



# Economic and Social Council

Distr.: General  
10 February 2010  
English  
Original: French

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## Committee on Economic, Social and Cultural Rights Thirty-sixth session

### Summary record of the first part (public)\* of the 4th meeting

Held at the Palais Wilson, Geneva, on 2 May 2006, at 3 p.m.

*Chairperson:* Ms. Bonoan-Dandan

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### Consideration of reports:

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Initial report of Monaco* (continued)

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports:**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Initial report of Monaco (E/1990/5/Add.64); core document (HRI/CORE/1/Add.118); list of issues (E/C.12/Q/MCO/1); written replies by the Government of Monaco to the list of issues (HR/CESCR/NONE/2005/1)*

1. *At the invitation of the Chairperson, the members of the delegation of Monaco took places at the Committee table.*
2. **Mr. Blanchi** (Monaco) said that in 2001 the Principality of Monaco had set aside 0.28 per cent of its budget expenditure — not its gross national product — for official development assistance, and it planned to increase that percentage gradually to attain eventually — within some 10 years or so — a share of 0.7 per cent of its gross domestic product, in line with its international commitments.
3. **Mr. Gastaud** (Monaco) said that, under the Act of 15 July 2005 on freedom of public expression, acts of racial discrimination through the press and television were punishable by five years' imprisonment and a fine set out in article 26 of the Criminal Code. Although there was no provision in criminal law to punish employment discrimination based on race, Monegasque legislation in that respect should be amended before long, as the National Council had already taken up the issue.
4. **Ms. Pastor** (Monaco) said that it was employment that entitled persons to social benefits, including health insurance and pensions, and that there was therefore no discrimination between men and women in that respect. Under Monegasque law, unlike French law, it was the "head of household," presumed to be the father of the child, who received family allowances. Single-parent families also received social benefits in the Principality, which ensured equal rights for legitimate and illegitimate children. Laws discriminating against illegitimate children were out of date. The Reform of the Civil Code abolished the distinction between illegitimate and legitimate children by granting both the same property and inheritance rights. Such discrimination, therefore, no longer existed.
5. As soon as workers declared themselves to be self-employed, they were eligible for social benefits, since they were required to join the health insurance and pension schemes appropriate to their line of work.
6. **Mr. Pillay**, noting that according to the initial report of Monaco eligibility for public housing depended on Monegasque citizenship or at least five years' residence in the country, wondered if a person on a very low income who had resided in the Principality for only a year could apply for Government assistance.
7. He would like to know whether the relevant authorities sometimes ordered the eviction of tenants who could no longer pay their rent because of the high cost of living.
8. He would also like further information on children under 16 induced to work in a family business. Was that a widespread practice and, if so, how did it affect the right of those children to education?
9. Given that no law forbade corporal punishment in school or at home, it might be advisable to conduct a campaign to raise awareness among parents, teachers and others about the adverse effects of using violence against children.
10. **Ms. Bras Gomes** noted that Monegasque legislation continued to draw a distinction between children born in and out of wedlock, as benefits were paid to the so-called

legitimate children of an employee in the event of death caused by a work-related accident, which gave the impression that no provision was made for the others. It would seem, therefore, that not all laws drawing a distinction between legitimate and illegitimate children were out of date.

11. **Mr. Sadi** enquired whether the age of sexual consent was set at 18, given that it seemed paradoxical to him that children had the right of consent to sexual relations although they were not allowed, for example, to sign a contract.

12. He asked the delegation to indicate whether or not same-sex marriage was legal in the State party, whether trafficking in women and children was a problem in a country that bordered on France and Italy and, if so, if agreements had been reached with the neighbouring countries to combat that practice.

13. **Mr. Gamedinger** (Monaco) said that education was compulsory up to the age of 16; the situation was monitored and measures to combat absenteeism were taken when necessary. Working children were those who had alternating work/study apprenticeship contracts. They could not be said, therefore, to be avoiding compulsory education.

14. The age of majority was 18 years, but no age had been set for sexual consent. However, the Civil Code regulated procedures for consenting to marriage, so as to ensure that such consent was clearly expressed and that parents approved.

15. He was unaware of the existence of any networks in Monaco that trafficked in and exploited women and children. As the Principality was part of the Schengen area, the movement of adults and minors was governed by rules that were applicable to all member States.

16. **Ms. Pastor** (Monaco) reaffirmed that the laws that discriminated against illegitimate children were out of date, with the exception of the law on work-related accidents referred to by Ms. Bras Gomes. Monegasque law took into consideration only the right-holder, i.e., the person caring for the children, and the children themselves, as the beneficiaries.

17. She also noted that the Civil Code prohibited same-sex marriage.

18. **Mr. Blanchi** (Monaco) said that persons wishing to obtain a residence permit in Monaco must prove that they were able to support themselves, either by working or by private means. It was difficult to see how such persons could end up bankrupt within a year with no means of subsistence. No specific provision had therefore been made to deal with that kind of problem.

19. He was unaware of any forced evictions of tenants on the grounds that they were insolvent, but he would look into the matter and report back to the Committee.

20. With reference to corporal punishment, the Criminal Code punished inhuman or degrading acts and increased the penalty if a minor was involved. As there was a monitoring network on the ground, it was hard to imagine that children could be mistreated regularly without that drawing or being brought to the attention of the police or social services, which did not mean, of course, that it could never happen.

21. **Mr. Malinverni** said that the Committee would like information about working children under 16 years old rather than about children aged 16 and older who were pursuing a work/study apprenticeship.

22. Given that the State party had not set an age of sexual consent, he enquired what would happen if an adult had sexual relations with a 15-year-old girl or boy, for example.

23. **Mr. Blanchi** (Monaco) replied that in such a case the adult would be liable to criminal prosecution.

24. **Mr. Malinverni** inferred therefore that the age of sexual consent was 18 and pointed out that it was much higher than the minimum age in force in most other European countries.
25. **Ms. Barahona Riera** wished to know whether the State party had established sexual and reproductive health programmes for women and young persons and whether therapeutic abortion was allowed in rape cases or abortion was totally prohibited.
26. She drew the delegation's attention to the fact that adjectives such as "legitimate" and "illegitimate" were discriminatory by nature and could be replaced by the terms "born in wedlock" or "born out of wedlock".
27. **Ms. Pastor** (Monaco) said that the terminology still existed because it had appeared in the law that had since been abolished with the reform of the Civil Code. While Monegasque law totally prohibited the right to abortion, therapeutic abortion was the subject of debate.
28. **Mr. Riedel** would like to know what specific measures had been taken by the State party to raise awareness about the Covenant and asked if free copies of it were distributed in schools.
29. He asked whether the delegation could provide more information on the Monegasque language – whether it was a language half way between French and Italian and whether it ever gave rise to discrimination, for example with respect to access to employment for Monegasque speakers.
30. He asked the delegation to indicate what steps had been taken to preserve the national heritage and guarantee intellectual property rights in the State party. In particular, he queried whether there was any case law on copyright, as referred to in article 15, paragraph 1 (c) of the Covenant, which recognized the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he was the author.
31. **Mr. Malinverni** asked whether the State party had acceded to the Convention against Discrimination in Education, adopted in 1960 by the United Nations Educational, Scientific and Cultural Organization, which did not appear in the list of international instruments relevant to article 13 that Monaco had ratified. He enquired whether the Convention had been inadvertently omitted from the list or whether the State party deliberately preferred not to ratify the Convention and, if so, why.
32. **Mr. Marchan Romero** commended the fact that each year more than 4 per cent of the State budget was set aside for the development of culture and the participation of everyone in cultural life, that the media disseminated information on economic, social and cultural rights and that the Principality allowed all citizens to participate in scientific and cultural activities. He would like the delegation to provide details of the measures taken by the State party to guarantee in practice the participation of everyone in cultural life, including the most vulnerable segments of the population, such as the elderly, the poor and persons with disabilities.
33. Given that 120 nationalities were represented in Monaco, he requested the delegation to indicate the measures adopted by the State party to preserve both national identity and cultural diversity in its territory.
34. **Ms. Bras Gomes** requested clarification on the Government's statement in its replies to the list of issues to the effect that there were increasing numbers of students with learning difficulties, for which there seemed to be no rational explanation.
35. **Mr. Sadi**, noting the efforts by the State party to promote the Monegasque language in primary schools, asked whether the language was very widely spoken and whether the

language used by the administration was French or Monegasque. He would also like to know whether Monaco's cultural and historical heritage was very different from France's.

36. **Mr. Blanchi** (Monaco) said that his country had succeeded in preserving both its national unity and its cultural diversity. Persons of Monegasque origin who made up the 7,000-strong national community maintained very close, and even personal, ties with the princely family. Several gatherings took place in fact every year such as the annual picnic, in one of the city's parks, which was attended by the ruling family.

37. Cultural diversity was preserved through associations. Foreign communities were organized, met freely and were in no way excluded from national events.

38. The national anthem was sung in Monegasque. The official language of Monaco was French, and the Government of Monaco had no intention of replacing it with Monegasque. Nevertheless, Monegasque was once again taught in primary school and a prize was awarded every year to the winning students of a competition, who were often young foreigners from far-away countries and not only local children. There were Monegasque-language writers and a Monegasque literature.

39. **Mr. Gamedinger** (Monaco) added that the Monegasque language was derived from Genoese. As the language had gradually been dying out, it had been decided to teach it once again in schools, although only as an optional subject. It had never been a factor of discrimination or hindered access to the job market.

40. The Monegasque heritage was indeed close to the heritage of the rest of Western Europe, but the Principality of Monaco wished to preserve and perpetuate the culinary, historical and family traditions that made it different, especially by celebrating Heritage Day.

41. The Société pour la gestion des droits d'auteurs (SOGEDA) (Copyright Management Company), which oversaw the implementation of copyright law, was responsible for collecting royalties and paying artists their share. He did not recall any cases that had been brought before the courts for non-compliance with that legislation in any form of the arts. The situation might change, however, with the advent of new information technologies.

42. The Monegasque Government set aside 4 per cent of the State budget for the arts, in support of major cultural institutions such as the Monte-Carlo Philharmonic Orchestra, Opera and Ballet, thus perpetuating a longstanding tradition of promoting culture. It was also carrying out a policy of acquiring works of art in order to set up a permanent collection for a future major art museum, which should be ready within 10 years or so.

43. Irrespective of nationality, residents were invited to attend various cultural events throughout the year, which were open to all and were publicized by the media and through billboards. Certain categories of persons paid reduced rates. Furthermore, there were plans to improve access to cultural sites for persons with disabilities.

44. As part of educational programmes intended to raise cultural awareness among young people, children were given the opportunity to visit exhibitions and attend theatre rehearsals, ballet performances and the opera, depending on their age and sensibilities. Lastly, the Monegasque Government subsidized a very rich fabric of cultural associations involved in music, the theatre, sculpture, painting and other areas.

45. The children with learning difficulties were not poor performers but non-French-speaking students who had freshly arrived in Monaco and who were given courses in French as a foreign language in small groups.

46. The delegation would reply in writing as to whether the Principality had acceded to the Convention against Discrimination in Education and, if not, give the reasons why it had chosen not to ratify it.

47. **Mr. Blanchi** (Monaco) drew the Committee's attention to the fact that the Monegasque delegation had come before the Committee in a spirit of cooperation and that it was aware of the progress that remained to be made in the areas covered by the Covenant. Various projects had been started in Monaco and should make headway as soon as the Government and Parliament arrived at a compromise. He thanked the Committee members for having taken due account of Monaco's special circumstances — including the country's size and demographics, that made it the only country in the world in which the national community was in a minority — which meant that the country could not be judged according to the same criteria as other countries. Those special circumstances might be a constraint as far as the implementation of the Covenant was concerned but they were also an asset insofar as lawmakers had to take account not only of the national community but also other communities living in Monaco. There was no doubt that legislation would evolve over time, including in the social domain, but always in accordance with the Principality's fundamental values.

48. **The Chairperson** said that the Committee had completed its consideration of the initial report of Monaco without using up the full time available, as there were no major problems arising from Monaco's implementation of the Covenant. She informed the delegation that the Committee would draw up concluding observations on the initial report of the State party, which would be made public at the end of the thirty-sixth session. She recalled that regardless of the number of inhabitants in a country, universal standards and economic, social and cultural rights remained the same.

49. *The delegation of Monaco withdrew.*

*The first part (public) of the meeting rose at 4.30 p.m.*