

Legal questionnaire completed by Arendt & Medernach • October 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes. As a Member State of the European Union, this jurisdiction is subject to EU-level legislation that is directly applicable in the jurisdiction (i.e. without the need for such legislation to be transposed into local law) including without limitation the Digital Services Act (Regulation (EU) 2022/2065). The responses here address only the relevant local laws and regulations specific to this jurisdiction. For a more complete understanding, the responses below should be read together with the EU-level questionnaire responses.

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

According to Luxembourgish law, there is no explicit domestic legal definition of the term “child”. However, Luxembourg has ratified the [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(Lanzarote Convention, 25–26 October 2007\)](#) and the [United Nations Convention on the Rights of the Child](#), both of which define a child as any person under the age of 18.

A minor (“*mineur*”) is defined under [Article 388 of the Luxembourg Civil Code](#) as a person who has not yet reached the age of 18. According to [Article 488 of the Civil Code](#), majority is reached at 18, at which point a person becomes capable of performing all acts of civil life. Sometimes Luxembourgish law distinguishes between minors aged 16 to 18 and minors below 16.

For example, the [Article 32 of the Law on the Protection of Youth](#) of 10 August 1992 states that:

- Minors under 16 are subject to protective juvenile justice measures and fall under the jurisdiction of the youth judge (“*juge de la jeunesse*”).
- Minors aged 16 to 18 may, under certain circumstances and depending on the severity of the act, be transferred to the jurisdiction of the criminal courts.



Also, according to [Article 903 of the Luxembourgish Civil Code](#), minors between the ages of 16 and 18 are capable of exercising certain (but not all) acts of civil life.

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

There is no single definition of “child sexual exploitation” under Luxembourgish law. However, some criminal provisions clearly target conduct that constitute child sexual exploitation, even if the term is not used.

[Article 379 of the Luxembourg Penal Code](#) punishes anyone who:

- initiates, facilitates, or promotes the debauchery, corruption, or prostitution of a minor under the age of 18;
- recruits, exploits, coerces, forces or threatens or use a minor under the age of 18 for the purpose of prostitution, pornographic performances, or the production of pornographic material, or benefits in any way from such acts;
- attends pornographic performances involving minors under the age of 18;
- forces, coerces or threatens a minor under the age of 18 to engage in sexual activities with a third party.

This conduct is punishable by one to five years of imprisonment and a fine ranging from €251 to €50,000. If the offense involves a minor under 16, the sentence increases to five to ten years of imprisonment. If the child is under 11, the penalty increases to ten to 15 years of imprisonment.

[Article 382-7 of the Luxembourg Penal Code](#) criminalizes the act of soliciting, accepting, or obtaining sexual services from a minor engaged in prostitution, even on occasional basis, in exchange for payment or promise of payment. This offense is punishable by one to five years of imprisonment and a fine between €251 and €50.000.

c. sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)

The term “sexually explicit conduct” is not explicitly defined in Luxembourgish criminal law. We have provided below a section of the Luxembourg Penal Code that are the most relevant to this term.

[Article 385^{ter} of the Luxembourg Penal Code](#) punishes the act of using by any means to view a person’s private parts or undergarments which, due to their clothing or presence in an enclosed area, the person has hidden from the view of third parties, when committed without the person’s knowledge or consent.

These acts are punishable by six months to two years’ imprisonment and a fine ranging from €251 to €30.000 when committed against a minor.

Please also see item (1d) below for certain other sexual offences against minors that are also relevant.



d. **child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

In Luxembourg, child sexual abuse is criminalized under several provisions of the Penal Code. However, there is no legal definition of child sexual abuse.

[Article 372bis of the Penal Code](#) provides that any sexual act, regardless of its nature or means, committed on or with a minor under the age of 16, including situations where the minor is made to commit the act on their own body or on that of another person, is punishable by one to five years of imprisonment and a fine ranging from €251 to €50,000. The penalty increases to one to ten years of imprisonment if the act is committed with violence or threats, or if the minor is under 13 years of age.

[Article 375bis](#) punishes any act of sexual penetration—vaginal, anal, or oral, by any means including with the sex, an object, or a finger—committed on or with a minor under the age of 16, including situations where the minor is made to perform the act on themselves or on a third person, regardless of the minor’s consent. This offense is punishable by ten to 15 years of imprisonment.

[Articles 372ter](#) (corresponding to Article 372bis) and [375ter](#) (corresponding to Article 375bis) establish more severe penalties when the above sexual abuse is committed by a parent, ancestor, relative up to the third degree, stepparent, guardian, or any person who holds authority over the minor or is in a position of trust or influence.

e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)**

In Luxembourg, child pornography or CSAM is criminalized under several provisions of the Penal Code. However, there is no legal definition of child pornography or CSAM.

[Article 383 of the Luxembourg Penal Code](#) criminalizes the manufacture, transport or dissemination by any means whatsoever and whatever the medium of a message of a violent or pornographic nature, or of a nature prejudicial to human dignity, or the sale of such a message, when the message is likely to be seen or perceived by minor. It is punishable by one month to three years of imprisonment and a fine ranging from €251 to €50,000.

The involvement of a minor in these practices increases the penalty. [Article 383bis](#) criminalizes the manufacture, transport, dissemination, or commercialization of violent or pornographic material, or material that seriously undermines human dignity, when it involves or depicts minors. These actions are punishable by one to five years of imprisonment and a fine ranging from €251 to €75,000. In such cases, confiscation of the material is mandatory.

According to [Article 383ter](#), fixing, recording, or transmitting images or representations of a minor with pornographic content, with the intent of distribution, is punishable by one month to three years of imprisonment and a fine of €251 to €50,000. The same penalties apply to anyone who offers, makes available, distributes, imports, or exports such material.

In addition, [Article 384 of the Luxembourg Penal Code](#), any person who knowingly acquires, possesses, or accesses pornographic writings, printed materials, images, photographs, films, or any other objects involving or depicting minors is liable to one month to three years of



imprisonment and a fine of €251 to €50,000.

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

There is no specific definition of computer-generated images or videos of child pornography or CSAM. However, such actions are likely to be criminalized under the provisions detailed in the previous question item (1e) regarding child pornography or CSAM.

- g. **enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

[Article 385-2 of the Luxembourg Penal Code](#), introduced by the Law of 16 July 2011, is a special legal provision that was created with the specific aim of combating grooming. It criminalizes the act of an adult making sexual propositions to a minor under the age of 16 or to a person presenting themselves as such, through any means of electronic communication.

The penalty for this offence is imprisonment from one month to three years and a fine ranging from €251 to €50,000. If the sexual propositions are followed by a meeting between the adult and the minor, the penalties increase to imprisonment from one to five years and a fine of €251 to €75,000.

Luxembourg has also established an [online reporting mechanism](#) on the national police website, allowing individuals to report suspected cases of grooming or enticement through a dedicated form.

- h. **legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?**

The age of sexual consent in Luxembourg is 16. According to [Article 371-2 of the Luxembourg Penal Code](#), a minor under the age of 16 is presumed legally incapable of consenting to a sexual act. Thus, an adult cannot engage under any pretext in a sexual activity with a minor.

However, there is an exception commonly referred to as the “teenage love” (*“amours adolescents”*) clause. This applies when the minor is between the ages of 13 and under 16, and the age difference between the minor and the other person does not exceed four years. In such cases, the minor is considered capable of giving free and valid consent.

- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

In Luxembourg, there is no legal definition of sextortion.

The fact of extorting money from a child by threatening to share sexually explicit, child



pornography or CSAM images of the child could be punished under [Article 470 of the Luxembourg Penal Code](#), which criminalizes blackmail. However, if the purpose of the blackmail is to obtain sexual favours, [Article 470 of the Luxembourg Penal Code](#) cannot be applied, as it only applies to situations in which the extortion committed by violence or threat is aimed at the delivery of funds, securities, goods or electronic keys, or the signing or delivery of a writing, deed or document of any kind containing or effecting an obligation, disposition or discharge. [In this latter case, Article 385-2 of the Luxembourg Penal Code (on grooming) may potentially be applicable (see item (1g) above).]

Criminal sanctions related to blackmail committed by violence or threat are range from five to life imprisonment in the circumstance of death of the victim.

Resources:

- [the Civil Code - https://legilux.public.lu/eli/etat/leg/code/civil/20250420](https://legilux.public.lu/eli/etat/leg/code/civil/20250420)
- [Article 32 of the Law on the Protection of Youth - https://legilux.public.lu/eli/etat/leg/loi/1992/08/10/n3/jo](https://legilux.public.lu/eli/etat/leg/loi/1992/08/10/n3/jo)
- [the Luxembourgish Civil Code - https://legilux.public.lu/eli/etat/leg/code/civil/20250420](https://legilux.public.lu/eli/etat/leg/code/civil/20250420)
- [the Luxembourg Penal Code - https://legilux.public.lu/eli/etat/leg/code/penal/20250311](https://legilux.public.lu/eli/etat/leg/code/penal/20250311)
- [online reporting mechanism - https://police.public.lu/fr/commissariat-virtuel/grooming.html](https://police.public.lu/fr/commissariat-virtuel/grooming.html)
- [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(Lanzarote Convention, 25–26 October 2007\) - https://rm.coe.int/1680084822](https://rm.coe.int/1680084822)
- [United Nations Convention on the Rights of the Child - https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child)

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

In Luxembourg national law, concerning video-sharing platforms, the [amended law of 27 July 1991 on electronic media](#) (hereinafter “Law on electronic media”) provides an obligation for providers of video-sharing platforms to put in place appropriate measures to protect minors from content (such a pornography) likely to affect their physical, mental or moral development. [This obligation, as detailed below, does not require the service providers to actively review, screen, moderate or detect child pornography or CSAM content – it is largely a “reporting-and-(potential) removal” mechanism; the provisions expressly state that these measures will not lead to an ex-ante control nor to the filtering of the content at the time it is put online (see below).]

[Article 28 septies of the Law on electronic media](#) states that “*video sharing platform providers under the competence of the Grand Duchy of Luxembourg take appropriate measures to protect:*

- a) minors from programmes, videos created by users and audio-visual commercial communications likely to harm their physical, mental or moral development in accordance with article 27ter, paragraphs 1 and 2;*
- b) [...]*
- c) the general public from programmes, videos created by users and audio-visual*



commercial communications including content the broadcasting of which is a criminal offence, i.e., public provocation to commit acts of terrorism as provided in article 135-11, paragraphs 1 and 2 of the Criminal code, violations related to child-pornography as listed in article 379, point 2° of the Criminal code and violations relating to racism and xenophobia as listed in articles 457-1 and 457-3 of the Criminal code.

[...]

All video sharing platform providers under the competence of the Grand Duchy of Luxembourg shall apply these measures. Such measures are feasible and in proportion considering the size of the video sharing platform service and the nature of this service. These measures will not lead to an ex-ante control nor to the filtering of the content at the time it is put online, that are not in compliance with article 63 of the amended Law of 14 August 2000 on electronic commerce and trust services. For the purpose of the protection of minors provided in paragraph 1, letter a) the most detrimental content will be subject to the strictest control measures.

Such measures will consist, as may be appropriate, in:

[...]

d) Implementing and using transparent and user-friendly mechanisms allowing the users of a video sharing platform to specify or report to the video sharing platform provider the content referred to in paragraph (1) available on this platform;

e) Implementing and using systems allowing video sharing platform providers to explain to the users of these platforms what measures were taken for the specifications and reports referred to under letter d);

[...]

i) Implementing and using transparent, easy to use and efficient procedures for the processing and the solution of claims of users with the video sharing platform provider in connection with the implementation of measures referred to under letters d) to h);

[...]"

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

In Luxembourg national law, there is no legal or regulatory requirements or recommendations for Online Platforms to review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child. [However, Article 28septies of the Law on electronic media, as outlined above in item (a), could potentially be applicable.]

c. report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization

In Luxembourg national law, there is no specific legal or regulatory requirements or recommendations for Online Platforms to report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization.

We could, however, mention [Article 410-1 of the Luxembourg Penal Code](#), which makes it an offence to voluntarily refrain from coming to the aid of, or providing assistance to, a person exposed to serious danger. This offence is penalized by eight days to five years'

imprisonment and a fine of €251 to €10,000.

- d. remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

It is European legislation, in particular [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services](#) (otherwise known as the Digital Services Act, hereinafter “DSA”), which aims to regulate digital service providers and Online Platforms within the European Union, including in Luxembourg. This Regulation is directly applicable in Luxembourg.

However, it is important to note that a [Law of 4 April 2025 implementing the Regulation \(EU\) 2022/2065](#) (hereinafter “Law implementing the DSA”) in Luxembourg complements the DSA by including provisions that required national implementation.

[Article 28 of the DSA](#) addresses the protection of minors online. [Article 28\(1\) of the DSA](#) requires providers of Online Platforms accessible to minors to take appropriate and proportionate measures to ensure a high level of privacy, safety and security for minors on their platforms.

Although the Luxembourg [Law of 4 April 2025 implementing the DSA](#) does not explicitly reproduce this article, several of its provisions set out how this obligation should be applied at the national level.

[Article 11 of the Law implementing the DSA](#) states that in the event of an emergency justified by the risk of serious harm to the recipients of the service, the Competition Authority (“*autorité de la concurrence*”) may, by way of a decision, order interim measures against the relevant intermediary service provider (defined to include Online Platforms), based on a *prima facie* finding of an infringement.

According to [Article 13\(3\) of the Law implementing the DSA](#), if an intermediary service provider fails to comply the interim measures ordered by the Competition Authority, the Competition Authority may order the intermediary service provider to cease the established infraction. To this end, the Competition Authority may impose any corrective measure, whether structural or behavioural, that is proportionate to the infringement and necessary to effectively bring it to an end.

- e. review content by human moderators to screen or moderate for child pornography or CSAM**

In Luxembourg national law, there is no specific legal or regulatory requirements or recommendations for Online Platforms to review content by human moderators to screen or moderate for child pornography or CSAM.

- f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency**



Article 11 of the Law implementing the DSA states that in the event of an emergency justified by the risk of serious harm to the recipients of the service, the Competition Authority (“*autorité de la concurrence*”) may, by way of a decision, order interim measures against the relevant intermediary service provider, based on a *prima facie* finding of an infringement.

According to Article 13(3) of the Law implementing the DSA, if an intermediary service provider fails to comply the interim measures ordered by the Competition Authority, the Competition Authority may order the intermediary service provider to cease the established infraction. To this end, the Competition Authority may impose any corrective measure, whether structural or behavioural, that is proportionate to the infringement and necessary to effectively bring it to an end.

Furthermore, according to Article 14(2) of the Law implementing the DSA; if all powers of the Competition Authority have been exhausted but the infringement has not been remedied, and the infringement causes serious harm that cannot be prevented through the exercise of any other available legal powers, the Competition Authority may refer the matter to the Council Chamber of the Court of Appeal (“*chambre du Conseil de la Cour d’appel*”) to request temporary restriction on access to the Online Platform.

- g. **use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**
- i. **“Hashing technology”** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.

In national law, there is no specific legal or regulatory requirements or recommendations for Online Platforms to use “Hashing technology” or any other specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion.

- ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

In Luxembourg national law, there is no specific legal or regulatory requirements or recommendations for Online Platforms to use artificial intelligence to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion.

- h. **if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

In Luxembourg national law, the Law on electronic media only applies to video sharing platforms.

Please refer to the EU questionnaire for EU-wide legislation, and more specifically to determine the scope of application of the DSA, which establishes differentiated obligations based on the nature and size of the Online Platform.

Resources:

- [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services - https://eur-lex.europa.eu/FR/legal-content/summary/digital-services-act.html](https://eur-lex.europa.eu/FR/legal-content/summary/digital-services-act.html)
- [Law of 4 April 2025 implementing the Regulation \(EU\) 2022/2065 - https://legilux.public.lu/eli/etat/leg/loi/2025/04/04/a125/jo](https://legilux.public.lu/eli/etat/leg/loi/2025/04/04/a125/jo)
- [the Luxembourg Penal Code - https://legilux.public.lu/eli/etat/leg/code/penal/20250311#art_410-1](https://legilux.public.lu/eli/etat/leg/code/penal/20250311#art_410-1),
- [amended law of 27 July 1991 on electronic media - https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805](https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805)

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

Under Luxembourg national law, video sharing platforms are required to implement and use systems allowing to check the age of the users when providing access to content that may harm the physical, mental or moral development of minors, as stated by [Article 28septies \(3\) §3 f\) of the Law on electronic media](#).

This requirement does not apply to all Online Platforms, but solely to video sharing platforms.

Resources:

- [amended law of 27 July 1991 on electronic media - https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805](https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805)

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

In Luxembourg, there are no specific legal provisions that require or recommend Online Platforms to implement a method to obtain parental consent before a child uses the services of an Online Platform.

However, [Article 28septies \(3\) §3 h\) of the Law of 27 July 1991 on electronic media](#) requires video sharing platforms to put in place parental control systems controlled by the end-users on content likely to harm the physical, mental or moral development of minors.

This requirement does not apply to all Online Platforms, but solely to video sharing platforms.

Resources:

- [amended law of 27 July 1991 on electronic media - https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805](https://legilux.public.lu/eli/etat/leg/loi/1991/07/27/n1/consolide/20240805)

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

- a. **The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**



In Luxembourg, there are no specific legal provisions that explicitly allow child victims of online sexual exploitation to prevent the publication of pornography or CSAM by an Online Platform.

However, victims may rely on [Article 16 of the International Convention on the Rights of the Child](#) which grants a right to privacy and [Law of 11 August 1982 on the Protection of Privacy](#) which guarantees the rights to one's image. In addition, [Article 383bis of the Luxembourg Penal Code](#) prohibiting the production, possession, and distribution of child pornography and CSAM imagery may also be invoked. Based on these provisions, victims can request that the Online Platform refrain from publishing such content.

In addition, once any child pornography or CSAM imagery is online, Luxembourgish citizens are incentivized to report such content via the Bee Secure Stopline, a government-funded initiative that works in cooperation with law enforcement authorities to facilitate the removal of illegal content.

Please refer to the answer to question 2.f for the applicable provisions set out in the Luxembourg Law of 4 April 2025 implementing the DSA.

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

Under Luxembourg law, there are no specific legal provisions that explicitly require Online Platforms to take active steps to remove child pornography or CSAM from their servers. However, [Articles 383bis](#) and [384](#) of the Luxembourg Penal Code prohibit the transportation, distribution and possession of pornography involving minors or CSAM. Thus, in order to avoid criminal liability, Online Platforms are expected to remove any child pornography or CSAM that is hosted on their servers once they become aware of its existence.

Also, please refer to the answer to question 2.f for the applicable provisions set out in the Luxembourg Law of 4 April 2025 implementing the DSA.

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

[Article 1 of the Law of 11 August 1982 concerning the protection of privacy](#) offers the possibility for a judge to prescribe all measures such as sequestration, seizure and others, suitable for preventing or stopping an invasion of privacy. In case of emergency, the measure can be ordered in summary proceedings.

Also, as stated above, [Article 11 of the Law implementing the DSA](#) states that in the event of an emergency justified by the risk of serious harm to the recipients of the service, the Competition Authority ("*autorité de la concurrence*") may, by way of a decision, order interim measures against the relevant intermediary service provider (defined to include Online Platforms), based on a *prima facie* finding of an infringement.

Moreover, according to [Article 14\(2\) of the Law implementing the DSA](#), if all powers of the Competition Authority have been exhausted but the infringement has not been remedied, and the infringement causes serious harm that cannot be prevented through the exercise of



any other available legal powers, the Competition Authority may refer the matter to the Council Chamber of the Court of Appeal ("*chambre du Conseil de la Cour d'appel*") to request temporary restriction on access to the Online Platform.

d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

Under Luxembourgish law, [Article 383bis](#) of the Penal Code prohibits the distribution of child pornography and CSAM. Such distribution is strictly forbidden in all circumstances.

However, there is currently no specific provision under Luxembourg law that explicitly allows for a protective order or court order to prohibit an individual from reposting such content in the future on the same or other Online Platforms.

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

Under Luxembourg law, it is possible to seek financial damages or monetary compensation from an offender who has unlawfully shared a child's image or video, either through a civil proceeding or a criminal proceeding.

A victim may initiate a civil liability action ("*action en responsabilité*") under [Article 1382 of the Luxembourg Civil Code](#), which establishes that any person who causes harm to another through their own fault is obliged to repair it. The unauthorized sharing of a child's image or video may constitute a violation of the right to privacy or image rights, both of which are protected under Luxembourg law.

Alternatively, compensation can be sought within criminal proceedings through the mechanism of "*constitution de partie civile*". According to [Article 3 of the Code of Criminal Procedure](#), the legal representative of the child victim may join the criminal proceedings to claim reparation for the damage suffered, i.e., moral or psychological harm resulting from the offense.

f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?

Under Luxembourgish law, victims of crimes, including those involving the distribution of child pornography or CSAM, have access to various forms of compensation and support.

Victims may apply for state-funded compensation as victims of a violent offense, in accordance with the [Law of 12 March 1984 on the compensation of victims of violent crimes](#). However, compensation is only available if the perpetrator is either unidentified or insolvent.

Additionally, government-funded services provide victims with psychological support, legal assistance, and social services. These are often coordinated by specialised organizations such as the [Central Social Assistance Service](#) ("*Service central d'assistance sociale*" also known as *SCAS*) or the [Luxembourg Association of Social Pediatrics](#) ("*Association luxembourgeoise de pédiatrie sociale*" also known as *ALUPSE*), which focus on assisting child victims.

g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?

Under Luxembourg law, there is no obligatory notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted.

Resources:

- [Luxembourg Association of Social Pediatrics - https://www.alupse.lu/](https://www.alupse.lu/)
- [Central Social Assistance Service - https://guichet.public.lu/en/citoyens/organismes/organismes_citoyens/service-central-assistance-sociale.html](https://guichet.public.lu/en/citoyens/organismes/organismes_citoyens/service-central-assistance-sociale.html)
- [Law of 12 March 1984 on the compensation of victims of violent crimes - https://legilux.public.lu/eli/etat/leg/loi/1984/03/12/n1/jo.](https://legilux.public.lu/eli/etat/leg/loi/1984/03/12/n1/jo)
- [the Code of Criminal Procedure - https://legilux.public.lu/eli/etat/leg/code/procedure_penale/20250131#art_3](https://legilux.public.lu/eli/etat/leg/code/procedure_penale/20250131#art_3)
- [the Luxembourg Civil Code - https://legilux.public.lu/eli/etat/leg/code/procedure_penale/20250131#art_3](https://legilux.public.lu/eli/etat/leg/code/procedure_penale/20250131#art_3)
- [the Law implementing the DSA - https://legilux.public.lu/eli/etat/leg/loi/2025/04/04/a125/jo#art_11](https://legilux.public.lu/eli/etat/leg/loi/2025/04/04/a125/jo#art_11)
- [the Law of 11 August 1982 concerning the protection of privacy - https://legilux.public.lu/eli/etat/leg/loi/1982/08/11/n6/jo](https://legilux.public.lu/eli/etat/leg/loi/1982/08/11/n6/jo)
- [the International Convention on the Rights of the Child - https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child)

6. “Safety by Design” is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.

a. Are Online Platforms legally required to incorporate “Safety by Design” into their systems?

Under Luxembourg law, Online Platforms are not legally required or recommended to incorporate “Safety by Design” into their systems.

- i. If so, must these steps be taken before the launch of an Online Platform?**
- ii. If so, if an Online Platform has already been in public use, when must they have incorporated “Safety by Design” measures?**
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

Not applicable. See item (6a) above.