

## Monaco Upcoming Bills on School Bullying and Alternative Medicines

The Government of the Principality informed the Monegasque Parliament (*Conseil National*) on 2nd and 5th June 2020 of its intention to transform the following two draft laws (parliamentary initiative) into bills (to be tabled by June 2021):

→ **Draft Law No. 243 on the fight against school bullying** (adopted on 2 December 2019)

Bullying at school is defined by Draft Law No. 243 as *"the act of subjecting a pupil, within his or her direct or indirect school environment, knowingly or unknowingly, and by any means whatsoever, including by a process of electronic communication, to repeated actions or omissions which have as their object or effect a deterioration in his/her school living conditions resulting in an attack on his/her dignity, integrity, a feeling of fear, insecurity, distress, exclusion or a reduction in the feeling of belonging to the school or in self-esteem, or an alteration in his/her physical or mental health"*.

Are also considered as repeated actions or omissions: *"- actions or omissions imposed on the same pupil by several persons, in a concerted manner or at the instigation of one or more of them, even though each of these persons has not acted repeatedly; - actions or omissions imposed on the same pupil by one or more persons and carried out in the presence of other persons who, without consultation with the perpetrators or participation in the said actions or omissions, attended the said actions or omissions; - actions or omissions imposed on the same pupil, successively, by several persons who, even in the absence of consultation, know or cannot reasonably be unaware that these words or behaviour are characteristic of repetition"*.

Law No. 243 includes a preventive and anti-harassment component (training, awareness-raising actions, prevention and fight plan drawn up by the educational establishment[1], referents for school harassment, Delegate for the fight against school harassment to the Director of National Education, Youth and Sports, reporting, measures), as well as a repressive component (penal provisions relating to minors, and provisions amending the Penal Code).

→ **Draft Law No. 247 on non-conventional health care** (adopted on 2 December 2019)

Draft law No. 247 covers: *"acts whose scientific effectiveness has not been demonstrated or recognised with certainty, but which contribute to preserving or improving the well-being of the person to whom they are dispensed", in public or private environments, in a professional capacity, on a regular or occasional basis, and whether or not they are subject to remuneration."*

The following are excluded from its scope of application: *"any sporting practice" and "any act the performance of which is exclusively entrusted, in application of Monegasque law, to a health professional or similar[2]"*.

Draft Law No. 247 makes the practice of non-conventional health care on a private basis subject to obtaining an authorisation issued by the Minister of State, after the opinion of a Commission chaired by the Government Counsellor-Minister of Social Affairs and Health.

As an exception, when the petitioner of the request is a health professional or equivalent working in a health care institution, the practice of non-conventional health care within the framework of the profession or status of which he or she is already a holder and which are carried out on an ancillary basis within the said institution, is subject to authorisation by the Director of the health care institution, after the opinion of the Advisory Commission and, in the case of a public institution, the medical commission of the institution.

Draft Law No. 247 sets out the rules and obligations relating to the practice of non-conventional health care, provides for sanctions (administrative and criminal) and transitional provisions (entry into force of the law provided for within six months of its publication).

1] The plan is drawn up in conjunction with the Directorate of National Education, Youth and Sports, and is sent to the Minister of State for approval.

2] Doctor, surgeon, dental surgeon, midwife, pharmacist, herbalist, masseur-physiotherapist, chiropodist, speech therapist, orthoptist, audioprosthesis, nurse, medical electro-radiology technician, occupational therapist, psychomotor therapist, dietician, prosthetist and orthotist for the fitting of devices for people with disabilities, optician, osteopath, psychologist and secondary staff of the medical services.

#### **Sources :**

<https://www.conseil-national.mc/2020/08/17/une-proposition-de-loi-pour-reconnaitre-les-medecines-douces-en-principaute/>

<https://www.conseil-national.mc/2020/08/12/harcelement-scolaire-le-conseil-national-sengage/>