



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE
CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

Initial reports of States parties due in 2004*

MONACO**

[16 December 2005]

* The enclosures referred to in the report are available for consultation at the Office of the United Nations High Commissioner for Human Rights.

** In accordance with the information transmitted to States parties concerning the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

- **Ratification of the Protocol and its entry into force with respect to Monaco**

Date of signature: 26 June 2000

Date of ratification: 13 November 2001

Date of entry into force: 12 February 2002. The text was promulgated by Sovereign Ordinance No. 15,204 of 23 January 2002, published in the *Journal de Monaco* on 1 February 2002.

- **General comments**

1. The Principality of Monaco made the following declaration when depositing its instruments of ratification:

“The Principality of Monaco declares, in accordance with article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, that it is bound by the Franco-Monegasque Treaty of 17 July 1918 and that the French Republic thereby ensures the defence of the territorial integrity of the Principality of Monaco.

2. The only bodies having military status in the Principality are the Prince’s Guard and the Fire Brigade. In accordance with the provisions of Sovereign Ordinance No. 8,017 of 1 June 1984 relating to the Police Code, members of the Guard and the Fire Brigade must be at least 21 years of age.”

3. The provisions of the Protocol, which entered into force on 12 February 2002, have been fully applied.

Article 1

Please provide information on national measures taken (of a legislative, administrative or other nature) to ensure that persons who have not attained the age of 18 years do not take a direct part in hostilities.

4. It is evident from the declaration made by the Principality of Monaco when depositing its instruments of ratification that the protection of young people under the age of 21 is secured by appropriate provisions of domestic law.

5. The Principality of Monaco is a State which maintains peaceful relations and which has no territorial claims. Internal and external factors making for war are non-existent.

Article 2

Please provide information on national measures taken (of a legislative, administrative or other nature) to ensure that persons who have not attained the age of 18 years are not compulsorily recruited into the armed forces.

6. *Idem*, article 1.

7. The only bodies having military status in the Principality are the Prince's Guard and the Fire Brigade. In accordance with the provisions of Sovereign Ordinance No. 8,017 of 1 June 1984 relating to the Police Code, members of the Guard and the Fire Brigade must be at least 21 years of age.

Article 3, paragraph 1

Minimum age for voluntary recruitment

8. Since the Principality does not maintain a standing army, voluntary recruitment into the armed forces is ipso facto out of the question.

Article 3, paragraphs 2 and 4

9. Information about national, regional or local debates concerning the ratification of the Protocol and the persons involved in this debate.

10. In accordance with article 14 of the Constitution which states that "after consultation with the Crown Council, the Prince shall sign and ratify international treaties and agreements" the text of the Protocol was examined by the Principality's legal services and submitted to the Sovereign Prince for ratification after the Crown Council had expressed its opinion.

The Crown Council

11. The Sovereign Prince is assisted in the exercise of certain constitutional prerogatives by the Crown Council, which was created on 17 November 1942 by an ordinance of Prince Louis II.

12. The Crown Council must be consulted by the Prince on a number of questions listed exhaustively in the Constitution, which form part of his constitutional powers and which include the signature and ratification of treaties.

13. The Crown Council consists of seven Monegasque nationals appointed by the Prince for a renewable term of office of three years. The Prince appoints the President and three members of his own accord. The other three members are appointed by the Prince from candidates proposed by the National Council but not from among its members.

14. Since 19 April 2003, the composition of the Crown Council has been as follows:

President: Mr. Charles BALLERIO

Members: Mr. Fernand BERTRAND
Mr. Raymond BIANCHERI
Mr. Jean-Louis MEDECIN
Ms. Mireille CALMES-BENAZET
Mr. Michel-Yves MOUROU
Mr. Jean SOSSO

Secretary: Mr. Robert PROJETTI

Article 3, paragraph 3

Voluntary recruitment

15. For voluntary recruitment procedures see above, article 3, paragraph 1.

Article 3, paragraph 5

Military schools

16. There are no military schools or academies in the Principality because the State does not have any armed forces whose officers would require training and preparation for an armed conflict.

Article 4

Armed groups

17. There are no armed groups operating on or from the territory of the Principality. For this reason, there are no negotiations under way with such groups or any written or oral commitments by them not to recruit children below the age of 18.

Article 5

Related provisions on the rights of the child

18. The Principality of Monaco is party to various international legal instruments protecting the rights of the child:

- Monaco acceded to the Convention on the Rights of the Child on 21 June 1993. The Convention was promulgated by Sovereign Ordinance No. 11,003 of 1 September 1993;
- The Principality was one of the very first countries to sign the two Optional Protocols to the Convention;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was ratified on 13 November 2001 and promulgated by Sovereign Ordinance No. 15,204 of 23 January 2002;
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was signed by the Principality on 26 June 2000 and its provisions are currently being studied by the Principality's legal services.

19. The Principality is likewise party to the following instruments:

- International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966), ratified by the Principality on 28 August 1997 and promulgated by Sovereign Ordinance No. 13,330 of 12 February 1998;

- International Covenant on Civil and Political Rights (New York, 16 December 1966), signed on 26 June 1997, ratified on 28 August 1997 and promulgated by Sovereign Ordinance No. 13,330 of 12 February 1998;
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (New York, 15 December 1989) to which the Principality acceded on 28 March 2000 and which was promulgated by Sovereign Ordinance No. 14,529 of 17 July 2000;
- International Convention for the Suppression of the Traffic in Women and Children (Geneva, 30 September 1921), to which the Principality acceded on 18 July 1931 and which was promulgated by Sovereign Ordinance of 29 February 1932;
- The two additional protocols to the United Nations Convention against Transnational Organized Crime, one to prevent, suppress and punish trafficking in persons, especially women and children, and the other against the smuggling of migrants by land, air and sea, done in New York on 15 November 2000. The Principality deposited its instruments of ratification on 5 June 2001 and promulgated the texts in the Principality by Sovereign Ordinance No. 16,026 of 3 November 2003.

20. The protection of children and their rights is one of the priorities of the Government of the Principality. For example, when His Serene Highness, Crown Prince Albert, attended the special session of the General Assembly on children, which was held in New York from 8 to 10 May 2002, he stated:

“The Principality of Monaco has entered into international commitments by ratifying the United Nations Convention on the Rights of the Child and by signing the Additional Protocols, one of which - on children in armed conflict - has already been ratified. The Government of the Principality has been making financial contributions to the fund set up in that connection since its inception.

It has fulfilled its commitments at the national level through legislation that guarantees strict respect for such rights through government agencies and the courts.

With regard to the protection of children, especially the most vulnerable among them, the Government has adopted measures not only in the legal area but in the economic and social fields as well. The implementation of such measures is the responsibility of the relevant administrative authorities, which are particularly concerned with their full implementation, consistently in the interests of children.

21. Within the Principality, respect for children is almost a religion, as shown by the widespread involvement of principal actors in political life and community organizations. This involvement has been strengthened by the active participation and regular financial support of the Government and the population of the Principality for the various charitable institutions whose aim is to improve the living conditions of children, in particular those living in disadvantaged countries.

(...)

The Declaration and the World Programme of Action which will be its outcome will, I am sure, provide a further stimulus for our ambition to improve the living conditions of children throughout the world, first and foremost the most unfortunate among them: those involved in armed conflict; those who are sexually abused; those whom poverty has left on the margins of society by denying them what they need for their development, so that they are sometimes obliged to seek food by searching through garbage dumps; and those who are affected, either directly or indirectly, by terrorism.”

22. His Serene Highness Crown Prince Albert also referred to the activities of the World Association of Children’s Friends (AMADE) of which he is Honorary President and which is presided over by Her Royal Highness the Princess of Hanover. The main purpose of this Association is to ward off threats to the intellectual, moral or physical lives of children by protecting them from all forms of violence, sexual abuse and ill-treatment.

23. He put forward the following proposals:

“... As that international non-governmental organization clearly and resolutely suggests, it is surely our duty to do everything we can together, both nationally and internationally, to strengthen all means, including legal ones, to ensure, over and beyond constraints of time and boundaries, the prosecution and punishment of unnatural crimes against children, by classifying them as crimes against humanity. That would make such crimes not subject to the statute of limitations, and their perpetrators would be subject to extradition procedures. That would similarly serve to consistently protect children from the threats posed by the senseless violence of international terrorism, of which they are frequently the first and most innocent victims - which it is also incumbent upon us to do.”

24. He ended with these words:

“We in Monaco want to contribute to a new impetus for the harmonious development of children and their protection. That for us is not an end, but a duty. The times in which we live, and the future to come, should be, despite problems and difficulties to be encountered, times in which more and new ideas and projects are developed on behalf of children, who are the reason we are gathered here this week at this special session of the General Assembly.”

Two representatives of Monegasque youth, Ms. Audrey Cheynut and Mr. Louis Bellando de Castro, aged 17 and 16 respectively, accompanied the delegation in order to take part in the deliberations of the Children’s Forum, organized by the United Nations Children’s Fund (UNICEF) prior to the special session.

Ms. Audrey Cheynut was the rapporteur of the working group on fighting poverty and she was responsible for drafting the report of the work of the Forum presented to the plenary meeting of the General Assembly, while Mr. Louis Bellando de Castro helped to draw up a questionnaire for assessing the Forum’s work.

Similarly, at the fifty-ninth session of the General Assembly, Crown Prince Albert expressed particular concern about children as the most vulnerable victims of humanitarian disasters. His Serene Highness called upon the international community to take action to secure the more effective application of the rights of the child by removing the time bar on the most heinous crimes and giving any State universal jurisdiction to prosecute them.

25. Lastly, at the High-Level Plenary Meeting held at United Nations Headquarters in September 2005, His Serene Highness Prince Albert II confirmed his position in the following words:

“The international community must also protect children from odious crimes of which they are the victims and, in addition to the provisions of existing conventions, I believe it is essential to adopt rules aimed at ensuring that the perpetrators of such crimes do not go unpunished.”

Article 6, paragraphs 1 and 2

26. Since the texts of national laws were in line with the provisions of the Protocol, there have been no legislative amendments in order to implement the Protocol. The Principality has not made any reservations.

27. The provisions of the Protocol are implemented by the competent administrative services and by the Directorate of Judicial Services in the event of legal proceedings.

28. In order to inform the public about the provisions of the Protocol, the latter has been published in the *Journal de Monaco*, the official gazette of the Principality.

Article 6, paragraph 3

Demobilization and reintegration of children following a conflict

29. In view of the foregoing, this point does not apply to Monaco.

Article 7

Cooperation in the implementation of the Protocol

30. The Principality has not requested any technical or financial assistance for the application of the Protocol in its territory.

31. On the other hand, the Principality of Monaco provides financial support for action to protect children in armed conflicts; since 1999, it has made an annual donation of US\$ 10,000 to the United Nations fund. It likewise makes an annual contribution to UNICEF for all its activities. This contribution to UNICEF has risen every year and stands at US\$ 25,000 for 2005.

32. Moreover, the Principality of Monaco follows with interest the debates on the rights of the child in international bodies (United Nations, Council of Europe), so as to associate itself with the decisions taken in this sphere.

33. Similarly, the Monegasque Government is following with great interest the study being carried out by Professor Pinheiro (United Nations study on violence against children), whose conclusions should be submitted in October 2006. To this end, the Government of the Principality has made a special contribution of 20,000 euros towards the financing of this study.

34. In 2006, the Principality will also join with the Council of Europe to host the conference launching the three-year programme of action on “Children and violence”.

Annexes

- Sovereign Ordinance No. 15,204 of 23 January 2002, published in the *Journal de Monaco* of 1 February 2002, promulgating the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict
- Sovereign Ordinance No. 8,017 of 1 June 1984 relating to the Police Code
- The Constitution
- Sovereign Ordinance No. 11,003 of 1 September 1993 promulgating the United Nations Convention on the Rights of the Child
- Sovereign Ordinance No. 13,330 of 12 February 1998 promulgating the International Covenant on Civil and Political Rights (New York, 16 December 1966)
- Sovereign Ordinance No. 14,529 of 17 July 2000 promulgating the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (New York, 15 December 1989)
- Sovereign Ordinance of 29 February 1932 promulgating the Convention supplementary to the earlier Arrangement and Convention, the International Convention for the Suppression of the Traffic in Women and Children (Geneva, 30 September 1921)
- Sovereign Ordinance No. 16,026 of 3 November 2003 promulgating two Additional Protocols to the United Nations Convention against Transnational Organized Crime, one to prevent, suppress and punish trafficking in persons, especially women and children, the other against the smuggling of migrants by land, air and sea, done in New York on 15 November 2000.
