



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **MONACO – COUNTRY REPORT**

### **Summary of necessary legal reform to achieve full prohibition**

#### ***Settings where explicit prohibition is necessary***

home, schools, penal institutions, alternative care settings

#### ***Is there a legal defence for corporal punishment which must be repealed?***

No – There is no defence for the use of corporal punishment enshrined in legislation but there is no explicit prohibition. Realisation of children’s rights to equal legal protection from assault and to protection from all forms of violence requires clarity in law that no degree or form of corporal punishment is acceptable or lawful, without exception. Explicit prohibition should be enacted of all corporal punishment and other humiliating and degrading treatment, in the home and all other settings where adults exercise authority over children.

#### ***Other legislative measures necessary***

*Schools* – Legislation should explicitly prohibit corporal punishment as a disciplinary measure in all schools, public and private.

*Penal institutions* – Legislation should explicitly prohibit corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

*Alternative care* – Explicit prohibition of corporal punishment should be enacted in relation to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful in the home. Provisions against violence and abuse in the Criminal Code and the Civil Code are not interpreted as prohibiting all corporal punishment in childrearing.

### Schools

Corporal punishment is unlawful in schools. It is not among the permitted disciplinary measures listed in the Education Law (2007) but is not explicitly prohibited.

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sanction for crime under the Criminal Code.

Corporal punishment is considered unlawful as a **disciplinary measure** in penal institutions, but there is no explicit prohibition in legislation.

### Alternative care

There is no explicit prohibition of corporal punishment in alternative care settings.

## Prevalence research

None identified.

## Recommendations by human rights treaty bodies

### *Committee on the Rights of the Child*

(8 June 2001, CRC/C/15/Add.158, Concluding observations on initial report, paras. 26 and 27)

“The Committee is concerned that corporal punishment is not prohibited under law.

“The Committee recommends that the State party prohibit the practice of corporal punishment in the family and conduct information campaigns targeting, among others, parents, children, law enforcement and judicial officials and teachers, explaining children’s rights in this regard and encouraging the use of alternative forms of discipline in a manner consistent with the child’s human dignity and in conformity with the Convention, especially articles 19 and 28.2.”

### *Committee against Torture*

(17 June 2011, CAT/C/MCO/4-5, Concluding observations on fourth/fifth report, para. 11)

“The Committee notes that Bill No. 869, on efforts to combat and prevent specific forms of violence against women, children and persons with disabilities, was submitted to the National Council in

October 2009. It remains concerned, however, at the delay in the process of adopting this important legislation (arts. 2, 13, 14 and 16).

The State party should ensure that Bill No. 869 is adopted quickly in order to prevent and combat all forms of violence against women, children and persons with disabilities. It should also ensure that corporal punishment for children is explicitly prohibited in all areas of life and that domestic violence is punished. The Committee further recommends that the State party should organize training or awarenessraising campaigns aimed specifically at informing victims of domestic violence about their rights.”

## **Universal Periodic Review**

Monaco was examined under the Universal Periodic Review process in 2009. No recommendations were made concerning corporal punishment of children.

*Report prepared by the Global Initiative to End All Corporal Punishment of Children  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
August 2011*