

# Ending family violence in Monaco – challenging physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 68<sup>th</sup> session, from the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), January 2017

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## **Introduction: violence against children in their homes in Monaco and CEDAW's examination of the initial/third state party report**

Girls and boys in Monaco are not protected from violence in their own homes. They can be subjected to domestic violence as a punishment. The Government of Monaco must meet its international obligations and immediately prohibit corporal punishment of children in all settings.

**We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Monaco. In particular, we hope the Committee will:**

- **in its list of issues for Monaco, ask the Government what progress is being made towards the prohibition of all violent punishment of girls and boys, and**
- **in its concluding observations on the initial/third state party report, recommend that Monaco take immediate action to ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted prohibiting all corporal punishment of children in all settings.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Monaco
  2. Treaty body and UPR recommendations on the issue made to Monaco to date.
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## **1 Laws on the use of force in “correcting” children in Monaco**

- 1.1 Corporal punishment is lawful in the home. The Government has repeatedly asserted that the criminal law on assault and battery, strengthened by amendments in 2007, adequately protects children from corporal punishment in all settings.<sup>1</sup> However, there is no explicit prohibition of corporal punishment in the Penal Code or its amending laws, Law No. 1.344 of 26 December 2007 increasing the punishment for crimes and offences against children and Law No. 1382 of 20 July 2011 on the prevention and repression of specific violence.
- 1.2 **We hope the Committee will raise the issue of corporal punishment of children in its review of Monaco, and recommend that the Government immediately enact legislation explicitly prohibiting corporal punishment of children in all settings.**

## **2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review**

- 2.1 **CRC:** The Committee on the Rights of the Child has twice recommended that corporal punishment of children be prohibited in the home and all other settings – in concluding observations on the state party’s initial report in 2001<sup>2</sup> and on the second/third report in 2013.<sup>3</sup>
- 2.2 **CAT:** In 2011, the Committee Against Torture recommended prohibition of corporal punishment of children in all settings.<sup>4</sup>

*Briefing 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), January 2017

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<sup>1</sup> 23 May 2011, Written replies to the Committee Against Torture; 27 May 2011, CAT/C/SR.1003, Summary record of examination by the Committee Against Torture, para. 21; 13 August 2012, CRC/C/MCO/2-3, Second/third report to the Committee on the Rights of the Child, paras. 213-217; 23 August 2013, CRC/C/MCO/Q/2-3/Add.1, Reply to list of issues; 15 April 2014, E/C.12/MCO/Q/2-3/Add.1, Reply to list of issues, paras. 133, 134, 135, 136 and 137

<sup>2</sup> 8 June 2001, CRC/C/15/Add.158, Concluding observations on initial report, paras. 26 and 27

<sup>3</sup> 29 October 2013, CRC/C/MCO/CO/2-3, Concluding observations on second/third report, paras. 6, 7, 28 and 29

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