

STATE PARTY EXAMINATION OF LUXEMBOURG'S THIRD AND FOURTH PERIODIC REPORT

64TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Luxembourg ratified the Convention on the Rights of the Child (CRC) on 7 March 1994. It was last examined under the CRC on 13 January 2005.

Luxembourg ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 2 September 2011. It ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict (OPAC) on 4 August 2004. It was last examined under OPAC on 20 September 2007.

On 30 September 2013, the Committee on the Rights of the Child (the Committee) examined the integrated CRC, OPAC and OPSC report of Luxembourg, which included the third and fourth combined periodic report under the CRC and the second periodic reports under the OPAC and OPSC.

Opening Comments

The delegation of Luxembourg was led by Mr Jean-Marc Hoscheit, Permanent Representative of Luxembourg to the United Nations Office at Geneva. He was supported by a high-level delegation consisting representatives from the Ministry for Family Affairs and Integration, the Ministry of Justice, the Ministry of Health, the Ministry of National Education and Vocational Training and the Permanent Mission of Luxembourg to the United Nation Office at Geneva.

Mr Hoscheit highlighted that the commitment of the government for children was visible in all areas and constantly in the State's Agenda, especially because of the dramatic increase of

9.1 per cent of children aged 0 -19 years old between 2001 and 2009, which had caused an increase of 20 per cent of students enrolled in secondary school. The State Party was addressing the consequences of the very high rate of immigration, which had determined relevant challenges in terms of cultural and linguistic integration of migrant children in the social life of the communities and in schools.

The State Party had settled a mechanism of structured dialogue with youth through the initiative "Garantie Jeunes" recommended by the European ministries of labour and aimed at introducing measures for young job-seekers.

Concerning health care, in 2013 the Ministries of National Education, Equal Opportunities, Family Affairs and Health had collaborated in creating the national programme for the promotion of reproductive health. Its plan of action for the period 2013-2016 included awareness-raising initiatives, sexual education, training seminars for professionals working in contact with children. Furthermore, in 2013 Centre of Public Research had published two reports on the health condition of mothers and newborns, while a monitoring system in line with the Eurostat recommendations and European standards had been put in place, through training programmes addressed to paediatricians, midwives, nurses and other medical personnel working in the field of perinatal health. In 2013, an awareness-raising campaign on the negative effects of alcohol on the health of the foetus had targeted pregnant women and their partners.

In regard to the issue of domestic violence, an amendment to the current legislation was underway and controversial and constructive dialogues with civil society organisations, political and judicial authorities had been held in order to combat domestic violence in all social classes, nationalities and age groups. The new law would have introduced specific provisions strengthening the protection of the victims both adult and children.

Concerning the field of education, a reform of the current law on secondary education was underway and the main actors in this field had been consulted. One of the principal issues was the linguistic and cultural diversity of students and the State had established a new strategy to help students continue and successfully conclude their study. Furthermore, the new foreign students had a personal language portfolio which showed their linguistic competences in terms of writing, listening, reading and speaking skills and their progress made during the academic year, and was aimed at helping these students join the regular classes as soon as possible. The State had also promoted ethical trading in values which would have helped student understand the importance of respecting all the different philosophical, religious and cultural beliefs. Moreover, many efforts had been made to support lifelong learning and help young people in planning their personal career paths, especially through the establishments of the "Maison de l'orientation". Finally, a new plan had to be implemented in the period 2013-2014 to promote the extracurricular activities in the local communities, such as sport activities and help with homework.

Mr Hoscheit declared that a national plan for the social integration of children with disabilities had been launched after the ratification of UN Convention on the Rights of Persons with Disabilities in 2011. A study on the inclusive efforts made to face this challenge had been conducted and its publication would make schools more aware of the importance of applying the inclusion strategy at school. Despite these efforts, many students with disabilities were still separated from mainstream classes and the Ministries of National Education and of Family Affairs were working on various projects to prevent children with disabilities from being excluded and marginalised. Furthermore, some awareness-raising campaigns and other initiatives had been conducted: the Centre of Technology of Education in collaboration with a group of young girls made an advertising showing the social barriers

faced by children with disabilities in the everyday life which would be broadcasted at the end of 2013; the Centre d'Activités, de Réadaptation et de Reconotre (CARR) had promoted workshops, music therapies, swimming, walking activities, guided visits to museum for children with special needs aged from 5 to 16 years old; in 2013 the Luxemburg Autism Foundation provided autistic children with extracurricular activities in the afternoons after the end of the normal classes.

Mr Hoscheit concluded declaring that the Ministry of Family Affairs and Integration made a short movie on the difficulties faced by children of divorced parents, and that, regarding children involved in armed conflict, the State had prioritised this issue in their diplomatic activities.

Mr Peter Guran, the Country Rapporteur, committed the clarity and completeness of the State Report and Written Replies which were based on serious researches and data investigations, and declared that the State Party was known for its long-term political and economic stability. He focused on several issues such as the National Plan of Action for children, the child participation, the migrant children, the Children's Ombudsman and the ratification of the Third Optional Protocol of the CRC on a Communications Procedure.

Ms Renate Winter, the Country Co-Rapporteur, highlighted the importance of withdrawing the reservations to the CRC, explicitly including the best interest of the child in the legal framework and respecting the views of children in the decisions which affect them.

General Measures of Implementation

Ratification of international instruments and reservation to the CRC

The Committee recognised the importance of the role played by the State in promoting human rights at both European and international level, highlighting its active participation in many initiatives concerning gender equality and the promotion of child rights in the family environment. However, the Committee inquired whether the State Party would have ratified the UN Convention on the Rights of All Migrant Workers and their Family and the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, which directly affected the promotion of the rights of the child. Furthermore, the Committee asked whether the State intended to ratify the Third Optional Protocol of the CRC.

Concerning the ratification of the Hague Convention, the delegation affirmed that the State was already party of this international instrument, whereas, in regard to the Convention on the Rights of All Migrant Workers and their Family, the delegation stated that as member of the European Union the State had to respect some restrictions in terms of ratification of international instruments, but that the State totally supported the protection of the rights of migrants, especially given the high concentration of migrants in the State's territory. Regarding the ratification of the Third Optional Protocol, the delegation highlighted that the State had been the first country to sign the Protocol, and stated that its ratification was underway but temporarily postponed due to the coming political election scheduled for October 2013.

The Committee was concerned by the fact that the previous recommendations of the Committee about the withdraw of the reservations to Articles 2, 6, 7 and 16 of the CRC had not been taken into account by the State so far, and asked whether the State was considering to withdraw them. The delegation declared that the outcome of the political election would have determined the position of the State on this issue, but assured the Committee that it was

generally expected that the majority of draft laws, including those concerning the withdraw of reservations, would be approved by the new government.

National Plan of Action

The Committee welcomed the launch in 2008 of the "Youth Pact" but asked whether a National Plan of Action for the promotion of the rights of the child had been established by the State Party, and if so, what was the budget allocated to. The delegation answered that in 2012 several plans and strategies with specific goals had been formulated by various governmental department.

Coordination and monitoring

The Committee asked for clarification about the mandate, the independency and the competences of the National Children's Bureau and whether it was charged of the coordination of the activities to promote the CRC. The delegation explained that the National Children's Bureau established in 2008 was aimed at identifying the major issues faced by children and looking for the best solution.

Concerning monitoring, the Committee expressed concern about the lack of independence of the Children's Ombudsman (ORK) and of its staff since this institution had been settle by the ministries. The delegation acknowledged that the Chairperson was appointed by the Ministry for Family Affairs, but assured the Committee that measures would be taken to guarantee its full independency in mid and long term, especially in term of financial independency. Additionally, since all the members were volunteers and had no contract with the State, their independency was not at risk.

Dissemination

The Committee highlighted the importance of promoting full dissemination of the CRC and its two Optional Protocols, especially among children which were the beneficiaries, and asked whether children were aware that they could make complaints to the Ombudsman for violation of the rights included in the CRC.

Data collection

The Committee inquired whether there was a database with disaggregated data on children of the State Party.

Role of civil society

The Committee asked whether civil society organisations, including child-related organisations, had participated in drafting the Report of the State Party. The delegation explained that the State Report had not been prepared in collaboration with governmental departments and ministries, but highlighted that the shadow report showed the crucial role played by civil society organisations and the tight collaboration with the government in the implementation of the CRC on the ground.

General Principles

Non-discrimination

The Committee congratulated the State on the progress made in removing the terminology "legitimate" and "illegitimate" child from the legislation, but reported that such distinction persisted in many administrative provisions, and this had no helped contrast the social stigmatisation affecting children born out of wedlock. The delegation answered that this was an ongoing process and that after the approval of the draft law to remove the discriminatory distinction from the legislation further steps would be taken.

The Committee inquired whether the legal framework of the State Party provided for gender diversity, including transgender and intersex, whether professionals working in contact with children such as teachers, health and social workers had been trained on this issue and whether there was collaboration between the Ministries of National Education and Health. The delegation declared that there were no specific legal provisions on transgender and intersex identity, but that the philosophy of the State had always been to provide assistance to all children on the basis of their specific needs. Consulting services addressed to children and their parents had been provided and the collaboration with the civil society organisations had played a crucial role in this context.

Best interest of the child

The Committee committed the steps made towards the introduction of the best interest of the child in the legal framework, but inquired whether the reference to the best interest had been fully incorporated in all the legal provisions concerning children. The delegation answered that although the best interest had been introduced in the legislation only in 2008, the concept had been always applied in practise in decisions affecting children, especially in the field of divorce and custody regulation.

The Committee asked whether the current revision of the Constitution did not prioritise the rights of parents and family on the rights of the child. The delegation explained that the reform of the Constitution, needed to adapt itself to the catalogue of rights listed in the European Convention on Human Rights and Fundamental Freedoms, was a long and complex process based on controversial political discussion. The delegation stated that the international legal instruments, including the CRC, prevailed on domestic law and consequently the Constitution had to respect the best interest of the child.

Respect for the views of the child

The Committee highlighted the importance of taking into account the views of all children regardless their age in decisions which could affect them such as the family legislation, and asked whether there was an age limit for a child to be heard by the judge in the proceeding concerning them, including decisions on divorce and custody. The delegation stated that the adolescents and older children had always been heard by the judge in proceeding affecting them, whereas it was not reasonable to ask to a child of 4 years old about his/her preference on the custody and in such cases a specialized lawyer was appointed to represent the view of his/her client in front of the court. Furthermore, concerning a legal limit of age to be heard, the delegation answered that there was no a particular legal limit since each case was different depending on the level of maturity of the child and not on a fixed age.

The Committee inquired the delegation whether the judge was obliged by law to hear the opinions of the child or this depended on his/her personal description, and whether the specialised lawyer was appointed also in case of children very young, including newborns. Furthermore, the Committee highlighted that even a 4 years old child had many information which could be expressed in many various ways. The delegation answered that there was no legal obligation for the judge to hear the child and that often children themselves preferred not to take part in the decision, and that for this reason a specialized lawyer had always be appointed regardless the very young age of the child. Furthermore, the delegation stated that during the judicial proceeding the judge heard all people who directly or indirectly had contact with the child, even outside the family environment, to guarantee the respect of the best interest of the child.

Civil Rights and Freedoms

Preservation of identity

The Committee asked the delegation whether the previous recommendation made by the Committee in 2010 had led to the review of the legislation which allowed mothers to give anonymously birth to their child. Furthermore, regarding children born out of the wedlock, the Committee asked whether parents could refuse to undertake medical examinations, including DNA test, in order to establish parentage links.

The delegation explained that the aim of the law on anonymous childbirth was to protect mother and to decrease the number of abortions and infanticides, and that today the Ministry of Family Affairs was responsible for undertake investigations to guarantee the right of the child to know his/her origin. Furthermore, steps had been made by the State Party in changing the legislation in order to replace anonymous with a secret childbirth and create a secret registry which could be consulted if necessary. Both the mother and the child could also remove secrecy in case of the reciprocal authorisation. Regarding the medical examination, the delegation declared that whether the father had refused to undertake it, he would be presumed to be the father of the child.

The Committee highlighted that sometime the rights of the mother and the child could be in conflict and that arbitrage was needed to taken into account the several rights involved, including the rights of father and siblings, but that eventually the best interest of the child had to prevail to be in compliance with Article 3 of the CRC.

Freedom of expression

The Committee asked for more details on the right of the child to participate and express their opinion at school, in communities and at State level, whether the Parliament for Youth was still operational and about its powers, independency and competences.

The delegation answered that the Parliament for Youth represented an important institution which allowed children and adolescents to express their opinion on several issues at level of local community. The Parliament was an independent and autonomous body, was open to all children, had 50 seats available and in 2012 had met three times. The collaboration between its Secretariat and civil society organisations was very tight and the member of the Parliament of Youth sometimes sat on civil society committees. Furthermore, to avoid that this institution was only accessible to children and adolescents having a good educational background, an electronic vote system had been set up and the Young Information Centre was responsible for raise awareness on the topic discussed by the Parliament among all children of the State Party. This institution was also influential to the European Union since its representatives had taken part to the European Youth Forum to discuss various topics, including asylum policy and the issue of climate change.

The integration and collaboration between children, adolescents and civil society organisations had been shown by the Higher Council for Youth, where the support of professional expertise had contributed to establish a very constructive dialogue.

The Committee asked whether particular efforts had been made to integrate migrant children or children of migrants at the community level and to protect their right of expression and participation in consultation process. The delegation declared that the issue of integration of migrants and their children in all aspects of the community life, including political discussions and leisure events, was a priority since 43 per cent of the population and 50 per cent of children were not born in the State Party. The delegation declared that a new bill was underway which provided for the introduction of a compulsory curriculum on non formal education for all students at all levels. Furthermore, the Young Information Centre had made further efforts to reach this category of children creating a bridge between the culture of origin and the culture of the State, and reporting to the Parliament of Youth the specific

issues which affected migrant children. Moreover, the State collaborated with the Benelux countries on this issue through exchanging good practices.

Access to appropriate information

The Committee asked whether the State Party had data about the number of children and adolescents who had internet access, about the impact of internet on adolescence and on families and whether there were awareness-raising campaigns to prevent children from being exposed to dangerous contents online. The delegation answered that the State had promoted several initiatives: a specific website "stopline.bee-secure.lu" receiving complaints had been set up; training sessions addressed to parents and teachers and panels to discuss with young people had been implemented; and a successful campaign called "Not Funny Bee Fair" to prevent online sexual harassment cases was conducted in 2012.

Corporal Punishment

The Committee asked the delegation whether a national strategy to prevent all forms of violence against children, including corporal punishment, had been established and whether the corporal punishment was clearly forbidden by law. The delegation answered that there was a clear legal prohibition of corporal punishment in the State Party.

Family Environment and Alternative Care

Family support

The Committee inquired whether the parenting training programmes were effective since the so called hard-to-reach family usually did not take part of these programmes, and highlighted the importance of supporting vulnerable families and empowering parents in order to guarantee a healthy family environment to the child.

Parental responsibility

The Committee asked for clarification about the consequences of a reservation to the CRC according to which Article 344.6 of the Civil Code stated that the new partner of a divorced parent had to give his/her consent to take the child born out of wedlock to live in the family, and asked what would be happened if neither of the new two partners accepted the child in their family. The delegation assured the Committee that in the new draft law the Article 344.6 would be eliminated as well as the reservation to the CRC withdrawn.

Basic Health and Welfare

Mental health, behavioural problems and suicide

The Committee asked what measures had been taken to face the growing rate of children suffering from mental or behavioural problems, and expressed concern for the widespread phenomenon of over prescription of drugs used in treatment of mental diseases. Furthermore, the Committee inquired whether the child was consulted before to be placed in psychiatric institution or whether the consent given by parents was enough.

The delegation stated the a programme providing children and adolescents with psychiatric support had been intensified in 2005, whereas in 2006 an inter ministerial platform had been created to investigate on the root causes of this issue and to give recommendations, such as the importance of establishing an effective data collection system and detecting cases at risk of suicide at the earliest stage.

The Committee asked whether there were the personnel which implemented such specialised programmes had been trained. The delegation highlighted that the State used a broad definition of mental health which could involve either physical or social or cultural distress,

and applied a multifaceted and comprehensive approach in facing this issue. This strategy, based on the collaboration among several sectors, including medical sector, schools and families, did not result in lack of specialisation in the field of mental health, even though the State was currently experiencing shortcomings in terms of number of child psychologist available.

The Committee highlighted the importance of conducting appropriate researches on the root causes of these diseases, since the macro category of mental health could include many different experiences, such as attention deficit syndrome, suicide, drug and alcohol abuse, problematic family environment and behavioural problems, which needed a specific treatment and intervention. The delegation acknowledged that the first step was to know the root causes and explained that some early progresses had been made in this direction through the establishment of a new system using various indicators.

Regarding suicide, the Committee expressed concern about the high rate of suicide of adolescents in the State Party, and asked whether there were help lines or other prevention systems put in place. The delegation highlighted that the rate of suicide was not always accurate since the State was a small country and there was a significant fluctuation of the number of suicides across the years, but declared that the State was taking this issue seriously into account. Concerning help lines, the delegation stated that there were two help lines which could help children and adults in distress situation. Furthermore, in all schools psychological and counselling services were available to children on a permanent basis, and informative programmes to help parents had been conducted throughout all the State. A national suicide programme was currently being prepared.

Child obesity

The Committee asked what measures had been taken to contrast the increase of 20 per cent of cases of child obesity. The delegation explained that in 2006 it had been implemented an inter-ministerial project to promote balance diet and physical activity, involving the Ministries of Health, Sport and Family Affairs and also the Ministry of Agriculture at the national level. Furthermore, several initiatives had been conducted in schools in order to explain to children the benefits of a balance and health diet, and that a slight and promising drop in the rate of child obesity had been recorded.

Breastfeeding

The Committee was concerned by the reported decrease on the number of mothers which followed the international recommendations of the WHO on the exclusively breastfeeding practice for the first 6 months of life, and highlighted that the problem seemed to be the continuation of such practice during all the 6 months. The Committee asked for more details about the child friendly hospitals in the State Party.

The delegation answered that in 2010 a national programme for the promotion and protection of breastfeeding had been drafted and that its purpose was to try to understand the causes behind the interruption of breastfeeding before the sixth month. Such initiative involved the National Breastfeeding Committee as well as civil society organisations working on the ground, health care professional and the national association of midwives. Regarding the child friendly hospitals, the delegation stated that there were two structures in the State Party and that the current challenge was to promote breastfeeding in the economically disadvantaged parts of the State which had not access to these hospitals.

The Committee asked for more details about the percentage of caesareans which could negatively affect the rate of breastfeeding. Furthermore, the Committee asked whether there were restrictions or regulations to companies selling infant formula and whether working

mothers received some supportive public or private programmes. The delegation answered that the percentage of caesareans was around 30 but that the rate of breastfeeding of women who have had the caesareans was the same of those who have had natural childbirth, and highlighted that the actual problem was the continuation of breastfeeding after mother has left the hospital.

Traffic accidents

The Committee expressed concerned that the trafficking accidents involving children and adolescents had increased and asked what preventive measures had been taken in this regard. The delegation answered that the State had implemented several awareness programmes on route security at the community level, especially in schools in collaboration with the Ministries of Transport and Health. However, the problem of accidents affecting pedestrian children remained to be addressed.

Emotional, reproductive health and alcohol abuse

The Committee asked whether there were specific measures concerning emotional and reproductive health as well as initiative to contrast the increase in consumption of alcohol among adolescents in the State Party. The delegation explained that the State adopted a broad approach implementing programmes on overall adolescent health. Regarding the consumption of alcohol, the actual problem was not the increase in consumption but the change in type of alcohol consumed, and that the data were not always accurate since often the alcoholic drinks were purchased in the territory of the State Party but actually consumed beyond the borders. However, this issue had been analysed by a group of international experts and training seminars to explain to the population the negative effects of excessive consumption of alcohol had been conducted.

Infanticide and abortion

The Committee asked whether programmes had been put in place to reduce the number of abortion and infanticide, especially programmes in support of women dealing with unwanted pregnancy or in acute crisis.

The delegation answered that recently the government had improved the consistency and complementarity of policies addressed to pregnant women in the field of healthcare: in 2012 a national programme to make contraceptives more accessible had been carried out; an inter-ministerial plan among the Ministries of Health, Family Affaires and Education provided for emotional and reproductive health support; health professional had been trained on this sensitive issue; the successful programme "Baby Plus" had been implemented in the south of the State Party and it would probably spread across the rest of the country.

Harmful traditional practices

The Committee asked for clarification about the issue of female genital mutilation (FGM) in the State and whether a person who had brought the child to another country to make this practice would be persecuted after the return in the State Party. The delegation explained that the migration pattern in the State was different from that of other countries such as France and Germany which had experienced a massive immigration from the North Africa where the FGM was largely practised. Consequentially the FGM was not a serious issue in the State, but, despite of this, the National Women's Committee had launched in 2011 an awareness-raising programme addressed to healthcare professional, in collaboration with the Ministries of Family Affairs, Health and Equal Opportunity as well as with civil society organisations.

Education, Leisure and Cultural Activities

Inclusive education

The Committee asked what measures had been taken to ensure equal opportunities, integration and inclusion to children of migrants.

The delegation highlighted that the State was facing a tremendous challenge in this regard since more than half of students were foreign and did not speak the teaching languages at home. Recently, the State had changed approach on this issue starting to consider this multilingual reality as an asset and not a problem which could bring benefits to all the society. The delegation explained that in 2009 the new law regulating the welcome classes had defined that foreign pupils had to attend both the same classes of other children in order to promote an effective integration from the earliest stages, and other special classes which provided them with specialised assistance and allowed them to progress more rapidly.

In 2009, 827 new pupils had been enrolled in secondary education without having any prior schooling in the State. Various measures had been taken to guarantee the effective integration of these pupils, including the creation of a welcome unit to assist families and students in the choice of the elective courses and monitoring their learning progress, and 22 new welcome classes where even children asking for international protection could be appropriately assisted by specialised teachers.

Furthermore, the delegation explained that the teaching language in primary education was German, while in the secondary school the main subjects were taught in French, and that some discussions had been held regarding the possibility to extend the use of French as teaching language to help foreign students coming from Balkans or Portugal who were more confident with romance languages.

Children with disabilities

The Committee inquired what measures had been taken to ensure to children with disabilities full inclusion in the society, both in term of attending mainstream schools and having access to leisure and sport activities. The delegation stated that parents had the right to decide whether to enrol their child in specialised institutions or in mainstream schools with individual assistance.

The Committee highlighted that the overprotective attitude of some parents who could opt for special schools, could not always correspond to the best interest of the child with disabilities who would have benefit more from being included and integrated in normal classes. The delegation explained that often parents took the opposite decision and that the decision of enrolling the child in special school derived from the belief that the child could learn and progress more quickly than in mainstream schools. Recently, a lot of specialised schools had been built alongside the mainstream school, and this had allowed children with special needs to attend some classes with the other students and others more specific.

Furthermore, between 2003 and 2012 the speech therapies had increased and more efforts had been made to recruit specialised teachers. Between 2012 and 2014, 620 children attended mainstreaming schools, whereas 578 special schools and 220 received support for speech therapy.

The delegation declared that in 2012 a project of plan of action for the inclusion of children with special needs had been promoted, and a new law of the same year provided children with special needs who attended mainstream schools with special assistance, such as help in the preparation of exams, longer time for taking an exam, exam in brails or availability of isolated room for those suffering from concentration problems.

Concerning the access to sport and leisure activities, the delegation declared that the legislation of the State obliged all public building to be accessible to people with disabilities.

School enrolment and completion

The Committee asked whether the State had taken some measures to contrast the high rate of dropout, especially among children of migrants. The delegation explained that the language barrier was one of the principle causes of dropout of foreign pupils, and declared that in 2011 a second-opportunity school had been established and that in 2012 47 students successfully had completed their schooling in this institution.

Early childhood development

The Committee asked for more details about the early childhood education in the State Party, and the delegation answered that in 2009 the number of places available in crèches were increased from 4000 to 52000. Furthermore, also the quality of services provided had improved through setting up monitoring control system and training specialised personnel.

Special Protection Measures

Children in conflict with the law

The Committee asked the delegation whether there were special close institutions for minors separated from adults' prisons, and was concerned by the inexistence of clear legal rules limiting the period of time of detention and the power of judge who could send a child to close institutions both for criminal offences and for problematic behaviour. Furthermore, the Committee asked for more details about the practice of sending children in isolation up to 10 days.

The delegation explained that an ongoing emotional debate had been held during the last 20 years concerning the protection of children in conflict with the law who had always been deemed to be victim and never criminal. As a consequence, the government had been always reluctant to create close institutions exclusively for children because these were seen as form of punishment, but recently a new security centre for minors had been built and would soon be opened. The delegation highlighted that this new institution would be under the authority of the Ministry for Family Affairs whereas the standard prisons were under the authority of the Ministry of Justice, and that even before the minors placed in the closed institutions were supported by specialised personnel of the Ministry of Family Affairs. The new security centre could host up to 12 persons both boys and girls who were place in the same institution but on different floors and rarely the minors detained were under 15 years old.

Concerning solitary confinement, the delegation declared that the exceptional period of 10 days had been applied only once to deal with an episode of excessive violence against other detainees and security personnel, and that the average time for isolation was 2 or 3 days. Furthermore, answering the question about the absence of a specific limit in time of detention, the delegation stated that the aim of the detention was not punish children but try to rehabilitate them to avoid re-offences, and that, for this purpose, several activities aimed at creating prospective and opportunities for their future were developed. The absence of prefixed limitation of the period of detention was explained by the fact that the time needed to change their behaviour was uncertain and could not be planned in advance.

The Committee asked whether the State Party had planned to change the legislation to fill the gaps in juvenile justice, and for clarification about the involvement of the families of children in conflict with the law. The delegation explained that only a small portion of minor's offenders were placed in closed institutions whereas the majority of the cases were treated with programmes of counselling, warning, alternative measures or taken by centre specialised in consumption of drug and alcohol. Concerning the involvement of families, the delegation

stated that the role of families in the rehabilitation process was fundamental and that the support given to families was on case by case bases.

The Committee asked whether a child of 16 years old could be tried as an adult by a youth judge, and whether the State had taken into consideration to replace the system of close institutions with foster care, given that the placement of a child in a close institution was known to be harmful to the child. The delegation answered that cases of children of 16 years old tried as adult were exceptions and limited to very serious offences such as murder, and that usually the appeal court tended to be reluctant to maintain the first instance decision. Regarding the foster care system, the delegation stated that the number of foster families was raising and that it was crucially important to respect the multicultural approach also in this field, providing children with a family which could assure them the most similar cultural and linguistic environment. The foster care system was even more needed in cases of children victims of abuses.

The Committee inquired whether the State intended to increase the financial resources allocated to the foster care system, and what measures had been taken to provide families at risk with programmes of prevention in order to avoid cases of juvenile delinquency. The delegation answered that the recommendation of increase the financial resources for foster families would be taken into consideration, while, concerning the preventive measures, the delegation stated that a prevention system to detect potential cases of children at risk was provided by nurses and teachers.

Unaccompanied minors

The Committee welcomed the steps taken in regard to the issue of unaccompanied minors, but highlighted that several problems had to be still faced, including the separation of unaccompanied children from adults in the holding centres and the absence of ad hoc legal representatives for these children. Furthermore, the Committee asked what measures to avoid refoulement of unaccompanied children had been taken by the State.

The delegation declared that a new bill on the issue of unaccompanied minors had been drafted in line with the European Union directive of 2013, and that the State intended to create a new special structure for these children that until today were placed in foster families.

The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC)

The Committee asked what measures had been taken to guarantee the implementation of the OPAC, especially in terms of legal prohibition of the enlistment of children in private armed groups. Furthermore, the Committee inquired whether the State applied extraterritorial jurisdiction concerning violation of the OPAC committed by citizens of the State Party on the territory of another country, and whether there were special procedures aimed at identifying the unaccompanied minors suspected to be children soldiers, as requested by the OPAC.

The delegation declared that the State Party had ratified the OPAC in 2002 and inserted in the Criminal Code some special provisions for its implementation, including to define as war crime enlisting children in the armed forces and to increase the legal age of recruitment from 17 to 18 years old. Furthermore, the delegation explained that although the issue of children involved in armed conflicts did not involved directly the State Party since it was not in conflict situations, the State took seriously this issue in their daily diplomatic action, especially in their role as non-permanent member of the Security Council started in 2013 for a two-years period

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC)

The Committee asked for more data on the number of children sexually abused and whether the State had clearly defined the offences of child pornography and prostitution in the legal framework. Furthermore, the Committee asked whether the police made distinctions between child sexual abuse and other crimes involving children. The delegation answered that police distinguished child sexual abuse from other crimes in receiving complaints, but that the actual problem was that many children did not make complaints, although in 2009 the State had promulgated a law to increase the protection to child victims of these crimes.

Concluding Remarks

Ms Winter declared that the State Party had not to face many problems in terms of implementation of the CRC but that some significant challenges remained. He highlighted the importance of going beyond the national borders to find the best practices of other countries such as Switzerland and Austria, which had faced and overcame the similar challenges. He also stated that more efforts were needed in order to change some legal definitions to be in compliance with the CRC.

Ms Hoscheit thanked the member of the Committee for the constructive dialogue highlighting that comments, questions and recommendation gave an important contribution allowing the State to move forward. He declared that addressing the negative effects caused by the multilingual and multicultural reality was one of the priorities of the State Party.