

## Judicial System of Monaco – local remedies

National courts, and therefore Monaco's courts, are required to apply the rules deriving from the European Convention on Human Rights, and ratified International Conventions, even if they conflict with national legislation or there is no national legislation on the matter.

### 1st instance courts:

- 1) Juge de paix considers civil claims not exceeding 4 600 €.
- 2) Tribunal de première instance. Considers civil and commercial cases exceeding 4 600 €, administrative cases that are not in the competence of the Tribunal suprême.
- 3) Tribunal de simple police considers criminal cases with a maximum sanction up to 5 days of imprisonment or a fine up to 600 €.
- 4) Tribunal correctionnel considers criminal cases where the maximum sanction is up to 5 years of imprisonment or a fine up to € 90 000.
- 5) Tribunal criminel considers hard crimes.
- 6) Tribunal suprême considers constitutional rights cases and administrative cases concerning abuse of power. It may set aside (annul) a law if it is contrary to the Constitution. This is the last instance opening way to the European Court of Human Rights, to the UN CEDAW Committee or to the UN Human Rights Council.

### 2nd instance courts:

- 1) Tribunal de première instance considers appeals from decisions of the Juge de paix.
- 2) Tribunal correctionnel considers appeals from the decisions of the Juge de police.
- 3) Cour d'appel considers appeals from the Tribunal de première instance and from the Tribunal correctionnel.
- 4) Cour de révision considers cassation appeals (pourvoi en révision) from the Tribunal criminel. This is the last instance opening way to the European Court of Human Rights, to the UN CEDAW Committee or to the UN Human Rights Council.

### 3rd instance courts:

- 1) Cour de révision considers cassation appeals (pourvoi en révision) in civil and criminal cases from the Cour d'Appel, and from the Tribunal de première instance and the Tribunal correctionnel if they acted as a 2nd instance. This is the last instance opening way to the European Court of Human Rights, to the UN CEDAW Committee or to the UN Human Rights Council.
- 2) Tribunal suprême considers cassation appeals from the Cour d'Appel in administrative cases. This is the last instance opening way to the European Court of Human Rights, to the UN CEDAW Committee or to the UN Human Rights Council.