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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review\***

**Monaco**

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## **Introduction**

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Monaco was held at the 2nd meeting on 4 May 2009. The delegation of Monaco was headed by H.E. Franck Biancheri. At its 6th meeting, on 6 May 2009, the Working Group adopted the present report on Monaco.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Monaco: Switzerland, China and Uruguay.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Monaco:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/5/MCO/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/5/MCO/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/5/MCO/3).
4. A list of questions prepared in advance by the Czech Republic, Germany, the Netherlands, Sweden, the United Kingdom of Great Britain and Northern Ireland, Argentina and Denmark was transmitted to Monaco through the troika. These questions are available on the extranet of the Universal Periodic Review.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 2nd meeting, on 4 May 2009, H.E. Franck Biancheri, Minister Plenipotentiary, Government Counsellor for External Relations and for International Economic and Financial Affairs, said that, since becoming a Member of the United Nations in 1993, the Principality of Monaco had acceded to numerous United Nations instruments relating, inter alia, to human rights, the environment and health. That demonstrated Monaco's commitment to the universal principles and values to which those instruments gave legal expression.
6. However, the interpretation and application of international standards by the Monegasque authorities should be evaluated and assessed in the light of Monaco's specific geographic, demographic and sociological features.
7. The Principality of Monaco was a hereditary constitutional monarchy governed by the Constitution of 17 December 1962, as amended in 2002, which defined the Government's nature and the authorities' organization and relations. The rule of law was upheld and the separation of the State's major executive, legislative and judicial functions was established. The Ministry of Justice, known as the Judicial Services Department, did not form part of the Government but constituted an independent entity answerable directly to the Sovereign Prince. However, the

Constitution stipulated that the judicial power lay with the Prince, who delegated its full exercise to the courts and tribunals, thus giving them the exclusive right to judge in complete independence.

8. The Principality of Monaco was a State with a surface area of 2.2 km<sup>2</sup> surrounded by French territory - hence the interweaving of economic and human relations between France and the Principality of Monaco, between which many bilateral agreements existed. That in no way detracted from Monaco's sovereignty and independence with regard to the conduct of its internal affairs and its international relations.

9. The Principality of Monaco was a multicomunity society with a resident population composed of 123 nationalities. Notwithstanding the territory's small size, they existed in harmony, and no xenophobic act or manifestation of antagonism had been noted, alleged or committed. Monegasques constituted some 20 per cent of the population. Those particularities justified a dual legal regime based on differences - and not on discrimination - which were embodied in constitutional and legislative norms governing the exercise of human rights.

10. The Constitution proclaimed that "the Principality is a State based on the rule of law and committed to respect for fundamental rights and freedoms", which were enumerated in title III and corresponded to many rights contained in the main international instruments.

11. The Family Rights Act, No. 1278 of 2003, granted equal rights to the man and the woman in their relationship and with respect to children. Act No. 1336 of 2007 introduced divorce by mutual consent. Article 23 of the Constitution guaranteed freedom of worship and its public exercise. However, the apostolic Roman Catholic religion was the religion of the State. The same article guaranteed freedom of expression. Freedom of association was guaranteed by article 30 of the Constitution.

12. Since 1962, article 20 of the Constitution had guaranteed the principle of the lawfulness of criminal charges and penalties, forbidden retroactivity in criminal laws and prohibited cruel, inhuman and degrading treatment, as well as abolishing the death penalty. In 1991, the Principality of Monaco had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

13. Article 19 of the Constitution guaranteed individual freedom and security, and that provision was applied in accordance with rules laid down in the Criminal Code and the Code of Criminal Procedure. The conditions of arrest and detention had been modified to conform to international standards by the "Justice and Freedom" Act of 2007, which prescribed rules for police custody (duration, competent judge and rights of the person in custody).

14. In general, the Constitution recognized the unconditional right of everyone to a judicial determination and guaranteed the independence of judges. The organization, jurisdiction and functioning of the courts, as well as the status of judges, were specified by law. A new law which was about to be voted upon would modernize that status.

15. Regarding freedoms whose exercise was conditional, the Constitution guaranteed the freedom of labour, the exercise of which was regulated by law, while granting Monegasques priority in access to public and private employment. However, persons residing in Monegasque

territory and those residing in neighbouring French communes could accede to private employment under conditions laid down by Act No. 629 of 1957, regulating hiring and dismissal. Accordingly, some 45,000 persons living in France and Italy engaged in daily professional activity in Monaco with the same conditions of remuneration and social benefits as Monegasques.

16. The Constitution provided for the principle of freedom of association and the right to strike.

17. The Constitution guaranteed Monegasques the right to free primary and secondary education. However, children of any nationality benefited from primary and secondary education under the same conditions as Monegasques, in accordance with the Education Act No. 1334 of 2007. The Principality of Monaco had a system of scholarships available to a great many nationals and residents.

18. The Constitution guaranteed Monegasques the right to State assistance in respect of poverty, unemployment, sickness, invalidity, old age and maternity. However, the same rights were granted to foreign nationals when they met the conditions laid down by law.

19. Lastly, the right of assembly granted to Monegasques by the Constitution was extended to foreigners by virtue of Monaco laws and regulations.

20. In recent years, the Principality of Monaco had acceded to a number of international conventions; in 1993, it had become a party to the Convention on the Rights of the Child, which had been incorporated into the Monegasque legal order.

21. Pursuant to that Convention, Act No. 1344 of 2007 prescribed aggravated penalties for persons responsible for crimes and offences against children with a view to ensuring conformity with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Monaco was thus one of the countries most highly protective of the rights of the child.

22. The Monegasque authorities were studying the Convention on the Rights of Persons with Disabilities in order to assess its compatibility with the Monegasque legal order. A draft law on disabilities was being prepared to supplement the existing technical prescriptions. In addition, the post of Delegate for the Disabled with particular responsibility for disability issues had been created in 2006. Lastly, Act No. 1334 of 2007 provided for the integration of disabled children in ordinary schools.

23. International conventions penalized conduct prejudicial to the existence and exercise of human rights in the law of every State. To that end, the Principality of Monaco had acceded to most of the conventions governing money-laundering and financing of terrorism and had adopted numerous legislative provisions and regulations in conformity with international recommendations.

24. New types of offences had been provided for in the Criminal Code, penalties had been stiffened and the principle of automatic State compensation for victims of terrorism had been introduced.

25. With regard to money-laundering associated with the exercise of unlawful activities, the Principality of Monaco was a party to the United Nations Convention against Transnational Organized Crime and its Protocols and had taken appropriate administrative measures, with the establishment of the Financial Channels Information and Monitoring Service.

26. In December 2007, the plenary Moneyval Committee had approved the report evaluating the system for combating money-laundering and financing of terrorism that was in place in Monaco. The report concluded, *inter alia*, that Monaco had a satisfactory legal framework and that the Monegasque Financial Information Unit was effective.

27. The Principality of Monaco had engaged in international cooperation activities for vulnerable populations. More than 60 projects had been launched or completed in some 20 partner countries in 4 continents emphasizing equality between the sexes and the need for women to be independent and integrated actors in development. The Sovereign Prince had given instructions for the equivalent of 0.7 per cent of gross national product to be allotted to official development assistance by 2015. These activities were conducted in close cooperation with local partners, drawing on the skills available in the country, or in association with the United Nations specialized agencies or the International Organization of la Francophonie.

28. Since 2005, the Principality of Monaco had been a party to the Convention on the Elimination of All Forms of Discrimination against Women. A bill for action against domestic violence had been adopted by the National Council in 2008, and the legislative procedure for tabling the relevant draft legislation was in progress. However, domestic violence was already punished through the application of the provisions regarding intentional assault and battery.

29. In conclusion, the delegation of Monaco stated that Monegasque law respected the universal, democratic and progressive character of human rights.

## **B. Interactive dialogue and responses by the State under review**

30. During the interactive dialogue, statements were made by 28 delegations. A number of delegations thanked Monaco for its comprehensive national report, for taking an active part in the dialogue and for its commitment to human rights. Statements were also made to welcome the establishment of a Department on Human Rights and Fundamental Freedoms in the Department of Foreign Affairs. Several delegations praised Monaco for its activities in the area of international cooperation, in particular projects that it finances to fight poverty and for the protection of children in armed conflict.

31. Algeria noted that Monaco is party to most of the international human rights conventions and was ensuring its periodic reporting and paying attention to the implementation of recommendations put forward. It noted however that Monaco has not yet acceded to some important international instruments and therefore encouraged Monaco (a) to join the International Labour Organization (ILO) and to accede to relevant ILO conventions, and (b) to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMWC). Algeria took note of legislation on freedom of expression which penalizes insults of a racial, ethnic or religious nature. It also noted that the Committee on Economic, Social and Cultural Rights and the Human Rights Committee had encouraged Monaco to create an independent national human rights institution in accordance

with the Paris Principles and asked if Monaco envisaged establishing such an institution. Algeria encouraged Monaco (c) to pursue and strengthen the financial support it is already providing for the fight against poverty in developing countries.

32. Brazil stressed the importance of signing and ratifying the ILO core conventions and the two Optional Protocols to the International Covenant on Civil and Political Rights. Brazil asked Monaco to elaborate more on the system of priorities in the employment sector and its rationale. Brazil also asked about the practical measures taken to update labour legislation in Monaco. While noting the efforts of Monaco to combat unemployment, which is virtually non-existent, Brazil recommended that within the context of paragraph 1 (e) of Human Rights Council resolution 9/12, Monaco ensure that the system of priorities in the employment sector does not imply discrimination on the grounds of race, colour, nationality, religion, language or ethnic or national origin. Based on paragraphs 1 (g) and (h) of resolution 9/12, Brazil commended the authorities of Monaco and encouraged them to continue looking into means of putting in practice the Millennium Development Goals in third countries.

33. The Netherlands recommended that Monaco (a) actively consider widening opportunities for foreign inhabitants to participate actively in political life; and (b) amend privacy legislation so as to bring it in line with the recommendations on video surveillance of 11 March 2009 of the Commissioner for Human Rights of the Council of Europe.

34. Italy noted that Monaco had informed the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that it did not intend to act upon the Committee's recommendation to set up a detention centre for minors. Italy asked what specific measures had been taken to safeguard the rights of children who are arrested and held in custody. Italy commended Monaco for its endeavours to improve the situation of persons with disabilities and noted that the authorities have expressed the intention of becoming party to the Convention on the Rights of Persons with Disabilities (CPD). Italy recommended that Monaco sign and ratify the Convention as soon as possible.

35. Sweden noted that the Human Rights Committee in 2008 had expressed concern about the broad, ill-defined definition of terrorist acts in the Criminal Code, in particular about the lack of clarity regarding the definition of the term "environmental terrorist". Sweden recommended further measures to ensure that the definition of terrorists acts in Monaco is in line with its human rights obligations. Sweden recognized the efforts made to allow equal treatment of men and women in Monaco, and recommended that the State continue efforts to ensure men and women the same legal rights in all areas of legislation, including those related to marriages and requirements to acquire Monegasque nationality.

36. France recalled Monaco's contribution to the organization of the French-speaking seminar in Rabat on the implementation of the Universal Periodic Review in February 2008. France asked about the implementation of the recommendation of the Human Rights Committee to establish an independent national human rights institution in conformity with the Paris Principles. France also asked if Monaco intended to ratify the Rome Statute of the International Criminal Court and the Convention on the Rights of Persons with Disabilities. France recommended that Monaco (a) ratify the International Convention for the Protection of all

persons from Enforced Disappearance, signed by Monaco in 2007; and (b) accede to the Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women.

37. The United States of America noted that the law of Monaco prohibits denunciations of the ruling family and asked what the Government is doing to ensure that freedom of expression is protected even with respect to criticism of the royal family. The United States recommended that the Government uphold freedom of expression, including with respect to public denunciations of the royal family.

38. Mexico welcomed the fact that manifestations of racism, xenophobia, discrimination and anti-Semitism seem to be non-existent in Monaco. Mexico suggested that necessary measures be taken in the labour sphere that to prevent and punish any discrimination on the basis of any prejudice such as race, colour, sex, language, religion, nationality or national or ethnic origin. Therefore, Mexico recommended that Monaco (a) become a member of ILO and ratify its conventions, in particular, Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; and (b) take the necessary measures to guarantee the human rights of migrants, including ratifying ICRMW.

39. India commended recent legislative measures, notably, the establishment of the principle of the independence of the judiciary, verification by the Supreme Court of the legality of administrative decisions and the amendment to the Code of Criminal Procedure dealing with the rights of persons in custody. India also noted the progress in the field of geriatric care and education. India made reference to the different legal requirements for men and women wishing to acquire Monegasque nationality and echoed the sentiments in this regard. India asked for clarification as to what constitutes a 'terrorist act' and 'environmental terrorism' in the Criminal Code. India, noting that the Committee on Economic, Social and Cultural Rights had noted with concern that abortion is illegal in all circumstances under Monaco's legal system, enquired if the Bill which decriminalizes abortion where pregnancy endangers the mother's life had been passed. India urged Monaco to consider becoming a member of ILO and encouraged Monaco to ratify CPD and to set up a national human rights institution in accordance with the Paris Principles.

40. The Congo commended Monaco's considerable efforts to modernize its legislation to abolish any discrimination among children of legitimate, natural, adulterous or incestuous relationships. While noting the progress made regarding ways to acquire citizenship, the Congo recommended that the conditions for acquiring and transferring nationality be the same for men and women. The Congo also recommended amending the provision of the Civil Code stating that "a child born out of wedlock has, in his or her non-proprietary relations with his or her father or mother, the same rights and obligations as a legitimate child" so as to put an end to this form of discrimination in terms of property succession. Highlighting that banishment, beyond refoulement and expulsion, is one of the measures applied to fight illegal immigration in Monaco, the Congo recommended the abolishment of this measure in view of its inhumane character.

41. Burkina Faso commended Monaco for financing projects to fight poverty and improve the condition of women, some of which have Burkina Faso as a beneficiary. Burkina Faso also made reference to other priority areas where Monaco intends to improve, such as the protection of

children, accessibility of persons with disabilities and improving the daily lives of senior citizens. Burkina Faso encouraged Monaco to continue and strengthen what it has already achieved in the area of human rights and to share these good practices with any States that requests it.

42. Slovenia commended Monaco for notably being a regular donor to OHCHR and to the United Nations Voluntary Fund for Victims of Torture. Slovenia asked what measures the Government has taken so far to implement recommendations of the International Covenant on Economic, Social and Cultural Rights (ICESR) with regard to the different existing legal requirements for men and women wishing to acquire Monegasque nationality. It also enquired whether the Government will adopt a law making domestic violence a criminal offense and establishing judicial procedures to protect women victims of domestic violence and what kind of support are available for them. Slovenia recommended that the Government consider ratifying the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women and the Rome Statute of the International Criminal Court.

43. Azerbaijan noted that Monaco is party to most of the key human rights treaties. However Azerbaijan joined the United Nations treaty bodies and the Europe Commission against Racism and Intolerance in recommending that Monaco (a) ratify (i) ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation and (ii) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Azerbaijan recommended that Monaco (b) consider ratifying the Optional Protocol to the Convention against Torture. Azerbaijan noted the level of cooperation of different State bodies with non-governmental organizations in Monaco. Azerbaijan recommended that Monaco (c) establish an independent national human rights institution and ensure that it complies with the Paris Principles. Azerbaijan further noted that some treaty bodies had expressed concern over the difference between legal requirements with respect to men and women while applying for nationality as well as over restrictions that prevent naturalized women from transmitting Monegasque nationality to their children after divorce. Azerbaijan therefore recommended that Monaco (d) ensure that relevant rules are applied equally irrespective of sex and adopt legislation to allow the transmission of nationality by naturalized Monegasque women to their children.

44. Turkey asked if Monaco had considered acceding to CPD. Turkey commented that women make up 25 per cent of the National Council and enquired if the concerns of the Committee on Economic, Social and Cultural Rights regarding different legal conditions for men and women in terms of acquiring Monegasque nationality had been taken into consideration. It asked for more information on projects to set up an independent agency in charge of fighting against racism and racial discrimination, in line with the observations of the European Commission against Racism and Intolerance created by the Council of Europe. It also asked if that Commission's recommendation on the State's engagement to promote equality and the right for all not to be subjected to discrimination had been taken into account by Monaco. Turkey asked if the authorities planned to intensify their efforts to include human rights education in programmes. Finally, Turkey encouraged the authorities to take into account the recommendation Committee on Economic, Social and Cultural Rights to increase the financing to international aid to 0.7 per cent of its GDP.

45. The head of the Monegasque delegation welcomed the opportunity to respond to the questions raised. The Principality of Monaco had signed the Rome Statute of the International Criminal Court, but had not ratified it. Nevertheless, several legal studies were being conducted to compare the provisions of that instrument with Monegasque norms. Some legal discrepancies had been identified which required amendments to the Constitution and the law - a long and complex process involving wide-ranging reform.

46. With regard to the International Convention for the Protection of All Persons from Enforced Disappearance, the Principality had signed that instrument, but the various provisions it contained required an amendment to Monegasque law. Studies were under way to analyse the compatibility of that Convention with internal law.

47. With respect to the Optional Protocol to the International Covenant on Civil and Political Rights, the fact that Monaco was a party to the Covenant meant that its provisions were included in Monegasque law and were applicable and could be directly invoked before the national courts. The decisions of the Monegasque courts demonstrated the importance attached to those provisions. However, the eventualities covered by that Protocol had neither been noted nor alleged in Monegasque territory.

48. There was no national human rights institution, and the Monegasque delegation had taken note of States' recommendations in that regard. However, there were various bodies performing the functions of such an institution. The Human Rights Unit had a variety of tasks all concerned with the promotion of human rights: it reviewed and made proposals on all draft legislation in the light of human rights principles; it arranged human rights training and awareness-raising for civil servants, magistrates and policemen; and it contributed to the preparation of reports to the international human rights bodies and the relevant replies. In addition, awareness-raising about human rights was organized for pupils in final grade on the occasion of Human Rights Day.

49. There was also a mediator attached to the Minister of State who was responsible for reviewing applications for reconsideration and finding a friendly solution according to law or equity. The protection of human rights was ensured by the free exercise of judicial remedies for alleged violation of the provisions of the International Covenant on Civil and Political Rights by anyone residing in Monegasque territory.

50. With reference to minors in conflict with the law, the Principality of Monaco had a prison which was designed to receive minors in detention (mostly temporary detention). At least 10 minors were incarcerated there every year, for an average stay of less than 28 days. Maximum arrangements were made to protect minors, who never came into contact with adults and had twice as much exercise time as adults. Educational activities were conducted by the Principality's best teachers, according to the minor's level of schooling.

51. With regard to freedom of expression and attacks on the sovereign family or the Sovereign Prince, the authorities' approach to those questions reconciled freedom of the press with the protection due to all individuals, including members of the sovereign family. Like everyone else, members of the princely family were entitled to respect for their privacy and moral integrity. Proceedings had been brought only in rare instances and had resulted in token

penalties. The same applied to invasion of privacy, as demonstrated by the case involving Princess Caroline of Hanover brought before the European Court of Human Rights, which had recognized the right of the Princess to privacy.

52. The concept of banishment was still included in the Penal Code, but that punishment was never imposed and was in the process of being abolished. Refoulement was an administrative and not a judicial act taken by the Minister of State in respect of repeat offenders in cases of violence against persons and property. That was not a policy connected with clandestine migration.

53. Violence against women did not constitute a specific offence at the present time, but the Principality was considering the establishment of a new category of offence for all members of a household who might be victims of violence, irrespective of the type of relationship between the individuals. That text would shortly be voted upon by the Monegasque Parliament.

54. Concerning women victims of violence, for the time being the judicial authorities penalized assault according to the ordinary law. There was also a societal response consisting of victim support for the ending of cohabitation, as appropriate including the provision of separate accommodation when assault was committed against one of the spouses.

55. The Constitution provided that Monegasques should be given priority with respect to employment, but only on the basis of comparable professional skills, and it recognized freedom of labour for foreigners without any difference of treatment. Among foreigners, the law gave priority in employment to those residing in the Principality. Figures for the composition of the active population in the Principality showed that 900 of some 45,000 employees in the private sector were Monegasque nationals, which demonstrated the lack of discrimination against foreigners. All social benefits associated with the status of employee were the same, irrespective of nationality.

56. The opposition of the Principality of Monaco to joining ILO had originated in trade union law, but discussions were in progress with the unions to amend the provisions concerned, which would enable the question of joining ILO to be approached differently.

57. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the figures given earlier provided reassurance regarding the access of foreigners to employment. Labour inspectors carried out regular checks to enforce labour law and act against undeclared labour or any form of exploitation of foreigners. Special attention was paid to nationals of sparsely represented States who might experience difficulties in access to housing, and the Principality did its best to help them in that respect.

58. With regard to accession to the Convention on the Rights of Persons with Disabilities, Monaco's small size had enabled it to provide substantial and long-standing support for disabled persons. It was intended to reflect that reality in a draft framework law that should be finalized in 2009, whereupon Monaco could contemplate acceding to the Convention.

59. Since 2003, women who had become Monegasque by naturalization had been able to transmit that nationality to their children. That was not the case for women who had obtained nationality through marriage, once they were divorced or separated from their spouse. Accordingly, discussions were currently in progress concerning ways of harmonizing the relevant legislative provisions. Discussions were also in progress with a view to enabling a man married to a Monegasque woman to acquire his spouse's nationality, as was the case for a foreign woman married to a Monegasque man.

60. Lastly, the Monegasque delegation gave the definition of terrorist acts, as contained in article 391-1 of Act No. 1318 of 29 June 2006.

61. China noted that Monaco enjoys a generally healthy human rights situation. It has established a sound legal system and has taken many initiatives, such as protecting the rights of women, children, persons with disabilities and senior citizens; education; anti-racism; and the elimination of torture. It has actively promoted international cooperation in this regard. While affirming these achievements, China noted that some human rights mechanisms had expressed concern that Monaco had not passed domestic violence legislation. China asked if that legislation would be passed in the near future, and asked what measures Monaco would take to implement and raise awareness about this law among the general public.

62. Canada appreciated that women were generally well represented in the elected assemblies and the Government but noted that there were no women in the Government Council. Canada recommended that Monaco (a) consider steps to encourage the participation of women on the Government Council. While Canada noted with satisfaction that Monaco had taken active measures to protect women and children and to promote gender equality internationally, it recommended that Monaco (b) further strengthen its policy and programmatic response to address domestic violence against women. Canada agreed with the views of the Monegasque Economic and Social Council and recommended that Monaco (c) complete the reviews under way to update labour legislation, giving particular attention to issues of harassment in the workplace. Canada congratulated Monaco for its very active engagement in international discussions on, among other matters, assisting persons with disabilities and generally promoting an environment of freedom of expression and association, religion and belief.

63. The United Kingdom recognized that human rights values are enshrined in the Constitution and that Monaco had a good record of updating its constitutional and civil laws, in line with international bodies' recommendations. The United Kingdom welcomed recent revisions to the Criminal Code, which guarantee the rights of persons in police custody. It also welcomed progress made in pursuing the elimination of racism and discrimination with the introduction of legal measures in that regard and asked how Monaco evaluates their initial implementation. The United Kingdom noted the recent amendments to civil law which enable the establishment of associations with the Principality. The United Kingdom shared the concern of the Committee on Economic, Social and Cultural Rights on the different legal requirements for men and women to acquire Monegasque nationality. The United Kingdom recommended that Monaco (a) establish an independent national human rights institution, in accordance with the Paris Principles; and (b) sign and ratify the Optional Protocol to CAT.

64. Bangladesh noted with encouragement the number of policy and legal initiatives taken to protect vulnerable groups. Bangladesh regretted the absence of any specific information in the

national report on the status of migrant workers or people with non-resident status. It also took note of the fact that many of the legal provisions specifically refer to Monegasques only, whereas the non-Monegasque communities constitute the majority of the population. It also noted discrimination against non-Monegasque citizens regarding their entitlement to social welfare benefits and housing rights. Bangladesh asked about the specific policy guidelines and institutional mechanism to protect the interests of migrant workers and about the latest situation regarding the repeal of banishment of foreigners. Bangladesh recommended, to reinforce the suggestions made by different treaty bodies, in keeping with its commitment to protect and promote human rights, that Monaco (a) consider establishing an independent human rights commission according to the Paris Principles. It also recommended that Monaco (b) make sustained efforts to realize its commitments to contribute to the achievement of internationally-agreed development goals by raising its aid financing to at least 0.7 per cent of its GDP.

65. Luxembourg asked about the status of the legislative procedure for the adoption of domestic violence legislation and about the psychological and other support available for victims of domestic violence. Luxembourg recommended that Monaco continue its efforts regarding domestic violence and to envisage specific training or awareness campaigns to inform the victims of domestic violence about their rights. With regard to human rights education, Luxembourg asked about specific activities to raise awareness and knowledge on human rights.

66. Germany noted that the recommendation issued by the Council of Europe in 2005, stating that the legal procedure of banishment of foreigners should be repealed from Monaco's legislation and that procedural safeguards for the turning back and deporting of foreigners from the territory should be introduced. Germany asked for information about Monaco's position with regard to these recommendations and possible measures of follow-up. Germany recommended broadening criminal legislation regarding racist acts by considering racist motivations of criminal offences as an aggravating circumstance at the time of sentencing.

67. The Holy See noted that the Principality identified itself with the Catholic religion, as emphasized in the Constitution, and that the right to freedom of religion is guaranteed for all citizens. Cases of discrimination in this field have not been reported. The Holy See also indicated that Monaco introduced new abortion legislation last month and encouraged the Monegasque State not to cede to any undue pressures from other societies or organizations and to continue its stand in the defence of the right to life from natural conception to natural death. Finally, the Holy See asked the delegation to elaborate on the different actions it undertakes in favour of the most vulnerable and specifically of aged persons.

68. Argentina welcomed the adoption in 2005 of a law which punishes incitement to hatred and violence on grounds of race, nationality, religion or sexual orientation. Argentina asked if it is accompanied by public awareness-raising campaigns to prevent discrimination and recommended (a) the use of such campaigns if they have not yet been implemented. Whereas in Monaco there is an effective social system for wage earners and workers, family benefits are not included in social security regime which covers the self-employed workers. Argentina recommended that the State (b) provide adequate protection to all categories of workers and their families, including self-employed workers through the social security regime. Argentina recommended (c) ratification of a number of conventions inter alia, the Rome Statute of the International Criminal Court, the International Convention for the Protection of All Persons

against Enforced Disappearance and also recommended that Monaco (d) sign and ratify (i) ICRMW and (ii) the International Convention for the Protection of all persons with disabilities CPD.

69. The Czech Republic valued Monaco's support to international human rights mechanisms and to the rights of victims of torture. In that regard, the Czech Republic recommended that Monaco (a) include in its national criminal legislation a definition of torture in compliance with the provisions of CAT; (b) review its national legislation and practice so that they comply with the principle of non-refoulement and; (c) accede to the Optional Protocol to CAT. The Czech Republic also recommended that the State (d) provide its officials, judiciary and law enforcement officials with human rights training specifically focusing on the protection of human rights, in those particular of vulnerable groups, as well as on practical implications of the 2005 Law on freedom of public expression. Finally, the Czech Republic asked how human rights education was introduced into national school curriculums at all levels and into education programmes for teachers. The Czech Republic recommended that Monaco (e) include human rights education into the school curriculums and teachers education.

70. Ukraine commended the Government for participation in almost all core human rights treaties and in this respect it encouraged Monaco to continue its institutional and regulatory reforms in order to harmonize its national legislation with international human rights instruments. Ukraine noted that awareness-raising about human rights in schools, protection of the child, improving the daily lives of older persons and accessibility of person with disabilities are the main priorities of the Government of Monaco. In this regard, Ukraine encouraged the Government to strengthen its efforts in these spheres. It welcomed the fruitful cooperation between Monaco's authorities and non-governmental human rights organizations and associations, particularly in the context of the protection of the rights of the child.

71. San Marino noted the high quality of medical care provided by Monaco and asked if and how access to it is ensured to everyone, in particular low income individuals and families, non-nationals and border workers who are very numerous in Monaco. San Marino stated that it was a fundamental issue, as sometimes the lack of effective and comprehensive access to health services is due to budgetary restrictions and to organizational problems and not to a discriminatory policy. San Marino noted that the experience of Monaco in this regard is of great interest.

72. Morocco thanked Monaco for having made of Morocco a priority country among those benefiting from support programmes, giving support to income-generating activities for women. Morocco also welcomed the particular interest that Monaco was giving to combating racism and intolerance, including through information systems like the Internet. The legislative measures in this area set a good practice for other countries. Morocco welcomed the measures to follow up on the recommendations of the Human Rights Committee, considering the adoption of specific legislation on domestic violence. Morocco considered that the Economic and Social Council for Young People established in 2007 is an innovative initiative in the area of education and the right to participation. In this context, it asked for more information on this experienced. Finally, Morocco recommended that Monaco shares its experience with other countries concerning preventive measures against affront to human dignity and against racism as mentioned in paragraphs 110 and 111 of the national report.

73. Singapore noted the generally positive climate among the different communities in Monaco, where violent racist acts are virtually absent. It also noted that while Monaco's criminal legislation does not provide for sanctions against attacks motivated by racial hatred, nor for racist motivation to be considered an aggravating circumstance at the time of sentencing, in practice, racist acts can be punished based on offences covered by common law, and the racist nature would justify the pronouncement of an aggravated sentence. Singapore lauded the tabling of a draft bill on offences involving information systems in that regard. Singapore welcomed Act 1299 of 2005 with specific legal measures to combat racism and intolerance. Singapore further indicated it fully shared Monaco's views on how a State determines the issues of naturalizations which is well within the preserve of its exercise of national sovereignty and cannot constitute discrimination.

74. The Philippines noted with satisfaction the various steps and measures which Monaco has undertaken to promote and protect the rights of its citizens as well as the foreigners who live and work in the Principality. The Philippines recommended that the Principality of Monaco (a) consider signing and ratifying the International Convention on the Rights of All Migrant Workers and Members of their Families. It also recommended that (b) Monaco share with the members of the international community its best practices and policies and programmes, including educational programmes, with respect to women, children, older persons and persons with disabilities.

75. The Monegasque delegation provided additional information. Since the preparation of the report, a woman had joined the Government - a proportion of 20 per cent female membership. With regard to elderly persons, there was a long-standing policy of guaranteeing them an income enabling them to live decently. Geriatric care arrangements were in place to allow elderly persons to remain living in their home as long as they wished, with the necessary financial assistance. When they had to leave their home, there was graduated coverage in establishments according to their needs. They could accede to all establishments, whatever their level of income.

76. Concerning access to care, an unusual arrangement had been established for persons insured under the Monegasque social security scheme, 65 per cent of whom were guaranteed a ceiling on medical charges because of their low income. All persons with social security coverage living in neighbouring France had access to care in the Principality.

77. With regard to human rights training and awareness-raising, the delegation noted that it had already referred to specific training for legal officials, policemen and Public Security Department personnel, as well as to consciousness-raising for lycée students.

78. In conclusion, the delegation referred to the project conducted with assistance from civil society, particularly the Monegasque Red Cross, to sensitize college and lycée students to international humanitarian law through games.

79. The Monegasque delegation thanked the various participants.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

80. The recommendations formulated during the interactive dialogue have been examined by Monaco and the recommendations listed below enjoy the support of Monaco:

1. Sign and ratify the United Nations Convention on the Rights of Persons with Disabilities (Italy, Argentina) as soon as possible (Italy);
2. Amend privacy legislation so as to bring it in line with recommendations on video surveillance of 11 March 2009 by the Human Rights Commissioner of the Council of Europe (Netherlands);
3. Use public awareness-raising campaigns to prevent discrimination, if they have not yet been implemented (Argentina);
4. Within the context of item e) of Human Rights Council resolution 9/12, ensure that the system of priorities in the employment sector does not imply discrimination on the grounds of race, colour, nationality, religion, language or ethnic or national origin (Brazil);
5. Broaden criminal legislation regarding racist acts by considering racist motivations of criminal offences as an aggravating circumstance at the time of sentencing (Germany);
6. Continue efforts to ensure men and women the same legal rights in all areas of legislation, including those related to marriage and requirements to acquire Monegasque nationality (Sweden);
7. Amend the provision of the Civil Code stating that “a child born out of wedlock has, in his or her non-proprietary relations with his or her father or mother, the same rights and obligations as a legitimate child” so as to put an end to this form of discrimination in terms of property succession (Congo);
8. Make the conditions for acquiring and transferring nationality the same for men and women (Congo);
9. Ensure that relevant rules are applied equally irrespective of sex and adopt legislation to allow the transmission of nationality by naturalized Monegasque women to their children (Azerbaijan);
10. Further strengthen its policy and programmatic response to address domestic violence against women (Canada);
11. Envisage specific training or awareness campaigns to inform the victims of domestic violence of their rights (Luxembourg);

12. **Provide State officials and judiciary and law enforcement officials with human rights training specifically focusing on the protection of human rights, in particular those of vulnerable groups, and on the practical implications of the 2005 Law on freedom of public expression (Czech Republic);**
  13. **Abolish banishment in view of its inhumane character (Congo);**
  14. **Consider steps to encourage the participation of women in the Government Council (Canada);**
  15. **Complete the reviews under way to update labour legislation, giving particular attention to issues of harassment in the workplace (Canada);**
  16. **Provide adequate protection to all categories of workers and their families, including self-employed workers through the social security regime (Argentina);**
  17. **Include human rights education in the school curricula and teachers' education (Czech Republic);**
  18. **Review its national legislation and practice so that they comply with the principle of non-refoulement (Czech Republic);**
  19. **Take further measures to ensure that the definition of terrorist acts in Monaco is in line with its human rights obligations (Sweden);**
  20. **Share its experience with other countries concerning preventive measures against affronts to human dignity and against racism as mentioned in paragraphs 110 and 111 of the national report (A/HRC/WG.6/5/MCO/1) (Morocco);**
  21. **Share with the members of the international community its best practices and policies and programmes, including educational programmes, with respect to women, children, older persons and persons with disabilities (Philippines);**
  22. **Pursue and strengthen the financial support it is already providing for the fight against poverty in developing countries (Algeria);**
  23. **Make sustained efforts to realize its commitments to contribute to the achievement of internationally-agreed development goals by raising its aid financing to at least 0.7 per cent of its GDP to reinforce the suggestions made by different Treaty Bodies (Bangladesh).**
81. **The following recommendations will be examined by Monaco, which will provide responses in due time. The responses of Monaco to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session:**
1. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED), signed by Monaco in 2007 (France);**

2. **Accede to (France)/Consider ratifying (Slovenia) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;**
  3. **Join the International Labour Organization (ILO) and accede to relevant ILO conventions (Algeria);**
  4. **Become a member of ILO and ratify its conventions, in particular, Convention No. 111 concerning discrimination in respect of employment and occupation (Mexico);**
  5. **Consider ratifying the Rome Statute of the International Criminal Court (Slovenia);**
  6. **Ratify ILO Convention No. 111 as recommended by the United Nations treaty bodies and the European Commission against Racism and Intolerance (Azerbaijan);**
  7. **Consider ratifying (Azerbaijan)/Sign and ratify (United Kingdom)/Accede to (Czech Republic) the Optional Protocol to the Convention against Torture (OP-CAT);**
  8. **Ratify a number of conventions, inter alia, the Rome Statute of the International Criminal Court and the CED (Argentina);**
  9. **Establish an independent national human rights institution and ensure that it complies with the Paris Principles (Azerbaijan)/in accordance with the Paris Principles (United Kingdom);**
  10. **In keeping with its commitment to protect and promote human rights, consider establishing an independent human rights commission according to the Paris Principles to reinforce the suggestions made by different Treaty Bodies (Bangladesh);**
  11. **Include in its national criminal legislation a definition of torture in compliance with the provisions of the CAT (Czech Republic);**
82. **The recommendations noted in paragraphs 31 (b), 33 (a), 37, 38 (b), 43 (a) (ii), 68 (d) (i) and 74 (a) above did not enjoy the support of Monaco:**
1. **With regard to the recommendations in paragraphs 31 (b) (Algeria), 38 (b) (Mexico), 43 (a) (ii) (Azerbaijan), 68 (d) (i) (Argentina) and 74 (a) (the Philippines), Monaco indicated that the International Convention on the Rights of All Migrant Workers and Members of their Families does not appear to be adapted to the realities of the country. It recalled that the right to health and the right to education are fully vested to persons working in Monaco who do not have Monegasque nationality. Specific support measures, notably related to housing, are foreseen for the most vulnerable people and strict working**

**condition controls are implemented to prevent any kind of exploitation. Measures which have been adopted so far do respond to the purposes of the Convention.**

- 2. With regard to the recommendation in paragraph 33 (a) (the Netherlands), Monaco indicated that civil and political rights (right to be elected and to vote) belong only to persons with Monegasque nationality all the more so as the latter are demographically a minority. Nevertheless, foreigners participate in public life through their representation in the Economic and Social Council and through the various associations in charge of defending their interests, and as such, are entitled to interact with public authorities.**
- 3. With regard to the recommendation in paragraph 37 (United States), Monaco indicated that freedom of expression (in particular press freedom) is fully guaranteed in the country without prejudice to the right of the Royal Family to protect itself against insult and intrusion of privacy. Moreover, this right was recognized at the international level by the European Court of Human Rights. The recommendation in paragraph 37 can only be rejected, as no law modification is required. Freedom of expression is indeed already guaranteed.**

**83. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

**Annex**

**COMPOSITION OF THE DELEGATION**

La délégation de Monaco était dirigée par S.E. Monsieur Franck Biancheri, Ministre Plénipotentiaire Conseiller de Gouvernement pour les Relations Extérieures et pour les Affaires Economiques et Financières Internationales et composée de 13 membres:

S.E. Monsieur Franck BIANCHERI, Ministre Plénipotentiaire Conseiller de Gouvernement pour les Relations Extérieures et pour les Affaires Economiques et Financières Internationales, Chef de Délégation ;

Monsieur Philippe NARMINO, Directeur des Services Judiciaires ;

S.E. Monsieur Robert FILLON, Ambassadeur Représentant Permanent de la Principauté de Monaco auprès de l'Office des Nations Unies ;

Madame Mireille PETTITI, Directeur General Département des Relations Extérieures ;

Madame Agnès PUONS, Directeur General Département des Affaires Sociales et de la Santé ;

Mademoiselle Carole LANTERI, Conseiller, Représentant Permanent adjoint de la Principauté de Monaco auprès de l'Office des Nations Unies ;

Monsieur Bernard GASTAUD, Conseiller aux Affaires juridiques et internationales Département des Relations Extérieures ;

Mademoiselle Laurence CODA, Chargé de Mission Département de l'Intérieur ;

Monsieur Jean Laurent RAVERA, Administrateur Département des Relations Extérieures ;

Madame Stéphanie TORRANI, Administrateur Département des Relations Extérieures ;

Mademoiselle Antonella SAMPO, Administrateur Direction des Services Judiciaires ;

Monsieur Alexandre JAHLAN, Troisième Secrétaire De la Mission permanente de la Principauté de Monaco auprès de l'Office des Nations Unies ;

Monsieur Gilles REALINI, Troisième Secrétaire de la Mission permanente de la Principauté de Monaco auprès de l'Office des Nations Unies.

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