



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

BRIEFING ON LUXEMBOURG FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – February 2013

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This briefing describes the legality of corporal punishment of children in Luxembourg. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and its previous recommendations to Luxembourg on the issue, we hope the Committee will:

- **in its List of Issues for Luxembourg, raise the issue of corporal punishment of children, in particular asking what measures have been taken to ensure that legislation prohibiting corporal punishment in all settings is fully implemented?**
- **in its concluding observations on the third/fourth report of Luxembourg, welcome the prohibition of corporal punishment in all settings, including the home, and recommend that all measures are taken to ensure that the prohibiting legislation is fully implemented and enforced.**

1 Luxembourg’s report to the Committee on the Rights of the Child

1.1 The third/fourth state party report to the Committee on the Rights of the Child describes law reform in 2008 which prohibited all corporal punishment, as well as legislation protecting children from violence which predates this.¹ It appears not to provide details on how the prohibition is being implemented.²

2 The legality of corporal punishment of children in Luxembourg

2.1 In Luxembourg, corporal punishment of children is prohibited in all settings, including the home. Article 2 of the Law on Children and the Family (2008) prohibits physical violence

¹ 12 November 2012, CRC/C/LUX/3-4, paras. 109-122

² As at 3 January 2013 the report is available only in French.

and inhuman and degrading treatment within families and educative communities and is interpreted as prohibiting all corporal punishment, however light. The right of paternal punishment in the Civil Code was abolished in 1939. The National Education Code (2004) explicitly prohibits corporal punishment (article 9) in schools.

3 Recommendations by human rights treaty bodies

3.1 *CRC*: The Committee on the Rights of the Child first recommended prohibition of all corporal punishment of children in Luxembourg in 1998.³ When the Committee reiterated this recommendation in 2005, it also recommended that Luxembourg strengthen its efforts to raise awareness among parents and care-givers of alternative non-violent forms of discipline.⁴

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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³ 24 June 1998, CRC/C/15/Add.92, Concluding observations on initial report, paras. 13 and 31

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