

(Translated from French)

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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Item 6 of the provisional agenda

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**REPLIES BY THE GOVERNMENT OF THE PRINCIPALITY OF
MONACO TO THE LIST OF ISSUES (E/C.12/Q/MCO/1) TO BE
TAKEN UP IN CONNECTION WITH CONSIDERATION OF
THE INITIAL REPORT OF THE PRINCIPALITY OF MONACO
(E/1990/5/Add.64) CONCERNING THE RIGHTS COVERED BY
ARTICLES 1 TO 15 OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

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Question No. 1

1. Please provide information as to when the International Covenant on Economic, Social and Cultural Rights will be made directly applicable in Monaco at the same level as the International Covenant on Civil and Political Rights.

Sovereign Ordinance No. 13.330 of 12 February 1998 brought the International Covenant on Economic, Social and Cultural Rights into force in the Principality of Monaco. Pursuant to article 69 of the Constitution, which provides: “Laws and Sovereign Ordinances become applicable on the day following their publication in the *Journal de Monaco*”, the publication of the Covenant in the official gazette (*Journal de Monaco* No. 7326 of 20 February 1998 and in the annexes to the *Journal de Monaco* No. 7331 of 27 March 1998) permitted it to be invoked against third parties.

The Covenant forms part of Monegasque law and, as such, can be invoked by private persons (Labour Tribunal, 11 May 2000, *Mr. L. v. S.A.M. Société des Bains de Mer et du Cercle des étrangers*; Supreme Tribunal, 6 November 2001, *Association des locataires de Monaco*, *Recueil* of that date).

Question No. 2

2. With reference to paragraphs 52 and 54 of the State party’s core document (HRI/CORE/1/Add.118), please indicate how the judiciary can maintain its independence in view of the fact that judicial officers and Supreme Tribunal judges are appointed by the Prince.

The Constitution states, in article 6:

“Art. 6 - The separation of the administrative, legislative and judicial functions shall be assured”

and in article 88:

“Art. 88 - Judicial power belongs to the Prince who, by this Constitution, delegates its full exercise to the courts and tribunals. The tribunals shall render justice in the name of the Prince.

“The independence of judges shall be guaranteed.

“The structure, competence and functioning of the tribunals and the status of judges shall be fixed by law.”

With regard to the Supreme Tribunal, article 89 of the Constitution provides:

“Art. 89 - The Supreme Tribunal shall comprise five regular members and two alternates.

“Members of the Supreme Tribunal shall be appointed by the Prince in the following manner:

“One regular member and one alternate nominated by the National Council from outside its ranks;

“One regular member and one alternate nominated by the Council of State from outside its ranks;

“One regular member nominated by the Council of the Crown from outside its ranks;

“One regular member nominated by the Court of Appeal from outside its ranks;

“One regular member nominated by the Civil Court of First Instance from outside its ranks.

“Each of the bodies listed above shall make two nominations for each position.

“If the Prince does not approve of the nominations, he is at liberty to request fresh nominations.

“The President of the Supreme Tribunal shall be appointed by the Prince.”

Thus, Supreme Tribunal judges are appointed by the Prince but on nomination from different State bodies: the National Council, the State Council, the Council of the Crown, the Appeal Court, the Court of First Instance. The Prince has the power to reject a nomination; but cannot himself select a judge.

Since 1962, when the Constitution was promulgated, Supreme Tribunal judges have died and resigned, but none has been dismissed from office by the Prince.

As regards the courts, Act No. 783 of 15 July 1965 on the organization of the judiciary provides in article 2:

“The members of the various courts shall be appointed by sovereign ordinance at the proposal of the director of judicial services.

“They must have attained the age of 25 years and meet conditions deemed equivalent to those required to exercise the profession of lawyer.”

Article 6 of this Act provides that “judges may not be removed”. This principle guarantees judges’ independence.

The disciplinary rules to which judges are subject are laid down in articles 100 to 117 of the Act. The penalty of dismissal is proposed to the Prince by the Review Court. The Prince can accept or reject the proposal, but cannot himself order a different penalty.

Question No. 3

3. The interpretative declarations made by the Government under a number of articles of the Covenant have the effect of restricting the application of the Covenant. Please indicate whether the Principality intends to withdraw its restrictive interpretations.

There have been no new developments which would justify, at present, the withdrawal of the declarations and reservations.

Question No. 4

4. Please provide information on the measures taken in order to make the provisions of the Covenant known to the population and primarily to institutions and persons directly responsible for the implementation of such provisions in practice.

The first measure taken to publish the Covenant was to print it in the *Journal de Monaco*, the official gazette of the Principality of Monaco, as required by article 69 of the Constitution.

The second measure was to print the Covenant in the *Recueil du Juris-Classeur*, a compendium of current constitutional, legislative and prescribed laws. This compendium is used by legal professionals (notaries, lawyers, magistrates, etc.) and may be consulted by the public at the Louis Notari public library and elsewhere.

The third measure consists in the provision of information to those responsible for applying the Covenant. All attorneys and judges practising in the Principality of Monaco receive the same basic training. This is given at the French *Ecole nationale de la Magistrature*, and includes training on human rights. In addition, under the same conditions as those offered to court judges in France, judges in Monaco frequently attend refresher courses at the above school, some of which are on the subject of human rights.

Question No. 5

5. *Please provide information on the enjoyment of economic, social and cultural rights by the foreigners residing in the Principality.*

Article 32 of the Constitution is reproduced in paragraph 7 of the initial report.

The principle of non-discrimination is respected as regards the application of labour law (access to employment, practice of an occupation, pay, holidays, social security and pension cover, etc.), and of social security law (access to health care and social benefits).

Subject to compliance with the rules on job priority for Monegasques, foreigners have the right to practise a paid occupation or hold a position in the public sector. The possession of a residence permit, issued under conditions laid down in Sovereign Ordinance No. 3153 of 19 March 1964, gives the holder priority in recruitment without prejudice to article 32 of the Constitution.

Only certain occupations are reserved for Monegasques (for example: lawyer, article 1 of Act No. 1047 of 28 July 1982). For other occupations, access is restricted and subject to conditions defined by law. These occupations are still open to foreign applicants (doctor, article 3 of the Ordinance of 1 April 1921 regulating medical practice; dental surgeon, articles 1

and 2 of Act No. 249 of 24 July 1938). Pursuant to Act No. 1144 of 26 July 1991, or as the case may be to special laws imposing conditions on particular activities, foreigners are entitled to engage in professional, craft, business or industrial activity after obtaining authorization from the Minister of State.

Foreigners may pursue an activity on their own behalf or through the types of company recognized in Monegasque law (joint stock companies, limited partnerships).

In conformity with the Commercial Code and of the Ordinance of 5 March 1895, they may set up and run limited partnerships or limited liability companies following approval of their statutes and government authorization.

Foreigners can be appointed managers in limited companies. No administrative authorization is required.

They have the right to own commercial premises, businesses and craft ventures.

They can freely establish private non-commercial partnerships or property-management companies to manage buildings situated in Monaco or abroad (Act No. 797 of 18 February 1966).

Measures regarding State aid for business start-ups and social and cultural rights are described in detail in the initial report.

Question No. 6

6. With reference to paragraph 12 of the report, please clarify which restrictions would stand in the way of achieving equality of men and women in the enjoyment of economic, social and cultural rights.

Men and women have equal capacity to exercise economic, social and cultural rights.

As indicated in the report (para. 12), the only possible restrictions relate to nationality.

For example, in the case of mixed marriages, there are two possibilities. In the event of a marriage between a Monegasque man and a foreign woman, the foreign woman can obtain Monegasque nationality by declaration after five years. But the Nationality Act, No. 1555 of 18 December 1992, establishes that during the five years immediately following the marriage, a foreign wife is not entitled to rights reserved for Monegasque nationals.

In the event of a marriage between a Monegasque woman and a foreign man, the foreign man can obtain Monegasque nationality by naturalization. Failing this, he is not entitled to rights reserved for Monegasque nationals, such as practising a commercial occupation by declaration, certain forms of help in setting up in business, or priority in recruitment in the public and private sectors.

Question No. 7

7. Given the interpretative declarations by the Principality on article 6, please provide detailed information on how the Principality can create appropriate conditions for the enjoyment of the right to work.

Number of inhabitants in the Principality of Monaco in 2000 (latest census): 32,020

Number of wage earners in the public sector on 1 January 2004: 3,759

Number of wage earners in the private sector on 1 January 2004: 37,949

Total number of wage earners on 1 January 2004: 41,708

Breakdown by place of residence and sex

Place of residence	Men	Women	Total	Percentage
Monaco	3 743	2 898	6 641	17.5
Neighbouring communes in France	5 362	4 813	10 175	26.81
Other communes in France	10 803	6 668	17 471	46.04
Italy	2 126	1 395	3 521	9.28
Unknown (Wage earners undergoing registration)	94	47	141	0.37
Total	22 128	15 821	37 949	100.0

It can be seen from the above figures that the Principality is a very attractive place to work for the south-east region of the Alpes-Maritimes department and also for the adjoining region of Italy.

The thriving economy of the Principality of Monaco and the variety of Monegasque businesses afford excellent conditions for the exercise of the right to work.

Question No. 8

8. *Please provide information on the impact of Act No. 629 of 17 July 1957 on the enjoyment of the right to work by foreign workers residing in the Principality.*

Act No. 629 of 17 July 1957 establishes the principle that Monegasque citizens who possess the necessary skills must be given priority in recruitment by enterprises in the Principality.

On 1 January 2004, the percentage of Monegasque citizens working in the private sector was 2.39 per cent; 97.61 per cent of jobs in the Principality are held by foreign workers.

Of these foreign workers, 15.12 per cent (5,736 people) are resident in Monaco. Foreign workers residing in Monaco are given priority over non-residents in recruitment, in accordance with the Act.

The number of foreigners who work and reside in Monaco (5,736) is more than six times as large as the number of Monegasque nationals working in Monaco (908).

It can be seen, therefore, that Act No. 629 of 17 July 1957 does not adversely affect the opportunity for foreigners resident in Monaco, or even those living in the surrounding areas, to find employment.

Question No. 9

9. Please provide updated and disaggregated statistics on the number of resident and non-resident foreign workers in the Principality.

**Breakdown by nationality and place of residence
(1 January 2004)**

Nationality	Monaco	Neighbouring communes	Other France	Italy	Total
Monegasque	905	-	3	-	908
French	2 623	7 593	15 112	182	25 510
Italian	1 239	486	480	3 254	5 459
EEC	991	1 196	887	57	3 131
Other Western European	85	9	12	1	107
Eastern European	89	39	116	8	252
Maghrebin	186	428	437	6	1 057
Mediterranean and Middle Eastern	85	25	28	1	139
Black African	52	46	197	2	297
North American	68	14	33	3	118
Central and South American	38	70	24	7	139
Indian Ocean	116	131	67	-	314
Asian	145	137	66	-	348
Oceanian and Australian	15	-	9	-	24
Stateless	4	1	-	-	5
Total	6 641	10 175	17 471	3 521	37 808
Percentages Undergoing registration	17.57	26.91	46.21	9.31	141
Grand total					37 949

Question No. 10

10. Please explain why, although part-time work is recognized, it is not regulated by Monegasque labour law.

Although part-time work is recognized, it is not regulated by Monegasque labour law because the legislature wished to allow parties the possibility to contract as they saw fit in this area.

Subject to their employers' consent, therefore wage earners are free to balance their working hours and free time according to their needs.

In order to limit the possibility of abuse and protect wage earners' interests as far as possible, however, the authorities monitor the conditions that apply under such contracts, particularly as regards the organization of work, pay and overtime so that part-time employees are not treated unfairly in comparison with full-time workers.

Part-time work in the civil service is now governed by Act No. 1275 of 22 December 2003 on the subject.

Question No. 11

11. Pursuant to article 7 of the Covenant, please provide information on equal opportunities for promotion not only in professional ranks but also in wages, and on the enjoyment of the principle of equal remuneration across sectors, in particular for men and women.

Article 11 of the Wages Act, No. 739 of 16 March 1963 establishes the principle that minimum wages, bonuses and allowances of all kinds in Monaco should be equal to those in the neighbouring French economic region. Consequently:

- The minimums are set by ministerial order;
- For identical working conditions, they are at least equivalent to those applicable in benchmark enterprises in the region in question;
- They are calculated using a notional hourly rate.

For the purpose of applying these provisions, every wage earner in the Principality of Monaco is recruited in accordance with French classification scales, or Monegasque classification scales where they exist, for each occupational sector.

Thus almost all employees' wages change over their careers in accordance with conditions laid down in collective agreements negotiated between employers' associations and trade unions either in Monaco, or in the neighbouring country.

In order to ensure that these rules are adhered to, Sovereign Ordinance No. 3094 of 3 December 1963, on the composition and functioning of the Board of Classification of wage earners in the various occupational categories, provides that wage earners may be reclassified in accordance with the work they actually do and the responsibilities they shoulder.

On the question of equal pay for men and women, article 2, paragraph 1, of the Wages Act, No. 739 of 16 March 1963, as amended by Acts Nos. 948 of 19 April 1974 and 1068 of 28 December 1983, establishes the principle of equality, while article 2, paragraph 2, states that any arrangement resulting in pay discrimination between the sexes is null and void.

Question No. 12

12. Please provide updated information on the manner in which the minimum wage is set and please indicate whether it is commensurate to the cost of living.

As already indicated under question No. 11, on wages, the Wages Act No. 739 of 16 March 1963 and Ministerial Order No. 63-131 of 21 May 1963, amended by Ministerial Order No. 84-101 of 6 February 1984 set minimum wage rates.

Minimum wages, bonuses, allowances of all kinds and supplements other than those established in the law governing working hours cannot be lower than those applicable under the relevant regulations or collective agreements for identical working conditions in similar occupations, businesses or industries in the French department of Alpes-Maritimes.

In addition, these minimum wage rates are subject to a mandatory special 5 per cent Principality weighting.

The minimum wage applicable to all wage earners in the Principality in any sector of activity is identical to the French guaranteed minimum wage (SMIC) plus the special 5 per cent Principality weighting.

The SMIC, which serves as a reference for fixing minimum wage rates in Monaco, increases annually at above the inflation rate and from time to time by government decision in order to improve the purchasing power of the lowest wage earners.

Since 1 July 2004, the SMIC has been €7.61 per hour, or €1,286.09 per month.

In Monaco, these amounts are supplemented by the above-mentioned 5 per cent weighting.

Question No. 13

13. *Indicate the number of labour disputes resolved in the last five years by the Labour Court set up under Act No. 446 of 16 May 1946.*

Number of cases brought before the Labour Court

Year	Registered	Settled	Struck off	Flawed	Deferred	Submitted to the judgements committee
1998-1999	82	11	1	6	0	70
1999-2000	86	5	2	11	2	77
2000-2001	114	8	4	15	1	102
2001-2002	119	16	2	15	0	101
2002-2003	100	8	0	24	0	92

Question No. 14

14. *Please provide information on the incidence of strikes and the manner in which the State party handles strikes generally.*

Article 28, paragraph 2, of the Constitution recognizes the right to strike within the framework of legislation regulating this right.

The conditions under which the right to strike can be exercised are stipulated in the Act on that subject, No. 1025 of 1 July 1980. This Act alludes to the principles of unfettered exercise of the right to strike and respect for non-striking employees' right to work.

The State monitors compliance with the above-mentioned legislation through the Labour Inspector's Office.

The Employment Service, which is responsible for ensuring compliance with Act No. 629 on hiring, and is the sole, mandatory entity to which all offers of employment in the Principality of Monaco must be addressed, ensures that no employer attempts to break a strike illegally by employing additional personnel to compensate for the number of striking employees in his company.

On average, four or five strikes take place every year. Some concern disputes within companies while others, called by the Fédération des syndicats des salariés (Federation of Wage Earners' Unions), relate to broader claims.

Question No. 15

15. Please describe the main features of the social security schemes in force in the Principality and indicate the nature and level of the coverage as well as the method of financing of such schemes.

This point has already been dealt with in pages 38 to 49 of the initial report of the Principality of Monaco and requires no additional coverage.

Question No. 16

16. Please describe the incidence of child abuse and the steps taken to combat this phenomenon.

Penalties

The legislation setting out penalties for the various types of violence against children can be found in the Criminal Code, Book III, title II, chapter 1, entitled "Crimes and offences against persons" and more particularly in section VII, entitled "Crimes and offences against children", and section VIII on "Desertion of family", which detail punishments for offences affecting minors.

Generally speaking, the fact that the victim is a minor is either an essential element of the offence or an aggravating circumstance.

The principal offences are:

- Article 225: murder of a newborn (infanticide);
- Articles 243 to 246: deliberate blows, injuries, acts of violence or assault on a minor under 15 years of age;
- Article 261: indecent assault (without physical violence) on a minor under 15, or over 15 years of age if committed by a parent or grandparent;
- Article 262.2: rape of a minor under 15 years of age;
- Article 263.2: indecent assault with physical violence on a minor under 15 years of age;
- Article 265: immoral act resulting from the regular corruption or depravation of a minor (or occasional depravation of a minor under 16 years of age); abduction of an underage girl, even with her consent, for the purpose of depravation or to satisfy the passions of a third party; causing an individual to prostitute himself or herself; arranging or facilitating the sexual exploitation of minors;
- Articles 275 to 278: illegal arrest, detention and confinement;
- Article 280: abduction, concealment or disappearance of a child or the substitution of one child for another;
- Articles 284 to 286: exposure and abandonment of a child, whether or not in a deserted spot;
- Articles 290 to 291: abduction, enticement, kidnapping or removal of a minor, by fraud or violence, from premises where he or she was placed by persons in authority (with or without a demand for ransom);

- Article 292: abduction or kidnapping of a minor without fraud or violence;
- Article 295: seriously jeopardizing the health, safety or morals of one's children by pernicious examples of drunkenness or misconduct, or through lack of care or guidance;
- Article 421: minor assaults.

Administrative structures and measures

As part of the effort to combat child abuse, a “minors and social protection section” was set up in the Department of Law Enforcement in October 2002. The section, made up of two investigating officers and two police social workers, is responsible for dealing with all offences in which the victim or perpetrator is a minor, other than those covered by the law on drugs.

The “minors and social protection section” at the Department of Law Enforcement, the Department of National Education, Youth and Sports and the Office of Health and Social Promotion work together, coordinating efforts to combat child abuse.

The Office of Health and Social Promotion is notified about children in difficulty and may provide tutelary support within the family (whether accepted voluntarily by the parents or ordered by the courts).

The judicial authorities are notified as swiftly as possible about children in physical or moral danger.

A case may, if the Principal Public Prosecutor considers it appropriate, be referred to the guardianship judge.

Once a case is brought before him, the guardianship judge may order an investigation by the welfare authorities of the minor's personality and family environment. He may order any other informative measure he deems useful and, if necessary, take steps to protect the minor

(e.g. modification of custody). Children who cannot be left in their family environment are placed in a foster family, in a home (the children's home which now replaces the Foyer Sainte Dévote) or in a specialized establishment in France.

The guardianship judge is also responsible for setting up the preventive measures and social welfare arrangements to be found in the Civil Code and the Code of Civil Procedure, in particular:

- Tutelary support (articles 317 to 322 of the Civil Code): supervision or tutelary support may be ordered by the guardianship judge for any minor whose health, safety, morals or upbringing are at risk. The Office of Health and Social Promotion (DASS) is entrusted with arranging such support;
- Family mediation (article 303 of the Civil Code): at the request of the father, mother, any concerned party or the Public Prosecutor's Office, the guardianship judge will rule on the conditions in which parental authority is exercised or the problems they cause, depending on the child's interests. In order to make it easier for the parents to agree on the exercise of parental authority, the judge may propose mediation and, with the parents' assent, appoint a family mediator for the purpose.

Question No. 17

17. Act No. 1235 of 28 December 2000 grants priority to the protection of persons whose names appear on a list. What is the situation regarding persons who are not on this list?

Since the report of Monaco was written, Act No. 1235 of 28 December 2000, on the conditions for renting certain residential premises built or completed before 1 September 1947, has been amended by Act No. 1291 of 21 December 2004 to expand the categories of beneficiaries and offer tenants greater protection.

The categories of protected tenants are:

- “1. Persons of Monegasque nationality;

2. Persons born to a Monegasque parent; spouses, widowers or widows of Monegasques; persons divorced from Monegasques who are the parents of children born of that union;
3. Persons born in Monaco and residing there since birth, provided that one of their parents was also resident in Monaco at the time of their birth; persons who, although meeting the other conditions of this section happen by chance, for medical reasons or because of force majeure to have been born outside the Principality, may be exempted from the requirement to have been born in Monaco;
4. Persons who have resided in Monaco for an uninterrupted period of not less than forty years” (article 1 of Act No. 1291 amending article 3 of Act No. 1291).

Persons who, when the Act was promulgated, were tenants or principal occupants of residential premises subject to Statutory Order No. 669 of 17 September 1959 or Act No. 1118 of 18 July 1998, as amended (article 2 of Act No. 1291 amending article 4 of Act No. 1235), also have this status.

Act No. 1291 further contains protective measures to reinforce tenants’ rights. Old apartments must be brought up to safety standards before being rented and the owner may not leave an apartment standing empty. A tenant furthermore has the right to the automatic renewal of his lease and the owner has only a very limited right of recovery, while rent increases are restricted by the arrangements which determine them.

Persons who do not meet the conditions of Act No. 1235 for registration as protected tenants have access to other housing sectors. These are:

- The housing stock governed by Act No. 887 of 25 June 1970, accessible to persons who:
 - have been domiciled in Monaco for at least five years and have worked there for more than six months;
 - have worked in Monaco for at least five years;

- The housing stock belonging to the Independent Retirement Pension Fund;
- The “open sector” housing stock, where the status of the tenant is immaterial and rents are set by the interplay of supply and demand.

Question No. 18

18. Please provide statistical information with regard to international cooperation, especially with respect to food assistance.

The Principality’s food aid activities are both bilateral (State to State) and multilateral (financing of country projects through an international organization).

Bilateral cooperation

Countries	2002	2003	2004
Niger	45 000 €		55 347 €
Tunisia	32 380 €	39 300 €	18 000 €
Burkina Faso			32 000 €
Morocco	51 000 €	50 000 €	65 000 €
Senegal			20 000 €

The various activities are described below.

Niger

Plateau de Ganguel, Niamey region: Rehabilitation of 210 hectares of cultivable land, dredging of ponds, promotion of market gardening and cattle farming.

2002: €27,000

2004: €24,855

Vallée de Goffat, Agadez region: Protection of valley sides and securing of cultivable land.

2002: €18,000

2004: €30,492

Tunisia

Integrated rural development project in the Ait Draham region. Diversification of farming activities, introduction of apiculture and irrigation systems.

2002: €32,380

2003: €39,300

2004: €18,000

Burkina Faso

Creation of a sumbava production unit for a women's association in Ouagadougou.

2004: €11,600

Creation of a drying and processing unit for market garden produce in the village of Tougou, Yatenga province.

2004: €2,000

Establishment of a programme to combat malnutrition and prevent gangrenous stomatitis. Distribution of alfafa leaf extracts to more than 1,000 children in Yatenga and Boromo provinces.

2004: €20,000, recurring over five years.

Morocco

Creation of an argan oil cooperative in Tiout, Taroudannt province.

2002: €51,000

2003: €25,000

2004: €40,000

Rehabilitation of the Talnould palm grove.

2003: €25,000

2004: €25,000

Senegal

Support for two women's associations active in small-scale fish-processing: supply of equipment, training in management and hygiene, provision of working capital and microcredit.

2004: €20,000

Multilateral cooperation

The FAO Special Programme for Food Security (SPFS)

Since 2000, the Principality of Monaco has paid out the following sums to Niger, Madagascar and Mauritania:

Country	2000	2001	2002	2003	2004
Niger	45 800 €	91 500 €	91 500 €	45 800 €	
Madagascar		30 500 €	61 000 €	61 000 €	30 500 €
Mauritania			57 000 €	57 000 €	57 000 €

United Nations Convention to Combat Desertification (UNCCD)

This is a project to combat desertification (land irrigation for agriculture, combating over-grazing) in a cross-border zone between Niger and Burkina Faso.

Technology for reducing firewood consumption.

Sums allocated:

2002: €10,000

2003: €30,000

2004: €40,000

Monaco's international cooperation activities, known as Official Development Assistance (ODA), concern *all* multilateral and bilateral activities carried out and voluntary contributions paid by the Principality, including food aid projects. For each of the last four years, they amount to the following:

ODA 2001	1 584 745 €
ODA 2002	1 680 794 €
ODA 2003	1 932 900 €
ODA 2004	1 969 600 €

Question No. 19

19. Please indicate the steps taken by the State party to address the mortality rate due to circulatory and respiratory diseases, which is proportionally higher than in other European countries.

Firstly, the statistics are not relevant, given the population sample taken, since not everyone who dies in Monaco has been resident there.

We should point out, however, that the number of deaths due to circulatory diseases has fallen in recent years, accounting for 41.66 per cent of recorded deaths in 2001, 40.96 per cent in 2002, and 38.09 per cent in 2003.

Government measures specifically designed to reduce mortality due to circulatory and respiratory diseases are part of a general policy aimed at promoting health and reducing the mortality rate. This policy is based on a combination of prevention, screening and treatment.

With regard to prevention, the Office of Health and Social Promotion and the Department of Education organize numerous public information programmes throughout the year.

Media activities are targeted at the general public: articles are placed in the local press, public information messages are broadcast on television, awareness campaigns are organized, etc.

In the educational domain, health education courses are run in primary schools and health clubs have been established for adolescents. In addition, lectures on subjects such as nutrition, sports, body awareness, personal hygiene, alcoholism, smoking and addictive behaviour are given in schools.

Lastly, activities are organized by, or in conjunction with, certain associations. For example, a panel discussion on averting the risk of cardiovascular disease among the young was held in January 2003. The event was organized by the PubliCreations-AIM Group, in collaboration with the Monaco Parent Teachers' Association (APEM), the Monegasque National Association of Children's Friends (AMADE) and the Anti-Hypertension Association (ALHYP).

Various general screening programmes have been established for specific target groups (breast cancer screening and prevention; screening for colon and rectal cancer, etc.).

Generally speaking, the quality of health and medical supervision in the Principality of Monaco is very high, and occupational health (annual medical check-ups, verification of compulsory vaccinations, etc.) plays a decisive role.

Question No. 20

20. Bearing in mind the major activities initiated by the Government for health prevention and protection, please provide updated information on sexually transmitted diseases as well as HIV/AIDS, and indicate any measures taken to address these problems.

Government policy on the eradication of these diseases is multifaceted, bringing together all stakeholders (government institutions, social agencies, public bodies and educational, sporting, associative and professional groups).

The Office of Health and Social Promotion distributes general information on HIV infection to everyone living or working in the Principality. The information is designed for different groups (the public at large, young persons, workers, health professionals, etc.).

In schools, education about preventing sexually transmitted diseases and HIV/AIDS is provided under the auspices of the Department of Education. Information on the transmission of these diseases is an integral part of the curricula taught at both junior and senior high schools.

The health authorities arrange for doctors to visit schools and give lectures on this subject; every year, senior high school students are invited to visit the centre established at the Princess Grace Hospital Centre in 1988, which offers screening anonymously and free of charge, and the health advice centre which answers queries mainly from adolescents.

Another important preventive measure has been to facilitate access to condoms by installing vending machines (on public streets close to pharmacies, shops and department stores), distributing condoms during media campaigns and conducting awareness-raising activities among pharmacists.

The Department of Education, in collaboration with the associations concerned, namely the Monegasque Red Cross and Fight Aids Monaco (an association born of a merger between *Monaco SIDA* (Monaco AIDS) and *Femmes face au SIDA* (Women living with AIDS)), organizes events for schoolchildren which make for effective, continuing prevention.

On the occasion of World AIDS Orphans Day, high school children in the Principality are invited to wear a sticker depicting a red heart, as a symbol of their solidarity with AIDS orphans, and banners are hung in the city to draw the attention of the entire population to this painful issue.

Every year on World AIDS Day, the Monegasque Red Cross runs a prevention campaign aimed at young persons in the Principality. School nurses and nurses at the Princess Grace Hospital AIDS Screening Centre hand out literature, posters and condoms to adolescents, together with cards giving the contact details of the Screening Centre, the freephone number of the AIDS INFO SERVICE and the contact details of useful Monegasque associations.

Monegasque associations are also very active in this area, particularly the Monaco AIDS association, which in October 2003 held a soirée on the subject of prevention, under the patronage of Her Royal Highness Princess Stephanie. The audience was brought into the show in order to bring the reality of AIDS home to spectators, and the profits from the auction held on

that occasion were used to fund prevention activities and provide assistance to sufferers and their families. The profits from many other events are used to combat AIDS. The Prince's Government has made a substantial contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

In the context of the Agence intergouvernementale de la francophonie, the Principality participates in the Youth Mobility in the French-speaking World programme, which runs field projects aimed at eradicating sexually transmitted diseases and HIV/AIDS.

Question No. 21

21. Please provide detailed information on the progress achieved on the implementation of the government measures to reduce alcoholism and drug addiction.

Prevention

The Department of Education holds regular information sessions in the form of mini-lectures. This type of awareness-raising activity, which is carried out by doctors in schools, is geared towards students in the last year of primary school and the first year of junior high school. There are also some doctors at the Princess Grace Hospital Centre who specialize in addictive behaviours and alcoholism.

The Credit Association (the Centre for Research, Documentation and Multidisciplinary Action on Addiction) has helped launch an initiative to inform and educate all senior high school students about the risks of psychotropic substances (use, abuse and dependency). The objectives are to train and more fully involve educational teams in prevention efforts, to give students a role in the initiative, and to encourage them to ask for help at school. Representatives of school social workers and teachers have been given special training to enable them to serve as contacts (staff trained to identify and listen to young persons in difficulty, to respond to their needs, to run school projects, etc.). This training has been extended to all social institutions in the Principality (government institutions, public bodies, associations, etc.).

The Principality of Monaco took part in the World Conference on Doping in Sport, held in March 2003 under the auspices of the World Anti-Doping Agency. At the conclusion of the Conference, the plenary adopted a resolution and some 50 Governments, including the

Principality, signed the Copenhagen Declaration on Anti-Doping in Sport. The Monegasque Anti-Doping Committee was set up to provide the Principality with the necessary material and financial resources to combat doping effectively. A permanent secretariat, operating out of the Department of Education, Youth and Sports, coordinates the work of the Monegasque Anti-Doping Committee and monitors the implementation of the Government's anti-doping policy.

Sports health inspectors give talks to high school students about doping. These sessions, which form part of physical education and sports courses, focus on the risks of taking doping agents. The Office of Health and Social Promotion stages events on the topic from time to time. For example, a travelling exhibition entitled *Sport and Addiction* has been set up to teach schoolchildren about the dangers of doping and of all addictions.

Treatment

When it learns about people with alcohol problems or schoolchildren with behavioural problems, the Juveniles' and Social Protection Section of the Police Department notifies the regulatory authorities so that the competent government department (the Office of Health and Social Protection and the Department of Education, Youth and Sports) or judicial authority (a juvenile judge) can take up the matter.

As regards treatment for drug addiction, a risk-reduction policy has been developed on the basis of substitution programmes (regulated distribution of products) and facilitated access to syringes.

Penalties

The legislature recently introduced tough penalties for supplying a minor with, or helping him or her to use, drugs:

“When one of the offences referred to in articles 2, 2 (1), and 3 is committed with a view to, or has the effect of, supplying a minor with drugs, facilitating his or her use thereof or involving him or her in the commission of such an offence, or when the offence is committed in a penitentiary, an educational institution, a social services centre or the immediate vicinity thereof, or in any other place in which schoolchildren and

students engage in educational, sporting or social activities, the penalties prescribed in articles 2 and 3 shall be doubled; those prescribed in article 2 (1) may also be doubled” (article 4 of the Drugs Act No. 890 of 1 July 1970, as amended by Act No. 1261 of 23 December 2002).

Question No. 22

22. *With reference to paragraph 245 of the report, please provide further information on schoolchildren with behavioural problems.*

Social workers and school psychologists employed by the Department of Education, Youth and Sports are responsible for monitoring children with behavioural problems.

Children who attend school in the Principality of Monaco and children below school age who are domiciled in Monaco are cared for by the Medical Psychological Centre run by the Office of Health and Social Promotion. The Centre has three main functions:

- To provide priority treatment for children left within their family and school environment;
- To allow anyone involved in health policy, or parents, to send a child for a mental health evaluation;
- To carry out diagnoses in order to identify and take whatever steps are required.

The Centre is staffed by a multidisciplinary team consisting of child psychiatrists, psychologists, psychotherapists, a psychomotor therapist, a speech therapist, a social worker, a nurse, and a secretary.

An educational, social and psychological evaluation is carried out and the child psychiatrist recommends a suitable educational programme, which may or may not be accompanied by therapeutic measures.

In most cases, the files on these children are submitted to the Medical-Pedagogical Board, which evaluates each child’s educational aptitudes and may take any one of a variety of different decisions: to keep the child in ordinary school; to provide him or her with educational

support through the Remedial Education and Integration Programme (AIS) or the special general and vocational remedial education sections (SEGPA); to refer the child to the Medical Psychological Centre for treatment; to arrange tutelary support, etc.

The Department of Education has long operated a policy of assisting schoolchildren in difficulty. Special classes and arrangements have been set up to make it easier for these young persons to integrate, to offer them a balanced form of development and to help them avoid educational streams that for too long have kept pupils who are viewed as “different” stuck in special classes or sections with no real prospect of returning to a normal course of study. This system is only possible thanks to the mobilization of the entire educational community and the recruitment of specialized teachers whose skills allow for diversified teaching strategies, the better to respond to these students’ needs.

At the primary school stage, the AIS section provides a more practical course of study tailored to children’s individual needs and focusing on basic skills (reading, French and arithmetic) and socialization. The section is run by specialized primary teachers; pupils can join ordinary classes for particular subjects defined by their teacher.

At junior high school, first- and second-year remedial classes (formerly special education classes) have existed for many years and cater for students whose learning difficulties preclude them from attending conventional classes. The changes in this population over the last few years show that behavioural problems are becoming more and more common.

A recent innovation has been the establishment of “transition classes” forming a bridge between conventional classes, remedial classes and remedial general and vocational education sections. The objective remains that of allowing as many children as possible to join normal classes at junior high school or at least to move on to structures that are suited to their levels of attainment.

In order to get the most out of this process, extra “reception” classes are set up within conventional first- and second-year classes. Their role is to take on students from remedial classes at any time during the school year and help them with one or more subjects (primarily French and mathematics). The teachers of these classes, who believe in and support this principle, work hand-in-hand with their colleagues teaching remedial classes.

As for the SEGPA classes, a similar arrangement is planned to allow pupils in these sections to move gradually into remedial classes and, at the end of the first year of junior high school, into pre-vocational classes at the Lycée Technique (technical secondary school).

As in junior high school, the objectives of all these classes remain those of allowing students to catch up, teaching them social skills with a heavy emphasis on improved behaviour, and, finally, coming to grips with each student's individual problems.

The means employed are: small classes; extra tuition in French, mathematics and technology; multidisciplinary curricula; and teaching bodies structured to offer a flexible approach to teaching.

A different approach to education has been created through the development of cultural activities: theatre, concerts, museum visits, writing workshops and various educational trips.

Being better trained to deal with these children's problems, teaching bodies do work that is truly multidisciplinary and important, providing a very flexible system of rehabilitation which is geared towards the self-fulfilment of each child and reintegration into the conventional educational programme at junior high school.

This remedial education is being restructured at present, fine-tuning the techniques used to help children having problems in the first and second years of secondary school and placing ever-greater emphasis on individualized support.

A complete overhaul of the third- and fourth-year technology classes at the Collège Charles III and the third- and fourth-year pre-vocational classes at the Lycée Technique is being carried out, focusing on the criteria for admission, a standard timetable for each subject (four hours of teaching in history and geography in preparation for the *brevet des collèges* (intermediate certificate)) as a proportion of total contact hours (around 29 hours of compulsory education) and flexibility at the two institutions. The choice of an education split between the Collège and the Lycée is linked to a policy of desegregation between AIS and SEGPA classes.

In order to cater for a population with increasing learning difficulties, it is necessary to keep class sizes down in all subjects (not more than 156 pupils in any year). The stress laid on the technological stream from the third year onwards means that contact hours for technology courses proper can be reduced from seven to five and in this way the curriculum for the *brevet* can be studied more thoroughly over a two-year period.

For pre-vocational classes, the creation of a distinct educational path permits more homogeneous preparation for the *brevet d'éducation professionnelle* (certificate of vocational education). Although a second modern language (Italian) is not compulsory, it has been offered since the beginning of the 2002/2003 school year, as it is much appreciated on the job market.

In order to improve the teaching in all these classes, specialized teachers work closely with the entire educational and teaching body. Three teachers hold the Certificate in Remedial and Integration Teaching (CAPSAIS) and teachers taking primary or secondary remedial classes are offered special training.

Thus, in primary education, there are three different kinds of special education teacher:

- The teacher of French as a foreign language is there to teach French to children who have recently moved to the Principality and are not native speakers of the language. The teacher works with small groups of students. There are two such teachers, one at the Saint Charles School and the other at the Carmes and Plati nursery schools;
- The support teacher works with one student or a small group of students on educational problems that have already been identified. This work, which is done with the agreement of the family and in close cooperation with the class teacher, is carried out at every public primary school either at specific times or throughout the school year;
- The integration assistant helps disabled children in part-time education (two or three half-days per week) to fit better into their classes. The assistance required is identified, depending on the disability and the nature of the activity, in collaboration with the school's teaching body, the child's family, and the medical and social teams, and varies depending on the individual integration plan.

At the secondary school stage, eight teachers are in charge of special classes where they teach the main subjects in close collaboration with the teaching body and teams of social workers. The social work section has been beefed up with the recruitment of a social worker and an educational psychologist.

The Office of Health and Social Promotion has also been restructured, with a transfer of responsibilities between the Municipality and the State, recently followed by a further reallocation of responsibilities between the Foyer Sainte Dévote, the Bureau of Social Assistance and the Office of Health and Social Promotion (Act No. 1279 of 29 December 2003, amending certain provisions of Act No. 335 of 19 December 1941 establishing a social assistance office; Sovereign Ordinance No. 16.464 of 25 October 2004, concerning the organization and functions of the Office of Social Protection). As a result, the Office of Health and Social Promotion now runs the children's home (formerly the Foyer Sainte Dévote).

Finally, an education bill making specific provision for pupils in difficulty is under development.

Question No. 23

23. Please provide detailed information regarding public education and information campaigns about sexual and reproductive health.

In collaboration with the Office of Health and Social Promotion, a health centre receives young people in complete anonymity, offering them a place where they can go and discuss their questions about sexuality, personal problems, family relationships that can sometimes be difficult, addictive behaviours, etc.

Medical care is guaranteed throughout pregnancy in accordance with the regulations in force (Ministerial Order No. 71-326 of 13 December 1971, concerning pre- and post-natal check-ups). Private doctors and occupational health doctors make sure that pregnant women are informed about the factors that endanger the development of the foetus (active and passive smoking, alcohol, poor diet and so on).

Question No. 24

24. Please provide information regarding human rights education in Monaco's schools as well as human rights training received by judicial and other public authorities.

Human rights education is given at schools under the Civics, Legal and Social Education curriculum.

Based on a combination of three different disciplines, civics training develops human rights and citizenship, education all the way through school, teaching children about the assumption of individual and collective responsibility and the use of one's critical and rational faculties to exercise good judgement.

Civics, legal and social education is a subject for all high school students (junior and senior).

Question No. 25

25. Please provide information on the steps taken by the Principality to promote the Monegasque language and traditions, particularly through its use in creative arts, in the press, radio and television.

The Department of Education is committed to promoting the Monegasque language in schools. Monegasque is a compulsory subject at primary school and in the first and second years of junior high school; it becomes optional from the third year onwards. Students in the final year of senior high school can opt for this subject as part of their baccalaureate. Throughout all stages of schooling, students can follow the lessons taught, during school hours, by teachers who specialize in this language.

In addition to these arrangements, teachers of Monegasque have set up Monegasque language units within schools' social activity centres, presenting plays and songs and publishing articles in Monegasque in school newspapers.

The Department of Education and the Committee on Monegasque Traditions jointly organize Monegasque Week to mark Monaco's National Day, or the Feast of Sainte Dévote.

The Monaco Municipality and the Department of Education hold an annual Monegasque competition to encourage the teaching of this language in schools in the Principality and to allow students to put their respective skills to the test. Every year, the local cable television station broadcasts the prize-giving ceremony in its entirety and students perform numerous sketches in Monegasque.

Finally, a Monegasque Language Commission was established pursuant to Sovereign Ordinance No. 7462 of 27 July 1982. It supports teachers and helps to promote and develop the teaching of Monegasque.
