



child rights connect
formerly the ngo group for the crc

STATE PARTY EXAMINATION OF MONACO'S SECOND AND THIRD PERIODIC REPORTS

64TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
16 SEPTEMBER – 4 OCTOBER 2013

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Monaco ratified the Convention on the Rights of the Child (CRC) on 21 June 1993. On 1 October 2013, the Committee on the Rights of the Child (the Committee) examined the second and third periodic reports of Monaco. It was last examined on 27 May 2001. The state party has reservations on article 40, paragraph 2 (b)(v).

Opening Comments

The delegation of Monaco was led by S.E. Madame Carole Lanteri, Ambassador and Representative of the Permanent UN mission of Monaco in Geneva. She was supported by a small delegation with representatives from the Department of foreign affairs, the Social and Health Affairs departments, the Social and Sanitary action service, The National Education department and the International legal service for human rights.

Madame Carole Lanteri informed the Committee that within the State there was a peaceful existence of many nationalities and that measures were taken on the behalf of the most vulnerable people. She took the opportunity to tell the Committee about improvements in Monegasque policy. She informed the Committee that health is a priority in Monaco, there is equal access to healthcare of good quality and the social model allows for family and social allowance. Since 2009 there had been a programme which enables the constant accompanying of pregnant women. She noted that the Princess Grace hospital had a specialist paediatric ward and that there was a trusting atmosphere in hospitals. She added that health professionals in schools provided sexual advice to young people, condoms were provided in pharmacies and clinics provided autonomous testing for STDs.

She informed that schools had integrated children with disabilities and that specialised personnel and equipment were provided for this. She noted that the government had tried to

ensure all activities were accessible to everyone; sports and public transport were also accessible to disabled children. She highlighted that education was free in Monaco and that 75 nationalities were represented in their schools. New communication technologies had been used in schools and measures had been taken to tackle violence in schools such as numerous surveillance personnel.

She explained that action had been taken to fight drug addiction and that in 2009 a Committee was set up for the health for health and citizenship to establish further projects to assist this. Furthermore, there was a Guardian Angels programme which encouraged responsible driving through the monitoring of alcohol intake of drivers. Madame Carole Lanteri highlighted that there was assistance for vulnerable children and a specialised children's home. She re-iterated the importance of child protection and said that there had been a strengthening of the punishment of perpetrators who committed crimes against children. There had been revised laws concerning the laws on custody, minors under 16 cannot be placed in disciplinary cells, regardless of the offence. Placement in these cells for over 16s will not last longer than three days.

Madame Carole Lanteri explained that for over 20 years there had been a focus of the millennium goals of eradicating poverty and that Monegasque activity for development spanned over 20 countries. She re-iterated that Monaco had continuously strived to protect the rights of children.

Mr Cardona and Ms Parsi, the Country Rapporteurs warmly welcomed the delegation from Monaco. They noted that it was a large delegation considering the population of the country. Mr Cardona noted that Monaco was a country that was committed to the rights of the child. However he explained that to ensure the state's commitment to human rights the Committee would be more demanding of Monaco as it is a developed and rich country. Ms Parsi re-iterated that the State had demonstrated great sensitivity and care towards children.

General Measures of Implementation

Legislation

The Committee noted that Monaco was closely tied to France in terms of its legislation and asked if it followed France's decisions when ratifying new treaties such as the Convention on the protection of Migrants and their families. The delegation explained that it had not engaged in signing this treaty as it was not relevant to the realities of their country.

The Committee also asked why the State had not ratified the Convention on Disabilities. The delegation explained that ratification must be subordinate to national law and that there was a bill which was reorganising and reworking legislation in that respect. It said that when this law is adopted that harmonisation would take place. The delegation noted that there had been considerable effort to sign and ratify the 3rd Optional Protocol of the CRC.

Ombudsman

The Committee noted that an independent office for Ombudsman had not yet been established and re-iterated that this complaint mechanism is important for children. It asked the delegation if the State intended on establishing an independent Ombudsman office. The delegation noted that although it did not have an Ombudsman's office it was well equipped to deal with criminal complaints. It explained that there had been a modernisation of children's complaints, legal representatives and NGO's now have a right to make a complaint on the behalf of children. There had been training for legal staff that assisted in these situations

which focused on dealing with vulnerable victims. It explained that there had been opportunity for children to have their voices heard during divorce proceedings that may affect them; they were entitled to go directly to the guardianship judge if they wish to do so. The Committee asked the delegation if children know about this procedure. The delegation noted that this mechanism is not used very often. It said that it had been publicised in schools and that judges were responsible for ensuring that minors were notified of any offences that concern them.

Coordination and monitoring

The Committee asked if there was a national strategy for the protection of children's rights in order to co-ordinate an effective monitoring system. The Committee asked if an independent national human rights institution would be established in Monaco and requested more detail about the current human rights co-ordinator role.

The delegation explained that there is an employee that works as a human rights mediator who was responsible for leading on the protection of human rights which includes child rights issues. This councillor had certain prerogatives such as assisting anyone that had suffered prejudice at the hands of the administration and they had functional independence. The Committee asked if the councillor was totally independent and whether having only one person that fulfilled this role was sufficient. The delegation explained that given the nature of the small principality communication and co-ordination was easy. It ensured that when young people had problems they were dealt with very quickly thanks to the way in which information was communicated in the country.

The Committee noted that Monaco was a known tax haven; it asked if there was a monitoring system for companies to insure that their investments and money laundering were not negatively affecting children's rights.

Data collection

The Committee were concerned about the lack of data collection surrounding children and asked the delegation if they were planning to create a comprehensive data collection system for children. It noted data can be very useful especially concerning the monitoring of violence against children.

Dissemination and training

The Committee commended Monaco on the raising of awareness of human rights. It asked if awareness of the CRC had reached all children in Monaco. It asked how the small country made use of the media to promote children's rights. The delegation affirmed that social media and mass media had been used to disseminate the CRC. Every year there was a day of the right of the child which would take place on the 21st of November this year. It explained that this day had an impact on the entire country. School teachers made children aware of it through discussions, and many NGO's were involved in the celebrations. The event was also broadcast live on national television which enabled all the inhabitants to become aware of it.

The Committee also asked if there had been training programmes for professionals who work with children. The delegation explained that there had been training for magistrates and judges. In particular there had been training on cybercrime and offences committed over the internet. Social worker had also undertaken this training. It said that there were regular conferences in the Palais de Justice on human rights which were open to lawyers to attend.

Budget

The Committee noted that not much information had been provided about the budget for children. It asked about the proportion of the budget spent on children. The delegation informed the Committee that within the Office for Social Protection 3 million euros was spent on child protection, families, and children with disabilities. The Committee asked for clarification about money that had been spent on children. The delegation explained that that was a further 47 million euros that was spent on national education which accounted for 5.3 % of the government's budget. It said that more exact information would be given at a later date.

Cooperation with civil society

The Committee asked if there had been dialogue between the State and NGO's. It asked if NGO's had been involved in the writing of the State report. It also asked if there were specific regulations to monitor service and industry providers with the rights of the child.

General Principles

Non- discrimination

The Committee noted that there were differences in the legal status of children born in and out of wedlock. It asked if all children had the same proprietary rights now. It noted that differences in children's rights caused by the marital status of the child's parents were discriminatory. The delegation affirmed that this discrimination no longer existed as there had been modification to the Civil Code in 2003 which changes the law regarding inheritance. It also reminded the Committee that Monegasques were in fact a minority in their own principality meaning that the concept of discrimination against minorities was really non-existent in Monaco.

Right to nationality

The Committee recommended that the State withdraw from its reservations to the CRC regarding nationality. It asked why this reservation was still necessary.

Best interests of the child

The Committee asked how the State made provisions for the best interests of the child. It asked if the best interests of the child were taken into account when there was an adult on trial whose children might be affected by this. The delegation explained that the concept of the best interests of the child underpins the Monegasque law of family and policy. The delegation re-iterated that legal representatives can represent children. It noted that in Monaco when rulings went up to the revision court judges would directly refer to the CRC.

Respect for the views of the child

The Committee asked how the views of the child had been heard and how children participated in their country. It noted that participation of children is a good indicator to see whether the basic needs of children had been met and that children's views could be used to influence public policy.

The delegation said that the children's views were very important, there had been a recent law which encouraged the formal participation of children in school councils and class councils. Furthermore there were eco-delegates in primary schools who devised eco-friendly projects in Monaco. It said that there were teams of psycho-medical practitioners with whom children could go to anonymously.

Right to association

The Committee asked if children were able to create associations themselves and whether the State co-ordinates with these associations. It also commended the delegation for the good establishment of clubs, such as the UNESCO club. It asked if children with disabilities could easily participate in these clubs.

Right to know their origins

The Committee asked about the procedure surrounding anonymous births in Monaco. The delegation stated that article 47 of the Civil Code provided that anyone that finds a new born child is obliged to give that child to the authorities. In situations where mothers choose to give birth anonymously the information about the child's origins is recorded and archived by the hospital. If the child wanted to know their identity upon reaching 18 they would be able to retrieve this information. The delegation noted that the situation of anonymous births was rare and had happened twice in the principality.

Civil Rights and Freedoms

Early marriage

The Committee asked what the legal marriage age was in Monaco and noted that it had previously been different for girls and boys. The delegation explained that the age for marriage was now set at 18 for both boys and girls.

Corporal punishment and child abuse

The Committee noted that although the State party had an effective set of law protecting children from violence there was no explicit prohibition of corporal punishment as had been recommended by the Committee in 2001. The delegation assured that there were strict sanctions for violence against children. However the definition of corporal punishment was a difficult notion to grasp, for this reason it had not been explicitly prohibited. The Committee asked for more details about corporal punishment, it asked whether specific punishment existed for corporal punishment in schools and educational institutions. It asked the delegation whether people in Monaco believed that they had a right to educate in this way.

Family Environment and Alternative Care

Adoption

The Committee asked about specific details about adopted children in Monaco. It noted there were no published statistics on this and asked what measures had been carried out to monitor adoption. It specifically asked about the international adoption of children from countries that were not part of the Hague Convention into Monaco.

The delegation explained that when children were adopted from abroad procedures in Monaco must meet French legislative requirements. There was subsequently follow ups on adopted children in Monaco. The delegation explained that there had only been adoptions of two Monegasque children in the in the past 20 years, both of which were adopted in Monaco. It explained that because there were not adoptable children in Monaco prospective adoptive parents went abroad to adopt children. It clarified that statistics related to adoption were not confidential. There were statistics for intentional adoption; in 2013 11 children were adopted from countries in the Hague Convention and 9 children were adopted from countries outside of the Hague Convention.

Basic Health and Welfare

Children with disabilities

The Committee noted that the State had signed but not ratified the Convention on disabilities. It asked for additional information on children with disabilities. It noted the progress that had been made in recent years and said that data collection that had been provided seemed accurate.

It asked if the State had faced problems implementing healthcare as some children had been sent to France for specific care. It noted that there had not been official data collection for disabled children and their access to health services. The delegation explained that for children who were severely handicapped had been sent to France to be treated. It stated that there were 35 disabled children in Monaco and 9 of these children had been sent to France to receive treatment. The delegation re-iterated that there were no discrimination issues against disabled children in Monaco and that they received equal access to healthcare and counselling. It stated that because of the size of the country children with disabilities were quickly identified and given personalised advice and were fully included in the school system.

The delegation said that there were children's organisations that catered for children with disabilities and that these children can participate in the same way as other children in clubs and associations.

Health services

The Committee commended the delegation on the measures that they had taken towards the prevention of STDs and towards the provisions of successful antenatal classes. However the Committee were concerned about the lack of sex education and confidential health services for pregnant minors. It asked if pregnant minors views on abortion were taken into consideration. The delegation explained that special protection is provided for minors; minors had to have the consent of one legal parent to have an abortion, and if this was not granted they had to get permission from the courts. The delegation noted that there had not been medical abortions for minors in Monaco and that the last adolescent pregnancy was in 2007.

Drug, alcohol issues and suicides

The Committee noted that there was a high rate of suicide among young people. It asked the delegation if it had any current suicide rates and whether they were creating any preventative measures in terms of suicides. The Committee were concerned about drug use among young people and asked if there had been studies on the use of cannabis. It questioned the delegation on the problems surrounding virtual drug abuse such as internet addiction disorder. It asked if there had been rehabilitation for child drug users.

The delegation were surprised to hear about suicide problems within Monaco and noted that there had not been any cases in recent years. It assured that mental health issues were a priority for the principality and children that have attempted suicide were referred to the psychologists at the Princess Grace hospital where there were special child psychologists to deal with the mental health of children.

In terms of addiction problems the delegation said there was a public health programme to fight these problems. It explained that information from doctors was disseminated in schools and that other professionals were trained in these matters. The delegation said that an investigation had been carried out on cannabis use and that schools were rigorous concerning the use of these drugs. There had been studies on the use of tobacco by children. The delegation reported that rate of tobacco use among young people was 25-30% and the rate of

alcohol consumption was 62-69%. It informed the Committee that the use of cannabis was 10-21% which was higher than the European average.

Education, Leisure and Cultural Activities

Violence in schools

The Committee asked the delegation about the issue of violence in schools. The delegation explained that the internet played a role in anti-violence education. It said that there psychologists worked in schools to combat bullying and surveillance personnel who also helped to deal with bullying issues in schools.

Special Protection Measures

Child labour

The Committee highlighted concerns about children working part-time for small family businesses. It noted that tourism was a big income for Monaco; however the working age for children was 16. It asked if there was any conflict in the tourist industry and whether children's rights were being respected in this regard. It also asked the delegation about becoming a member of the ILO in order to regulate child labour laws.

The delegation informed the Committee that there had been inspections in companies and firms conducted by the Labour office. The delegation stated that the Labour office do 1000 inspection visits per year. It stated that the office had never noticed children working with their parents in small shops.

The delegation explained that Monegasque legislation restricts children from working whilst they were still undertaking scholastic education. It noted that an exception to this were businesses that employ family members. Furthermore, it explained that children were not allowed to work during the scholastic period but were permitted to work during vacation periods. It explained that there were apprentice contracts available for children after 15 provided the children had completed a whole course of secondary education. The delegation added that there were 17 young people doing apprenticeships.

The Committee asked the delegation if they had the intention to join the ILO working conditions as the State party already met the conditions. It asked whether there was a mechanism to ensure that children who start apprenticeships had finished school.

The delegation explained that there were still some principles that clashed between the ILO standards and Monaco's domestic provisions. One of the provisions being the priority of employment factor, the delegation explained that as Monegasque citizens were a minority that they should be given priority in terms of labour opportunities. The delegation explained why there was one child that did an apprenticeship at the age of 15. This child had found school education difficult so was enabled to do an apprenticeship instead. It explained that there were very few students that were unable to cope with the traditional school system and this example was an exception.

Juvenile justice

The Committee noted that the age of criminal responsibility in Monaco was young at the age of 13. It asked the State party if there had been plans to raise this age. It noted that minors of

13 could be held in pre-trial detainment or police custody. It noted that detainment like this should not be over 12 hours for minors but it was being extended up until 24 hours. It noted that children between 16 and 18 can be held in disciplinary cells. It asked how many children were currently deprived of their liberty in Monaco. The Committee also asked about the provision of special training to judges and lawyers.

The delegation informed the Committee that in 2012 6 children had been arrested, 2 boys and 2 girls. The delegation explained the principle of preventative detention, “Garde à vue” which was a particular regime for minors. It explained that this occurred if all other options had been exhausted and was an exceptional case. There were guarantees provided to minors in this situation.

The delegation explained that preliminary detention lasted just a few hours and it was not a type of penitentiary institution. The Committee asked if there was the possibility of children and adults being detained in the same places. It asked if preliminary detention can last for 48 if a crime had not been committed. The delegation explained that under 13s could not be placed in preliminary detention.

Protection of child witnesses and victims

The Committee asked what measures were in place to protect child victims and witnesses. It questioned whether there were special procedures in place for victims of sexual abuse and if there were measures to prevent children being re-victimised in the court process. The delegation explained that the procedures for witness accounts and testimonies could be differed to be more appropriate for children.

The Committee asked for more clarification on procedures and protocols used by professionals that deal with sexual abuse cases such as judges, lawyers and police officers. The delegation said that there were protocols but that they were informal as the relevant bodies were accustomed to working together.

Asylum-seeking children and child soldiers

The Committee asked about provisions for asylum seekers or ex child soldiers in Monaco. It asked if measures had been adopted here and whether there were any agreements with the Red Cross. The delegation explained that there had been no cases of asylum seekers in the State Party to date. It assured that any asylum seeker children would be welcomed and that the government would do their utmost to host these children in the best conditions possible.

Corporate responsibility

Due to the State party’s economic status the Committee were concerned about there being problems with money laundering. The Committee asked if corporations in Monaco had used capital proceeds for any type of activity that exploits children. The delegation explained that the money laundering was an offence in the criminal code.

Child protection and the internet

The Committee recommended that there should be support for parents to help them prevent children accessing inappropriate information on the internet. The Committee noted that internet usage in Monaco was high and that action should be taken at three levels; children needed to know how to defend themselves physically and online, children needed to be made responsible from an early age, and anyone that came into contact with children needed to understand the scope of these problems.

The delegation highlighted that all students signed a charter relative to usage of the internet in Monaco. There was an NGO, Action Innocence, which intervened with children at a young age to warn them of the dangers of the internet. The delegation informed the Committee that the Criminal Code included punishment for people involved in child pornography and for anyone that had stored, held, published, or created this type of pornography.

OPAC issues

The Committee asked if there was extraterritorial jurisdiction for war crimes. It recognised that many factors of war were not relevant to the State party; however it noted that extraterritorial jurisdiction would still be important as it would address the issue of their own nationals taking part in illegal activities. It recommended that the State party reviewed their position on this. The delegation stated that it supported the action of the International Criminal Court. It noted that when international bodies ask Monaco for assistance it readily assists these bodies to carry out international prosecutions when necessary.

Concluding Remarks

The Country rapporteurs thanked the delegation for the very sincere way that they have discussed issues. They noted that there was strong commitment and a high-level of respect for the rights of the child. They recognised that the small size of the country might have been disadvantageous. However overall the specific nature of the country meant that they did have advantages and they noted that the government had expressed a will and desire to work on the Committee's recommendations.

The delegation noted that because the Committee had been more demanding concerning certain issues it meant that the government benefitted from this attention and that it strives to make improvements in line with the Committee's recommendations. The delegation apologised for the chronic delay in submitting reports to the Committee and explained that due to the small size of the country it was difficult. They ensured that the reports would be up to date by 2015. The delegation thanked the Committee for the new integrated approach in the reporting system and said that this new system was very beneficial for small countries like Monaco.

