



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fourth session

Summary record of the 1838th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 1 October at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties *(continued)*

Second and third periodic reports of Monaco (CRC/C/MCO/2-3; CRC/C/MCO/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Monaco took places at the Committee table.*
2. **Ms. Lanteri** (Monaco), introducing the State party's report (CRC/C/MCO/2-3), said that Monaco had updated its laws, in particular by setting the age of majority at 18 and by amending certain provisions of the Civil Code, the Code of Civil Procedure and the Code of Commerce so as to ensure gender equality. The concept of paternal power had been replaced by parental authority, and the rights to paternity leave and leave for adoption had been introduced into labour law. The law had also been amended to ensure equality of rights for men and women in divorce proceedings and in questions related to nationality.
3. Monaco had acceded to a number of international human rights instruments, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and also a number of other instruments addressing in particular the rights of women, the prevention of domestic violence, the rights of people living with disabilities and the protection of children against exploitation and sexual abuse. It had recently begun the process of accession to the Convention against Discrimination in Education.
4. The Government carried out specific policies aimed at ensuring the health and well-being of children and pregnant women. It had established a prenatal coordination and family support centre. All children in Monaco received regular medical check-ups, the results of which were noted in a medical record book. The country's public hospital had in 2009 set up a paediatric emergency service that was staffed by qualified professionals. The Government advocated the full inclusion of children living with disabilities in the school system and supported their integration with appropriate material and staffing. In recent years a special effort had been made to ensure access to public places and public transport for persons with limited mobility, including through the provision of a dedicated transport service that operated seven days a week.
5. Efforts were made to combat the spread among minors and adults of HIV/AIDS, in particular by making condoms readily available, and to alleviate the suffering of children living with the disorder. Treatment of HIV/AIDS had been covered by medical insurance schemes since 1988.
6. Some 30 per cent of the pupils in the education system were not resident in Monaco, and there were children of over 75 nationalities in the school system. The country's education system was currently adopting new techniques using information technologies, updating its infrastructure, developing cultural links and ensuring a greater opening up of the country's schools. In the school system, children were encouraged to participate in school and community life. Human rights education was a mandatory subject in the country's curriculum. Activities were regularly conducted to keep pupils informed of the need to avoid violence. Qualified teachers, nurses and psychological and social staff carried out activities to curb violence and alcohol and drug use in schools. Secondary schools had in 2009 set up health and citizenship education committees that worked actively to encourage a healthy lifestyle. In-service training was offered to teachers so that they could prevent drug addiction and, if necessary, deal with addicted adolescents.

7. Since 2002 a non-governmental organization (NGO) had carried out a programme in the country's schools to teach children how to surf the Internet in safety. The Directorate of Health and Social Services was the body responsible for coordinating the protection of minors who were at risk. When the circumstances were particularly serious, child protection measures could be ordered by a juvenile judge. In some cases such measures could include placement in a specialized institution. In all cases qualified staff of the Government's social services provided educational, social and medical support both to the child and to the family.

8. In 2007 Monaco had adopted a law against crimes and offences committed against children, thus stiffening penalties for people who inflicted physical violence on children or exposed them to assault, indecent living conditions or sexual attacks. The law recognized the extraterritorial nature of such offences. In 2011 a new law had been enacted to strengthen the penalties for acts of domestic violence committed against spouses, children or people living with disabilities.

9. In 2013 a new law had been adopted amending the Code of Criminal Procedure, especially in respect of custody, and a decree had been issued limiting the time that minors could be placed in disciplinary confinement.

10. Monaco was actively pursuing an international policy aimed at cooperation and assistance in the fight against poverty. It had upheld its commitment to support projects overseas, in particular in Mali and the Syrian Arab Republic. Working with NGOs, it maintained some 120 development cooperation programmes in about 20 States, most of which were least developed countries.

11. **Mr. Cardona Llorens** (Country Rapporteur) noted that in the 12 years since the consideration of the previous report, the State party had adopted a number of measures that the Committee had recommended in its concluding observations issued in 2001 (CRC/C/15/Add.158). However, some of those recommendations had not been acted on. The Committee had called for the country to withdraw its reservation on the issue of nationality, but it had not done so, notwithstanding the fact that the reservation apparently did not serve any purpose. Similarly, the Committee had in 2001 asked whether a comprehensive national plan on the rights of the child had been adopted, and asked how coordination of the Convention's implementation was ensured. The lack of a single body responsible for supervision, evaluation and coordination hampered implementation of the Convention. The written replies to the list of issues (CRC/C/MCO/Q/2-3/Add.1) mentioned the Office of the Adviser for Complaints and Mediation. The delegation should explain the functions that Office carried out. In the period since 2001, the Committee and many other human rights bodies as well had called for the establishment of a national human rights body. What steps had been taken to set one up?

12. The report did not include sufficient information on budgetary questions and the proportion or amount of the national budget devoted to policies related to children's rights. The Committee would like to know whether any statistics were available to indicate whether such financing had increased or decreased in recent years. Although a statistical institute for economic studies had been set up, there was still a lack of data on children disaggregated by such factors as age, gender, nationality and disability. Were there plans to establish a more detailed statistical system to fill the gaps?

13. To what extent did NGOs and other civil society organizations take part in policy decisions and in the drafting of the State party's report? While Monaco did not have a large industrial base, there was a pharmaceutical industry and the financial sector was large in relative terms, thanks in part to the country's status as a tax haven. It would be of interest to the Committee to find out whether any laws had been adopted to monitor the activities of the country's companies in respect of the rights of the child. In particular, was it possible to

file complaints against companies that violated the rights of the child? Were there any mechanisms to ensure that the financial sector was not used for money laundering of funds emanating from illicit activities that violated children's rights?

14. How did the State party ensure that the best interests of the child were respected in all decisions affecting children? Specifically, in criminal and deportation proceedings against adults, was the fact that an adult was the parent of a minor taken into consideration in the decision of the justice system? Lastly, the high suicide rate among children and adolescents was a subject of concern for the Committee. Did the delegation have information on the suicide rate among minors, and could it describe the measures taken to prevent suicides or to achieve a better understanding of its causes?

15. **Ms. Parsi di Lodrone** (Country Rapporteur) welcomed the amendment by the State party of the law on nationality, which would result in less statelessness, and the fact that in general terms the Criminal Code protected children against violence. However, the legislation lacked a clear definition of corporal punishment and did not explicitly prohibit such punishment in the family environment, in schools and in institutions. Apparently, corporal punishment was socially accepted as a disciplinary measure. It was necessary to take steps to change social attitudes. Corporal punishment was not only ineffective both as a disciplinary and as a corrective measure, but also extremely damaging to the child, as it left indelible scars and led sometimes to anger, resentment and a desire for revenge or to a feeling of impotence and a closing off from the world that was ultimately detrimental to the child's development. Corporal punishment often resulted in a child's perpetual sense of victimization.

16. The delegation should tell the Committee whether the new bill aimed at preventing and combating domestic violence included an explicit definition of corporal punishment. What was the status of that bill?

17. The State party apparently lacked a mechanism to allow children and adolescents to file complaints or reports of abuse. Had the Government considered establishing a 24-hour telephone hotline for that purpose?

18. Serious efforts had been made both by the Government and by civil society to combat violence against children, and various information campaigns had been carried out to that effect. To what extent had children taken part directly in those campaigns? Were their testimonials used in them, and were there plans to seek out descriptions of their experiences with corporal punishment? Had the campaigns encouraged parents and teachers to make use of positive disciplinary techniques? Lastly, did the Government have any plans to carry out studies of violence against children so as to draw up plans of action to stop it, prevent its recurrence and help rehabilitate its victims?

19. **Mr. Kotrane** asked whether Monaco was considering acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Did the State party intend to ratify the Convention on the Rights of Persons with Disabilities, which it had signed in September 2009? He wished to know whether the legal age of marriage had been raised to 18 years for both men and women. He asked if the Government planned to amend the law stipulating that in certain circumstances, children who had acquired Monegasque nationality by virtue of their parents' status could lose that nationality if their parents divorced. Lastly, he wished to know whether children born out of wedlock had the right to know about their parentage.

20. **Ms. Khazova** asked whether children born out of wedlock were still unable to inherit from their father or from other relatives on their father's side of the family, and if so, whether there were any plans to amend the relevant provision of the Civil Code. Did the new legal concept of parental responsibility also apply to the parents of such children?

21. **Mr. Gurán** asked what measures the Government was taking to promote children's participation and ensure their right to be heard.

22. **Ms. Oviedo Fierro** asked whether students' views were taken into consideration on issues such as how to deal with bullying in schools. She wished to know more about the mechanisms in place for children's participation and about how the Government incorporated feedback from children into public policies. What measures were in place to help children make wise decisions when using the Internet and social networks? Had Monaco developed any new forms of communicating with children that might serve as models for other countries?

The meeting was suspended at 11.05 a.m. and resumed at 11.40 a.m.

23. **Ms. Gamba** (Monaco) said that at the beginning of each school year all students signed an agreement on proper use of the Internet, which helped to raise their awareness about the dangers they might encounter. Schools also worked in cooperation with an NGO called Action Innocence, whose staff met with students 8 years of age and older to discuss their online activities. The same NGO also held sessions with parents to inform them about the dangers their children could face online.

24. **Mr. Pardo** (Monaco) said that the provisions of the Criminal Code and the Code of Criminal Procedure designed to protect children from cybercrime had been strengthened in 2007 and again in 2011. Severe penalties had been established for distributing pornography by any means, including on the Internet, and the involvement of minors in such offences constituted an aggravating circumstance. Child grooming had also been classified as an offence. New procedures had been introduced to allow the police and judicial authorities to investigate such crimes more effectively.

25. **Ms. Gamba** (Monaco) said that the Education Act of 2007 formally ensured children's participation in school management and academic guidance bodies. Student representatives to those bodies were elected by their peers, and that process provided them with an initiation into the workings of democracy. Students also participated in health and civic education committees in schools. Furthermore, primary school students acted as eco-delegates as part of the Eco-Ecole programme. Children were given the opportunity to propose their own community improvement projects through a programme known as the Junior Community Project. A youth advisory commission composed of students between the ages of 15 and 25 had been established to ensure the representation of young people's associations and to encourage dialogue between them and the authorities, thus facilitating the representation of young people both at the national and international level.

26. **Mr. Gurán** asked why an independent ombudsman had not yet been established in the State party.

27. **Ms. Ceyssac** (Monaco) said that several measures had been taken in the criminal justice system to minimize the trauma experienced by children when filing a complaint. A legal representative or an association could file the complaint on the child's behalf. Judicial staff, police officers and social workers had received special training on how to deal with vulnerable victims of crime, including children. Children's views were heard during divorce proceedings, and if they wished to, they could approach the guardianship judge directly.

28. **The Chairperson** asked whether children were aware of that option and whether they often approached judges directly to give their views.

29. **Ms. Ceyssac** (Monaco) said that such cases were rare. The children's views were usually relayed by a legal representative or another intermediary. Whenever the guardianship judge took a decision relating to the case, he or she informed the child along with the rest of the parties concerned.

30. **Ms. Oviedo Fierro** asked whether children themselves had established their own organizations or associations. If so, how did the Government work in coordination with them?
31. **Ms. Aldoseri** asked to what extent children with disabilities and minority children were encouraged to participate in the different clubs and organizations available to children.
32. **Mr. Cardona Llorens** asked whether Monaco intended to establish an independent human rights institution that would include a special department for children and that could receive complaints outside the judicial system.
33. **Ms. Lanteri** (Monaco) said that the Monegasques themselves were a minority in Monaco. The concept of minority children therefore did not apply in the principality.
34. **Ms. Gamba** (Monaco) said that the education and health authorities worked closely together to ensure that each individual child with disabilities had access to education at all levels. The same care was taken to ensure their access to clubs and other leisure activities.
35. **Mr. Pardo** (Monaco) said that the Office of the Adviser for Complaints and Mediation was the primary mechanism established to ensure the promotion and protection of human rights in Monaco. The Adviser received complaints covering all aspects of law, including those related to children. Her powers included investigating claims against government bodies and making recommendations to those bodies, and her Office was operationally and financially independent. The Government might in the future decide to grant the Adviser additional powers. The Government was currently considering signing and ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee would be kept informed of any progress made in that regard.
36. **Mr. Cardona Llorens** noted that, while the Office of the Adviser for Complaints and Mediation assumed some of the functions of a national human rights institution, it did not operate in compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). He wished to know whether the Office had any staff specialized in children's rights and whether it made use of social media so that children could access information through such platforms. Lastly, he asked whether the Adviser could carry out investigations into the situation at private schools.
37. **Mr. Pardo** (Monaco) said that consideration of those issues was still in the preliminary stages. The Government had every intention of taking the Paris Principles into account in terms of the financial and functional independence of the Adviser. However, other aspects, such as the establishment of a mechanism to receive communications, had not yet been finalized.
38. **Ms. Lanteri** (Monaco) said that it was important to bear in mind the State party's diminutive size, which meant that it operated more like a town than a country in the traditional sense. Although all the structures and mechanisms might not necessarily be in place, the fact that people in the various organizations and authorities knew each other enabled information to be transferred very rapidly and action to be taken promptly if a child was in difficulty. Procedures, including the launching of investigations, were much quicker than in neighbouring countries. While the Government gave due consideration to international guidelines and standards calling for the establishment of various mechanisms, in some cases they were not considered relevant or necessary in such a small country.
39. **Ms. Ceyssac** (Monaco) said that, following a recent amendment, the legal age for marriage as set out in the Civil Code was now 18 for both men and women.

40. **Mr. Pardo** (Monaco) said that the State party had signed the Convention on the Rights of Persons with Disabilities and must now bring its national legislation in line with the requirements of the Convention prior to ratification. A bill to that effect had been presented to the parliament.

41. **Ms. Pettiti** (Monaco) said that the Government had studied the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with a view to possible ratification, but had concluded that the Convention did not address the unique situation in Monaco, where 30,000 people of 125 nationalities lived in an area of only 2 km² and 45,000 cross-border commuters came to work. No problems had arisen to make the Government reconsider its position on ratification. The appropriate measures were in place to ensure that cross-border commuters had access to health and education services. Attention was paid to the most vulnerable groups and there were rigorous inspections of working conditions to prevent all forms of exploitation.

42. **Mr. Pardo** (Monaco) said that the Criminal Code did not contain any specific penalties for corporal punishment because so many aspects were included in the concept. Given the various forms corporal punishment could take and the complexity of the issue, the Government had adopted a progressive approach to penalizing such punishment. Penalties varied, depending on the gravity of the offence. At the very least, any form of violence against children, even if it caused no injury, was subject to a prison sentence of 1 to 5 days. There was also a range of aggravating circumstances that could result in prison sentences of up to 10 years and fines of up to 80,000 euros.

43. **Ms. Winter** said that criminal legislation must distinguish between violence in general and violence when it was used as a form of punishment. Noting that the Monegasque legal system referred to children up to the age of 16, she asked whether it was permitted to use corporal punishment against children between the ages of 16 and 18.

44. **Ms. Parsi di Lodrone** said that the Committee welcomed the State party's efforts in the area of reproductive and sexual health. However, pregnant teenagers required specific support. She wondered whether the newly created antenatal and family support coordination centre provided such support and whether adolescents had access to confidential reproductive health services without their parents' consent. The Committee was concerned about the lack of systematic sex education in schools. The Committee had received reports of adolescents going abroad for abortions. Noting that one of the three permitted grounds for abortion was if the pregnancy was the result of a criminal act, she asked whether rape was included among those acts. Had the State party carried out any research into the root causes of early pregnancy?

45. The Committee was also concerned about drug addiction among young persons. It would be important to conduct a study on the causes of drug addiction and other forms of addiction. How had efforts to prevent drug addiction been strengthened, and what measures were in place for the rehabilitation of young drug users?

46. The Committee welcomed the legislative measures introduced to combat the sexual exploitation of children on the Internet but believed that awareness-raising campaigns should be strengthened. It was necessary to inform and educate children on how to protect themselves from sexual exploitation on the Internet. It was also crucial to educate parents and teachers on how to use new media and protect children against abuse and to provide appropriate training to professionals who worked with children, in particular social workers, police officers and lawyers.

47. **Mr. Cardona Llorens**, noting that the State party had made a good deal of progress in moving towards an inclusive society for persons with disabilities, asked whether it had started to evaluate the results of its education policy in that respect. If so, what challenges had been identified and what lessons had been learned? In what circumstances were children with disabilities sent to France because resources were not available in Monaco? He wondered whether awareness-raising activities had resulted in changing public perceptions of persons with disabilities.

48. He invited the delegation to comment on the situation of children working in small businesses. Was such activity compatible with compulsory education?

49. Turning to the issue of juvenile justice, he expressed concern that the age of criminal responsibility was 13, which was low by European standards. Had the State party given any consideration to raising that age? He asked the delegation to comment on recent reforms to the Criminal Code and Code of Criminal Procedure under which, in exceptional cases, children under the age of 13 could be placed in pretrial detention for up to 24 hours. Was it legally permissible to detain children over the age of 16 in punishment cells? He wished to know how many children in Monaco were deprived of their liberty and whether alternative measures, such as mediation, were employed. He asked what training judges received in dealing with children and whether court-appointed lawyers were specifically trained in juvenile justice. Lastly, he wished to know what protection measures were in place to avoid the revictimization of child victims in legal proceedings.

50. **Ms. Aidoo** wished to know what progress had been made in the State party's deliberations on becoming a member of the International Labour Organization (ILO). Membership in that Organization would enable Monaco to ratify a number of ILO conventions that were particularly relevant to children's rights, including the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182).

51. **Ms. Aldoseri** said that while the Committee welcomed the State party's efforts to raise awareness of the Convention, apparently such information did not necessarily reach all schoolchildren or the general public. She wished to know how various media were used to promote awareness of the Convention. She also asked whether there was any ongoing programme to train professionals working for and with children on the content of the Convention.

52. **Ms. Khazova** asked why information on intercountry adoptions was kept private and not officially published and whether the State party intended to maintain its position in that regard.

53. **Ms. Muhamad Shariff**, noting that statistics on children with disabilities were not disaggregated by age, gender and type of disability, asked whether children with disabilities had access to information and services relating to sexual and reproductive health.

54. **Ms. Winter** asked what measures were in place to ensure monitoring of adoptions carried out with States that were not parties to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

55. **Mr. Cardona Llorens** asked whether the State party had considered extending its extraterritorial jurisdiction to cover offences related to the recruitment of children into armed forces. He wondered what measures were in place to identify, during the asylum application process, children who might have been involved in an armed conflict. Had Monaco concluded any agreements with the International Committee of the Red Cross or the Office of the United Nations High Commissioner for Refugees to help in that endeavour?

56. Lastly, he asked when the State party intended to submit its initial report under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, which it had ratified in 2008.

The meeting rose at 1 p.m.