



Global Initiative to
**End All Corporal Punishment
of Children**

LUXEMBOURG

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 3rd session, 2008

From Peter Newell, Coordinator, Global Initiative

info@endcorporalpunishment.org

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Luxembourg, and highlights the repeated recommendations of the Committee on the Rights of the Child to prohibit in the home and care institutions. We hope the Review will urge the government to fulfil its stated commitment to enacting legislation to prohibit corporal punishment in all settings as a matter of priority.

1 Legality of corporal punishment in Luxembourg

1.1 Corporal punishment is lawful in the **home**. The right of “paternal punishment” in the Civil Code was abolished in 1939, but there is no explicit prohibition of all corporal punishment by parents. The government has stated its intention to prohibit corporal punishment in the home, and as at May 2007, a Bill was pending that would prohibit corporal punishment within the family and in educational settings, but we have no further information.

1.2 Corporal punishment is prohibited in **schools** and in the **penal system**.

1.3 There is no explicit prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

2.1 The **Committee on the Rights of the Child** has twice recommended that Luxembourg explicitly prohibit corporal punishment, by law, in the family and in care institutions – in its concluding observations on the state party’s initial report in 1998 (CRC/C/15/Add.92, para. 31) and again in 2005 in relation to the second report (CRC/C/15/Add.250, para. 39).