

Corporal punishment of children in Luxembourg

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Child population 113,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Prohibition of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 2 of the Law on Children and the Family 2008 prohibits physical violence and inhuman and degrading treatment within families and educative communities and this is interpreted as prohibiting all corporal punishment, however light, in the home. The right of paternal punishment in the Civil Code was abolished in 1939.

Alternative care settings

Corporal punishment is prohibited in all alternative care settings under article 2 of the Law on Children and the Family 2008 (see under “Home”).

Day care

Corporal punishment is prohibited in all early childhood care and in day care for older children under article 2 of the Law on Children and the Family 2008 (see under “Home”).

Schools

Corporal punishment has been prohibited in schools since 1845. Ministerial regulations of 24 September 1981 establish directives on internal order and discipline in secondary schools and technical secondary schools and do not allow for corporal punishment. The National Education Code 2004 explicitly prohibits corporal punishment (art. 9).

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions. The grand-ducal regulation of 9 September 1992 on security and discipline in socio-educational centres and the law of 16 June 2004 on the reorganisation of state socio-educational centres prohibit corporal punishment.

Article 52 of the grand-ducal regulation of 24 March 1989 prohibits penitentiary staff from imposing cruel and violent treatment on detainees.

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. It is not a permitted sanction under the Penal Code.

Universal Periodic Review of Luxembourg's human rights record

Luxembourg was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 3). The following recommendation was made:¹

“Take the necessary measures to ban the practice of corporal punishment within the family (France)”

In response, the Government reported that new legislation had been adopted which achieves the necessary prohibition.²

The second cycle review took place in 2013 (session 15). No recommendations were made specifically concerning corporal punishment of children.

Third cycle examination took place in 2018 (session 29). No specific recommendations on corporal punishment were made.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(29 October 2013, CRC/C/LUX/CO/3-4, Concluding observations on third/fourth report, paras. 3, 30 and 31)

“The Committee welcomes the adoption of the following legislative measures: ...

d) the Act of 16 December 2008 on support for children and the family establishing a legal framework for child welfare, creating the National Children's Bureau (ONE), and expressly prohibiting corporal punishment.

“While welcoming the State party's efforts to combat violence against children at school, on the Internet, and in other contexts, the Committee is concerned about the lack of information, including statistics, about the extent of violence against children in the family, including corporal punishment, in the State party.

“Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular, that it:

¹ 8 January 2009, A/HRC/10/72, Report of the working group, para. 53(12)

² 8 January 2009, A/HRC/10/72, Report of the working group, para. 26; 17 March 2009, A/HRC/10/72/Add.1, Report of the working group: Addendum, paras. 23 and 24

- a) develop a comprehensive national strategy to prevent and address all forms of violence against children, especially in the family, and promote alternative discipline strategies;
- b) adopt a national coordinating framework to address all forms of violence against children, including on the Internet;
- c) cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.”

Committee on the Rights of the Child

(31 March 2005, CRC/C/15/Add.250, Concluding observations on second report, paras. 6, 38 and 39)

“The Committee notes with satisfaction that various concerns and recommendations (CRC/C/15/Add.92) made upon the consideration of the State’s initial report (CRC/C/41/Add.2) have been addressed through legislative measures and policies. However, it regrets that some of its concerns and recommendations have been insufficiently addressed, particularly those contained in ... [paragraph] 31 (the absence of a provision prohibiting corporal punishment within the family and in care institutions)....

“The Committee continues to be concerned that there is no legislation explicitly prohibiting corporal punishment within the family and that this practice seems to be largely accepted in the society.

“The Committee, reiterating its previous recommendation, urges the State party to introduce a provision expressly prohibiting corporal punishment within the family, and to strengthen its efforts to raise awareness among parents and care-givers of alternative non-violent forms of discipline.”

Committee on the Rights of the Child

(24 June 1998, CRC/C/15/Add.92, Concluding observations on initial report, paras. 13 and 31)

“In the light of articles 3, 5, 19 and 28.2 of the Convention, concern is expressed that corporal punishment within and outside the family is not specifically prohibited by law....

“In the light of articles 3, 19 and 28.2, the Committee recommends that corporal punishment at home and in care institutions be explicitly prohibited by law.”

European Committee of Social Rights

(January 2016, Conclusions 2015)

“The Committee notes from the Global Initiative to End Corporal Punishment of Children that corporal punishment is prohibited in the home, in schools and in institutions.”

European Committee of Social Rights

(January 2012, Conclusions 2011)

“In its previous conclusion the Committee asked whether legislation prohibited all forms of corporal punishment of children in schools, in institutions, in the home and elsewhere. In this regard it notes from another source that corporal punishment is prohibited in the home. Article 2 of the Law on Children and the Family (2008) prohibits physical violence and inhuman and degrading treatment within families and educative communities and this is interpreted as prohibiting all corporal

punishment, however light, in the home. The right of paternal punishment in the Civil Code was abolished in 1939.

“According to the same source, corporal punishment has been prohibited in schools since 1845. Ministerial regulations of 24 September 1981 establish directives on internal order and discipline in secondary schools and technical secondary schools and do not allow for corporal punishment. The National Education Code (2004) explicitly prohibits corporal punishment (article 9). Corporal punishment is prohibited in all alternative care settings under the Law on Children and the Family.”

European Committee of Social Rights

(1 June 2001, Addendum to Conclusions XV-2, pages 91-94)

“The Committee wishes to know whether legislation prohibits all forms of corporal punishment of children, in schools, in institutions, in the home and elsewhere...”

“The Committee defers its conclusion pending receipt of the information requested...”

Prevalence/attitudinal research in the last ten years

None identified.