'impact*), p.47.

¹¹⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), 15 July 2022, p. 23.

¹¹⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 44.

representative or by a person of his/her choice during the hearings.

Bill n° 7992 on the rights of minors victims or witnesses in criminal proceedings (*Projet de loi N°7992 relatif aux droits des mineurs victimes et témoins dans le cadre de la procédure pénale et portant modification: 1° du Code pénal ; 2° du Code de procédure pénale ; 3° de la loi modifiée du 10 août 1991 sur la profession d’avocat*).

According to the text of the attached Explanatory Memorandum and Commentary of the Articles, Article 12 (1) of the bill transposes Article 22 (4) of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. The bill is currently under discussion in the parliamentary Committee on Justice and provides, among others, for the following procedural provisions: accompanying of the child by the parents or a trusted person during hearings, depositions or court sessions; mandatory representation by a lawyer, potentially specialised in children’s rights; evaluation of the child’s capacity to testify and the application of supporting and/or protective measures in the absence of such capacity; application of protective measures such as the anonymisation of data; prohibition to disclose information about the identity of the child; single officer in charge of all hearings with a given child; limitation of the number of hearings by the police and in court as well as separate waiting rooms for victims/witnesses and perpetrators in court to avoid secondary victimisation; information to child victims regarding procedural rights, the release of the perpetrator and the reasoning of decisions to take no further action; mandatory individual assessment of child victims to identify specific protection needs; information to child witnesses regarding procedural rights; and the right of child witnesses not to testify against or in the presence of their parents.¹²⁰

Bill n° 7959 on the organisation of legal aid and repealing Article 37-1 of the amended Act of 10 August 1991 on the profession of lawyer (*Projet de loi n°7559 portant organisation de l’assistance judiciaire et portant abrogation de l’article 37-1 de la loi modifiée du 10 août*

¹²⁰ Luxembourg, Ministry of Justice (2022), Presentation - Introduction of a criminal law for minors and modernisation of the legislation on the protection of minors (*Présentation - Introduction d’un droit pénal pour mineurs et modernisation de la législation en matière de protection des mineurs*), 29 March 2022.

	<p><u>1991 sur la profession d'avocat</u>). The current regime provides for the unconditional right of the child to legal aid, independently of the financial situation of the parents, while at the same time allowing for the <i>ex-post</i> recovery from the parents of costs and fees paid by the state for the legal aid granted to their child. In practice, this regime may have a negative impact on the relationship between the child and the parents. As such, the Bill n° 7959 excludes the <i>ex-post</i> recovery from the parents of costs and fees paid by the state¹²¹. The bill is currently under discussion in the parliamentary Committee on Justice.</p> <p>Bill N°7994 on protecting minors, youth, and families (<u>Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles</u>) aims to improve procedural safeguards by, among others, enshrining the right of children to be heard in virtually every circumstance, notably during voluntary and judicial protection procedures (Article 51 and 64).</p>
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1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments	Legislative developments
<p>The National Action Plan for Children's Rights includes the topic of justice for children among its priority areas. Within this area, it pursues, among others, the following objectives: i) guaranteeing the procedural rights of children in criminal procedures, including the compulsory assistance of a specialised lawyer freely chosen by the minor or appointed by the President of the Bar Association (<i>Bâtonnier de l'Ordre des avocats</i>); ii) strengthening the participation of minors; iii) setting a minimum age for the deprivation of liberty of children; iv) prioritising of alternative measures (detention as a measure of last resort for the shortest possible period of time) and regularly reviewing of the detention; v) absolute prohibition of transferring a child to an adult</p>	<p>Bill n° 7991 introducing a criminal law for minors (<u>Projet de loi N.º 7991 portant introduction d'un droit pénal pour mineurs et portant modification : 1° du Code de procédure pénale ; 2° de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 3° de la loi modifiée du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres de l'Union européenne ; 4° de la loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire</u>). According to the text of the attached Explanatory Memorandum and Commentary of the Articles, the bill transposes into Luxembourgish national law Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings¹²³. The bill is currently under discussion in the</p>

¹²¹ Luxembourg, Ministry of Justice (2022), Presentation – Bill n° 7959 on the organisation of legal aid and repealing Article 37-1 of the amended Act of 10 August 1991 on the profession of lawyer (Présentation - Projet de loi n° 7959 portant organisation de l'assistance judiciaire et portant abrogation de l'article 37-1 de la loi modifiée du 10 août 1991 sur la profession d'avocat), 07 February 2022.

¹²³ Luxembourg, the bill includes, in section 5, a correspondence table between the articles of the bill and the articles of Directive (EU) 2016/800.

<p>prison or correctional facility; vi) ensuring that solitary confinement is not applied to children.¹²²</p>	<p>parliamentary Committee on Justice. It aims at establishing a clear distinction between youth protection and criminal law for minors under commitments made by Luxembourg to the UN Committee on the Rights of the Child in 2019. The bill provides, among others, for the following procedural provisions: regular and continuous information to children (and parents, unless conflict of interest) regarding their procedural rights; information to children on the charges faced at the beginning of the court session; mandatory representation of children by a lawyer of their choice; accompanying of children at all stages of the criminal procedure by a person appointed by the Central Service of Social Assistance (<i>Service Central d'Assistance Sociale</i>) of the Public Prosecutor's Office (<i>Parquet général</i>); mandatory presence of the child during court sessions to ensure the right to be heard; establishment of a Criminal Court for Minors (<i>tribunal pénal pour mineurs</i>) with jurisdiction over all offences committed by children, as well as of a Chamber of Appeal of criminal law for minors (<i>Chambre d'appel du droit pénal pour mineurs</i>); limitation of the number of persons present during court sessions; right of the child to the protection of privacy, notably prohibition to disclose recordings, court hearings or information regarding the child.¹²⁴</p>
<p>1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Please refer to question 1.4.1.</p>	<p>Please refer to question 1.4.1.</p>
<p>1.4.12. Children whose parents are in prison/custody</p>	
<p>Policy developments</p>	<p>Legislative developments</p>

¹²² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 44-45.

¹²⁴ Luxembourg, Ministry of Justice (2022), Presentation - Introduction of a criminal law for minors and modernisation of the legislation on the protection of minors (*Présentation - Introduction d'un droit pénal pour mineurs et modernisation de la législation en matière de protection des mineurs*), 29 March 2022.

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1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
<p>Regarding the issue of drop out of compulsory education, the data provided by the Government indicates a total of 1736 individuals concerned in 2020/2021, of which 647 were under eighteen years old.¹²⁵</p> <p>The National Youth Service has different offers for at-risk students and inactive young people. These include prevention activities, support activities during the drop-out period and support activities after dropping out.¹²⁶</p> <p>Prevention activities consist of in-class workshops and contact actions, as well as individual contact with pupils flagged as being 'at risk' by secondary schools. The workshops cover three different themes dealing with a specific transition phase or decision: "Transition to an apprenticeship"; "Transition to higher education or employment"; "Stopping or continuing your education?".¹²⁷ In the framework of contact actions, class tours are systematically organised in the first and third terms for certain class levels. Furthermore, visits by groups of pupils to a local National Youth Service branch are organised to facilitate access to its services.¹²⁸ The individual contact with pupils at risk is</p>	<p>Act of 18 June 2018 establishing a service for school continuance, inclusion and integration of the National Education (<i>Loi du 18 juin 2018 portant institution d'un service au maintien, à l'inclusion et à l'intégration scolaires de l'Éducation nationale</i>), which establishes a mediation service within the Ministry of Education. The areas of competence covered by the mediation service include the prevention of school dropout.</p> <p>Act of 22 June 2017 amending 1. the amended Act of 4 September 1990 on the reform of technical secondary education and continuing vocational training; 2. the Act of 13 July 2006 reorganizing the Center for School Psychology and Guidance (CPOS); 3. the Act of 16 March 2007 relating to 1. the organisation of vocational training courses at the National Centre for Continuing Vocational Training; 2. the creation of a training grant, a training bonus and a training allowance; 4. the amended Act of 4 July 2008 on youth ; 5. the amended Act of 19 December 2008 reforming vocational training; 6. the amended Act of 12 May 2009 creating a 2nd Chance School; 7. the Act of 18 March 2013 relating to the processing of personal data concerning pupils; 8. the Social Security Code (<i>Loi du 22 juin 2017 portant modification 1. de la loi modifiée du 4 septembre 1990 portant réforme de l'enseignement secondaire technique et de la formation professionnelle continue ; 2. de la loi du 13 juillet 2006 portant</i></p>

¹²⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 (*Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021*), 31 March 2022, p. 9.

¹²⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 (*Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021*), 31 March 2022, p. 36.

¹²⁷ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 (*Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021*), 31 March 2022, p. 36.

¹²⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 (*Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021*), 31 March 2022, p. 37.

done on the basis of lists provided by secondary schools at the end of the school year. It involves an interview to provide individual support in all the steps required to enrol in a secondary school or sign an apprenticeship contract.¹²⁹

In the framework of **support activities during the drop-out period**, the National Youth Service makes a monthly contact with young people who left the public school system without obtaining a diploma and who are no longer subject to compulsory education. It involves an individual interview to offer support and different solutions such as a return to school, an alternative to inactivity or integration into the job market.¹³⁰

Finally, **support activities after dropping out** focus on young people with no immediate prospect of returning to school or entering the labour market. Alternatives to inactivity offered by the National Youth Service aim to give young people practical experience in order to perfect their skills and are a stepping stone towards working life or a return to school. These include voluntary service, workshops, discovery courses, orientation classes and training courses.¹³¹

Regarding the issue of **working children under the legal age for work** (which in Luxembourg is sixteen¹³²), the data provided by the Government in the framework of the reporting system of the European Social Charter

réorganisation du centre de psychologie et d'orientation scolaires (CPOS) ; 3. de la loi du 16 mars 2007 portant 1. organisation des cours de formation professionnelle au Centre national de formation professionnelle continue ; 2. création d'une aide à la formation, d'une prime de formation et d'une indemnité de formation ; 4. de la loi modifiée du 4 juillet 2008 sur la jeunesse ; 5. de la loi modifiée du 19 décembre 2008 portant réforme de la formation professionnelle ; 6. de la loi modifiée du 12 mai 2009 portant création d'une Ecole de la 2e Chance ; 7. de la loi du 18 mars 2013 relative aux traitements de données à caractère personnel concernant les élèves ; 8. du Code de la Sécurité sociale) specifies that one of the tasks of the National Youth Service is to support young people in their transition to working life.

¹²⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 ([Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021](#)), 31 March 2022, p. 38.

¹³⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 ([Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021](#)), 31 March 2022, p. 39.

¹³¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Early school leavers and inactive young people in Luxembourg 2020/2021 ([Jeunes décrocheurs et jeunes inactifs au Luxembourg 2020/2021](#)), 31 March 2022, pp. 40-47.

¹³² Luxembourg, Government of Luxembourg (2022), 26th National Report on the implementation of the European Social Charter submitted by Luxembourg ([26^e rapport sur la mise en œuvre de la Charte sociale européenne soumis par le Gouvernement du Luxembourg](#)), 30 December 2022, p. 3.

covering the period 2018-2021 indicates a very low incidence of the problem. ¹³³	
1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)	
Policy developments	Legislative developments
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1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

Ca. 300 words

The international and European commitments of Luxembourg regarding children’s rights and child protection have been regularly assessed throughout the period under review.

The United Nations Committee on the Rights of the Child published its Concluding observations on the combined fifth and sixth periodic reports of Luxembourg on 21 June 2021.¹³⁴ In its report, the Committee highlights a number of problematic issues regarding Luxembourg’s legislation and policies.

Regarding the **child protection system**, the Committee expressed concern that in cases of judicial placement of children in an institution or foster family, the law allows for the transfer of parental authority without respect for certain fundamental procedural rights of parents and children, such as the right to a remedy, the right to have a lawyer in attendance and the right of the child to be heard. Furthermore, priority is still given to institutionalizing children and the number of foster families remains low.¹³⁵ As mentioned above, the Committee also highlighted that child protection legislation does not differentiate between child

¹³³ Luxembourg, Government of Luxembourg (2022), 26th National Report on the implementation of the European Social Charter submitted by Luxembourg ([26^e rapport sur la mise en œuvre de la Charte sociale européenne soumis par le Gouvernement du Luxembourg](#)), 30 December 2022, p. 5. The total number of detected cases during the period under review was six, all of which in the construction sector.

¹³⁴ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

¹³⁵ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021, *para.* 20 (a) and (b).

victims of offences and children in conflict with the law. According to the Committee, Luxembourg should take measures to separate protection measures aimed at child victims or children at risk of becoming victims of offences and measures aimed at children in conflict with the law, taking into account the best interests and rights of the children affected.¹³⁶

On children's rights more generally, the Committee recommended that Luxembourg strengthen its efforts to ensure that the right of the child to have his or her **best interests** taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children, in particular with regard to unaccompanied children, children deprived of a family environment, intersex children and children with disabilities.¹³⁷

On the matter of **corporal punishment**, the Committee called for an explicit legal prohibition of all forms of corporal punishment in all settings, and the abolition of the current possibility of light forms of violence.¹³⁸ Regarding **asylum-seeking, refugee and migrant children**, the Committee criticized the detention of children under the legislation on immigration and asylum, as well as the enforcement of removal orders in violation of the rights and dignity of children. It further expressed concern for the apparent lack of a system in place to provide adequate care for unaccompanied children who do not apply for international protection, as well as for the accommodation of unaccompanied children with adults.¹³⁹

The Group of Experts on Action against Trafficking in Human Beings of the Council of Europe published an evaluation report on Luxembourg on 4 October 2022.¹⁴⁰ In its conclusions and proposals for action, it urged the Luxembourgish authorities to step up their efforts to improve the identification of child victims of **trafficking** in human beings and the assistance provided to them, notably by amending the Act of 10 August 1992 on youth protection in order to guarantee adequate protection for unaccompanied children who are not applicants for international protection.¹⁴¹

In its Conclusions published in March 2021¹⁴², the European Committee of Social Rights stated that the situation in Luxembourg was not in conformity with Article 15§1 of the European social Charter on the ground that it had not been established that there were adequate remedies in the event of discrimination on grounds of **disability** in education.

¹³⁶ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 30 (b) and 31 (c).

¹³⁷ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 13.

¹³⁸ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 17(a).

¹³⁹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 28.

¹⁴⁰ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (2022), Evaluation report, Luxembourg, 4 October 2022.

¹⁴¹ Council of Europe, Group of Experts on Action against Trafficking in Human Beings (2022), Evaluation report, Luxembourg, 4 October 2022, p. 54.

¹⁴² European Committee of Social Rights (2021), Conclusions XXII-1 (2020), Luxembourg, March 2021, p.24.

The United Nations Committee on the Rights of Persons with Disabilities published its Concluding observations on the initial report of Luxembourg on 10 October 2017.¹⁴³ In its report, the Committee highlighted a few specific concerns regarding children with **disabilities**. These include the fact that they do not participate systematically in decision-making that affects their lives and that they lack opportunities to express their opinion on matters pertaining to them directly, including in administrative and judicial procedures.¹⁴⁴

At national level, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) published a shadow report following the reports submitted by Luxembourg under article 44 of the Convention on the Rights of the Child.¹⁴⁵ The report expresses many of the same concerns that found their way into the Concluding observations of the Committee¹⁴⁶, as well as additional concerns regarding the child protection system and children's rights more generally. These include the manner in which judicial decisions to place a child in alternate care are enforced; and the lack of neutrality and independence of the advisory commission for the evaluation of the best interest of unaccompanied minors in relation to the immigration authority, as well as the absence of a clear separation between agencies responsible for asylum and child protection stemming from the composition of this commission.¹⁴⁷

¹⁴³ United Nations (UN), Committee on the Rights of Persons with Disabilities (2017), Concluding observations on the initial report of Luxembourg, 10 October 2017.

¹⁴⁴ United Nations (UN), Committee on the Rights of Persons with Disabilities (2017), Concluding observations on the initial report of Luxembourg, 10 October 2017, *para.* 16.

¹⁴⁵ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu)*), October 2020.

¹⁴⁶ This is the case, for example, of the (non) enforcement of the best interest of the child principle in judicial procedures regarding child protection (pp. 13 and 18); over institutionalization of children in the child protection system (pp. 17 and 28); the transfer of parental authority in cases of judicial placement of children in an institution or foster family (pp. 31-32); the lack of separation between protection measures aimed at child victims or children at risk of becoming victims of offences and measures aimed at children in conflict with the law (p. 52); detention of asylum seeking children (p. 43); lack of a system to provide adequate care for unaccompanied children who do not apply for international protection (p.50); accommodation of unaccompanied children with adults (p. 51); and corporal punishments (p 17).

¹⁴⁷ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu)*), October 2020, *para.* 159-161; and *para.* 261. For an additional assessment of the contradictions, conflicts, and gaps of the existing legal framework in relation to European and international standards, refer to Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2023), Opinion of the Ombudsman for children and youngsters on the Bill N°7994 on protecting minors, youth, and families (*Avis de l' Ombudsman fir Kanner a Jugendlecher sur le Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 16 March 2023, p.2, *para.*1-2 and 5; p. 4, *para.* 7; and p. 5, *para.* 5.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

Ca. 200 words

In June 2021, the United Nations Committee on the Rights of the Child recalled its earlier recommendation from 2013 that Luxembourg should “prepare a comprehensive policy on children and, on the basis of the policy and in consultation with children and civil society, [...] develop a comprehensive strategy for the overall realization of the principles and provisions of the Convention.”¹⁴⁸ As mentioned above, the publication of the National Action Plan for Children's Rights in 2022 aims to address that recommendation.¹⁴⁹

In an initial reaction to the plan, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) welcomed its publication, stating that it is an important tool to advance children's rights transversally in the different sectors of society, such as health, education, child and family welfare, as well as justice. It cautioned, however, that the existence of a roadmap on children's rights with concrete actions dates does not mean that all is well.¹⁵⁰ Indeed, prior to the publication of the plan, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) had already delved into the fragmentation of Luxembourg's child protection policies. In 2019 and 2020, it expressed the view that Luxembourg was missing a comprehensive policy on children's rights. Furthermore, it considered that a coherent national data collection system to support a comprehensive policy was lacking, especially in the field of child protection from violence.¹⁵¹

¹⁴⁸ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 8, and United Nations (UN), Committee on the Rights of the Child (CRC) (2013), Concluding observations on the combined third and fourth periodic reports of Luxembourg, adopted by the Committee at its sixty-fourth session (16 September–4 October 2013), 29 October 2013, *para.* 15.

¹⁴⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), *Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026)*, 15 May 2022, p. 10.

¹⁵⁰ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2022), *National Action Plan strengthens children's rights (Nationaler Aktionsplan stärkt Kinderrechte)*, 18 May 2022. It cited as an example the lack of systematic collection of statistics on the living situation in Luxembourg of children and adolescents, vaguely formulated actions in the plan and the need for regular consultations and exchanges with children beyond the ad hoc consultation conducted ahead of the publication of the plan.

¹⁵¹ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2019), *2019 Report to the Government and the Chamber of Deputies (Rapport 2019 au Gouvernement et à la Chambre des Députés)*, November 2019, pp. 49-50 ; and Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), *Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu))*, October 2020,

According to the Bill N°7994 on protecting minors, youth, and families¹⁵², the reform of the child protection legal framework will address the issue of fragmentation by merging the current provisions on youth protection and child and family assistance. This will allow to offer the same specific protection measures both in voluntary and judicial settings. The emphasis will be on continuity of care and on a smooth transition from the judicial system to the voluntary system and vice-versa (p. 3). However, until the reform comes into force, child protection will continue to be regulated by two different legal acts – the Act of 10 August 1992 on youth protection and the Act of 16 December 2008 on child and family assistance – which have different tools and underlying approaches to child protection. This fragmented approach to child protection is further aggravated by the fact that Act of 10 August 1992 on youth protection applies both to child protection and juvenile crime.

As mentioned above, the Act of 16 December 2008 on child and family assistance was introduced to complement the legal framework enshrined in the Act of 10 August 1992 on youth protection. The aim was to encourage the early and diversified care of situations of distress that may affect both children and their families. The focus is on prevention and the implementation of a "non-judicialized" social assistance system that prioritises participation of those concerned.¹⁵³ According to the available statistics, however, alternative care measures have not significantly decreased in the last years, remaining for the most part of a judicial nature.¹⁵⁴ This failed transition into a more preventive approach to child protection can also be inferred from assessments conducted by national human rights institutions.¹⁵⁵

pp. 10-11. It should be noted, in this regard, that the National Action Plan for Children's Rights foresees, among its transversal actions, the improvement of Luxembourg's data collection system - Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 31.

¹⁵² Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022.

¹⁵³ Luxembourg, Parliament (*Chambre des Députés*), Bill N° 5754 on child and family assistance, Summary of the file (*Projet de loi N° 5754 relatif à l'aide à l'enfance et à la famille, Résumé du dossier*), 22 August 2007; and Parliament (*Chambre des Députés*), Bill N° 5754 on child and family assistance (*Projet de loi N° 5754 relatif à l'aide à l'enfance et à la famille*), 22 August 2007, pp.3-4 and 8-9.

¹⁵⁴ Luxembourg, National Office for Children (*Office national de l'enfance*), Statistics on children and young adults living in Luxembourg in institutional or foster care (*Statistiques sur les enfants et jeunes adultes vivant au Luxembourg accueillis ou placés en institution ou en famille d'accueil*). Between 2017 and 2022, the number of children and young adults in alternate care (residential care and foster care) has only decreased from 1337 to 1299. Of these, the number of judicial placements has only decreased from 80,25% to 78, 14%.

¹⁵⁵ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu)*), October 2020, pp. 17 and 28; and Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*) (2020), Observations on the 5th and 6th periodic reports of Luxembourg under article 44 of the Convention on the Rights of the Child by the Consultative Commission on Human Rights of

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Ca. 300 words

At legislative level, the Act of 17 January 2023 revising Chapter II of the Constitution will come into force on 1 July 2023, raising children's rights to the rank of fundamental rights under the new Constitution (please refer to question 1.2.1.). This represents a landmark development that was encouraged by the United Nations Committee on the Rights of the Child in 2021¹⁵⁶ and highlighted by national human rights institutions.¹⁵⁷

Regarding the child legislative package submitted to Parliament in 2022¹⁵⁸, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) has stated that it represents "(...) a virtually complete overhaul of the youth protection and justice system for children and adolescents, taking greater account than ever of the key principles of the [Convention on the Rights of the Child] and incorporating European and international standards for children's rights and protection into the national system".¹⁵⁹ In the same vein, the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme au Grand-Duché de Luxembourg*) expressed the opinion that the "(...) reform of the juvenile justice system represents a genuine paradigm shift designed to bring Luxembourg legislation into line with international standards". According to the same source, the Bill N°7994 on protecting minors, youth, and families "(...) makes clear improvements and positive changes based on children's rights and human rights". These include, in particular, the separation of provisions for the protection and punishment of children, various procedural guarantees for the child in both voluntary

the Grand Duchy of Luxembourg (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par la Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*), October 2020, p. 6.

¹⁵⁶ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 7.

¹⁵⁷ Luxembourg, Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*) (2023), Opinion of the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg on the Bill N°7994 on protecting minors, youth, and families (*Avis de la Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg sur le Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 28 February 2023, p. 3.

¹⁵⁸ The package includes, among others, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*) and Bill N°7991 introducing a criminal law for minors (*Projet de loi N°7991 portant introduction d'un droit pénal pour mineurs*).

¹⁵⁹ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2023), Opinion of the Ombudsman for children and youngsters on the Bill N°7994 on protecting minors, youth, and families (*Avis de l' Ombudsman fir Kanner a Jugendlecher sur le Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 16 March 2023, p. 1. This assessment was confirmed during the interview conducted with the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) on 31 March 2023.

and judicial proceedings, the prioritisation of preventive and voluntary measures, the replacement of criminal proceedings by civil proceedings and the introduction of the principle of maintaining parental authority with the holders of such authority.¹⁶⁰

Notwithstanding the potential for positive change enclosed in the child legislative package under discussion in Parliament, as well as the the positive though insufficient progress towards prevention brought about by the National Office for Children (*Office national de l'enfance*) in the framework of the Act of 16 December 2008 on child and family assistance¹⁶¹, the assessment of international and national human rights institutions regarding the current child protection legal framework and its implementation over the last years identifies a number of lingering gaps and challenges (please refer to question 1.5).

At policy and operational level, the approval of the National Action Plan for Children's Rights (please refer to question 1.1) and the publication of the national child and family assistance reference framework. (please refer to question 1.4.4.) also constitute landmark developments since 2014. While the first was both encouraged at international level and praised by national human rights institutions¹⁶², the second was very much welcomed at national level. According to the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), it will allow for the introduction for quality assurance that is anchored in the law and therefore compulsory.¹⁶³

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Ca. 250 words

The following promising practises have been identified:

1) BEE SECURE is a governmental initiative operated by the National Youth Service (Service national de la jeunesse) and the Kanner-Jugendtelefon, a civil society organisation, in partnership with the Luxembourg House of Cybersecurity, the Police, and the Public Prosecutor. It aims to promote a safer, more responsible and positive use of information technologies among the general public and, in particular, by

¹⁶⁰ Luxembourg, Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*) (2023), Opinion of the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg on the Bill N°7994 on protecting minors, youth, and families ([Avis de la Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg sur le Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles](#)), 28 February 2023, p. 3.

¹⁶¹ This assessment was confirmed during the interview conducted with the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) on 31 March 2023.

¹⁶² Please refer to question 1.1. See, also, United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021, *para.* 8; Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2022), National Action Plan strengthens children's rights (*Nationaler Aktionsplan stärkt Kinderrechte*), 18 May 2022.

¹⁶³ Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

children and young people. To that end, it conducts awareness raising and information initiatives, notably through training for students and teachers in primary and secondary schools; manages the BEE SECURE Helpline, a contact point for questions related to online safety and responsible use of new communication technologies; manages the BEE SECURE Stopline, where illegal online content, such as child sexual abuse material (paedopornography), can be reported anonymously and confidentially, leading to referrals to law enforcement authorities; and assesses new trends in the use of information technologies.¹⁶⁴

2) The public-private platform for exchange, innovation and co-creation called "AEF Social Lab" developed a national child and family assistance reference framework that encompasses support measures offered to children and families in distress, such as alternative care. Presented in November 2021, it aims to be a reference document for quality care and support and to promote the ongoing professional exchange of best practices.¹⁶⁵

3) In 2017, the Government launched the campaign "Become a Foster Family" ("*Gitt Fleegefamill!*"), an awareness and information campaign aimed at recruiting new foster families. The campaign included a toll-free number, a website, advertisements in the press, radio presence, a Facebook campaign; posters; information evenings and the distribution of leaflets to municipalities, paediatricians, general practitioners and in public places.¹⁶⁶

¹⁶⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), National Youth Service (*Service national de la jeunesse*), About BEE SECURE (*À propos de BEE SECURE*).

¹⁶⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence national de l'aide à l'enfance et à la famille*) (2021).

¹⁶⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2016) Press kit, GITT FLEEGEFAMILL! Campaign, Providing a home for a child in distress (*Dossier de presse, Campagne « GITT FLEEGEFAMILL ! », Offrir un cadre de vie à un enfant en détresse*), 23 May 2016.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>		x	Please refer to question 2.1.2.
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	x		<p>According to the Grand-Ducal Decree of 22 August 2022 on the constitution of the Ministries, the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) is responsible, on the one hand, for the horizontal policy on children's rights, and, on the other, for child and family assistance (particularly the development of the child and family assistance sector, management and control of licensing and agreements with private service providers, boarding schools and foster care, as well as the supervision of the National Office for Children).¹⁶⁷ Within the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>), the Directorate-General for Child and Family Assistance (<i>Direction générale de l'aide à l'enfance et à la famille</i>) is responsible for the strategic steering of the child and family assistance sector. Its mission is to implement policy mandates in the areas of children's rights, adoption, strategic development and</p>

¹⁶⁷ Luxembourg, Grand-Ducal Decree of 22 August 2022 on the constitution of the Ministries (*Arrêté grand-ducal du 22 août 2022 portant constitution des Ministères*), 29 August 2022.

		<p>new approaches to child and family assistance, deployment of the legal framework, funding arrangements and quality development.¹⁶⁸</p> <p>The Act of 4 July 2008 on youth provides for an inter-ministerial committee on youth. It is within this inter-ministerial committee that, since 2016, the governmental policy in favour of children and children's rights is undertaken.¹⁶⁹The inter-ministerial committee on youth has a broad ministerial composition and its responsibilities and functioning as well as its members are enshrined in different legal acts.¹⁷⁰</p> <p>In this framework, the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) established a Children's Rights Unit (<i>Service des droits de l'enfant</i>) within the Directorate-General for Child and Family Assistance (<i>Direction générale de l'aide à l'enfance et à la famille</i>), which participates in inter-ministerial committees and working groups active in the area of children's rights, including the inter-ministerial committee on youth.¹⁷¹ This Unit ensures horizontal coordination on children's rights, including coordination on the</p>
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¹⁶⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*) (2021), p. 34.

¹⁶⁹ Luxembourg, Act of 4 July 2008 on youth (*Loi du 4 juillet 2008 sur la jeunesse*), 04 July 2008, Art. 5. The responsibilities of the inter-ministerial committee on youth in this regard were first introduced by the Act of 24 April 2016 amending the amended Act of 4 July 2008 on youth (*Loi du 24 avril 2016 portant modification de la loi modifiée du 4 juillet 2008 sur la jeunesse*).

¹⁷⁰ Luxembourg, Grand-Ducal Regulation of 9 January 2009 on youth (*Règlement grand-ducal du 9 janvier 2009 sur la jeunesse*), 21 January 2009, Art. 21-23 ; and Ministerial order of 1 January 2022 appointing the members of the Inter-ministerial Committee provided for in Article 5 of the amended Act of 4 July 2008 on youth (*Arrêté ministériel du 1er janvier 2022 portant nomination des membres du Comité interministériel prévu à l'article 5 de la loi modifiée du 4 juillet 2008 sur la jeunesse*), 13 January 2022.

¹⁷¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), International and National Committees (*Comités internationaux et nationaux*), 14 December 2021.

		<p>implementation of the Convention on the Rights of the Child and of reporting under article 44 of such Convention. The Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) has also established an internal coordination platform, the "<i>Plattform Kannerrechter</i>", which brings together the main actors of children's rights within the ministry to define, monitor and evaluate priority actions (p.14).¹⁷²</p> <p>The Act of 10 August 1992 on youth protection, which regulates judicial protection procedures, attributes responsibility for the protection of children in danger to youth courts.¹⁷³ On the other hand, according to the Act of 16 December 2008 on child and family assistance, the National Office for Children is responsible for the implementation of assistance for children and young adults in distress.¹⁷⁴</p> <p>The Ombudsman for children and youngsters is in charge of the promotion, safeguard and protection of the rights of the child as they are defined, in particular, by the Convention on the Rights of the Child.¹⁷⁵</p>
2.1.3. Are there child focal points or similar in different ministries or agencies?	X	Regarding lead ministerial responsibility for child protection, please refer to question 2.1.2.

¹⁷² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

¹⁷³ Luxembourg, Act of 10 August 1992 on youth protection (*Loi du 10 août 1992 relative à la protection de la jeunesse*), 25 September 1992, Art. 5.

¹⁷⁴ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008, Art. 5.

¹⁷⁵ Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters (*Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher*), 14 April 2020, Art. 1.

If yes, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?

Regarding inter-ministerial policy coordination on children's rights, including coordination on the implementation of the Convention on the Rights of the Child and of reporting under article 44 of such Convention, please also refer to question 2.1.2.

The Act of 16 December 2008 on child and family assistance creates a High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*). The Council is composed of sixteen members, including a representative for each of the following: the Minister responsible for family affairs; the Minister responsible for national education; the Minister responsible for justice; and the Minister responsible for health.¹⁷⁶ Regarding the role of the High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*), please refer to question 2.3.2. The members of the High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*) have been appointed by the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) for a five-year period in 2018.¹⁷⁷

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

¹⁷⁶ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008, Art. 19.

¹⁷⁷ Luxembourg, Ministerial order of 12 January 2018 appointing the members of the High Council for Child and Family Assistance (*Arrêté ministériel du 12 janvier 2018 portant nomination des 51 membres du Conseil supérieur de l'aide à l'enfance et à la famille*)

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection (for example coordination, legislation, policy making, training, monitoring, financing, implementing)	Comments (for example in case of ombuds institution, compliance with the Paris Principles)
Youth court	national	Judicial protection of children in danger – adjudication of protection measures.	
Public Prosecutor’s Office - youth protection section	national	Promotion of criminal investigation in case of child victims. ¹⁷⁸ Protection of children in the context of domestic violence by promoting the expulsion of the perpetrator from the household under the Act of 8 September 2003 on domestic violence ¹⁷⁹¹⁸⁰ .	

¹⁷⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

¹⁷⁹ Luxembourg, Act of 8 September 2003 on domestic violence (*Loi du 8 septembre 2003 sur la violence domestique*), 3 October 2010.

¹⁸⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

		Protection of child victims by promoting the pre-trial detention of the perpetrator. ¹⁸¹ In emergency cases and when the Youth Court is unavailable, adjudicate the temporary custody of a youth in a specialized institution, if his or hers physical or moral integrity is compromised. ¹⁸²	
Central Social Support Service (<i>Service Central d'Assistance Sociale</i>) - Youth Protection Service (<i>service de la protection de la jeunesse</i>)	national	Social investigation department (service des enquêtes sociales) carry out social investigations under judicial mandate following a report that the physical or mental health, education or social or moral development of a minor is at risk. ¹⁸³ Educational assistance service (service des assistances éducatives): ensure the	Service of the General Prosecutor's Office. Operates under judicial mandate and under the control of the General Prosecutor, which means that the service can only obtain its tasks from the courts and the judicial administration. ¹⁸⁵

¹⁸¹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

¹⁸² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

¹⁸³ Luxembourg, La Justice (2018), Central Social Support Service - Youth Protection Service (*Service Central d'Assistance Sociale - service de la protection de la jeunesse*), 16 November 2018.

¹⁸⁵ Luxembourg, La Justice (2018), Central Social Support Service (*Service Central d'Assistance Sociale*), 20 September 2018.

		enforcement and monitoring of the protection measures adjudicated by the Court. ¹⁸⁴	
Police	national	Public safety, including of children. Criminal investigation, including in the case of child victims.	
Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>)	national	Policy coordination on children's rights; development and financing of the child and family assistance sector; management and control of licensing and agreements with service providers; supervision of the National Office for Children.	
National Office for Children (<i>Office National de l'Enfance - ONE</i>)	national	Implementation of assistance for children and young adults in distress.	
Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>)	national	Promotion, safeguard and protection of the rights of the child – recommendations for addressing specific breaches of children's rights; policy analysis and recommendations; individual advice; awareness raising;	No information available on accreditation. However, according to Bill N° 7236 establishing a children's rights defender, called " <i>Ombudsman/fra fir Kanner a Jugendlecher</i> ", the

¹⁸⁴ Luxembourg, La Justice (2018), Central Social Support Service - Youth Protection Service ([Service Central d'Assistance Sociale service de la protection de la jeunesse](#)), 16 November 2018.

		legislation related analysis and recommendations.	creation of the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) was made on the basis of the Paris Principles (p.2). ¹⁸⁶
Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (<i>Commission consultative des Droits de l'Homme au Grand-Duché de Luxembourg</i>)	national	Promotion and protection of human rights – independent opinions, studies, position papers and recommendations on all general issues concerning human rights.	Act of 21 November 2008 creating a Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (<i>Loi du 21 novembre 2008 portant création d'une Commission consultative des Droits de l'Homme au Grand-Duché de Luxembourg</i>) ENNHRI member since 2014, holder of A status ¹⁸⁷
National Office for Reception (<i>Office national de l'accueil – ONA</i>)	national	Reception of applicants for international protection, including families with children and separated/unaccompanied children.	Act of 4 December 2019 establishing the National Office of Reception (<i>Loi du 4 décembre 2019 portant création de l'Office national de l'accueil</i>)
(add rows as needed)			

¹⁸⁶ Luxembourg, Bill N° 7236 establishing a children's rights defender, called "Ombudsman/fra fir Kanner a Jugendlecher" and amending 1. the amended Act of 25 March 2015, establishing the salary system and the conditions and modalities of advancement of State employees; 2. the amended Act of 16 December 2008, concerning child assistance; and 3. the Act concerning the Budget of State Revenues and Expenses (*Projet de loi N° 7236 instituant un défenseur des droits de l'enfant, appelé «Ombuds-man/fra fir Kanner a Jugendlecher» et portant modification 1. de la loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'Etat ; 2. de la loi modifiée du 16 décembre 2008 relative à l'aide à l'Enfance et 3. de la loi concernant le Budget des recettes et des dépenses de l'Etat*), 25 January 2018.

¹⁸⁷ European Network of National Human Rights Institutions (2022), Our members.

2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

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The Act of 1 April 2020 establishing the Ombudsman for children and youngsters¹⁸⁸ came into force on 18 April 2020. The Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) replaced the Ombuds-Committee for the Rights of the Child (*Ombuds-Comité fir d'Rechter vum Kand*), which was created in 2002.¹⁸⁹ The function of the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) is given greater independence and is enhanced by its attachment to the Parliament (*Chambre des Députés*), as well as by the inclusion in the legislative procedure of the obligation to seek its opinion on any (proposed) bill having an impact on children. To ensure greater independence, the Grand Duke appoints the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) on the basis of a proposal from the Parliament (*Chambre des Députés*), as opposed to the Government in Council, as was the case with the President of the Ombuds-Committee for the Rights of the Child (*Ombuds-Comité fir d'Rechter vum Kand*). The Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) also has its own administration and budget (pp. 2-3).¹⁹⁰

¹⁸⁸ Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters (*Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher*), 14 April 2020.

¹⁸⁹ Luxembourg, Act of 25 July 2002 establishing a Luxembourg committee for children's rights, called "Ombuds-Comité fir d'Rechter vum Kand" (ORK) (*Loi du 25 juillet 2002 portant institution d'un comité luxembourgeois des droits de l'enfant, appelé «Ombuds-Comité fir d'Rechter vum Kand» (ORK)*), 9 August 2022.

¹⁹⁰ Luxembourg, Parliament (*Chambre des Députés*), Bill N° 7236 establishing a children's rights defender, called "Ombudsman/fra fir Kanner a Jugendlecher" and amending 1. the amended Act of 25 March 2015, establishing the salary system and the conditions and modalities of advancement of State employees; 2. the amended Act of 16 December 2008, concerning child assistance; and 3. the Act concerning the Budget of State Revenues and Expenses (*Projet de loi N° 7236 instituant un défenseur des droits de l'enfant, appelé «Ombuds-man/fra fir Kanner a Jugendlecher» et portant modification 1. de la loi modifiée du 25 mars 2015 fixant le régime des traitements et les conditions et modalités d'avancement des fonctionnaires de l'Etat ; 2. de la loi modifiée du 16 décembre 2008 relative à l'aide à l'Enfance et 3. de la loi concernant le Budget des recettes et des dépenses de l'Etat*), 25 January 2018.

The Bill N°7994 on protecting minors, youth, and families¹⁹¹, currently under discussion in Parliament, provides that the National Office for Children (*Office National de l'Enfance*) will become the central player in the provision of assistance, support and protection for minors, young adults and families. It will implement voluntary measures and, as part of the judicial procedures, introduce requests for and implement judicial protection measures. The National Office for Children (*Office National de l'Enfance*) will also replace the Central Service of Social Assistance (*Service Central d'Assistance Sociale*) in the implementation of measures known as "educational assistance", as well as in social investigations conducted in the framework of judicial proceedings involving assistance, support and protection for minors.¹⁹²

Following the 2018 legislative elections, the powers relating to the reception of applicants for international protection, including of families with children and separated/unaccompanied children, was transferred from the Ministry for Family and Integration (*Ministère de la Famille et de l'Intégration*) to the Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*).¹⁹³ This change stemmed from the 2018-2023 Coalition Agreement, which stated the following: "[...] with the objective of a dignified reception, applicants for international protection [...] must be able to address themselves throughout the processing of applications for international protection, and also for all aspects of reception, such as accommodation and material conditions, to a single interlocutor, in this case the Minister having Immigration in its attributions".

2.1.5. Please indicate, in the table below, the **major service providers** at national level in the **area of child protection**. Include **family support services /measures** (i.e. counselling, financial assistance) that are **part of the overall social protection/welfare system** for **children in risk**.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims,</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When</i>	<i>(national budget, EU funded, other)</i>

¹⁹¹ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022.

¹⁹² Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, p. 5.

¹⁹³ Luxembourg, Grand-Ducal Decree of 5 December 2018 on the constitution of the Ministries (*Arrêté grand-ducal du 22 août 2022 portant constitution des Ministères*), 5 December 2018.

	<i>education awareness –training activities, etc.)</i>	<i>relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	
Anne asbl - NGO	<u>socio-educational care in an institution, during day and night</u>	Children between the age of 3 and 12 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
	<u>care for children under three years of age</u>	Children under the age of 3 whose parents are temporarily unable to provide for their care, education and primary needs	
	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
ARCUS asbl – NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations

	<u>Support services for foster families - counselling</u>	Foster families and children in foster care	
	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
Caritas Jeunes et Familles asbl – NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through unsuitable behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
	<u>urgent care in acute psychosocial crisis situations</u>	Children from 3 years of age whose parents are in crisis and can no longer guarantee the accommodation, care and/or primary needs of the child.	
	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
Croix-Rouge luxembourgeoise – <u>special status</u>	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive	national budget, donations

		<p>behaviours and school problems, and to which the families are unable to respond adequately by their own means.</p> <p>Includes a reception facility specifically dedicated to unaccompanied children in the asylum procedure</p>	
	<u>Support services for foster families - counselling</u>	Foster families and children in foster care	
	psychological, social or educational assistance in the family (<u>Families First; Familljenhëllef; Accueil Familial</u>)	Struggling families and foster families – educational, relational and organisational problems	
Fondation Kannerschlass – NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 6 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
Fondation Lëtzbuerger Kannerduerf - NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties,	national budget, donations

		which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	
	<u>Support services for foster families - counselling</u>	Foster families and children in foster care	
	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
Fondation Pro Familia - NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
	<u>urgent care in acute psychosocial crisis situations</u>	Children from 3 years of age whose parents are in crisis and can no longer guarantee the accommodation, care and/or primary needs of the child.	
	<u>care for children under three years of age</u>	Children under the age of 3 whose parents are temporarily unable to provide for their care, education and primary needs	

Institut étatique d'aide à l'enfance et à la jeunesse AITIA - public authority	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget
	place for the exercise of visiting rights between children and parents, where children can meet their parents when visiting rights are prohibited, blocked or hindered (<u>Treff-Punkt and Treff-Punkt-prison</u>)	children living in institutions, in foster care, and children of separated or divorced parents	
Solidarité Jeunes asbl - NGO	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 3 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
	<u>urgent care in acute psychosocial crisis situations</u>	Children from 12 years of age whose parents are in crisis and can no longer guarantee the accommodation, care and/or primary needs of the child.	

	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
Centre socio-éducatif de l'État – public authority	<u>urgent care in acute psychosocial crisis situations</u>	Children from 3 years of age whose parents are in crisis and can no longer guarantee the accommodation, care and/or primary needs of the child.	national budget
Fondation Maison de la Porte ouverte - Foundation	<u>socio-educational care in an institution, during day and night</u>	Children from the age of 10 who are confronted with social and family difficulties, possibly associated with psychological difficulties, which may be expressed through maladaptive behaviours and school problems, and to which the families are unable to respond adequately by their own means.	national budget, donations
	<u>urgent care in acute psychosocial crisis situations</u>	Children from 2 years of age whose parents are in crisis and can no longer guarantee the accommodation, care and/or primary needs of the child.	
	<u>socio-educational care in an institution, during day and night – unaccompanied children</u>	Children from the age of 12 who are unaccompanied and apply for international protection	

	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	
La Main Tendue Angela asbl - NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	National budget, donations
Act Together asbl - NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems, abuses	National budget, donations
EPI asbl - NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	national budget, donations
Initiativ Liewensufank asbl - NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	national budget, donations
Objectiv Famill asbl - NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	national budget, donations
TELOS – Education asbl – NGO	<u>psychological, social or educational assistance in the family</u>	Struggling families – educational, relational and organisational problems	national budget, donations

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

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In accordance with the Act of 16 December 2008 on child and family assistance, children shall participate in the preparation of their socio-educational and psychosocial intervention project. This project is elaborated or validated by the National Office for Children (*Office National de l'Enfance*) and shall only take effect if signed by the parents or legal representatives and the child (when capable of discernment). The child, the parents or the legal representatives have the right to request the review or even the revocation of the intervention project at any time. To be recognized as a child social assistance service by the authorities, the service provider of assistance measures must promote the participation of the children and parents who benefit from these measures.¹⁹⁴

The National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*) was presented in November 2021 and aims to be a reference document for quality care and support and to promote the ongoing professional exchange of best practices. The framework correlates the support measures with the general principles of the International Convention on the Rights of the Child and reinvigorates the importance of quality development, focussing among others on child participation. To that end, it pursues the introduction of a mandatory system for assessing the quality of services and includes, among others, support tools for the implementation of quality management. These include a grid for drafting the general concept of action, standards for the internal and external evaluation of quality, and a questionnaire for the collection of the beneficiaries' opinions.¹⁹⁵

According to the Central Social Support Service (*Service Central d'Assistance Sociale*),¹⁹⁶ a progress report can be proposed within the framework of social investigations to ensure that the minor is in a safe situation. Within the framework of educational assistance, it follows the child and his/her family and puts in place measures to ensure the safety of the minor in danger on the basis of that follow-up.

¹⁹⁴ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008, Art. 4, 6 and 13.

¹⁹⁵ Luxembourg, Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*) (2021), pp. 10-11, 14-16 and pp. 62-64.

¹⁹⁶ Luxembourg, Central Social Support Service (*Service Central d'Assistance Sociale*), written answer to information request, 13 March 2023.

In the case of the State Socio-Educational Centre (*Centre socio-éducatif de l'État*), the children are encouraged from the start to formulate their own goals and the changes they wish to achieve. These goals are documented in a personalized help plan and are evaluated and discussed with the children on an ongoing basis.¹⁹⁷

The overall assessment of the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) is that in the field of voluntary protection and other protection measures implemented by the National Office for Children (*Office National de l'Enfance*), the principles of the Convention on the Rights of the Child were adopted as working principles. As such, child and family participation has improved significantly. In general, stakeholders are in the process of setting up an intra-institutional complaints management system and putting in place a child protection policy. In the field of judicial protection measure, on the other hand, the concept of participation is not anchored in the law nor in professional practices (social investigations conducted by the Central Social Support Service (*Service Central d'Assistance Sociale*), court hearings, etc). Furthermore, feedback is not provided by the judge or court services directly to children and/or parents, but rather by the police, the service provider, etc, raising the possibility of a conflict of interests.¹⁹⁸

¹⁹⁷ Luxembourg, State Socio-Educational Centre (*Centre socio-éducatif de l'État*), Our mission ([Notre Mission](#)).

¹⁹⁸ Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>A general registry of civil society organisations operating in the child protection area does not exist. Such organisations must, however, undergo a licensing procedure depending on the type of activity conducted (please refer to question 2.2.2.).¹⁹⁹</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		<p>Natural and legal persons, either private or public, must be licensed by the relevant Ministry to undertake or engage in certain non-occasional paid activities in the social, socio-educational, medico-social or therapeutic fields. Such activities include activities for children and families in distress. The licensing is dependent on the fulfilment of certain conditions relating, among others, to the honourability of the staff, infrastructures, adequately trained staff, financial health, and respect of certain fundamental principles (non-discrimination, respect for private life, etc).²⁰⁰</p> <p>In accordance with the applicable legal framework, control of the licensing conditions is done on the basis of documental assessments and visits. The responsibility in the case of activities for children and families in distress lies with the Ministry of Education, Children and Youth.²⁰¹ Such controls</p>

¹⁹⁹ The absence of such a registry was confirmed by the NGO *Solidarité Jeunes* during an interview on 22 March 2023.

²⁰⁰ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 September 1998, Art. 1-2; and Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 30 August 2011.

²⁰¹ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 30 August 2011, Art. 31 and 34, and Act of 8 September

		<p>are conducted each year with the aim to monitor activities and the functioning of the service according to the applicable legislation. According to the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>), <i>in situ</i> controls are seldom conducted.²⁰²</p> <p>Additionally, the service providers of voluntary support measures enshrined in the Act of 16 December 2008 on child and family assistance must be recognised as a child social assistance service. The recognition is dependent on the fulfilment of certain conditions relating, among others, to prior licensing, activity planning, child participation, internal regulation, external evaluation, etc.²⁰³. Such recognition is granted by the Minister responsible for the Family, on the advice of the Director of the National Office for Children.²⁰⁴</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such</p>	X	<p>In accordance with Article 15 of the Act of 16 December 2008 on child and family assistance, the State contributes financially to the costs of support measures ordered by the judicial authorities (under the Act of 10 August 1992 on youth protection) or proposed by the National Office for Children (in accordance with the Act of 16 December 2008 on child and family assistance). The funding in question consists of monthly, daily or hourly lump sums and the State participation shall be laid down in one or more "framework conventions" to be concluded between the Minister responsible for the family</p>

1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 September 1998, Art. 9.

²⁰² Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

²⁰³ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 22 December 2008, Art. 13.

²⁰⁴ Luxembourg, Grand-Ducal Regulation of August of 17 August 2011 1. regulating the organization and functioning of the National Office for Children, and 2. amending the amended Grand-Ducal Regulation of 7 June 1979 determining the acts, documents and files authorized to use the identity number of natural and legal persons (*Règlement grand-ducal du 17 août 2011 1. réglant l'organisation et le fonctionnement de l'Office national de l'enfance, et 2. modifiant le règlement grand-ducal modifié du 7 juin 1979 déterminant les actes, documents et fichiers autorisés à utiliser le numéro d'identité des personnes physiques et morales*), 30 August 2011, Art. 3.

<p>partnerships (i.e. if done in view of accessing EU funds).</p>		<p>and the service providers.²⁰⁵ There are currently two framework conventions in place, which were signed in 2022 between the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) and the Federation of Social Sector Actors in Luxembourg (<i>Fédération des acteurs du secteur social au Luxembourg</i>): the daily framework convention for semi-stationary and stationary assistance measures concerning services paid for in the form of daily lump sums; and the hourly framework convention for ambulatory assistance measures concerning services paid for in the form of hourly lump sums.²⁰⁶</p> <p>The procedures for establishing the lump sums and their amounts are regulated by the Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families.²⁰⁷</p> <p>In line with the information included in question 2.1.5, a significant number of NGOs that provide assistance measures to children at risk benefit from public funding. As an example, the activities of the NGO Caritas Jeunes et Familles asbl, which include socio-educational care in an institution during day and night, urgent care in acute psychosocial crisis situations, and psychological, social or educational assistance in the family, are for the most part governed by conventions with the Luxembourgish State and Municipalities.²⁰⁸</p>
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²⁰⁵ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 22 December 2008, Art. 15.

²⁰⁶ Luxembourg, National Office for Children (Office National de l'Enfance) (2022), Framework Convention (*Convention-cadre*), 2022; and Ministry of Education, Children and Youth (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*) (2021), p.30.

²⁰⁷ Luxembourg, Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*), 17 August 2011. The amount of the lump sums is foreseen in Annex 9.

²⁰⁸ Luxembourg, Caritas Jeunes et Familles asbl (2019), History of Caritas Jeunes et Familles asbl (*Historique de Caritas Jeunes et Familles a.s.b.l.*), 2019.

2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>As mentioned above (question 2.1.2), the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) is responsible, on the one hand, for the horizontal policy on children's rights, and, on the other, for child and family assistance.²⁰⁹</p> <p>The Act of 4 July 2008 on youth provides for an inter-ministerial committee on youth. It is within this inter-ministerial committee that, since 2016, the governmental policy in favour of children and children's rights is undertaken.²¹⁰ The inter-ministerial committee on youth has a broad ministerial composition and its responsibilities and functioning are enshrined in a regulation.²¹¹</p> <p>In this framework, the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) established a Children's Rights Unit (<i>Service des droits de l'enfant</i>) within the Directorate-General for Child and Family Assistance (<i>Direction générale de l'aide à l'enfance et à la famille</i>), which participates in inter-ministerial committees and working groups active in the area of children's right, including the inter-ministerial committee on youth.²¹² This Unit ensures the horizontal coordination among ministries on children's rights, including coordination on the implementation of the Convention on the Rights of the Child and of reporting under article 44 of such Convention. The Ministry of Education, Children and Youth (<i>Ministère de l'Éducation</i></p>

²⁰⁹ Luxembourg, Grand-Ducal Decree of 22 August 2022 on the constitution of the Ministries (*Arrêté grand-ducal du 22 août 2022 portant constitution des Ministères*), 29 August 2022.

²¹⁰ Luxembourg, Act of 4 July 2008 on youth (*Loi du 4 juillet 2008 sur la jeunesse*), 04 July 2008, Art. 5. The responsibilities of the inter-ministerial committee on youth in this regard were first introduced by the Act of 24 April 2016 amending the amended Act of 4 July 2008 on youth (*Loi du 24 avril 2016 portant modification de la loi modifiée du 4 juillet 2008 sur la jeunesse*).

²¹¹ Luxembourg, Grand-Ducal Regulation of 9 January 2009 on youth (*Règlement grand-ducal du 9 janvier 2009 sur la jeunesse*), 21 January 2009, Art. 21-23.

²¹² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), International and National Committees (*Comités internationaux et nationaux*), 14 December 2021.

		<p><i>Nationale, de l'Enfance et de la Jeunesse</i>) has also established an internal coordination platform, the "Plattform Kannerrechter", which brings together the main actors of children's rights within the ministry to define, monitor and evaluate priority actions (p.14).²¹³</p> <p>This inter-ministerial coordination was viewed favourably by the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) in 2020.²¹⁴ A practical example of this coordination has been the publication of procedures for child and youth professionals regarding child abuse in 2018.²¹⁵</p> <p>Regarding the High Council for Child and Family Assistance (<i>Conseil supérieur de l'aide à l'enfance et à la famille</i>), please refer to questions 2.3.2. and 2.3.3.</p> <p>Regarding new legislation, a broad debate is generally promoted by the Parliament (<i>Chambre des Députés</i>), which usually includes contributions from numerous stakeholders, including NGOs. In the case of the Bill N°7994 on protecting minors, youth, and families²¹⁶, for example, no less than 15 legal opinions from different stakeholders have been issued to date, including from judicial</p>
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²¹³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

²¹⁴ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu)*), October 2020, p. 10.

²¹⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

²¹⁶ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022. This bill is currently under discussion in Parliament.

			authorities, national human rights institutions and NGOs. ²¹⁷
2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)? <u>If yes</u> , please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?	X		<p>The Act of 16 December 2008 on child and family assistance²¹⁸ creates a High Council for Child and Family Assistance (<i>Conseil supérieur de l'aide à l'enfance et à la famille</i>). The Council is composed of sixteen members, consisting of representatives from relevant ministries, judicial institutions, providers of child and family assistance services, family, parent and youth associations, as well as experts in relevant fields. While its mandate consists, among others, of advising the Government, assessing needs and promoting exchange and coordination between service providers, it is rarely convened (please refer to question 2.3.3).</p> <p>The two existing framework conventions between the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) and the Federation of Social Sector Actors in Luxembourg (<i>Fédération des acteurs du secteur social au Luxembourg</i>) (please refer to question 2.2.3.) provide for a Steering Committee (<i>Comité de pilotage</i>) and a Quality Committee (<i>Commission de qualité</i>) which are composed of an equal number of representatives of the signatory parties. The Steering Committee (<i>Comité de pilotage</i>) is in charge of drafting framework conventions and ensuring their implementation and revision. The Quality Committee (<i>Commission de qualité</i>) is responsible for monitoring the implementation of quality standards for assistance services to children and families and adapting these standards where necessary.</p> <p>The Act of 16 December 2008 on child and family assistance states that the National Office for Children (<i>Office national de l'enfance</i>) is responsible for appointing a service provider that intervenes in benefit of the child and insures leadership, coordination and evaluation of the</p>

²¹⁷ Luxembourg, Parliament (*Chambre des Députés*) (2023), About the file, Bill N°7994 on protecting minors, youth, and families (*À propos du dossier, Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 16 March 2023. This bill is currently under discussion in Parliament.

²¹⁸ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 19.

		<p>existing protection measures.²¹⁹ Among other things, the coordinator of intervention projects (<i>coordinateur de projets d'intervention</i>) ensures that the assistance measures put in place serve the objectives set out in the intervention project and that each service provider aligns its intervention with the coordinated action. It initiates consultation meetings between the professionals involved and ensures that all those involved are aware of any major changes in the beneficiary's situation.²²⁰</p> <p>According to the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>), the exchange meetings between relevant stakeholders are insufficiently formalized. That being said, informal exchange platforms are regularly convened by the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse</i>) or by the National Office for Children (<i>Office national de l'enfance</i>). These involve service providers in different areas, such as reception centres for unaccompanied children.²²¹ At operational level, the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) considers that the coordinators of intervention projects (<i>coordinateur de projets d'intervention</i>) have played a very important role in promoting coordination and participation in the framework of protection measures under the responsibility of the National Office for Children (<i>Office national de l'enfance</i>).²²²</p> <p>According to the Central Social Support Service (<i>Service Central d'Assistance Sociale</i>),²²³ there is a</p>
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²¹⁹ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 6.

²²⁰ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence nationale de l'aide à l'enfance et à la famille*) (2021), pp. 145-146.

²²¹ Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

²²² Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

²²³ Luxembourg, Central Social Support Service (*Service Central d'Assistance Sociale*), written answer to information request, 13 March 2023.

		<p>close cooperation between the courts/youth prosecutor's office and its youth protection service through interviews, telephone calls, and the submission of reports. The same cooperation exists between its agents and the external services, always with a view to the proper care of children in danger.</p> <p>A National Action Plan for Children's Rights was presented on 18 May 2022²²⁴, which encompasses certain priority areas particularly relevant for child protection (please refer to question 1.1.) According to the plan, its content is based among other on inter-ministerial cooperation and consultation with key civil society actors. Luxembourg has applied to the European Commission to benefit from the Technical Support Instrument. In this framework, logistical support will be provided by UNICEF International, and the project aims, among others, to strengthen collaboration between stakeholders and the integration of the children's perspective.²²⁵</p> <p>A platform for exchange, innovation and co-creation called "AEF Social Lab" was formed in 2020. This initiative was launched by the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>) with a group of partners consisting of the General Directorate for Child and Family Assistance (<i>Direction générale de l'aide à l'enfance et à la famille</i>), the National Office for Children (<i>Office national de l'enfance</i>), the Federation of Social Sector Actors in Luxembourg (<i>Fédération des acteurs du secteur social au Luxembourg</i>) and the National Association of Educational and Social Communities (<i>Association nationale des communautés éducatives et sociales</i>).²²⁶ (please refer to question 1.4.4. for further information).</p>
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²²⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

²²⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, pp. 20-21 and 53.

²²⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), *AEF Social Lab* (2023).

2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

Ca. 200 words

According to the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), the current legal basis needs to either be strengthened, in the case of inter-institutional case management²²⁷, or introduced *de novo*, in the case of protocols aimed at inter-institutional cooperation and communication, as well as multiprofessional and interdisciplinary work. A legally mandatory duty for child protection services to cooperate, exchange information where needed and coordinate their interventions in a complementary and subsidiary manner is lacking. Furthermore, the legal boundaries of professional secrecy, which are relied on to limit cooperation, need to be clarified. The same source further highlights that an effective governance mechanism is missing. While the current legal framework provides for a High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*) that is well placed to play that role, it is rarely convened (please refer to question 2.3.2). In practise, coordination is mostly conducted bilaterally between, on the one hand, the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) and, on the other, the Federation of Social Sector Actors in Luxembourg (*Fédération des acteurs du secteur social au Luxembourg*) or individual service providers. As such, relevant stakeholders such as the beneficiaries and national child rights organisations are excluded.²²⁸

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?	X		

If yes, please briefly **comment and include information on transnational agreements-protocols of cooperation** as well as on the **interaction between child protection authorities and other actors involved in transnational cooperation processes**, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any **challenges relating to transnational cooperation**? Are the challenges **different for cross-border cases among EU countries or with third countries**?

Please provide information on main relevant agreements – cooperation schemes **in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children** (family tracing-family reunification –return-relocation).

Ca. 250 words

²²⁷ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art.6, fifth indent, Art. 11(y) and Art. 15(15) pertaining to the coordination of intervention projects.

²²⁸ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), interview of 31 March 2023.

Regarding the **return of migrant children**, the Immigration Directorate (*Direction de l'immigration*) has entered into an agreement with the International Organization for Migration in the framework of returns of unaccompanied minors. The family assessment procedure, which is conducted by the International Organization for Migration, began on the 1st of October 2017. It supports the work of the advisory commission for the evaluation of the best interest of unaccompanied minors, provided for in article 103 of the amended Act of 29 August 2008 on the free movement of persons and immigration. According to the applicable legal framework, this advisory commission for the evaluation of the best interest of unaccompanied minors includes a representative from the National Office for Children (*Office national de l'enfance*) and a representative from a civil society organisation who is experienced in child protection or socio-educational supervision of children.²²⁹ A contact with the family is made and a report is then delivered by the International Organization for Migration, which includes the conditions of reception of the minor in case of return to his country, the existence of family members and the relations maintained with the minor, as well as his prospects within the family environment. The agreement was ongoing in 2022.²³⁰

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

Ca. 300 words

The Act of 4 July 2008 on youth provides for an inter-ministerial committee on youth. It is within this inter-ministerial committee that, since 2016, the governmental policy in favour of children and children's rights is undertaken.²³¹ In this framework, the Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*) established a Children's Rights Unit (*Service des droits de l'enfant*) within the Directorate-General for Child and Family Assistance (*Direction générale de l'aide à l'enfance et à la famille*), which participates in inter-ministerial committees and working groups

²²⁹ Luxembourg, Grand-Ducal Regulation of 4 November 2020 on the composition and functioning of the advisory commission for the evaluation of the best interest of unaccompanied minors provided for in article 103 of the amended Act of 29 August 2008 on the free movement of persons and immigration (*Règlement grand-ducal du 4 novembre 2020 relatif à la composition et au fonctionnement de la commission consultative d'évaluation de l'intérêt supérieur des mineurs non accompagnés prévue à l'article 103 de la loi modifiée du 29 août 2008 sur la libre circulation des personnes et l'immigration*), 20 November 2011.

²³⁰ Luxembourg, Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*) (2022), Year in Review 2022 in the area of asylum, immigration and reception (*Bilan de l'année 2022 en matière d'asile, d'immigration et d'accueil*), p.9.

²³¹ Luxembourg, Act of 4 July 2008 on youth (*Loi du 4 juillet 2008 sur la jeunesse*), 04 July 2008, Art. 5. The responsibilities of the inter-ministerial committee on youth in this regard were first introduced by the Act of 24 April 2016 amending the amended Act of 4 July 2008 on youth (*Loi du 24 avril 2016 portant modification de la loi modifiée du 4 juillet 2008 sur la jeunesse*).

active in the area of children's rights, including the inter-ministerial committee on youth.²³² This Unit ensures horizontal coordination on children's rights.²³³

The Act of 16 December 2008 on child and family assistance²³⁴ creates a High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*). The Council is composed of sixteen members, consisting of representatives from relevant ministries, judicial institutions, providers of child and family assistance services, family, parent and youth associations, as well as experts in relevant fields. Its mandate consists, among others, of advising the Government, assessing needs and promoting exchange and coordination between service provider. The members of the High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*) have been appointed by the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) for a five-year period in 2018.²³⁵

There are two framework conventions between the Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*) and the Federation of Social Sector Actors in Luxembourg (*Fédération des acteurs du secteur social au Luxembourg*), which were signed in 2022 under the Act of 16 December 2008 on child and family assistance²³⁶ These provide for a Steering Committee (*Comité de pilotage*), which is in charge of drafting framework conventions and ensuring their implementation and revision; and a Quality Committee (*Commission de qualité*), which is responsible for monitoring the implementation of quality standards for assistance services to children and families and adapting these standards where necessary.

A platform for exchange, innovation and co-creation called "AEF Social Lab" was formed in 2020. In line with its main objective²³⁷, the platform developed a national child and family assistance reference framework that encompasses support measures offered to children and families in distress, such as

²³² Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), International and National Committees (*Comités internationaux et nationaux*), 14 December 2021.

²³³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022, p. 14.

²³⁴ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 19.

²³⁵ Luxembourg, Ministerial order of 12 January 2018 appointing the members of the High Council for Child and Family Assistance (*Arrêté ministériel du 12 janvier 2018 portant nomination des 16 membres du Conseil supérieur de l'aide à l'enfance et à la famille*)

²³⁶ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 15.

²³⁷ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2023), *AEF Social Lab, Mission (Mission)* (2023).

alternative care.²³⁸ Presented in November 2021²³⁹, it aims to be a reference document for quality care and support and to promote the ongoing professional exchange of best practices. While the national child and family assistance reference framework is not legally binding, the Bill N°7994 on protecting minors, youth, and families currently being discussed in Parliament provides for its mandatory nature.²⁴⁰

According to the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), an effective governance mechanism is missing. While the current legal framework provides for a High Council for Child and Family Assistance (*Conseil supérieur de l'aide à l'enfance et à la famille*) that is well placed to play that role, it is rarely convened. In practise, coordination is mostly conducted bilaterally between, on the one hand, the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) and, on the other, the Federation of Social Sector Actors in Luxembourg (*Fédération des acteurs du secteur social au Luxembourg*) or individual service providers. As such, relevant stakeholders such as the beneficiaries and national child rights organisations are excluded.²⁴¹ At operational level, the current legal basis needs to either be strengthened, in the case of inter-institutional case management²⁴², or introduced *de novo*, in the case of protocols aimed at inter-institutional cooperation and communication, as well as multiprofessional and interdisciplinary work. A legally mandatory duty for child protection services to cooperate, exchange information where needed and coordinate their interventions in a complementary and subsidiary manner is lacking. Furthermore, the legal boundaries of professional secrecy, which are relied on to limit cooperation, need to be clarified.

The Bill N°7994 on protecting minors, youth, and families, currently under discussion in Parliament, enshrines the requirement of a strategy as well as an horizontal approach to children's rights. The newly created High Council for Assistance, Support and Protection for Minors, Young Adults and Families (*Conseil supérieur de l'aide, du soutien et de la protection au mineur, au jeune adulte et à la famille*) will play a central role in insuring the horizontal approach to children's rights of government policy.²⁴³ The bill further provides that the National Office for Children (*Office National de l'Enfance*) will become the

²³⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework (*Cadre de référence national de l'aide à l'enfance et à la famille*) (2021).

²³⁹ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), National Child and Family Assistance Reference Framework: A step towards equal opportunity for all children (*Le cadre national de référence pour l'aide à l'enfance et à la famille: un pas de plus vers l'égalité des chances pour tous les enfants*), 11 November 2021.

²⁴⁰ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April 2022, Art. 94.

²⁴¹ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), interview of 31 March 2023.

²⁴² Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art.6, fifth indent, Art. 11(y) and Art. 15(15) pertaining to the coordination of intervention projects.

²⁴³ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, Art. 3.

central player in the provision of assistance, support and protection for minors, young adults and families.²⁴⁴

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Ca. 250 words

The following promising practises have been identified:

1) The Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*) established a Children's Rights Unit (*Service des droits de l'enfant*), which participates in inter-ministerial committees and working groups active in the area of children's rights. This Unit ensures horizontal coordination on children's rights, including coordination on the implementation of the Convention on the Rights of the Child.²⁴⁵

2) The Ministry of Education, Children and Youth (*Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse*) has established an internal coordination platform, the "*Plattform Kannerrechter*", which brings together the main actors of children's rights within the ministry to define, monitor and evaluate priority actions.²⁴⁶

²⁴⁴ Luxembourg, Bill N°7994 on protecting minors, youth, and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April, 2022, p. 5.

²⁴⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2021), International and National Committees (*Comités internationaux et nationaux*), 14 December 2021.

²⁴⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Together for the right of the child. National Strategy National Action Plan 2022 - 2026 (*Droit de l'enfant: Zesumme fir d'Rechter vum Kand. Stratégie nationale Plan d'action national 2022 - 2026*), 15 May 2022.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		<p>As mentioned above, in accordance with the Act of 16 December 2008 on child and family assistance, the State contributes financially to the costs of support measures ordered by the judicial authorities under the Act of 10 August 1992 on youth protection, or proposed by the National Office for Children in accordance with the Act of 16 December 2008 on child and family assistance.²⁴⁷ The procedures for establishing the corresponding lump sums and their amounts are regulated by the Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families.²⁴⁸ The inherent funds must be registered in the State budget²⁴⁹.</p> <p>Furthermore, in accordance with the Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields, the State may provide subsidies or financial participations to service providers in these areas on the basis</p>

²⁴⁷ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 15. According to the same Art. 15, the funding in question consists of monthly, daily or hourly lump sums and the State participation shall be laid down in one or more "framework conventions" to be concluded between the relevant Minister and the service providers. There are currently two framework conventions in place, which were signed in 2022 between the Ministry of Education, Children and Youth (Ministère de l'Éducation Nationale, de l'Enfance et de la Jeunesse) and the Federation of Social Sector Actors in Luxembourg (Fédération des acteurs du secteur social au Luxembourg): the daily framework convention for semi-stationary and stationary assistance measures concerning services paid for in the form of daily lump sums; and the hourly framework convention for ambulatory assistance measures concerning services paid for in the form of hourly lump sums.

²⁴⁸ Luxembourg, Grand-Ducal Regulation of 17 August 2011 specifying the financing of social assistance measures for children and families (*Règlement grand-ducal du 17 août 2011 précisant le financement des mesures d'aide sociale à l'enfance et à la famille*), 17 August 2011. The amount of the lump sums is foreseen in Annex 9.

²⁴⁹ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), Art. 15.

			of conventions. ²⁵⁰ The inherent funds must also be registered in the State budget. ²⁵¹
3.1.2. Is the budget allocated to child protection (alternatively on children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?	X		As mentioned above (question 1.1.), the State budget for 2022 includes different lines to cover the costs of the support measures ordered by the judicial authorities under the Act of 10 August 1992 on youth protection, or proposed by the National Office for Children in accordance with the Act of 16 December 2008 on child and family assistance. Some of these lines refer specifically to article 15 of the Act of 16 December 2008 on child and family assistance, which regulates the funding of those measures by the National Office for Children. This is the case, for example, of lines 33.001 33.00 02.00 ; 33.005 33.00 06.32 ; 33.008 33.00 06.32 ; 33.009 33.00 06.32 and 34.011 34.30 06.32. Other lines in the budget that are relevant for child protection but do not expressly mention Art. 15 include, for example, lines 33.041 33.00 06.32 and 33.045 33.00 06.32. ²⁵²
3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.			
Ca. 100 words			

²⁵⁰ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 Septembre 1998, Art. 11-12.

²⁵¹ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 24 Septembre 1998, Art. 23.

²⁵² Luxembourg, Act of 17 December 2021 on the State revenue and expenditure budget for the year 2022 (*Loi du 17 décembre 2021 concernant le budget des recettes et des dépenses de l'État pour l'exercice 2022*).

The percentage of the state budget allocated to social protection/social welfare in general has remained stable in the last five years. It consisted of 48% in 2019²⁵³; 47% in 2020²⁵⁴; 48% in 2021²⁵⁵; 46,8% in 2022²⁵⁶; and (is foreseen to be) 47% in 2023.²⁵⁷ These percentages correspond to expenses with social benefits, subsidies, grants, social security transfers and other income transfers.

In the State budget for 2021, the total appropriations provided for the National Office for Children to cover operating costs and contributions to the costs of support measures amounted to €129,499,877. This amount represented 0.66% of the total budget and 4.48% of the of the budget of the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*).²⁵⁸

Regarding the budgetary resources allocated to the child and youth sectors more broadly, in 2021 the United Nations Committee on the Rights of the Child praised a significant increase from €985,725,834 in 2009 to €1,682,703,838 in 2018.²⁵⁹ The overall budget for 2018 was 18.2 billion euros.²⁶⁰

Question	YES	NO	Comments
3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u>	X	X	YES In light of the requirements described above (questions 3.1.1. and 3.1.2.) regarding the

²⁵³ Luxembourg, Government of the Grand-Duchy of Luxembourg (Gouvernement du Grand-Duché de Luxembourg) (2019), Budget speech by the finance minister ([Budgetsried vum Finanzminister](#)), 5 March 2019, p. 22.

²⁵⁴ Luxembourg, Government of the Grand-Duchy of Luxembourg (Gouvernement du Grand-Duché de Luxembourg) (2019), Fact sheet: Infography - Public Finances 2020 ([Fiche : Infographie - Finances publiques 2020](#)).

²⁵⁵ Luxembourg, Government of the Grand-Duchy of Luxembourg (Gouvernement du Grand-Duché de Luxembourg) (2020), Fact sheet: Infography - Public Finances 2021 ([Fiche : Infographie - Finances publiques 2021](#)), 14 October 2020.

²⁵⁶ Luxembourg, Government of the Grand-Duchy of Luxembourg (Gouvernement du Grand-Duché de Luxembourg) (2021), Fact sheet: Infography - Public Finances 2022 ([Fiche : Infographie - Finances publiques 2022](#)), 13 October 2021.

²⁵⁷ Luxembourg, Government of the Grand-Duchy of Luxembourg (Gouvernement du Grand-Duché de Luxembourg) (2022), Fact sheet: Infography - Public Finances 2023 ([Fiche : Infographie - Finances publiques 2023](#)), 12 October 2022.

²⁵⁸ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022), [Report submitted by Luxembourg pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), 9 March 2022, p. 16.

²⁵⁹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021, *para.* 3.

²⁶⁰ Luxembourg, Government of the Grand-Duchy of Luxembourg (2018), 2018 Budget ([De Budget 2018](#)), 6 March 2019.

<p>sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>incorporation of budget allocations on child protection into national legislation, the existing budget and funding of child protection services and institutions can be considered sustainable.</p> <p>NO</p> <p>As mentioned above, in 2021 the United Nations Committee on the Rights of the Child praised a significant increase of the budgetary resources allocated to the child and youth sectors more broadly.²⁶¹</p> <p>In 2020, the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) acknowledged that the Act of 16 December 2008 on child and family assistance and the funding system set up with the National Office for Children had “[...] undoubtedly made it possible to set up family support services that work on prevention and that accompany parents, in a more or less intensive way, depending on the needs of the child and his or her family environment As such, there are nearly twenty service providers that offer psychological, social or educational assistance in the family [...]”.²⁶²</p> <p>However, the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (<i>Commission consultative des Droits de l’Homme du Grand-Duché de Luxembourg</i>) has recently highlighted the fact that the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) does not currently have sufficient human and financial resources to monitor alternative care institutions on a regular and systematic basis. It therefore called on the</p>
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²⁶¹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 3.

²⁶² Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l’art 44 de la Convention relative aux droits de l’enfant par l’Ombudsman fir Kanner a Jugendlecher (OKaJu)), October 2020, p. 28.

			government to remedy this as soon as possible. ²⁶³
3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies? Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).		X	<p>According to the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>), child and family assistance involves private service providers (mostly NGOs) that have a convention with the Ministry and are therefore funded by the Ministry.²⁶⁴</p> <p>Regarding EU funding, the European Regional Development Fund (ERDF) has funded the project EUR&QUA - Developing cross-border cooperation in child protection (<i>EUR&QUA – Elaborer une coopération transfrontalière de la protection de l'Enfance</i>) between 2016 and 2020. The outcomes of the project included the creation of a collaborative cross-border platform for child protection, the development of a training programme in "International Child Protection" and the elaboration of the quality reference framework "Cross-border protection". In Luxembourg, the project was implemented by the University of Luxembourg. The Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) and the National Association of Educational and Social Communities (<i>Association nationale des</i></p>

²⁶³ Luxembourg, Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*) (2020), Observations on the 5th and 6th periodic reports of Luxembourg under article 44 of the Convention on the Rights of the Child by the Consultative Commission on Human Rights of the Grand Duchy of Luxembourg (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par la Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg*), October 2020, p. 8. In this sense, see also Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) (2020), Observations from the Ombudsman fir Kanner a Jugendlecher (OKaJu) regarding the fifth and sixth periodic reports of Luxembourg under article 44 of the Convention on the rights of the Child (*Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher (OKaJu)*), October 2020, p. 32.

²⁶⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Assistance (*Aide à l'enfance*), 13 January 2022.

			<p><i>communautés éducatives et sociales</i>) were involved in the project as observers.²⁶⁵</p> <p>In the area of migration, the Asylum, Migration and Integration Fund has financially supported an agreement between the Immigration Directorate (<i>Direction de l'immigration</i>) and the International Organization for Migration in the framework of returns of unaccompanied minors (please refer to question 2.3.4.) The funding was ongoing in December 2022.²⁶⁶</p> <p>Luxembourg's at-risk-of-poverty rate of 24.8% of young people under 18 is well above the EU average of 19.4%. As such, Luxembourg allocates at least 5% of the European Social Fund Plus (ESF+) (initial budget is €14,801,177) to finance the implementation of the Child Guarantee and other measures to support the fight against child poverty and social exclusion.²⁶⁷</p>
<p>3.1.6. Has there been any reported misuse of any of the available funding in the area of child protection?</p> <p>If <u>yes</u>, please describe briefly (and include a reference to the study/report or similar) and explain whether the responsible authorities, organisations, etc. have taken appropriate measures to prevent this in the future?</p> <p><i>(Please consider available studies, reports at national level conducted by</i></p>		<p>X</p>	<p>No information available regarding the misuse of any of the available funding in the area of child protection.</p>

²⁶⁵ Luxembourg, European Funds, Grand Duchy of Luxembourg (Fonds Européens, Grand-Duché du Luxembourg)(2023) , EUR&QUA - Developing cross-border cooperation in child protection (*EUR&QUA – Elaborer une coopération transfrontalière de la protection de l'Enfance*), 27 January 2023.

²⁶⁶ Luxembourg, Ministry of Foreign and European Affairs (*Ministère des Affaires étrangères et européennes*) (2020), List of projects for which the Directorate of Immigration acts as project manager (*Liste des projets pour lesquels la Direction de l'immigration agit en tant que maître d'ouvrage*), 12 October 2020, p.2.

²⁶⁷ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Guarantee, Luxembourg Action Plan 2021 – 2030 (*La garantie pour l'enfance, Plan d'action Luxembourg 2021 – 2030*), July 2022, p. 33.

<p>public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</p>			
<p>3.1.7. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p>If yes, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p>		X	<p>As mentioned above (question 2.1.5.), the funding of the main child protection service providers results from the national budget and private donations. Please also refer to next question.</p>
<p>3.1.8. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p>If yes, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>	X	X	<p>According to the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>), child and family assistance involves three main actors: the National Office for Children; public service providers, such as the State Institute for Child and Youth Assistance – AITIA (<i>Institut étatique d'aide à l'enfance et à la jeunesse AITIA</i>) and the State Socio-Educational Centre (<i>Centre socio-éducatif de l'État</i>); and private service providers with a convention with the Ministry. The majority of existing service providers indicated by the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>) are private, in particular NGOs,²⁶⁸ with a long tradition of working in child protection.²⁶⁹</p> <p>According to the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>), service provision in the framework of judicial and voluntary protection procedures is mostly insured by NGOs,</p>

²⁶⁸ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Assistance (*Aide à l'enfance*), 13 January 2022.

²⁶⁹ This assessment was confirmed during the interview conducted with the Luxembourg Red Cross on 28 March 2023.

			<p>Foundations and, in the case of ambulatory lump sum services, by independent workers.²⁷⁰</p> <p>Regarding the legal provisions pertaining to the funding of NGOs for purposes of child protection services, please refer for example to question 2.2.3.</p> <p>Regarding the main services / groups of children that are covered, please refer to question 2.1.5.</p>
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3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>As mentioned above (question 1.1.), the provision of certain support measures ordered by the judicial authorities under the Act of 10 August 1992 on youth protection, or validated by the National Office for Children in accordance with the Act of 16 December 2008 on child and family assistance, is conditional upon the operator obtaining a license from the Ministry in charge of family policy.²⁷¹</p> <p>Depending on the type of support measure provided²⁷², the applicable rules require among others that the operator ensures a minimum</p>

²⁷⁰ Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

²⁷¹ Luxembourg, Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields (*Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique*), 08 September 1998; and Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011.

²⁷² These consist of the support measures enshrined in Art. 11, (a), (c), (d), (h), (i) and (y) of the Act of 16 December 2008 on child and family assistance – see Art. 1 of the Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011.

		<p>ratio of support staff (<i>personnel d'encadrement</i>) per child.²⁷³</p> <p>According to the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>), human resources in the area of child protection are sufficient but lack adequate training (please refer to question 3.2.2).²⁷⁴</p> <p>Furthermore, shortcomings in the human resources allocated to the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) for purposes of monitoring alternative care institutions on a regular and systematic basis have been highlighted by a national human rights institution (please refer to question 3.1.4).</p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	<p>x</p>	<p>Regarding licensing for the provision of support measures, please refer to question 3.2.1.</p> <p>The applicable rules in the framework of licensing require that the operator ensures minimum qualifications and training of the management (<i>direction</i>) and support staff (<i>personnel d'encadrement</i>).</p> <p>According to these rules, such qualifications consist, in the case of management, of a university degree or a diploma of a university nature, certifying a complete course of study of at least three years in the fields of psychology, pedagogy, social or educational sciences, law or economics, health or recognized as equivalent by the Minister of Higher Education and Research (<i>Ministère de l'Enseignement supérieur et de la Recherche</i>); and, in the case of support staff, for example of a Luxembourgish or foreign diploma, either of secondary or post-secondary level, recognized as equivalent and preparing its holder for either social, psycho-social, socio-</p>

²⁷³ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011, Chapter 2, Section 2.

²⁷⁴ Opinion expressed by the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) during the interview conducted on 31 March 2023.

		<p>educational or socio-family work, or for health and care professions.²⁷⁵</p> <p>Regarding training, the operator must ensure that its support staff benefits at least from between 8 and 16 hours of training on the job per year, depending on whether the trainee is employed full-time or part-time.²⁷⁶</p> <p>In its Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, published on 21 June 2021, the United Nations Committee on the Rights of the Child noted the efforts undertaken by Luxembourg to raise awareness and train professionals working with and for children.²⁷⁷ However, it expressed concern regarding insufficient professional training aimed at inclusion of children with disabilities and gaps in the availability of qualified and trained personnel in this area.²⁷⁸ It also recommended that the authorities increase legal and psychological training opportunities for all professional groups responsible for assisting child victims and likely to come into contact with child victims of any of the offences covered in the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.²⁷⁹</p> <p>At national level, the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) expressed the opinion that support staff lacks specialisation in the field of child protection, as well as in the reception of</p>
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²⁷⁵ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011, Art. 12 and 15.

²⁷⁶ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licensing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011, Art. 17.

²⁷⁷ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 10.

²⁷⁸ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 22.

²⁷⁹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para.* 32.

		children from exile and children and youths in psycho-social distress. The diploma of educators and the post-secondary 3-year training of social workers is insufficient for the demands of everyday work. There is a lack of specific training on issues such as case management, group coordination in reception centres, diagnosis and needs assessment, trauma, conflict management, crisis management, and multicultural skills. Consequently, there is a high staff turnover in certain service providers. ²⁸⁰
3.2.3. Is there a <u>compulsory certification or licencing process</u> for social workers and other professionals who work for child protection? <u>If yes</u> , briefly describe the process.	X	Please refer to the previous question. While the qualifications and training of management (<i>direction</i>) and support staff (<i>personnel d'encadrement</i>) must be recognized by the competent authorities when issued by a non-Luxembourgish education system, there is <u>no</u> specific compulsory certification or licencing process for social workers and other professionals who work in child protection.
3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas? <u>If yes</u> , please describe briefly.	X	Regarding licencing for the provision of support measures, please refer to question 3.2.1. The applicable rules in the framework of licencing also require that the operator ensures that the honourability of volunteer staff is checked and that the relevant documentation in this regard is kept at the disposal of the controlling authorities. The honourability is assessed on the basis of the criminal record and all the information provided by the administrative investigation. ²⁸¹ According with the Luxembourg Red Cross, in addition to checking the honourability, volunteer staff is subject to a selection interview. ²⁸²

²⁸⁰ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), interview of 31 March 2023.

²⁸¹ Luxembourg, Grand-Ducal Regulation of 17 August 2011 concerning the licencing to be granted to managers of activities for children, young adults and families in distress (*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*), 17 August 2011, Art. 8 and 9.

²⁸² In accordance with the interview conducted with the Luxembourg Red Cross on 28 March 2023.

<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>	<p>X</p>	<p>Following the publication of the guidelines Child Abuse, Procedures for Child and Youth Professionals (<i>Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse</i>) in 2018²⁸³, the Children's Rights Unit (<i>Service des droits de l'enfant</i>) of the Ministry of Education, Children and Youth (<i>Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse</i>) was actively engaged in the training of state education professionals at the National Education Training Institute (<i>Institut de formation de l'Éducation nationale</i>) in 2019. As a result, state employees and trainee officials took mandatory courses on children's rights and on those guidelines.²⁸⁴ The Children's Rights Unit (<i>Service des droits de l'enfant</i>) also offered courses on children's rights at the National Education Training Institute (<i>Institut de formation de l'Éducation nationale</i>) for candidate teachers, psychologists and educators in 2020.²⁸⁵</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p>	<p>X</p>	<p>Accessing the training as a lawyer requires a professional internship that includes a period of complementary courses in Luxembourgish law (<i>cours complémentaires en droit luxembourgeois</i>).²⁸⁶ The programme of these courses includes some aspects related to child rights and child protection, such as child abductions and youth protection (defense of the interests and rights of children - material rights: right to be heard, right to a lawyer, etc.; proceedings before the youth and guardianship court; children's lawyers; ad-hoc administrator</p>

²⁸³ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Coordination interministérielle des Droits de l'Enfant (*Interministerial Coordination of Children's Rights*) (2018), Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*).

²⁸⁴ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), (2020), Activity Report 2019 (*Rapport d'activité 2019*), March 2020, p. 90.

²⁸⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), (2021), Activity Report 2020 (*Rapport d'activité 2020*), March 2021, p. 90.

²⁸⁶ Luxembourg, Ministry of Justice (*Ministère de la Justice*) (2022), Access to the legal profession (*Accès à la profession d'avocat*), 01 September 2022.

<p>If <u>yes</u>, please describe briefly.</p>		<p>in various proceedings concerning minors before all courts).²⁸⁷</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	<p>X</p>	<p>Please refer to question 3.2.5 for an example - courses on children's rights at the National Education Training Institute (<i>Institut de formation de l'Éducation nationale</i>) for candidate teachers, psychologists and educators offered by the Children's Rights Unit (<i>Service des droits de l'enfant</i>).</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>		<p>The Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher</i>) expressed the opinion that support staff lacks specialisation in the field of child protection, as well as in the reception of children from exile and children and youths in psycho-social distress. The diploma of educators and the post-secondary 3-year training of social workers is insufficient for the demands of everyday work. There is a lack of specific training on issues such as case management, group coordination in reception centres, diagnosis and needs assessment, trauma, conflict management, crisis management, and multicultural skills (please refer to question 3.2.2.). It also highlighted the need for mandatory training of children's lawyers and ad-hoc administrators.²⁸⁸</p> <p>According with the Luxembourg Red Cross, staff recruitment has become a real challenge. This is related, on the one hand, with language skills requirements, as workers are required to understand three languages (Luxembourgish, French and German) and speak at least two of these languages. On the other hand, with the fact that child protection work is very demanding due to the vulnerability of the beneficiaries and the difficulty of reconciling working hours with private and family life (week-ends, nights, etc).²⁸⁹</p> <p>Solidarité Jeunes also qualified staff recruitment as a real challenge. The causes included the language skills requirements but also the fact that in Luxembourg the work</p>

²⁸⁷ Luxembourg, Ministry of Justice (*Ministère de la Justice*) (2022), Official programme of the complementary courses in Luxembourgish law (*Programme officiel des cours complémentaires en droit luxembourgeois*), 01 September 2022.

²⁸⁸ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), interview of 31 March 2023.

²⁸⁹ In accordance with the interview conducted with the Luxembourg Red Cross on 28 March 2023.

market is extremely competitive and that many candidates chose to work in other sectors.²⁹⁰

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

Ca. 300 words

The budgetary resources allocated to the child and youth sectors more broadly experienced a significant increase from €985,725,834 in 2009 to €1,682,703,838 in 2018.²⁹¹ In the State budget for 2021, the total appropriations provided specifically for the National Office for Children to cover operating costs and contributions to the costs of support measures amounted to €129,499,877. This amount represented 0.66% of the total budget and 4.48% of the of the budget of the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*).

In 2023, the Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*) stated that human resources in the area of child protection were sufficient but lacked adequate training. The support staff lacked specialisation in the field of child protection, as well as in the reception of children from exile and children and youths in psycho-social distress. There was a lack of specific training on issues such as case management, group coordination in reception centres, diagnosis and needs assessment, trauma, conflict management, crisis management, and multicultural skills. Consequently, there was a high staff turnover in certain service providers. It also highlighted the need for mandatory training of children's lawyers and ad-hoc administrators.²⁹²

According to service providers such as the Luxembourg Red Cross and Solidarité Jeunes, staff recruitment has become a real challenge in recent years. This is related, among others, with language skills requirements and the fact that in Luxembourg the work market is extremely competitive, resulting in many candidates choosing to work in other sectors.^{293 294}

²⁹⁰ In accordance with the interview conducted with Solidarité Jeunes on 22 March 2023.

²⁹¹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), Concluding observations on the combined fifth and sixth periodic reports of Luxembourg, 21 June 2021, *para. 3*.

²⁹² Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher*), interview of 31 March 2023.

²⁹³ In accordance with the interview conducted with the Luxembourg Red Cross on 28 March 2023.

²⁹⁴ In accordance with the interview conducted with Solidarité Jeunes on 22 March 2023.

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Ca. 250 words

The following promising practises have been identified:

- 1) In Luxembourg, child and family assistance involves three main actors: the National Office for Children; public service providers, such as the State Institute for Child and Youth Assistance – AITIA (*Institut étatique d'aide à l'enfance et à la jeunesse AITIA*) and the State Socio-Educational Centre (*Centre socio-éducatif de l'État*); and private service providers with a convention with the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*). The majority of existing service providers are private, in particular NGOs.²⁹⁵
- 2) In Luxembourg there is no specific compulsory certification or licencing process for social workers and other professionals who work in child protection.
- 3) The Children's Rights Unit (*Service des droits de l'enfant*) of the Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) participated in the training of state education professionals at the National Education Training Institute (*Institut de formation de l'Éducation nationale*) in 2019. As a result, state employees and trainee officials took mandatory courses on children's rights and on the guidelines Child Abuse, Procedures for Child and Youth Professionals (*Maltraitance de mineur, Procédures à suivre par les professionnels de l'enfance et de la jeunesse*) those guidelines.²⁹⁶ The Children's Rights Unit (*Service des droits de l'enfant*) also offered courses on children's rights at the National Education Training Institute (*Institut de formation de l'Éducation nationale*) for candidate teachers, psychologists and educators in 2020.²⁹⁷
- 4) The complementary courses in Luxembourgish law (*cours complémentaires en droit luxembourgeois*) required for accessing the training as a lawyer include some aspects related to child rights and child protection, such as child abductions and youth protection (defense of the interests and rights of children - material rights: right to be heard, right to a lawyer, etc.; proceedings before the youth and guardianship court; children's lawyers; ad-hoc administrator in various proceedings concerning minors before all courts).²⁹⁸

²⁹⁵ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*) (2022), Child Assistance (*Aide à l'enfance*), 13 January 2022.

²⁹⁶ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), (2020), Activity Report 2019 (*Rapport d'activité 2019*), March 2020, p. 90.

²⁹⁷ Luxembourg, Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), (2021), Activity Report 2020 (*Rapport d'activité 2020*), March 2021, p. 90.

²⁹⁸ Luxembourg, Ministry of Justice (*Ministère de la Justice*) (2022), Official programme of the complementary courses in Luxembourgish law (*Programme officiel des cours complémentaires en droit luxembourgeois*), 01 September 2022.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

There are two main and distinct actors in child protection; they are guided by a different logic and operate at different stages of the protection procedure. Overall, the National Office for Children (*Office National de l'Enfance-ONE*) is seen as a prevention mechanism, where families and children/young adults come to the service in order to improve their difficult situations. The Central Social Support Service (*Service Sentral d'Assistance Sociale -SCAS*) only follows the courts' decisions. Moreover, both actors share a similar characteristic in one aspect: they follow the court's decisions, i.e. in cases of "involuntary decisions". For instance, upon the decision of the judge, the Central Social Support Service provides educational assistance for children and their families. In cases of the judicial placement, the National Office for Children, and the state's service provider, assigns specified institutional care for the minor.

The National Office for Children (*Office National de l'Enfance-ONE*) provides social assistance for children and young adults in difficulty (Art. 5)²⁹⁹, as well as parents in the framework of socio-educational and psychological intervention projects (Art.6). Its work and mandate are stipulated in the Act of 16 December 2008 regarding family and childcare. Upon the decision of educational and judicial authorities, the National Office for Children (*Office National de l'Enfance-ONE*) assesses the situations of children/young adults and their families. Either upon its initiative or following the decision of judicial authorities, the National Office for Children (*Office National de l'Enfance-ONE*) re-examines all socio-educational and psycho-social intervention projects every 12 months. (Art.6)³⁰⁰

The Central Social Support Service (*Service Sentral d'Assistance Sociale -SCAS*) follows the decisions of the courts regarding the child's situation and is placed under the public prosecutor's office. The legal framework of the Central Social Support Service is related to the Act of 10 August 1992 on youth protection³⁰¹. Furthermore, upon the decision of the court, the Central Social Support Service provides educational assistance, follow-up condition(s) or educational assistance with follow-up condition(s) for minors and their family.

4.1.2. Is there evidence that families are supported in their role as primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and every stage of the intervention, mainly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need?

²⁹⁹ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁰⁰ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁰¹ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992

Within the prevention logic, the state and municipal authorities see families as (primary) caregivers (Art. 12).³⁰²

The National Office for Children covers the costs of the services offered in the framework of child and family support that includes “out-patient measures (psychological and psychotherapeutic therapies, occupational therapy, family support, etc.) and in-patient measures (placement of children and young people in an institution, in foster care or abroad)”(p.48)³⁰³.

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

In case of voluntary intervention, parents in need of support come to the National Office for Children and are proposed a number of the following initiatives: assessment of the situations and necessary support to family and children; consultations, development of a intervention project to improve the situation (see answers in 4.1.1.-4.1.2.), including voluntary placement of a child (Art.6) as well as the orientation, coordination and evaluation of measures developed for the benefit of the same child, his/her family or a young adult (Art.11)³⁰⁴.

When the child in emergency is identified (by the i.e., institutions, school, day care, etc.) professionals have to immediately report to the authorities (public prosecutor’s office – youth protection, police)³⁰⁵. If the case goes court, the judge may decide on various measures; the judge may assign educational assistance services to the parents/young people,³⁰⁶ which are then provided by the Central Social Support Service. If the decision for care/placement outside of the family is pronounced by the judge, the National Office for Children steps in upon the request of the judicial authorities (Art.5) and provides specialised services³⁰⁷.

If the child shows signs of sexual abuse, the professionals immediately contact the public prosecutor³⁰⁸. Police are contacted either by the professionals declaring the incident or by the prosecutor. Police then launch an investigation. The time it takes for the police to intervene depends

³⁰² Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁰³ Council of Europe (2022). [Charte Sociale Européenne de 1961](#), RAP/Cha/LUX/26(2023).

³⁰⁴ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁰⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

³⁰⁶ Confirmed by the response from *The Central Social Support Service (Le service central d'assistance sociale -SCAS)*. Response received through e-mail on 13 March 2023.

³⁰⁷ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁰⁸ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

on the nature and date of the incident. The child is usually taken to the medical examination centre prepared for such instances. If the child is taken from the home or school, their evacuation is done in disguise (by professionals in civilian cars, wearing civilian clothing).³⁰⁹

In urgent cases and on the decision of the Juvenile Judge or the Public Prosecutor's Office, when the Judge of the Youth court cannot be consulted (outside office hours), the victimised child may be placed in temporary custody in one of the specialised institutions for minors. The Youth court may :

- assign the minor /family members to educational assistance,
- place the child under supervision with a trustworthy person or in any appropriate establishment, even abroad,
- keep the child within the family under specified conditions (Art 1)³¹⁰.

In 2018 a working group consisting of multiple national actors developed a guide specifying procedures to be followed to identify a child in need of care. The guide is specifically addressed to professionals working and/or who are in contact with children or young people.³¹¹

4.1.4. What are the crisis emergency responses in place?

Under the law on youth protection custody measures are imposed by the judge. The Youth court may :

- assign the minor /family members to educational assistance,
- place the child under supervision with a trustworthy person or in any appropriate establishment, even abroad,
- keep the child within the family under specified conditions (Art 1)³¹².

Emergency protocols are foreseen in cases when the parents /guardians do not allow medical intervention in situations when the child's health is in danger. Then, the state prosecutor can order it (following the report of the doctor) (Art. 7)³¹³.

In exceptional circumstances and case of emergency, the instruction judge (*juge d'instruction*)/youth judge may apply provisional custody measures (Art. 25)³¹⁴; these situations regard a minor who committed a crime.

³⁰⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

³¹⁰ Luxembourg, The Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³¹¹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

³¹² Luxembourg, The Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³¹³ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³¹⁴ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

During the proceedings, the juvenile court may take the necessary custodial measures regarding the minor (Art.24). If absolutely necessary, the minor may be held in temporary custody in prison for a maximum of one month. The minor is then held in isolation from adult detainees and is subject to a special regime which is determined by the prison administration regulations (Art.26)³¹⁵.
If there is no appropriate placement in existing institutions due to the inappropriate behaviour of the minor, the minor could be placed in the detention/ state disciplinary institution (Art.6)³¹⁶.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
<p>4.2.1. Is there an identification/ reporting obligation foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/ reporting obligations.</p>	X		<p>Yes, citizens must report (unless their own life is in danger), as foreseen in Criminal code 410-1. Not reporting is a crime that is punishable between 8 days to 5 years and a fine between 251 euros to 10 000 euros (410-1)³¹⁷. It is also a punishable crime, seen as obstruction of justice if someone has some information on a possible crime. (Art. 140)³¹⁸. The obligation to report exists for professionals working with children (education, health, public assistance) in the public sector (Art. 23 par.2).³¹⁹ They have to report to the State Prosecutor.³²⁰</p>
<p>4.2.2. Please describe available national and sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in <u>all available reporting mechanisms, including helplines and hotlines</u>. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.</p> <p>Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?</p>			

³¹⁵ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992

³¹⁶ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992

³¹⁷ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992

³¹⁸ Luxembourg, Penal Code ([Le Code pénal](#)).

³¹⁹ Luxembourg, Penal Procedural Code ([Le Code de procédure pénal](#)).

³²⁰ Luxemborug, Ministry of Education, Children and Youth ([Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse](#)), Ministry of Justice ([Le Ministère de la justice](#)), Ministry of Health ([Le Ministère de la Santé](#)) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

Any person can report a child's physical or psychological well-being in danger. The person can contact

- the police - in writing or by visiting a police station; in writing,
- the public prosecutor's office - youth protection (Diekirch and/or Luxembourg) (in writing)
- the Youth and Guardianship Court (Diekirch and/or Luxembourg) (in writing)³²¹

There is a form where a person could indicate information regarding a minor in danger. The form is addressed to the youth judge or the juvenile judge, or the youth protection department of the public prosecutor's office.³²² Prior, the person can call the authorities, but confirming in written form (letter/fax) is preferable. Reporting is not anonymous.

www.childprotection.lu is a site allowing any resident of the country to report situations of sexual exploitation of minors. Police operate it. The online form is not anonymous.³²³ .

There are several channels for victims of sexual exploitation and trafficking: 113 emergency telephone number, hotline and e-mail address.³²⁴ This support is available through the police. A banner in Ukrainian was added to the website in Ukrainian in 2022 during the war in Ukraine and the arrival of women/children refugees in the country³²⁵.

There is a helpline 2060 1060 for victims of domestic violence that works 7/7 during working hours (12-22). The helpline is anonymous and was introduced during strict Covid-19 regulations that impacted challenging situations at home. It complements contact through e-mail info@helpline-violence.lu and the webpage³²⁶. The helpline is operated by the Foundation Maison de la Porte Ouverte and the Foundation Maison de la Porte Ouverte under the Ministry of Equality between Women and Men (*Ministère de l'Égalité entre les Femmes et les Hommes-MEGA*).³²⁷

Femmes en Détresse PSYea is a support service for minors who are victims of domestic violence.³²⁸

Trained specialists provide the service. SOS détresse is a anonymous and confidential helpline (45 45) and online support service for people in distress. ³²⁹

³²¹ Luxembourg, Ministry of Justice (*La Justice*), Central service of social assistance, the protection service of the youth ([*Service Central d'Assistance Sociale - Le Service de La Protection de La Jeunesse*](#)), 16 November 2018.

³²² Luxembourg, Ministry of Justice (*Le Ministère de la justice*), Youth Protection ([*Protection de la Jeunesse*](#)), 4 May 2022.

³²³ Luxembourg, Police of Luxembourg (*La Police de Luxembourg*), Reporting Sex Tourism Involving Children ([*Signalisation des Cas de Tourisme Sexuel Impliquant Les Enfants*](#)),

³²⁴ Luxembourg, Official website of [*Stop traite*](#).

³²⁵ Luxembourg, Official website of [*Stop traite*](#).

³²⁶ Luxembourg, Official website of [*Helpline violence*](#).

³²⁷ Luxembourg, Official website of [*Helpline violence*](#).

³²⁸ Luxembourg, Official website of the Psychological Service for Children and Adolescents victims of domestic violence ([*Service Psychologique pour Enfants et Adolescent\(e\)s victimes de violence domestique*](#)).

³²⁹ Luxembourg, Official website of [*SOS Détresse*](#).

There is unified web platform [violence.lu](https://www.violence.lu) for any violence, both for victims and actors of violence with the relating information, contacts, etc.³³⁰

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	x		<p>Any child (age of discern) in a difficult situation can address themselves to the National Office for Children (Art. 4)³³¹</p> <p>BEE SECURE is a governmental initiative and is operated by the National Youth Service (<i>Service National de la Jeunesse-SNJ</i>) and the Children/Young Adults Telephone (<i>Kanner-Jugendtelefon-KJT</i>), in partnership with the Luxembourg house of security, the Luxembourg Police and the Public Prosecutor's Office (p.4)³³² BEE SECURE offers a Stopline BEE SECURE³³³ helpline 8002 1234 regarding safety on the internet³³⁴ It is available for minors and adults during daily hours. it is also available through an online form (not anonymous)³³⁵ Professional specialists in the area provide the helpline; it is anonymous.</p> <p>BEE SECURE stopline also provides an online platform for reporting any cases of online sexual abuse of minors.³³⁶ It can be done anonymously and confidentially. Analysed cases are reported to the police.</p> <p>The Children/young adults' telephone (<i>Kanner-Jugendtelefon-KJT</i>) 116-111 is available for children and young people regarding any matter. The service is provided by Children/young adults telephone (<i>Kanner-Jugendtelefon</i>), an</p>

³³⁰ Luxembourg, Official website of the [violence.lu](https://www.violence.lu)

³³¹ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³³² Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), BEE SECURE, Annual report 2021 ([Rapport d'activité 2021](#)).

³³³ Luxembourg, Official website of the [Stopline BEE SECURE](#).

³³⁴ Luxembourg, [Helpline of the BEE SECURE](#).

³³⁵ Luxembourg, [BEE SECURE Contact Helpline](#).

³³⁶ Luxembourg, Official website of the [Stopline BEE SECURE](#).

			<p>organisation funded through a convention with the Ministry of Education, Children and Youth.³³⁷The support to children and young people has been extended via online consultations.³³⁸ as well as chat counselling (online) ³³⁹The Children/Young Adults Telephone (<i>Kanner-Jugendtelefon-KJT</i>) guarantees anonymity and confidentiality.³⁴⁰</p> <p>Any minor could raise concerns to the Ombudsman for children and youngsters or Children and Young adults (l'Ombudsman fir Kanner a Jugendlecher (OKAJU) regarding their rights orally or in writing.³⁴¹</p> <p>The "Aktioun Bobby" is a police service that offers telephone assistance to children who are victims of physical, psychological or sexual violence. The phone number of the service is (+352) 123 21³⁴²</p>
4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?		X	<p>According to the Ombudsman for children and youngsters (<i>l'Ombudsman fir Kanner a Jugendlecher -OKAJU</i>) report right to reporting should be made more aware to children (p.122-123)³⁴³. Informing of the right to report is foreseen in the current reform on youth protection³⁴⁴. Bill N° 7994 foresees an internal complaint procedure that would also include informing minors about reporting complaints rights. Complaints</p>

³³⁷ Luxembourg, The Children/young adults telephone ([Kanner-Jugendtelefon-KJT](#)).

³³⁸ Luxembourg, The Children/young adults telephone ([Kanner-Jugendtelefon-KJT](#)).

³³⁹ Luxembourg, The Children/young adults telephone ([Kanner-Jugendtelefon-KJT](#)).

³⁴⁰ Luxembourg, The Children/young adults telephone ([Kanner-Jugendtelefon-KJT](#)).

³⁴¹ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*), article 2, Act of 1 April 2020 Ombudsman for children and youngsters ([Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher](#)), 14 April 2020.

³⁴² Luxembourg, Police, [Domestic violence](#).

³⁴³ Luxembourg, the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher-OKAJU*), A Childhood in Suspense, Annual Report 2022 ([Une Enfance Mise En Suspens, Rapport Annuel 2022](#)), November 2022.

³⁴⁴ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

			documented, and a procedure for follow up complaints is to be put in place (Art.4) ³⁴⁵ . Currently, some institutions, receiving children, organise information sessions on their right to report. ³⁴⁶
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4.2.5. What are the main challenges and/or gaps in identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

The Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher -OKAJU*) notes that more efforts would be to make Emergency numbers and helplines common knowledge to minors in places such as schools, the club, care homes, etc. Furthermore, these “services should be available 24 hours a day, including online” (p.122)³⁴⁷ Here, the reference is made to the Children/young adults telephone (*Kanner-Jugendtelefon-KJT*), which operates during certain hours.

Ombudsman for children and youngsters also notes that the country lacks a unique national telephone number (i.e. 112 for police) for minors in psychological or physical danger that would gather information and pass it further to national authorities (p.123). ³⁴⁸

The Committee on the Rights of the Child (CRC) report confirms the urge to “increase children’s awareness of their rights under the Optional Protocol on a communications procedure and that it ensures that children have access to remedies at the domestic level”(p.3)³⁴⁹

Regarding emergency measures: Under the current law on child protection, minors can still be put into detention. - in 2020, district judges dealing with juveniles and the management of the State Socio-Educational Center (*Le Centre socio-éducatif de l’État or CSEE*) agreed that for each minor placed in the Juvenile Security Unit (*Unité de sécurité pour mineurs or UNISEC*) of Luxembourg, at least two interviews are held systematically with the judge with responsibility for juveniles who is in charge of the minor during the three-month placement period at UNISEC. The first interview takes place during the 6th or 7th week from the placement of the minor, and the second during the 11th week³⁵⁰.

³⁴⁵ Luxembourg, Chamber of Deputies of The Grand Duchy of Luxembourg (*Chambre des Députés du Grand-Duché de Luxembourg*), Bill N° 7994 on aid, support and protection for minors, young people and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April 2022.

³⁴⁶ Luxembourg, information was provided with by the representatives of the Red Cross Luxembourg (meeting in person on 28 March 2023).

³⁴⁷ Luxembourg, the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher-OKAJU*), A Childhood in Suspense, Annual Report 2022 (*Une Enfance Mise En Suspens, Rapport Annuel 2022*), November 2022.

³⁴⁸ Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher-OKAJU*), A Childhood in Suspense, Annual Report 2022 (*Une Enfance Mise En Suspens, Rapport Annuel 2022*), November 2022.

³⁴⁹ United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

³⁵⁰ Luxembourg, website of the Parliament, [Answer to parliamentary question no. 1482 concerning Security Unit for Juvenile Offenders in Dreibern](#) (*Réponse à la question parlementaire no. 1482 concernant l'Unité de sécurité pour mineurs délinquants à Dreibern*), 13 January 2020.

Furthermore, the Ministry of Justice³⁵¹ extended the scope for organising telephone calls for minors placed in UNISEC with their relatives, following the recommendations with the Ombudsman.^{352 353}

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

Directorate General of AEF (DG AEF) - Ministry of National Education, Children and Youth is the national coordinator of support of child/family in need of protection, it coordinates the national political planning and evaluation of protection measures.

The roles and functions of the National Office for Children were laid forth by the act of 16 December 2008. Through the coordination and support measures for national actors, it provides orientation to children (and parents), coordinates the network of national actors, works with the national service provides, finances the support measure realized by other national actors (Art. 5-6).³⁵⁴

Under the court decisions, The Central Social Support Service (*Service Central d'Assistance Sociale - SCAS*) investigates the social situation of the family and child in need. Upon its decision, the judge redirects to the National Office for Children and protection services for further steps.

Providers of social services (*prestataires de l'AEF*) provide supporting measures for each child, following the decision either of the courts or family/child or the ONE.

The guide for procedures to be followed by professionals in cases of identifying a child in need of care (2018) furthermore includes referral procedures following identification.³⁵⁵

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of	X		In 2018 a working group consisting of multiple national actors developed a guide specifying

³⁵¹ Luxembourg, website of the Parliament, [Answer to parliamentary question no. 1482 concerning Security Unit for Juvenile Offenders in Dreiborn](#) (*Réponse à la question parlementaire no. 1482 concernant l'Unité de sécurité pour mineurs délinquants à Dreiborn*), 13 January 2020.

³⁵² Luxembourg, Office of the Ombudsman, [Visit Report, 20 July – 1 August 2018, CSEE Security Unit](#) (*Rapport de Visite, 20 juillet – 1er août 2018, L'Unité de sécurité du CSEE*)

³⁵³ Vukovich,L., Nienaber,B., Meyer,S., Vysotskaya,V (2021). [The Franet National contribution to the Fundamental Rights Report 2021 – Luxembourg](#). University of Luxembourg.

³⁵⁴ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁵⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?			procedures to be followed to identify a child in need of care. The guide provides procedures in various instances, including preventive, emergency, post procedural, psychological support. ³⁵⁶ In each instance, the guide provides steps and includes actors that involved in the procedure.
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	X		That regards the multidisciplinary team of the National Office for Children (Art.10) that are the team of various service providers. According to the act of 1992, the judge orders an investigation on the child's personality: for that, professionals develop a social inquiry (SCAS, police), medical experts conclude medical exams, and psychologists conclude a psychological evaluation (Art. 23). ³⁵⁷
4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.			
The Youth Prosecutor's Office/Youth Judge forwards the file to the General Prosecutor's Office, which mandates the Central Social Support Service to investigate/ conduct social inquiries (<i>enquêtes sociales</i>) and contact the family. During the home visit, the Central Social Support Service officer takes a picture of the family situation. the officer conducts individual talks with the family members. They also investigate the minor's environment (school, clubs, extended family environment, police, etc.). Home visits could be both announced and unannounced. Upon completion of the investigation, the judge/prosecutor decides. ^{358 359} on the measures.			
Question	Yes	No	Comments

³⁵⁶ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals (*Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse*), January 2018.

³⁵⁷ Luxembourg, The Act of 10 August 1992 on youth protection (*Loi du 10 août 1992 relative à la protection de la jeunesse*), 25 September 1992.

³⁵⁸ Confirmed by the response from the Central Social Support Service (*Le service central d'assistance sociale -SCAS*). Response received through e-mail on 13 March 2023.

³⁵⁹ Luxemborug, Ministry of Justice (*La Justice*), Central service of social assistance, the protection service of the youth (*Service Central d'Assistance Sociale - Le Service de La Protection de La Jeunesse*), 16 November 2018.

4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		i.e. the roles of the judges/court and the the Central Social Support Service (<i>Le service central d'assistance sociale -SCAS</i>) in the law on youth protection ³⁶⁰ The roles of the National Office for Children and other institutions are laid down in the law on child and family support ³⁶¹ and Grand Ducal regulation ³⁶²
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?	X		i.e. the role of the judges/court and the work of the Central Social Support Service (<i>Le service central d'assistance sociale -SCAS</i>) assisting the courts (law on youth protection) ³⁶³ The guide specifying procedures to be followed to identify a child in need of care could also be referred here. ³⁶⁴
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>		X	There is no difference. The only difference lies in the territorial jurisdiction: two courts are in Diekirch or Luxembourg for residents registered in these two geographical areas. ³⁶⁵
4.3.8. Are affected children heard as part of the procedures?	X		The Central Social Support Service (<i>Le service central d'assistance sociale -SCAS</i>) officer hears the minor, and the minor is present at the youth

³⁶⁰ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁶¹ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁶² Luxembourg, Grand-Ducal Regulations of 17 August 2011 - Child and Family Support ([Règlements grand-ducaux du 17 août 2011 - Aide à l'enfance et à la Famille](#)).

³⁶³ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁶⁴ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Ministry of Justice (*Le Ministère de la justice*), Ministry of Health (*Le Ministère de la Santé*) (2018), Child Abuse: Procedures to be followed by child and youth professionals ([Maltraitance de Mineur: Procédures à suivre par les professionnels de l'Enfance et de la Jeunesse](#)), January 2018.

³⁶⁵ Confirmed by the response from the Central Social Support Service. Response received through e-mail on 13 March 2023.

<p>If <u>yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>		<p>court session. ³⁶⁶ <u>Under Art.29 of the protection law</u>, the judge hears, in urgent cases the minor in their office³⁶⁷. if it is in the interests of the minor the court may exempt the minor from appearing at the hearing, or hear in chambers in the presence of the parties' lawyers only (art.29). However, as the OKAJU notes, many placement measures are issued in the form of provisional custody, without having had the opportunity to be heard by the judge (p.14)³⁶⁸</p>
<p>4.3.9. Are there mental health support services available for affected children? If <u>yes</u>, how are services working together? How is it ensured that the child is informed and can use these services?</p>	X	<p>If necessary, the judge may place the child under observation /conduct a medical examination to assess the minor's mental health and place them in a specialised institution (Art.5). ³⁶⁹</p>
<p>4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.</p>		
<p>The current protection system is largely based on judicial decision making particularly on the criminal justice system. Currently about 70% of placement decisions in institutions and 90% in families are done by court³⁷⁰. The proposed reform of separating the protection system from the criminal system is a pathway to prioritizing voluntary assistance, prevention and support as a way to reduce number of case of neglect and abuse in families³⁷¹.</p>		

³⁶⁶ Confirmed by the response from the Central Social Support Service. Response received through e-mail on 13 March 2023.

³⁶⁷ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁶⁸ Luxembourg, Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher*) (2020), Observations on the 5th and 6th periodic reports of Luxembourg under article 44 of the Convention on the Rights of the Child by the Ombudsman fir Kanner a Jugendlecher ([Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg en application de l'art 44 de la Convention relative aux droits de l'enfant par l'Ombudsman fir Kanner a Jugendlecher-OKaJu](#)).

³⁶⁹ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁷⁰ Children and young adults in alternative care (2022)

³⁷¹ Luxembourg, The Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher*), Opinion of the Ombudsman for children and youngsters bill N°7994 (Bill N° 7994 on aid, support and protection for minors, young people and families ([Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles](#)), 15 March 2023.

Currently, the system is located within a paradox: on the one hand, it is important to encourage signalment to authorities of worrying situations where a child is in need to be able to intervene in a timely and adequate manner. On the other hand, it is important to avoid judicialization of child protection cases. Currently there is a draft bill that foresees (Art 38 (3) "Any person may communicate to the Commission for the collection of information of serious concern (*Commission de recueil des informations préoccupantes*), as soon as he or she is aware of it, by any verbal, written or digital means, information that he or she deems useful to help or protect a minor. The person who has communicated information of concern to the Commission for the collection of information of serious concern (*commission de recueil des informations préoccupantes*) is entitled to receive, within 3 months, information on the follow-up of the communication".³⁷²

Regarding access to help. It should be pointed out that. While existing hotlines/phone numbers are anonymous, they cannot "trigger", launch interventions. Based on received information.³⁷³

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

Two relevant actors decide on the alternative placement; they are: the National Office for Children and the youth court.

The National Office for Children steps in once the child and/or the parents come to them, and together, they do an intervention project defining the specific placement (Art. 6) considering the best interests of the child (Art.2)³⁷⁴.

Based on the court proceedings, the judge decides (with the help of the Central Social Support Service) on the measures, including the alternative placement of the child (Art.1).³⁷⁵

Question	Yes	No	Comments
4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the		X	No. According to the Ombudsman, the principles of Convention on the Rights of the Child, it should be anchored in the current legislation in a more comprehensive manner. Ombudsman for children and youngsters (<i>l'Ombudsman fir Kanner a Jugendlecher -OKAJU</i>) stresses that priority should

³⁷² Luxembourg, Chamber of Deputies of The Grand Duchy of Luxembourg (*Chambre des Députés du Grand-Duché de Luxembourg*), Bill N° 7994 on aid, support and protection for minors, young people and families (*Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*), 25 April 2022.

³⁷³ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

³⁷⁴ Luxembourg, Act of 16 December 2008 on child and family assistance (*Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille*), 16 December 2008.

³⁷⁵ Luxembourg, Act of 10 August 1992 on youth protection (*Loi du 10 août 1992 relative à la protection de la jeunesse*), 25 September 1992.

<p>situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>		<p>be given to keeping the minor in their own environment whenever possible, and that no placement should be made for reasons relating to the socio-economic situation of the parent(s).³⁷⁶</p> <p>There are, however, some indicative criteria throughout the process.</p> <p>The juvenile judge considers the child's interests <i>when</i> taking measures regarding a child who requests their help and assistance (Art.9).³⁷⁷</p> <p>The judge takes into account actions that comprise the physical and mental health of the child/ young adults, education or social or moral development (Art. 7). It is understood through the inappropriate behaviour of the child (Art. 7 and 8) that judge of the youth court considers (including skipping schooling, debauchery, gambling, become involved in trafficking, in occupations that expose them to prostitution, begging, vagrancy or crime, (Art.7).</p> <p>The court could inspect/study the child's personality through social enquiry, medical, psychological and psychiatric examinations, behavioural observation and a vocational guidance examination (Art. 23).³⁷⁸</p>
<p>4.4.3. Are there provisions requiring that the child's views be considered in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities and if there are age-related requirements.</p>	<p>X</p>	<p>The judge may at any time invite the child/young adult (Art. 23)³⁷⁹ or any other adult (guardians, probation officers, etc.) in the child's care. The law does not specify the age of the child in that regard.</p> <p>i.e. The minor is granted the right to be heard in court as soon as the subject matter of the hearing concerns the minor himself/herself, such as in the</p>

³⁷⁶ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

³⁷⁷ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁷⁸ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

³⁷⁹ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

		case of a divorce in which parental custody is at issue ³⁸⁰ .
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		Foster care within a family is to be available of the following 3 types: <ol style="list-style-type: none"> 1. Classical (a) standard foster care- permanent care of minors /young adults without family ties; b) sequential foster care- short periods of care for minors without family ties. These periods of day and night care may alternate with periods of care during the day only; c) urgent foster care- care of minors/young adults without family ties who are in acute psycho-social crises 2. Close foster care - care of minors or young adults on a short /long term basis by a trustworthy private person with a family relationship 3. Intensive pedagogical foster care - care of minors/ young adults with behavioural or psychopathological disorders. The foster carer has at least a diploma in the psycho-social pedagogical, socio-educational field or health profession training equal to the post-primary school diploma. (Art. 23)³⁸¹ 	
Residential – institutional care	X		Currently, the following structures are available:	

³⁸⁰ Luxembourg, Ministry of National Education, Children and Youth and the University of Luxembourg (Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse et l'Université du Luxembourg)(*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse & Université du Luxembourg* (2021). The National report on the well-being and health of young people in Luxembourg 2020 ([Rapport national sur la situation de la jeunesse au Luxembourg 2020. Le bien-être et la santé des jeunes au Luxembourg](#)).

³⁸¹ Luxembourg, Chamber of Deputies of The Grand Duchy of Luxembourg (*Chambre des Députés du Grand-Duché de Luxembourg*), Bill N° 7994 on aid, support and protection for minors, young people and families ([Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles](#)), 25 April 2022.

		<p>1) day and night socio-educational care in institutions for children or young adults according to one of the following five formulas:</p> <ul style="list-style-type: none"> - basic reception (as of 3 years), - ortho-pedagogical care (as of 3 years), - psychotherapeutic care (as of 3 years), - emergency care in acute psycho-social crises (max 3 months), - care for children under three years of age³⁸² <p>2) daytime socio-educational care of children or young adults in an ortho-pedagogical or psychotherapeutic home</p> <p>3) day and night educational care for children or young adults in a socio-family boarding school (<i>l'accueil éducatif de jour et de nuit d'enfants ou de jeunes adultes dans un internat socio-familial</i>).</p> <p>These institutions provide accommodation to young people in a boarding school during the day and/or night, mainly during the school year and occasionally at weekends / school holidays. They propose activities to children /young adults who are study, or in the process of finding work (Art.4).³⁸³</p> <p>4) educational day or night care in a care facility for children and/or young adults (<i>l'accueil éducatif de jour ou de nuit dans une structure d'accueil pour enfants et/ou jeunes adultes</i>). (Art. 11)³⁸⁴ this includes institutions with a structured living environment for children (3 and over) who have socio-psychological difficulties at home/schools. Children are typically accommodated for a limited period of time and are prepared to return to their families.³⁸⁵</p>
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³⁸² Luxembourg, Grand-ducal regulation concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 17 August 2011.

³⁸³ Luxembourg, Grand-Ducal regulation of 18 February 2009 concerning the approval to be granted to managers of social and family boarding schools and implementing the law of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields ([Règlement grand-ducal du 18 février 2009 concernant l'agrément à accorder aux gestionnaires d'internats socio-familiaux et portant exécution de la loi du 8 septembre 1998](#)), 9 March 2009.

³⁸⁴ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁸⁵ Luxembourg, Ministry of Education, Children and Youth (*Le ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Assistance outside the family environment ([Les aides en dehors du cadre familial](#)), 12 December 2022.

			These services are managed by organisations working in social and family assistance, with prior agreement of the Ministry of Education (Art. 11 and Art. 13) ³⁸⁶
Other forms of family-based or family-like care placements	X		Socio-educational care in a specialised institution abroad, day and night, for children/young adults, ³⁸⁷ Children are sent abroad in case no appropriate care institutions is available in the country. When considering on sending children abroad, best interests of the child are taken into account (p.43). ³⁸⁸ About half of the children sent abroad are sent to neighbouring countries. ³⁸⁹ Language competences also play a crucial role, as well as geographic proximity ³⁹⁰ . This measure was criticised by the Ombudsman for children and youngsters. ³⁹¹
Supervised independent living arrangements for children	X		The Accommodation Service in the open environment ("SLEMO") This type of housing is aimed at young children/adults (16-27) who are capable of organising their lives in autonomy. There, young people are accompanied by staff from specialised services, who prepare them for an independent life at all levels (housing, financial management, administrative procedures, training/work, etc.) ³⁹²

³⁸⁶ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

³⁸⁷ Luxembourg, Ministry of Education, Children and Youth (*Le ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Assistance outside the family environment ([Les aides en dehors du cadre familial](#)), 12 December 2022.

³⁸⁸ Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse* (2023). National reference framework for child and family support. Directorate-General for Child and Family Support ([Cadre de référence national de l'aide à l'enfance et à la famille. Direction générale de l'aide à l'enfance et à la famille](#)), Luxembourg.

³⁸⁹ Luxembourg, information received during a meeting (in person) with the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher -OKAJU*) on 31 March 2023.

³⁹⁰ Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse* (2023). National reference framework for child and family support. Directorate-General for Child and Family Support ([Cadre de référence national de l'aide à l'enfance et à la famille. Direction générale de l'aide à l'enfance et à la famille](#)), Luxembourg.

³⁹¹ Luxembourg, information received during a meeting (in person) with the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher -OKAJU*) on 31 March 2023.

³⁹² Ministry of Education, Children and Youth (*Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse* (2023). National reference framework for child and family support. Directorate-General for Child and Family Support ([Cadre de référence national de l'aide à l'enfance et à la famille. Direction générale de l'aide à l'enfance et à la famille](#)), Luxembourg.

Question	Yes	No	Comments
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc.)?	X		<p>The Ministry of National Education publishes specialised reports on Children and young adults in alternative care; the data is available regarding the type of organisations, the number of children in each institution, and whether the placement is under a court order or voluntary.³⁹³</p> <p>Furthermore, data is available regarding the types of institutions³⁹⁴ as well as the age and gender of children in the annual report of the Ministry of Education. Some numbers are provided regarding movements along/across institutions: minors reuniting with their families; minors changing institutions; moving to live independently; internal movements.³⁹⁵</p>
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?		X	³⁹⁶ There is some statistics regarding unaccompanied minors (victims of sexual trafficking) who disappeared after submitting application for international protection. It is noted that over the last years the numbers were low, due to the fact that the criteria for specifying minors among unaccompanied minors applying for international protection are very restrictive. ³⁹⁷
4.5.3. Is there a <u>national</u> registry of foster care families? How many children can be fostered in one family?			National Office for Children (<i>Office National de l'Enfance-ONE</i>) has a registry of foster care families.

³⁹³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children and young adults in alternative care (*Liste des enfants et jeunes adultes vivant au Luxembourg accueillis ou placés en institution ou en famille d'accueil*), 1 October 2021.

³⁹⁴ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 (*Rapport d'activité 2021*), March 2022.

³⁹⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 (*Rapport d'activité 2021*), March 2022.

³⁹⁶ Luxembourg, Not to our knowledge. Not available based on public sources.

³⁹⁷ Luxembourg, Consultative Commission on Human Rights (Commission consultative des Droits de l'Homme) (2021), Report on trafficking in human beings in Luxembourg (*Rapport sur la traite des êtres humains au Luxembourg*) - 2020-2021.

			There could be maximum 4 children at a time besides own biological children (Art. 2) ³⁹⁸
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4.5.4. How and by whom are foster families recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

Eligible foster families must have adequate housing (i.e. bedroom with no more than 2 children, bathroom for children, room for eating and room playing (Art.27)³⁹⁹ Potential families preferably need to contact organisations in charge of foster care (i.e. Fondation Letzebuerger Kannerduerf, Arcus, Red Cross).⁴⁰⁰

Potential foster families must complete a "selection - preparation - training" procedure of maximum 30 hours at one of the foster care support services and obtain the selection certificate. They should also complete the 54-hour introductory foster care training course organised under the supervision of the Ministry of National Education.⁴⁰¹ and attend at least 16 hours of training. Last, they must understand and be able to express themselves in at least one of the three official languages of Luxembourg (German, French and Luxembourgish) (Art.20).⁴⁰²

The approved foster parents are regularly monitored by foster care support services (art. 34);⁴⁰³ The foster family members agree to cooperate with a. the foster care support service (mandatory); b. the State Prosecutor, the Youth court and the Central Social Support Service (*Le service central d'assistance sociale -SCAS-* (as appropriate); c. the intervention project coordination service (as appropriate) and; d. the National Office for Children (mandatory).⁴⁰⁴

4.5.5. Are any types of care (foster homes, residential care, other forms of care arrangements) monitored once children are placed therein? If so, provide information on the applicable

³⁹⁸ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

³⁹⁹ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴⁰⁰ From the application form.

⁴⁰¹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Becoming a host family ([*Devenir une famille d'accueil*](#)).

⁴⁰² Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴⁰³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Becoming a host family ([*Devenir une famille d'accueil*](#)).

⁴⁰⁴ From the application form.

legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, and how and by whom?

The Grand-Ducal Regulation of 17 August 2011 concerning the approval to be granted to managers of activities for children, young adults and families in distress specifies the monitoring methods of relevant structures. Accordingly, “civil servants provided for in Article 9 of the Act of 8 September 1999 regulating relations between the State and organisations working in the social, family and therapeutic fields are responsible for monitoring; they may be assisted by agents of the Ministry, as well as by experts. (Art. 31). Compliance with the conditions of approval shall be checked based on examining the documents referred to in Articles 29 and 30 above and on on-site visits to the premises where the activities are carried out. The conditions relating to staff set out in Articles 11 to 19 above shall be considered at the level of a managing body within the framework of a six-month reference period and taking into account the actual opening days of the childcare facility (Art. 34)⁴⁰⁵

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?		X	It is not always, possible and it is not part of the criteria during the process. Proximity to families is not always considered and distribution is not balanced ⁴⁰⁶ ; according to the Ministry report (2022), in 2022 about 10% of the children/young adults were placed abroad. ⁴⁰⁷
4.5.7. Is there a <u>national registry</u> of residential institutions for children? If <u>yes</u> , please provide information regarding the existent number of residential institutions and their capacity (beds).	X		The Ministry of National Education coordinates it, according to their latest report. However, data does not give the exact number of all institutions; data is organised according to the types of organisations and the total number of children/young adults, both under the court decision or through the National Office for Children intervention project. For April 2023, the following data are available:

⁴⁰⁵ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴⁰⁶ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

⁴⁰⁷ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*,(2022), List of children and young adults living in Luxembourg who are in care, in an institution or in a foster family in Luxembourg or abroad on 1 April 2022 ([Liste des enfants et des jeunes adultes vivant au Luxembourg qui sont accueillis, placés en institution ou en famille d'accueil au Luxembourg ou à l'étranger au 1er avril 2022](#)).

		<ul style="list-style-type: none"> • 16 organisations provided care for 389 children and young adults in primary care, care for children under 3 years of age and orthopaedic care (283 court placements (72.75%) and 106 voluntary placements)"⁴⁰⁸; • 3 organisations received 31 children and young adults in urgent care in situations of acute psycho-social crisis (14 judicial placements (45,16%) and 17 voluntary placements);g • 1 State Socio-Educational Centre CSEE (<i>Centre socio-éducatif de l'État CSEE</i>) with 59 minors • 1 State Child and Youth Care Institute AITIA (42 children and young adults in basic state care (36 judicial placements (85.71%) and 6 voluntary placements). • specialized institutions (day & night psychotherapeutic providers) – 101 children and young adults (67 judicial placements (63.48 %) and 34 voluntary placements. • homes for unaccompanied minors (144 children) 68 children and young adults in institutions abroad, (43 court placements (63.24%) and 15 voluntary placements)(pp.1-2) • SLEMO housing (specialised homes for young adults (406 young adults) • specialised "day" institutions (14 children) • 4 children in foster families (during day).⁴⁰⁹
<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p> <p><u>If yes</u>, please provide information on the legislative framework, the</p>	X	<p>The Ministry of Education, Children and Youth review the procedure (Art. 28-30). It requires the following document package:</p> <ul style="list-style-type: none"> - documents relating to the identity of the managing body - the concept of the activity for children, young adults and families in distress to be approved as well as documents attesting to compliance with the obligations defined in articles 3 to 6 above, namely the standard work plan, the

⁴⁰⁸ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*,(2022), List of children and young adults living in Luxembourg who are in care, in an institution or in a foster family in Luxembourg or abroad on 1 April 2022 ([Liste des enfants et des jeunes adultes vivant au Luxembourg qui sont accueillis, placés en institution ou en famille d'accueil au Luxembourg ou à l'étranger au 1er avril 2022](#)).

⁴⁰⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*,(2023), List of children and young adults living in Luxembourg who are in care, in an institution or in a foster family in Luxembourg or abroad on 1 April 2023 ([Liste des enfants et des jeunes adultes vivant au Luxembourg qui sont accueillis, placés en institution ou en famille d'accueil au Luxembourg ou à l'étranger au 1er avril 2023](#)).

responsible authority and the procedure.		<p>institutional orientation project, the psycho-pedagogical and social project, the manager's commitment to the respect and promotion of principles of non-violence and non-discrimination and the orientation of its activities following the Convention on the Rights of the Child,</p> <ul style="list-style-type: none"> - the internal rules and regulations; - the names of the members of the Board of Directors and, if applicable, the documents certifying their good character. - the name(s) of the person(s) in charge of the management, the documents certifying his/her/their qualification and qualification and good reputation. - documents with the names, numbers, qualifications and good reputation of the management staff;⁴¹⁰
4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?		<p>The Grand-ducal regulation of 17 august 2011 lays down criteria regarding qualifications of the personnel, including directors, and required professional education of the social workers: the ratio of children per professional worker, depending on structures (Art.11-17); language requirements of 3 official languages of management and supervisory staff (Art.18)⁴¹¹</p> <p>Minimum standards should be guaranteed regarding infrastructure and equipment. All the provisions relating to accessibility, safety, hygiene and sanitation are respected (Art.23)⁴¹². These requirements are specified depending on the type of structure and standards accounting for indoor and outdoor activities; necessary facilities for sleeping, preparing and distributing meals, living, recreation,</p>

⁴¹⁰ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴¹¹ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴¹² Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

			instructional and leisure activities (Art.24) ⁴¹³ . For residential places, there are criteria regarding the size of the rooms: either a single room min 12 m2 or a collective bedroom which ensures personal privacy. The surface area of the collective room should be min 18 m2 and equipped with a maximum of 2 beds. The rooms should have a bed, a table, a chair and a wardrobe for each child/young adult (Art.24). ⁴¹⁴
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			There are specific provisions for children with disabilities (Art.24). ⁴¹⁵
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4.5.10. How is the residential care staff recruited, vetted, and trained?

The Grand Ducal Regulation of 17 August 2011 lays down criteria regarding the qualifications of the personnel, including directors, and the required professional education of the social workers. It also stipulates language requirements of 3 official languages of management and supervisory staff (art.18)⁴¹⁶ There are minimum professional diploma requirements for supervisory personnel in the social, psycho-social, socio-educational or socio-familial work or health and care professions. These diplomas can be: graduate school diplomas/University or holders of specialised diplomas (Art. 15)⁴¹⁷. The Ministry of Higher Education monitors the list of required diplomas. Supervisory staff with post-secondary professional qualifications provide differentiated psycho-social support. (Art.16)⁴¹⁸.

⁴¹³ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴¹⁴ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴¹⁵ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴¹⁶ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴¹⁷ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse*](#)), 30 August 2011.

⁴¹⁸ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([*Règlement grand-*](#)

Question	Yes	No	Comments
<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respectful of confidentiality?</p> <p>If <u>yes</u>, briefly describe to whom and how children can lodge complaints.</p>	X		<p>Any minor could raise concerns to the Ombudsman for children and youngsters (<i>l'Ombudsman fir Kanner a Jugendlecher -OKAJU</i>) regarding their rights in any situation. They can do that in person (orally) or in writing. ⁴¹⁹ The Ombudsman guarantees anonymity (professional secrecy, as in Art. 7 of the above-mentioned law).</p> <p>Children can raise their concerns regarding issues in public institutions to the Ombudsman (<i>Médiateur</i>). The Ombudsman guarantees anonymity (Art. 7 on professional secrecy)⁴²⁰</p> <p>Bill N.°7994 will foresee that the minor is informed about the means for reporting complaints; it will also establish an internal complaints procedure for filed complains (Art.4).⁴²¹</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills,</p>	X		<p>Reception in supervised accommodation (<i>L'accueil en formule de logement encadré</i>) is part of the intervention project (<i>le projet d'intervention</i>) that young people develop during their transition to adulthood. Autonomous accommodation is proposed to young adults between 16 and 27 years old who are capable of organising their daily life in partial autonomy (Art. 2.2)⁴²³ Within this framework, young adults are supported with housing, financially (<i>frais</i></p>

[ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴¹⁹ Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters ([Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher](#)), 01 April 2020.

⁴²⁰ Luxembourg, Act of 22 August 2003 establishing an Ombudsman, ([Loi du 22 août 2003 instituant un Médiateur](#)), 3 September 2023.

⁴²¹ Luxembourg, Bill N° 7994 on aid, support and protection for minors, young people and families ([Projet de loi N°7994 portant aide, soutien et protection aux mineurs, aux jeunes et aux familles](#)), 25 April 2022.

⁴²³ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

<p>mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance? ⁴²²</p>			<p><i>de vie et de logement</i>" ⁴²⁴) with their education/professional training and psychological well-being. ⁴²⁵</p> <p>The Ministry of Education is responsible for the assistance. It has agreements with 9 structures in the country that mainly focus on the reception of young adults within this framework. ⁴²⁶</p>
<p>4.5.13. What assistance is provided to families - while the child is placed in alternative care - to support the child's return to the family? By whom? Who coordinates the assistance? Please briefly describe.</p>			
<p>The National office for children (Office <i>National de l'Enfance - ONE</i>) coordinates specific measures developed child/young adults as well as their family(Art.6)⁴²⁷ through coordination of intervention projects (<i>Coordination de projets d'intervention – CPI</i>). The measures consist of guiding, monitoring the implementation of an intervention project. As much as possible, parents are involved in the development of the assessment of the measures. The manager (<i>gestionnaire</i>) proposes to the national office for children referral for the children, and family, the modalities of implementation of the intervention project, the measures of coordination and evaluation (Art. 2 point 6)⁴²⁸.</p> <p>Thus, there are meetings with families and children, there are meetings only for parents. Parents are invited (voluntary) to join medical appointments of children, meetings at schools. The family can ask for support even after the return of the child, i.e. for reassurance and support. ⁴²⁹</p>			
<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon the return of the child</u></p>	<p>X</p>		<p>Intervention Project Coordinators (<i>Les Coordinateurs de Projets d'Intervention - CPI</i>) from the National Office for Children monitor and reassesses the implemented</p>

⁴²⁴ Luxembourg, Chamber of Deputies of The Grand Duchy of Luxembourg (*Chambre des Députés du Grand-Duché de Luxembourg*), [Parliamentary question N° 7221](#) , 22, November 2022.

⁴²⁵ Luxembourg, Examples of such a framework could be found on the official site of SLEMO, the "Bertchen" and "Mano" Framed Housing ([les Logements Encadrés "Bertchen" et "Mano"](#))

⁴²⁶ Luxembourg, Ministry of Education, Children and Youth (Le ministre de l'Éducation nationale, de l'Enfance et de la Jeunesse), Assistance outside the family environment ([Les aides en dehors du cadre familial](#)), 12 December 2022.

⁴²⁷ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴²⁸ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴²⁹ Luxembourg, information was provided with by the representatives of the Red Cross Luxembourg (meeting in person on 28 March 2023).

<p>in the family? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>		<p>measures concerning each child (Art. 6).⁴³⁰ Sometimes, it could be the workers of the respective services/foster care providers⁴³¹</p> <p>The work of continuous; even when the child returns to the family, the workers support the family. For instance the social assistants are still contacted for reassurance and support in a continuous manner (ask to accompany parents to school meetings, help clarifying some information⁴³².</p> <p>Following child return to the family, the ONE does a follow up on the socio-educational reception measures and ensures the regular re-evaluation of each situation for the child (Art. 2 point 6)⁴³³.</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If yes, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	X	<p>The child/parents can request a revision of projects concluded with the ONE at any moment (Art.4⁴³⁴) ONE reviews intervention socio-educational and psycho-social projects minimum every 12 months (Art.6⁴³⁵) either under their own initiative or the initiative of the parents/children.</p> <p>The family may re-appeal the decision pronounced by the judge in one year (Art. 37)⁴³⁶</p>

⁴³⁰ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴³¹ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

⁴³² Luxembourg, information was provided with by the representatives of the Red Cross Luxembourg (meeting in person on 28 March 2023).

⁴³³ Luxembourg, Grand-ducal regulation of 17 August 2011 concerning the authorization to be granted to coordinators of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#)), 30 August 2011.

⁴³⁴ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008

⁴³⁵ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008

⁴³⁶ Luxembourg, Act of 10 August 1992 on youth protection ([Loi du 10 août 1992 relative à la protection de la jeunesse](#)), 25 September 1992.

4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

The Act of 13 June 1989 on adoption reform regulates adoption for residents of the country, nationals and non-nationals (Art. 370)⁴³⁷. The law distinguishes two types of adoption: simple and plenary. The process should respect certain ages of the child as well as of adopting parents: the child to be adopted must be under 16 years of age; an adopter must be at least 25 years old (Art. 367) and at least 21 years old (for the other partner) and 15 years older than the child to adopt (Art. 367). The plenary adoption is irrevocable (Art. 368-3.⁴³⁸).

For **simple** adoption, the adopter must be at least 25 years old (Art. 344)⁴³⁹ and 21 for the other partner; the age difference between the adopter and the adopted must be at least 15 years old; in the case of adoption by a spouse of his spouse's child, a difference in age of 10 years is sufficient (Art. 346).; the adopted person must be minimum 3 months old (Art. 350)⁴⁴⁰.

In the case of simple adoption, the filiation with the family of origin is maintained. Still, the adopter acquires in the adopted family the same inheritance rights as a legitimate child (Art. 358). Simple adoption can be revoked for serious reasons.

The conditions required to be adopted governed by the national law of the adoptee, except if the adoption causes the adoptee the nationality of the adopting person, in which case the national law of the adopting person governs them. (Art. 370⁴⁴¹).

To proceed with the adoption, the potential adoptive parents must contact the Ministry of National Education, Children and Youth ([Children and Youth Department, Adoption Service](#)). Parents must participate in adoption information sessions (2 times 3 hours) and adoption awareness sessions (3 times 4 hours).

The Red Cross of Luxembourg is in charge of the supervision of national adoptions.⁴⁴² Under the agreement with the Ministry, *the Maison de l'Adoption*, managed by the Red Cross, offers pre- and post-adoption support and, depending on the needs, parental coaching or psychological support to adoptees, biological parents, adopters or any person concerned by an adoption. It also answers questions that any professional may have concerning an adoption.⁴⁴³

Three organisations accredited the State for an inter-country adoption process in 2020:

⁴³⁷ Luxembourg, Act of 13 June 1989 reforming adoption ([Loi du 13 juin 1989 portant réforme de l'adoption](#)), 11 July 1989.

⁴³⁸ Luxembourg, Act of 13 June 1989 reforming adoption ([Loi du 13 juin 1989 portant réforme de l'adoption](#)), 11 July 1989.

⁴³⁹ Luxembourg, Act of 13 June 1989 reforming adoption ([Loi du 13 juin 1989 portant réforme de l'adoption](#)), 11 July 1989.

⁴⁴⁰ Luxembourg, Act of 13 June 1989 reforming adoption ([Loi du 13 juin 1989 portant réforme de l'adoption](#)), 11 July 1989.

⁴⁴¹ Luxembourg, Act of 13 June 1989 reforming adoption ([Loi du 13 juin 1989 portant réforme de l'adoption](#)), 11 July 1989.

⁴⁴² Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

⁴⁴³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

- Amicale Internationale d'Aide à l'Enfance a.s.b.l. (AIAE) (partner countries: Vietnam, South Korea and India)⁴⁴⁴
- Naledi a.s.b.l. (partner country: South Africa)⁴⁴⁵
- the Adoption Service of the Luxembourg Red Cross (partner countries: Bulgaria, Burkina Faso, Portugal, Slovakia).⁴⁴⁶

These organisations supervise and evaluate the prospective adopters; they also produce post-adoption reports on the finalised adoptions to be sent to the children's country of origin.⁴⁴⁷ These organisations report to the Ministry of National Education.

In 2020 the Ministry of Justice proposed bill N°7674⁴⁴⁸ to know own biological origins and conception. The bill is to abandon anonymity in the context of medically assisted procreation with third-party donors as well as the establishment of a procedure for access to origins.

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

The Committee on the Rights of the Child (CRC) report indicates the need for more available statistics and poor data collection in alternative care. Accordingly, the CRC report insists on developing data "disaggregated by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background to facilitate analysis on the situation of all children, particularly those in situations of vulnerability".⁴⁴⁹

Regarding children deprived of family environment, the CRC insists on harmonisation of national actors and more enhanced collective efforts "to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children".⁴⁵⁰

⁴⁴⁴ Luxembourg, official website of International Association for Aid to Children ([Amicale Internationale d'Aide à l'Enfance -ASE](#))

⁴⁴⁵ Luxembourg, official website of [Naledi](#).

⁴⁴⁶ Luxembourg, Red Cross, Adoption services ([Service Adoption](#)).

⁴⁴⁷ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

⁴⁴⁸ Luxembourg, bill N°7674 on the organisation of access to knowledge of one's origins in the context of adoption or medically assisted procreation with third-party donors ([projet de loi N°7674 portant organisation de l'accès à la connaissance de ses origines dans le cadre d'une adoption ou d'une procréation médicalement assistée avec tiers donneurs](#)), 21 September 2020.

⁴⁴⁹ United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

⁴⁵⁰ United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

The Committee on the Rights of the Child (CRC) first notes in cases of judicial placement of children in an institution or foster family, the law allows the judge concerned to decide on the transfer of parental authority without respecting certain fundamental procedural rights of parents and children, such as the right to a remedy, the right to have a lawyer in attendance and the right of the child to be heard.⁴⁵¹

Also, as the Committee on the Rights of the Child (CRC) notes, in some instances, "priority continues to be given to institutionalising children, and the number of foster families remains low".⁴⁵²

The Committee on the Rights of the Child (CRC) criticises that children are "sometimes placed in foster families abroad, creating difficulties for some to stay in contact with their biological families".⁴⁵³

Regarding alternative placement, CRC notes that the State party "continues to use police intervention at home or in schools for court-ordered placements of children in institutions. Such placements occur without the parents being informed".

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

In the past years, the State has made a step forward and followed CRC main recommendations, i.e. to take "measures to separate protection measures aimed at child victims or children at risk of becoming victims of offences and measures aimed at children in conflict with the law, taking into account the best interests and rights of the children affected". That is reflected in reform on youth protection initiated in 2022. The planned reform separates youth protection from juvenile crime matters (bill 7994 on protecting minors, youth, and families and bill 7991 introducing a criminal law for minors)⁴⁵⁴. Bill N°7994 has 5 objectives:

1) promoting the rights of minors, young adults, and families through i.e., safeguarding the best interests of the child and guaranteeing the information and participation of minors, young adults, and their families, both in voluntary and judicial procedures; right to family life) Promoting voluntary measures and focusing on prevention support and protection, i.e., without judicial intervention (only as a last resort and always in the best interests of the child)

3) Improving procedural guarantees, both judicial and voluntary.

4) Implementing procedural and administrative simplifications. The bill foresees a change of actors and their responsibilities. For instance, National Office for Children will replace the Central Social Support

⁴⁵¹ United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

⁴⁵² United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

⁴⁵³ United Nations, Convention on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021.

⁴⁵⁴ Luxembourg, Bill n°7991 introducing a criminal law for minors (*Projet de loi N.º 7991 portant introduction d'un droit pénal pour mineurs et portant modification : 1º du Code de procédure pénale ; 2º de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 3º de la loi modifiée du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres de l'Union européenne ; 4º de la loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire*), 19 April 2022.

Service (*Le service central d'assistance sociale - SCAS*) in the implementation of 'educational assistance' measures and social investigations in the context of judicial proceedings in cases of assistance, support, and protection of minors. The National Office for Children will be expanded and receive new responsibilities (i.e., reception centre, Commission for collecting preoccupying information).

5) Improving the quality approach. The bill proposes a new system called "recognition of the quality of services" (*reconnaissance de la qualité des services*) for any service that will demand state funding. The new system will also include a detailed complaints management system.⁴⁵⁵⁴⁵⁶

Bill 7991⁴⁵⁷ establishes a clear distinction between youth protection and criminal law for minors under commitments made by Luxembourg to the UN Committee on the Rights of the Child in 2019. The bill provides, among others, for the following procedural provisions: regular and continuous information to children (and parents, unless conflict of interest) regarding their procedural rights; information to children on the charges faced at the beginning of the court session; mandatory representation of children by a lawyer of their choice; accompanying of children at all stages of the criminal procedure by a person appointed by the Central Service of Social Assistance (*Service Central d'Assistance Sociale*) of the Public Prosecution Service (*Parquet général*); mandatory presence of the child during court sessions to ensure the right to be heard; establishment of a Criminal Court for Minors (*tribunal pénal pour mineurs*) with jurisdiction over all offences committed by children, as well as of a Chamber of Appeal of criminal law for minors (*Chambre d'appel du droit pénal pour mineurs*); limitation of the number of persons present during court sessions; right of the child to the protection of privacy, notably prohibition to disclose recordings, court hearings or information regarding the child.⁴⁵⁸

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available, please include references to documents or URLs in case of online tools/mechanisms)

⁴⁵⁵ Luxembourg, Explanatory statement (*Exposé des motifs*) of Bill N°7994 on assistance, support and protection for minors, young people and families ([*Projet de loi portant aide, soutien et protection aux mineurs, aux jeunes adultes et aux familles portant modification*](#) : 1. du Code du travail ; 2. du Code de la sécurité sociale ; 3. de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 4. de la loi modifiée du 16 juin 2004 portant réorganisation du centre socio-éducatif de l'État ; 5. de la loi modifiée du 4 juillet 2008 sur la jeunesse ; 6. de la loi modifiée du 10 décembre 2009 relative à l'hospitalisation sans leur consentement de personnes atteintes de troubles mentaux ; 7. de la loi du 1er août 2019 concernant l'Institut étatique d'aide à l'enfance et à la jeunesse ; et portant abrogation 1. de la loi modifiée du 10 août 1992 relative à la protection de la jeunesse ; 2. de la loi modifiée du 16 décembre 2008 relative à l'aide à l'enfance et à la famille), 25 April 2022.

⁴⁵⁶ Based on the Franet National contribution to the Fundamental Rights Report 2023. Country Luxembourg.

⁴⁵⁷ Luxembourg, Bill n°7991 introducing a criminal law for minors ([*Projet de loi N.º 7991 portant introduction d'un droit pénal pour mineurs et portant modification*](#) : 1° du Code de procédure pénale ; 2° de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; 3° de la loi modifiée du 17 mars 2004 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres de l'Union européenne ; 4° de la loi du 20 juillet 2018 portant réforme de l'administration pénitentiaire), 19 April 2022.

⁴⁵⁸ Based on the Franet National contribution to the Fundamental Rights Report 2023. Country Luxembourg.

In 2016 the Ministry of National Education launched a promotional campaign Gitt Fleegefamill! Aimed at recruiting new foster care families. Various social media outlets, including a free hotline telephone line, have been engaged (internet, flyers, Facebook campaigns, etc.).⁴⁵⁹

There is a hotline (during working hours/weekdays) for any questions regarding alternative care in the family setting.⁴⁶⁰

The new bill on providing assistance, support and protection to minors, children, young people and families (*portant aide, soutien et protection aux mineurs, aux jeunes et aux familles*) aims to create a "House of Foster Care" to increase and enhance the attractiveness familiar milieu for children. Within this framework, the National Office for Children will " establish uniform procedures, coordinate them and thus contribute to simplifying procedures and administrative steps. It will also be responsible for promoting foster care and providing basic and further training for foster carers."⁴⁶¹

⁴⁵⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Becoming a host family ([Devenir une famille d'accueil](#)), 9 June 2016.

⁴⁶⁰ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), National organisation of children (*Office national de l'enfance*), Become a host family ([Devenez famille d'accueil](#)).

⁴⁶¹ Luxembourg, Chamber of Deputies of The Grand Duchy of Luxembourg (*Chambre des Députés du Grand-Duché de Luxembourg*), Parliamentary question N° 7553 ([question parlementaire n° 7553 de Madame la Députée Nathalie Oberweis sur placement en famille d'accueil](#)), 6 February 2023.

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

The Act of 1 April 2020 established the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher- OKAJU*). The Ombudsman for children and youngsters is an independent body; it is attached to the Parliament but receives no instructions from any authority in performing its duties (Art.1(1).⁴⁶² Its main task is to promote, safeguard and protect the rights of the child (Art. 2).

The Ombudsman for children and youngsters is entitled to :

- 3(1°) receive and examine complaints concerning the non-respect of the rights of the child and formulating remedies and recommendations
- 3(2°) analyse the mechanisms to protect and promote the rights of the child to recommend to the competent authorities
- 3(3°) report cases of non-respect of the rights of the child to the competent authorities
- 3(5°) raise children's awareness of their rights and raising public awareness of children's rights
- 3(6°) draft opinions on all bills that impact the respect of the child's rights.⁴⁶³

The Ombudsman (*médiateur*) is an independent authority attached to the Parliament. The task of the Ombudsman is to receive complaints regarding the activities of the government and local authorities, as well as of the public establishments under the authority of the government and local authorities (Art.1(2). In that manner, anyone may address the Ombudsperson regarding any concerns in public education organisations. The Ombudsman has the functions of the national prevention mechanism (under the act of 11 April 2010 approving the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴⁶⁴ Under this framework, the Ombudsman is entitled to visit various detention facilities in the country, such as the State Socio-Educational Centre (*Centre Socio-Educatif de l'Etat*).

The School Ombudsman (*Le médiateur scolaire*)⁴⁶⁵ addresses complaints concerning the continued attendance of pupils at risk of dropping out of school, including pupils with special needs and integrating children with a migrant background in school.

The mediators, including the Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher -OKAJU*) have a close collaboration; in separate instances they redirect parents and children/young adults with various concerns to the competent bodies (p.65)⁴⁶⁶.

⁴⁶² Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters ([Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher](#)), 01 April 2020.

⁴⁶³ Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters ([Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher](#)), 01 April 2020.

⁴⁶⁴ Luxembourg, Act of 1 April 2020 establishing the Ombudsman for children and youngsters ([Loi du 1er avril 2020 instituant l'Ombudsman fir Kanner a Jugendlecher](#)), 01 April 2020.

⁴⁶⁵ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), School mediation service ([Service de médiation scolaire](#)).

⁴⁶⁶ Luxembourg, School Mediation Service (Service de médiation scolaire) (2022). Activity Report 2021 ([Rapport d'activité 2021](#)).

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

For the implementation of the National action plan 2022 – 2026 the Ministry of Education, Children and Youth has established an internal coordination platform, the "*Plattform Kannerrechter*" with national experts in the field (p.14)⁴⁶⁷. The members of the "Platform" are responsible for identifying, monitoring and evaluating the action plan measures.⁴⁶⁸ The first evaluation is foreseen in 2023⁴⁶⁹.

Question	YES	NO	Comments
5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment measures the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.		X	n.a.

5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

The act of 8 September 1998⁴⁷⁰ *fixes the* relations between the State and the organisations working in the social, family and therapeutic fields.

⁴⁶⁷ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁴⁶⁸ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), Launch of the children's rights strategy and national action plan 2022-2026 ([Lancement de la stratégie des droits de l'enfant et du plan d'action national 2022-2026](#)), 19 May 2022.

⁴⁶⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Launch of the children's rights strategy and national action plan 2022-2026 ([Lancement de la stratégie des droits de l'enfant et du plan d'action national 2022-2026](#)), 19 May 2022.

⁴⁷⁰ Act of 8 September 1998 regulating relations between the State and organisations working in the social, family and therapeutic fields ([Loi du 8 septembre 1998 réglant les relations entre l'Etat et les organismes oeuvrant dans les domaines social, familial et thérapeutique](#)), 24 September 1998,

Grand-Ducal Regulation of 17 August determines the activities, type of institutions, minimum infrastructure conditions for the agreement of the institution with the Ministry, qualifications of the personnel, work particularities, monitoring of the institutions.⁴⁷¹.

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p>If <u>yes</u>, at what level is this done? Please provide indicative examples.</p>	X		<p>The national action plan on children's rights ⁴⁷² incorporated the children's opinions based on the Children's conference (CHICO). Chico is a platform where children and adults participate together in different discussions on issues of living together.</p> <p>The opinion of children/young adults is further accounted for at different levels. For instance :</p> <ol style="list-style-type: none"> 1) There is Higher Youth Council and the Youth Parliament (Conseil supérieur de la jeunesse et le Parlement des jeunes). The Youth Parliament is for young people (14 and 24) who can discuss various topics . Based on their opinions, the thematic committee draws reports/opinions that are presented to the Chamber of Deputies every year (p.16) ⁴⁷³ 2) In Schools there are student committees and the platform – the National Student Conference (<i>les comités d'élèves et la Conférence nationale des élèves au Luxembourg -CNEL</i>). The platform reaches out to the Minister of National Education on all issues concerning the life of children and young adults in education. (p.17)⁴⁷⁴ <p>Systematic participation of children/young adults in national protection policies is foreseen in the new</p>

⁴⁷¹ Grand-Ducal Regulation of 17 August 2011 on the approval to be granted to managers of activities for children of activities for children, young adults and families in distress ([Règlement grand-ducal du 17 août 2011 concernant l'agrément à accorder aux gestionnaires d'activités pour enfants, jeunes adultes et familles en détresse](#))

⁴⁷² Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), An action plan for children's rights in Luxembourg ([Un plan d'action pour les droits des enfants au Luxembourg](#)), September 2022.

⁴⁷³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁴⁷⁴ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

			action plan. ⁴⁷⁵ and are to be further elaborated. No details are provided at this stage.
5.1.6. Is the responsibility for the data collection on child protection determined in the legislative framework?	X		<p>The act of 16 December 2008 foresees data collection for its objectives (Art. 7) (i.e. follow up on the socio-educational reception measures; regular reassessment of the children; dataset on every six months of children living in Luxembourg in foster care, places in families, institutions, both in the country and abroad (Art. 4).⁴⁷⁶</p> <p>A personal data processing operation is created, where the National Office for Children is the controller. Accordingly, each child's file can be consulted by their parents and children (capable of discernment). Data are anonymised and transmitted for statistical, documentation and research purposes (Art.7).⁴⁷⁷</p>
5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level? <u>If yes</u> , Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?		X	<p>No. Currently, it is one of the main drawbacks; more work is needed in that direction: i.e., development of common indicators, roles and sharing data (regarding police and juridical authorities).⁴⁷⁸ The country has been criticised for not developing data on children on the national level in a more comprehensive way.⁴⁷⁹</p> <p>The National Office for Children (<i>Office National de l'Enfance-ONE</i>) provides general statistics regarding number of institutions and number of minors/ young adults. The data is available on the type of organisations, whether placement decisions are court mandated or voluntary.⁴⁸⁰</p>

⁴⁷⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁴⁷⁶ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴⁷⁷ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴⁷⁸ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

⁴⁷⁹ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#).

⁴⁸⁰ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), List of children and young adults living in Luxembourg who are in care,

5.1.8. Are there common indicators in place to monitor the performance of the child protection system?		X 481	
5.1.9. Are there data protection protocols in place and adhered to?	X		as specified in Art. 7 of the law on child and family support. ⁴⁸² When a personal data processing operation is created, where the National Office for Children is the controller, each child's file can be consulted by their parents and children (capable of discernment). Data are anonymised and transmitted for statistical, documentation and research purposes (Art.7). ⁴⁸³
5.1.10. Are there any gaps in the data collection system related to child protection in the country, identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at the national, regional, or local level? Please mention if efforts are made to address these gaps.			
<p>According to the Ombudsman for children and youngsters (<i>l'Ombudsman fir Kanner a Jugendlecher -OKAJU</i>), development of common data collection system is an absolute priority. More work is needed in specifying common indicators, the specifying roles of national actors regarding the National Observatory for Children, Youth and School Quality (OEJQS) (<i>L'Observatoire national de l'enfance, de la jeunesse et de la qualité scolaire -OEJQS</i>). There should be more work done in not only data collection but also in making these data publicly available. It is noted that judicial authorities, police appear reserved making statistical data available⁴⁸⁴.</p> <p>The UN Committee on the rights of the child also notes that data collection hinder should be removed as soon as possible. According to its report of 2021, "data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic and national origin and</p>			

institutional care or foster care in Luxembourg or abroad as of 1 April 2023 ([Liste des enfants et des jeunes adultes vivant au Luxembourg qui sont accueillis, placés en institution ou en famille d'accueil au Luxembourg ou à l'étranger au 1er avril 2023](#))

⁴⁸¹ Luxembourg, The Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴⁸¹ Luxembourg, information was confirmed by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

⁴⁸² Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴⁸³ Luxembourg, Act of 16 December 2008 on child and family assistance ([Loi du 16 décembre 2008 relative à l'aide à l'enfance et à la famille](#)), 16 December 2008.

⁴⁸⁴ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

socio-economic background in order to facilitate the analysis on the situation of all children, particularly those in situations of vulnerability” (p.3)⁴⁸⁵

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Luxembourg has been developing child protection reform over the last decade. The long time needed to revise the system, which is still on-going, resulted in delay and stagnation of reforming relating fields/institutions, i.e. work of professionals⁴⁸⁶. Some organisations working with children, seeing the overhaul of the on-going reform, begin to prepare for the changes themselves, without directions from above⁴⁸⁷. They feel the gap that the new law might create and the readiness of the actors, workers in the field with the coming changes.

Data collection in the area for child protection still remains a challenge in the country. The UN Committee on the rights of the child directs that the country that data “be shared among the ministries”. The exchange is deemed essential in the next steps of national policy development, as it ensures a comprehensive formulation, monitoring and evaluation of policies and programmes (p.3)⁴⁸⁸

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

There is approach " Signs of Safety "⁴⁸⁹ is introduced in the work of social workers to ensure the safety and well-being of the child.

In order to detect early and then be able to follow-up of individual case, the city of Luxembourg has set up an intervention unit within the school health service to deal with cases of maltreatment or sexual abuse (p.18)⁴⁹⁰.

⁴⁸⁵ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021,

⁴⁸⁶ Luxembourg, information was provided with by the representatives of Ombudsman for children and youngsters (meeting in person on 22 March 2023).

⁴⁸⁷ Luxembourg, information was provided with by the representatives of Ombudsman for children and youngsters (meeting in person on 22 March 2023).

⁴⁸⁸ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021,

⁴⁸⁹ Turnell, Andrew, and Steve Edwards (1999), "[Signs of safety.](#)" [A solution oriented approach to child protection casework.](#)

⁴⁹⁰ Luxembourg, Ombudsman for children and youngsters (*l'Ombudsman fir Kanner a Jugendlecher - OKAJU*) (2020). Observations on the 5th and 6th periodic reports of Luxembourg under article 44 of the Convention on the Rights of the Child ([Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg -en application de l'art 44 de la Convention relative aux droits de l'enfant](#)).

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

There are didactic (pedagogical) activities on children's rights in Cycle 3.1. of primary school (8-9 years).⁴⁹¹ Besides, discussion groups allow children to express their ideas on that matter.

There is also a periodic magazine *Piwitsch*, coordinated by pupils of cycles 3 and 4 (last years of primary school (8-12 years)).

Brochures and posters are distributed in schools on children's rights (based ⁴⁹² on the Convention of children's rights).⁴⁹³

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

The first national action plan entirely focusing on child rights was introduced in 2022 (2022-2026). The plan includes eight key areas: identity and non-discrimination, placement measures, health and well-being, unaccompanied minors (UAMs), child justice, violence, children's rights in crises, and the right to participation. The action plan consists of 64 separate actions that have been selected based on the objectives of the child rights strategy with all partners (i.e. relevant for each of the actions, for instance, in child participation and their active role, the relevant partners are mentioned as following: the Ministry of Education, Youth Parliament, UNICEF Luxembourg, Children's bureau Waltz, etc. (*MENJE, Jugendrot, UNICEF Luxembourg, Kannerbureau Wooltz, ZpB, CE (projet TSI)*)(p.26)⁴⁹⁴. The *Kannerechter Plattform (Plattform Kannerechter)* of the Ministry of Education, Children and Youth brings together respective actors in children's rights and identifies, monitors, and evaluates the

⁴⁹¹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), An action plan for children's rights in Luxembourg explained to children ([Un plan d'action pour les droits des enfants au Luxembourg expliqué aux enfants](#)), September 2022.

⁴⁹² Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), An action plan for children's rights in Luxembourg explained to children ([Un plan d'action pour les droits des enfants au Luxembourg expliqué aux enfants](#)), September 2022.

⁴⁹³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), An action plan for children's rights in Luxembourg explained to children ([Un plan d'action pour les droits des enfants au Luxembourg expliqué aux enfants](#)), September 2022.

⁴⁹⁴ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

measures in the action plan.⁴⁹⁵⁴⁹⁶ Supporting parents is one of the axes of the actions, where various activities are developed, as, for instance, brochure on the children rights, that is foreseen to be distributed in day care, schools (p.28).⁴⁹⁷ A version of the national action plan on the children rights has been provided in a child friendly language , specifically aiming at young adults. The document contains appealing visuals, information on the rights in accessible way as well as useful links of supporting organisations. The child friendly document is available in French and German⁴⁹⁸.

In 2022, the government introduced the plan on Child guarantee (2021-2030) that also focuses on child rights.⁴⁹⁹ The aim of the Plan for the European Child Guarantee is to reach groups of children and young people who, despite having access to quality education and support from an early age, experience difficulties which prevent them from obtaining education and qualification (p.10)⁵⁰⁰. The Child guarantee plan is a part of the EU framework mandating all countries to develop measures against social exclusion and risk of poverty among children. The child guarantee is intertwined with the latest national plan on children's rights (2022-2026). For developing the Child Guarantee plan in Luxembourg, national coordinator(s) were appointed among one of the Government Counsellors and the person in charge of the Children's Rights Service (Ministry of Education, Children and Youth). The service for the child's rights in the Ministry of Education, Children and Youth has coordinated the Guarantee plan: it has also set up a steering committee composed of responsible actors in various ministries (p.6).⁵⁰¹

- The preceding to it plans on youth guarantee (Plan de Mise en œuvre de la Garantie pour la Jeunesse) was launched in 2014, following the recommendations of the European Council in 2013. The plan developed measures to offer every young person aged 16 to 25 who is part of

⁴⁹⁵ Luxembourg, Ministry for Education, Children and Youth (2022). Launch of the Child Rights Strategy and National Action Plan 2022-2026: 'Together for Children's Rights ([Lancement de la stratégie des droits de l'enfant et du plan d'action national 2022-2026 : « Ensemble pour les droits de l'enfant »](#)), Press release of 18 May 2022.

⁴⁹⁶ Based on contribution to the annual report 2023, Luxembourg.

⁴⁹⁷ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁴⁹⁸ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), A national action plan for the rights of children and adolescents in Luxembourg ([Un plan d'action national pour les droits des enfants et des adolescents au Luxembourg](#)).

⁴⁹⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), The Childhood guarantee : Luxembourg action plan 2021-2030 ([La garantie pour l'enfance : Plan d'action Luxembourg 2021 – 2030](#)), 14 June 2021.

⁵⁰⁰ Luxembourg, Ministry for Education, Children and Youth (2022)The National Action Plan for the European Child Guarantee 2021-2030 ([Le plan d'action national relatif à la « Garantie européenne pour l'enfance »](#)).

⁵⁰¹ [Luxembourg, Ministry of Education, Children and Youth \(Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse\), The Childhood guarantee : Luxembourg action plan 2021-2030 \(La garantie pour l'enfance : Plan d'action Luxembourg 2021 – 2030\), 14 June 2021.](#)

the Not in Education, Employment, or Training" (NEET).⁵⁰² The Ministry of Labour and the Ministry of Education developed the plan.

- In 2022, the Government introduced the National Action Plan for Youth 2022-2025: Together for the well-being of young people (*Plan d'action national pour la jeunesse 2022-2025: Ensemble pour le bien-être des jeunes*).⁵⁰³ The Youth Service, in collaboration with stakeholders and young people, developed the plan. It focuses on personal development and strengthening the socio-emotional skills of young people.⁵⁰⁴
- In 2019 the Ministry of Family and Integration introduced the National Action Plan for the Promotion of Lesbian, Gay, Bisexual, Transgender and Intersex Rights (*Plan d'action national pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes*).⁵⁰⁵
- In 2015 the guide to emotional and sexual health for young people (*Le guide de la santé affective et sexuelle des jeunes*) rolled out.⁵⁰⁶ The guide does not only target children and young people but the entire population. However, young people are part of the first target group and are directly affected by the majority of the actions⁵⁰⁷. The guide is available in French and adapted to the interests of the main target group – with appealing graphic images and visuals.
- National Suicide Prevention Plan for Luxembourg was rolled out in the years 2015-2019⁵⁰⁸.

⁵⁰² Luxembourg, Employment Development Agency (Agence pour le développement de l'emploi, ADEM), Youth Guarantee Implementation Plan ([Plan de Mise en œuvre de la Garantie pour la Jeunesse](#)), May 2014.

⁵⁰³ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), Together for youth wellbeing; launching a pact for the youth 2022-2025 ([Ensemble pour le bien-être des jeunes; lancement du pacte pour la jeunesse 2022-2025](#)), 22 June 2022.

⁵⁰⁴ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), Together for youth wellbeing; launching a pact for the youth 2022-2025 ([Ensemble pour le bien-être des jeunes; lancement du pacte pour la jeunesse 2022-2025](#)), 22 June 2022.

⁵⁰⁵ Luxembourg, Ministry of Family Affairs, Integration and the Greater Region (*Le Ministère de la Famille, de l'Intégration et à la Grande Région*), National action plan for the promotion of the rights of lesbian, gay, bisexual, transgender and intersex people ([Plan d'action national pour la promotion des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexes](#)), July 2018.

⁵⁰⁶ Luxembourg, Ministry of Health (*Le Ministère de la Santé*), Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Aids Counseling : Luxembourg Red Cross (SIDA) (*Aidsberodung - Croix-Rouge luxembourgeoise, SIDA*), The guide to the emotional and sexual health of youngsters ([Le guide de la santé affective et sexuelle des jeunes](#)), 2015.

⁵⁰⁷ Luxembourg, Ministry of Health (*Le Ministère de la Santé*), Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Aids Counseling : Luxembourg Red Cross (SIDA) (*Aidsberodung - Croix-Rouge luxembourgeoise, SIDA*), The guide to the emotional and sexual health of youngsters ([Le guide de la santé affective et sexuelle des jeunes](#)), 2015.

⁵⁰⁸ Luxembourg, Ministry of Health (*Le Ministère de la Santé*), Directorate of Health (*Direction de la Santé*), National Suicide Prevention Plan for Luxembourg 2015-2019 ([Plan national de prévention du suicide pour le Luxembourg 2015-2019](#)), 2015.

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness-raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

- National action plan 2022 explains, in accessible language, instances when children can complain/raise their concern.⁵⁰⁹ It is funded by the Ministry of National Education, Children and Youth.
- AEF Social lab⁵¹⁰ is a platform for exchange, innovation and co-creation, which guides the consultation process to develop the national reference framework for child and family support (CFS). The Ministry of National Education, Children and Youth launched this initiative. Through this platform, the Ministry sets up synergies of national (sometimes outside) stakeholders (beneficiaries, providers, professionals) around child protection. It has various national partners, including, Fedas, Ances, ONE and it is funded by the Ministry of National Education, Children and Youth.
- Cinqfontaines, a place of education and remembrance. A centre for education in citizenship and remembrance of the victims of the Shoah is being created on the site of the Cinqfontaines convent, near Troisvierges, known as the place of internment of more than 300 Jews in Luxembourg during the Second World War before their deportation to the concentration and extermination camps. Confronted with history, visitors will come to the appropriate (p.9)⁵¹¹
- There has been no awareness raising of the Charter of Fundamental Rights in the area of children's rights

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure⁵¹²? Please briefly describe.

On its website, the Ministry of Education developed a separate section with the material on the Promotion of Children's Rights section, with a specific graphic environment (p.13).⁵¹³ The material is

⁵⁰⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), An action plan for children's rights in Luxembourg ([Un plan d'action pour les droits des enfants au Luxembourg](#)), September 2022

⁵¹⁰ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), AEF Social Lab ([Aide à l'Enfance et à la Famille Social Lab](#)).

⁵¹¹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

⁵¹² United Nations, Office of the High Commissioner, [Optional Protocol to the Convention on the Rights of the Child on a communications procedure](#), 14 April 2014.

⁵¹³ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

suitable for a wide audience, including, parents, stakeholders and citizens. The page includes a video banner with a video of children explaining their rights in various languages of the country⁵¹⁴.

The centre of Resources (*le Centre de ressources -CdR*) launched targeted intra-ministerial cooperation to promote school retention and respect for children's rights. These are, respectively, the adaptation of departure and expulsion procedures (the joint working group with the SNJ and the secondary education service, in consultation with the school mediation service) and the implementation of a sound treatment system (in consultation with the school mediation service) (p.64).⁵¹⁵

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

Since 2020 coding has been a part of education in the last year of primary school (11-12 years old). In September 2021, the lower secondary classes introduced a new digital science course.

This digital education is foreseen to be extended to the other cycles in a cross-curricular manner in the coming years (p.13).⁵¹⁶ Training is part of the curriculum in secondary school, particularly after introducing the "Digital sciences" .

BEE SECURE programme offers various training programmes for pupils and teachers in primary and secondary education, adapted to the different age groups. For instance, in 2022, a session called "Cybersecurity Essentials, was provided to participants on various topics related to cybersecurity and simulated various situations that can occur online and how to deal with them. (p.9)⁵¹⁷

BEE SECURE also organises informative events for parents. For instance, in 2022, it cooperated with the KJT and the Prevention Department of the Luxembourg Police. (p.9).⁵¹⁸

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In 2021, the University of Luxembourg published a longitudinal study entitled "Nationwide implementation of media literacy training sessions on internet safety", which analysed data from BEE

⁵¹⁴ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), official website of the Ministry of the Education, Children and Youth. Section, Promotions of the rights of the child ([Promotion des droits de l'enfant](#)).

⁵¹⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Activity report in 2021 ([Rapport d'activité 2021](#)), March 2022.

⁵¹⁶ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁵¹⁷ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), BEE SECURE, Annual report 2022 ([Rapport d'activité 2022](#)).

⁵¹⁸ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), BEE SECURE, Annual report 2022 ([Rapport d'activité 2022](#)).

SECURE training sessions in schools from 2011 to 2018. (p.10)⁵¹⁹ in this study, ⁵²⁰training data from 2011 to 2018 were analysed, including 28,060 students and 5,031 teachers. Students reported pronounced learning effects, especially for younger students and for repeated training participation. Teachers greatly appreciated the implementation and effectiveness, which generally increased. The perceived effectiveness of the training was significantly related to teachers' planning to cover internet safety topics in future lessons. The present study shows that carefully planned and continuously evaluated training sessions on internet safety successfully support children's understanding and teachers' willingness to implement internet safety in their curriculum.

⁵¹⁹ Luxembourg, The Government of the Grand Duchy of Luxembourg (*Le Gouvernement du Grand-Duché de Luxembourg*), BEE SECURE, Annual report 2022 ([Rapport d'activité 2022](#)).

⁵²⁰ Germany, [Nationwide implementation of media literacy training sessions on internet safety](#), Tiemann, A., Melzer, A., & Steffgen, G. (2021). Nationwide implementation of media literacy training sessions on internet safety. *Communications*, 46(3), 394-418.

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ⁵²¹ in place, with an ability to hear, review and enforce individual complaints from children?	X		The Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher -OKAJU</i>) The Ombudsman for children and youngsters can receive and analyse complaints, give recommendations, and point out instances where there is a lack of compliance with children's rights. The Ombudsman, however, has limitations regarding intervention in judicial cases and cannot intervene in the judicial procedures, neither can it question the court decisions.
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of child protection rights?		X	As pointed out by the Ombudsman for children and youngsters (<i>Ombudsman fir Kanner a Jugendlecher -OKAJU</i>) (par. 48, 49), listening to the child is the court is <u>not</u> common. ⁵²² . Furthermore, the Ombudsman for children and youngsters points out at the fact that the legal basis of youth court (<i>tribunal del a jeunesse</i>) is not in line with the Convention on the Rights of the Child, particularly Art. 3, 12, 18, 25, 37, 39 and 40) ⁵²³ . The current bill N°7992 foresees significant changes regarding protective measures for the minors in courts. More specifically, the bill introduces separate rooms where a minor could be heard with a live broadcast into the court room (Art. 8) ⁵²⁴ .

⁵²¹ Global Alliance of National Human Rights Institutions, [Paris Principles](#), 12 December 2022.

⁵²² Luxembourg, Ombudsman for children and youngsters (*Ombudsman fir Kanner a Jugendlecher - OKAJU*) (2020). Observations on the 5th and 6th periodic reports of Luxembourg under article 44 of the Convention on the Rights of the Child ([Les Observations relatives aux 5ème et 6ème rapports périodiques du Luxembourg -en application de l'art 44 de la Convention relative aux droits de l'enfant](#)).

⁵²³ Luxembourg, information was provided with by the Ombudsman for children and youngsters (meeting in person on 31 March 2023).

⁵²⁴ Luxembourg, Bill N° 7992 on assistance, support and protection for minors, young adults and families ([Projet de loi N° 7992 portant aide, soutien et protection aux mineurs, aux jeunes adultes et aux familles](#)), 26 April 2022.

7.2. Feedback mechanisms

Question	YES	NO	Comments
<p>7.2.1. Are there government support fora such as children’s groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children’s groups who have received child protection services?</p>		X	<p>As confirmed by the Ombudsman for children and youngsters, there are no such practices. According to several documents, it is possible to mention some existing practices of engagement of children and government. For instance, the Youth Act of 4 July 2008 defines two main structures - the Higher Youth Council and the Youth Parliament (p16).⁵²⁵</p> <p>At the Youth Parliament (YP) young people (14 and 24) discuss various aspects of their lives. “Thematic commissions draw up opinions that are presented each year to the Chamber of Deputies.”⁵²⁶.</p> <p>At the school level, there is the National Student Conference in Luxembourg, it represents pupils; through this platform children and young adults can submit opinions and proposals to the Minister of National Education (p.16).</p> <p>At the municipal level, youth participation is promoted through the development of municipal youth plans.</p> <p>Regular consultations are also possible through the Structured Dialogue, an instrument for youth participation in European and Luxembourg politics (p.16).⁵²⁷</p>
<p>7.2.2. Are community-based mechanisms functional across the country where necessary, per applicability, protocols, and procedures? Do independent accountability mechanisms monitor their effectiveness?</p>		X	

⁵²⁵ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children’s rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁵²⁶ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children’s rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁵²⁷ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children’s rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

In the Concluding observations (2021), the UN report stresses the urge to engage children in the policy making; more specifically, it calls to “ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children” (p.3)⁵²⁸

As mentioned by the Ombudsman for children and youngsters the country falls short of platforms for exchange regarding protective measures between policy makers and children on the regional level. One could refer to section 7.2.1. that illustrates promising practices on the national level. Youth Parliament (YP) young people (14 and 24) discuss various aspects of their lives. “Thematic commissions draw up opinions that are presented each year to the Chamber of Deputies.”⁵²⁹

At the school level, there is the National Student Conference in Luxembourg, it represents pupils; through this platform children and young adults can submit opinions and proposals to the Minister of National Education (p.16).

At the municipal level, youth participation is promoted through the development of municipal youth plans.

Regular consultations are also possible through the Structured Dialogue, an instrument for youth participation in European and Luxembourg politics (p.16).

On the regional level, there are various projects where children express themselves/become engaged in relating topics. One of such projects, for instance, is a project of children on the topic of antiracism⁵³⁰. For this project, children actively engaged with each other and decorated bus shelters, learned songs and a dance, made posters and banners, etc.

⁵²⁸ United Nations (UN), Committee on the Rights of the Child (CRC) (2021), [Concluding observations on the combined fifth and sixth periodic reports of Luxembourg](#), 21 June 2021, para. 8.

⁵²⁹ Luxembourg, Ministry of Education, Children and Youth (*Le Ministère de l'Éducation nationale, de l'Enfance et de la Jeunesse*), Children's rights : National strategy ; National action plan 2022 – 2026 ([Droits de l'enfant : Stratégie nationale ; Plan d'action national 2022-2026](#)), 18 May 2022.

⁵³⁰ Luxembourg, Commune Sanem, Combating racism: children take a stand for diversity ([Lutte contre le racisme : Les enfants s'engagent pour la diversité](#)).

