



General Assembly

Distr.: Limited
30 October 2013

Original: English/French

UNEDITED VERSION

Human Rights Council
Working Group on the Universal Periodic Review
Seventeenth session
Geneva, 21 October–1 November 2013

Draft report of the Working Group on the Universal Periodic Review*

Monaco

* The final document will be issued under the symbol A/HRC/25/12. The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Monaco was held at the 11th meeting on 28 October 2013. The delegation of Monaco was headed by Mr. José Badia, Government Councilor, Minister of Foreign Affairs and External Relations. At its 18th meeting held on 31 October 2013, the Working Group adopted the report on Monaco.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Monaco: Uganda, the Philippines and Guatemala.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, 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.6/17/MCO/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/17/MCO/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/MCO/3).
4. A list of questions prepared in advance by the Netherlands, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Monaco through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Pendant la onzième réunion du groupe de travail de l'examen périodique universel, le 28 octobre 2013, Monsieur José Badia, Conseiller de Gouvernement pour les Relations Extérieures, a présenté le rapport national et a fait une déclaration d'ouverture tout en remerciant de pouvoir faire état des progrès réalisés dans les domaines de la promotion et de la protection des droits de l'homme et de la mise en œuvre des recommandations formulées par le Conseil des Droits de l'Homme en 2009. Concernant la préparation de ce deuxième Examen Périodique Universel, il a souligné l'implication de la société civile et du Conseil National (Parlement).
6. Le chef de la délégation a rappelé quelques-unes des spécificités de la Principauté de Monaco, à savoir: (a) un Etat indépendant et souverain couvrant une superficie de seulement 2,02 km²; (b) une monarchie héréditaire et constitutionnelle qui affirme la primauté du droit et assure la séparation des pouvoirs; et (c) une Principauté qui ne compte que 36 000 habitants, dont 8600 environ de nationalité monégasque.
7. Le délégué de Monaco a indiqué que la Principauté est très engagée dans la promotion et la protection des droits de l'homme, domaines prioritaires de sa politique nationale et internationale. Cet engagement s'est traduit par l'adoption de plusieurs lois: (a) la loi n°1.359 en date du 20 avril 2009 portant création d'un Centre de coordination prénatale et de soutien familial et modifiant les articles 248 du Code pénal et 323 du Code civil; (b) la loi n°1.387 du 19 décembre 2011 modifiant la loi n°1.155 du 18 décembre 1992

relative à la nationalité; (c) la loi n°1.382 du 20 juillet 2011 relative à la prévention et à la répression des violences particulières; et (d) la loi n°1.399 en date du 25 juin 2013 portant réforme du Code de procédure pénale en matière de garde à vue.

8. Le chef de la délégation a indiqué qu'un projet de réglementation est en cours d'élaboration sur la vidéosurveillance, ce projet tenant compte des recommandations formulées par le Commissaire aux droits de l'homme du Conseil de l'Europe.

9. S'agissant du droit des enfants en matière de succession, il a été précisé que la loi n°1.278 du 29 décembre 2003 modifiant certaines dispositions du Code civil, du Code de procédure civile et du Code de commerce, a supprimé toute différence notamment quant aux droits successoraux entre les enfants légitimes, naturels, adultérins et incestueux.

10. En ce qui concerne le harcèlement au travail, il a été rappelé que la loi n° 1.382 du 20 juillet 2011, précitée, a conduit à l'intégration, au cœur de l'arsenal législatif pénal monégasque, d'un article 236-1 du Code pénal incriminant par ailleurs, les faits de harcèlement de manière générale et que le Gouvernement Princier a déposé sur le bureau du Conseil National, le 18 décembre 2012, le projet de loi n° 908 relatif au harcèlement et à la violence au travail.

11. Sur le plan international, il a été souligné que, depuis 2009, la Principauté a signé la Convention des Nations Unies relative aux droits des personnes handicapées. Il a été rappelé que le projet de loi n° 893 sur la protection, l'autonomie et la promotion des droits et des libertés des personnes handicapées a été déposé par le Gouvernement Princier le 7 décembre 2011 et était en cours d'étude par le Conseil National (Parlement). Ce projet de loi a été établi au regard des dispositions de cette Convention que la Principauté envisage de ratifier.

12. La Principauté de Monaco a aussi signé la Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique (dite Convention d'Istanbul) et la Convention sur la cybercriminalité du Conseil de l'Europe. La procédure de ratification de cette dernière est en cours.

13. En outre, le Conseiller de Gouvernement pour les Relations extérieures a souligné que la Principauté de Monaco a notamment ratifié le Protocole des Nations Unies relatif au statut des réfugiés et la Convention de l'UNESCO concernant la lutte contre la discrimination dans le domaine de l'enseignement.

14. Egalement, il a été rajouté que la Principauté de Monaco ratifiera très prochainement la Convention du Conseil de l'Europe sur la protection des enfants concernant l'exploitation et les abus sexuels (dite Convention de Lanzarote). En outre, il a été indiqué qu'une étude d'impact est en cours quant à l'adhésion au Protocole facultatif à la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes.

15. En ce qui concerne le Statut de Rome, il a été indiqué qu'au terme d'une importante réflexion sur son éventuelle ratification, le Gouvernement Princier a relevé les difficultés, sur le plan interne, qui en résulteraient en termes de cohérence du dispositif institutionnel. Il a néanmoins été rappelé que Monaco est déterminé à coopérer avec la Cour pénale internationale, au cas par cas, dans des affaires pour lesquelles la Cour demanderait sa collaboration, ce qui s'est déjà produit dans le passé.

16. Il a été précisé que la Principauté de Monaco a établi une compétence juridictionnelle extraterritoriale pour les traitements cruels et la torture, les mutilations, le trafic d'organes, le viol et tout autre forme de violence sexuelle.

17. Le chef de la délégation a indiqué que la Principauté de Monaco a créé ou modernisé les institutions suivantes: (a) le Centre de coordination prénatale et de soutien familial; (b) le Foyer de l'Enfance Princesse Charlène (anciennement Foyer Sainte Dévote); et (c) le

Centre de Gérontologie Clinique Rainier III. Il a été annoncé la création d'un «Haut commissaire à la protection des droits, des libertés et à la médiation» au début de l'année 2014.

18. S'agissant de la sensibilisation de la population dans le domaine de la lutte contre les discriminations, il a été indiqué que depuis de nombreuses années, la Direction de l'Education Nationale, de la Jeunesse et des Sports prend part à différentes campagnes de sensibilisation. Il a également été rappelé que les programmes de prévention participent à la lutte contre toutes les discriminations en abordant par exemple la question de l'exclusion des malades atteints du SIDA dans le cadre des actions liées à la lutte contre les infections sexuellement transmissibles. Le délégué a enfin souligné que Monaco s'associe chaque année à la Journée Internationale de la Femme, de l'Enfance ainsi qu'à celle du Handicap.

19. S'agissant de la participation des femmes à la prise de décision, le Conseiller de Gouvernement pour les Relations extérieures a fait savoir que, d'une manière générale, l'Administration et la Justice monégasques comprenaient de nombreuses femmes qui occupent des postes à responsabilités. Par ailleurs, le Gouvernement Princier compte en son sein une femme Conseiller de Gouvernement au rang de Ministre pour l'Equipement, l'Environnement et l'Urbanisme.

20. S'agissant de la non-discrimination dans le domaine de l'emploi, il a été mis en exergue que les droits reconnus dans le domaine de l'emploi s'exercent sans distinction, à l'exception de ceux liés à la nationalité ou au lieu de résidence, dont il convient de préciser qu'il s'agit, non pas de discriminations mais de priorités fondées en particulier sur le nombre réduit de nationaux à Monaco, minoritaires dans leur pays. En ce qui concerne la sécurité sociale des travailleurs, il a été souligné que les textes législatifs et réglementaires n'opèrent aucune distinction entre les bénéficiaires en fonction de leur nationalité.

21. En ce qui concerne le handicap, il a été mis en exergue que la Principauté de Monaco avait nommé en 2006, un délégué chargé des personnes handicapées et que des efforts d'adaptation importants ont été réalisés ces dernières années par l'Etat notamment pour rendre accessibles aux personnes handicapées la très large majorité des établissements publics, la ville et les transports.

22. S'agissant des violences commises au sein de la famille, le chef de la délégation a souligné l'adoption de la loi n° 1.382 du 20 juillet 2011 relative à la prévention et à la répression des violences particulières, à l'effet de renforcer la protection des femmes, des enfants et des personnes handicapées.

23. Dans le domaine de l'enseignement, le Conseiller de Gouvernement pour les Relations extérieures a mis en avant que les Droits de l'Homme constituent les principes fondamentaux sur lesquels s'appuient l'enseignement de l'histoire et de l'instruction civique et que ces matières sont obligatoires dans le programme scolaire national monégasque.

24. En dernier lieu, il a été rappelé qu'en dépit d'un contexte international particulièrement difficile, le Gouvernement Princier s'efforce de maintenir son engagement en matière de solidarité internationale en faveur des populations les plus défavorisées (femmes, enfants et personnes en situation de handicap) et à celles durement touchées par les conflits.

B. Interactive dialogue and responses by the State under review

25. During the interactive dialogue, 40 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

26. Islamic Republic of Iran thanked Monaco's statement and expressed concern over a number of human rights violations, including the distinction between native and naturalized

Monegasques, which has introduced a form of discrimination regarding the rights associated with citizenships. It noted that legislation has created various groups of foreigners with different rights and protection according to their nationality. It made recommendations.

27. Ireland noted that Monaco signed the Rome Statute of the International Criminal Court and acknowledged its commitment to cooperate with the Court on a case-by-case basis. Ireland considered that the ratification of the Rome Statute would be a timely reaffirmation of Monaco's commitment to fight against impunity. It noted that the criminalisation of the defamation was a disproportionate restriction on freedom of expression. Ireland made recommendations.

28. Malaysia commended efforts concerning legislation on criminal procedure, nationality, violence and offences against children, which would enhance human rights. It also noted Monaco's commitment to combating poverty, providing quality education, promoting and protecting the rights of women and children and improving living conditions for persons with disabilities. It encouraged Monaco to share best practices regarding persons with disabilities, particularly their education. Malaysia made a recommendation.

29. Maldives welcomed the strengthening of human rights, particularly through legislation. It commended the implementation of recommendations from the first UPR. It praised Monaco's human rights record and was encouraged by their human rights education programme in schools and the workplace. It noted the excellent work of the Human Rights and Fundamental Freedoms Unit and the Minister for Appeals and Mediation, and appreciated the bill to strengthen the mediator's mandate. Maldives made recommendations.

30. Mauritius commended Monaco for its UPR commitment and noted positive steps taken to amend existing legislation and to adopt new legislations aimed at promoting and protecting the rights of its citizens. It was interested in learning about Monaco's best practices to guarantee a better quality of life for persons with disabilities. It further commended Monaco's initiatives to raise awareness on human rights. Mauritius made a recommendation.

31. Mexico commended Monaco's work on human rights education. It took note of amendments to the legislation regarding the transfer of nationality, in particular from the mother, as well as progress made on establishing conditions to improve gender equality. It asked about concrete measures adopted towards the rights of migrant workers and those cross-border workers with regard to social security and labour conditions. Mexico made recommendations.

32. Montenegro commended Monaco's follow-up process to its last UPR and welcomed its continuous efforts to strengthen and promote human rights through the adoption of domestic legislation and its consistent implementation. It requested information on Monaco's intention to ratify the Optional Protocol to the Convention against Torture and asked why the Criminal Code still contained provisions for defamation. Montenegro made a recommendation.

33. Germany welcomed amendments to the Criminal Code concerning racially-motivated crimes. It asked to what extent Monaco intended to modify its immigration policy to remove discrepancies in the treatment of Monegasque natives and foreigners and how it intended to adapt its labour market regulations to strengthen their compatibility with basic principles, such as gender equality. Germany made a recommendation.

34. The Netherlands commended Monaco for progress made since 2009. It noted however that Monaco could do better regarding protection against discrimination in its

legislation, particularly on the protection of foreigners. It urged for the ratification of the Rome Statute. The Netherlands made recommendations.

35. Nicaragua commended the amendments to the legal framework, the ratification of additional international human rights instruments since its first review and improvements of the conditions of persons with disabilities. It noted however that Monaco was not party to the ILO and stressed that Monaco should work harder towards establishing the necessary conditions to achieve the full enjoyment of economic and social rights of the workers. Nicaragua made a recommendation.

36. Nigeria warmly welcomed the delegation of Monaco and thanked it for its active participation in the UPR process. It expressed appreciation that Monaco had voluntarily submitted a tentative report in 2012 in response to the conclusions and recommendations adopted during its first cycle review in 2009. Nigeria made recommendations.

37. Oman noted that the report demonstrated Monaco's commitment to the UPR and commended the measures adopted to comply with international obligations, including the promotion and protection of human rights through a series of laws. It commended the strengthening of policies, particularly regarding the protection of women and children from violence, persons with disabilities, health care, education and welfare. Oman made a recommendation.

38. Republic of Moldova requested information on the application of the Act on the prevention and punishment of specific forms of violence and on the decisions issued by judicial authorities to protect victims. It encouraged Monaco to ensure the independence of the Office of Minister for Appeals and Mediation. It asked whether Monaco envisaged ratifying the Council of Europe's Convention on Action against Trafficking in Human Beings and the Lanzarote Convention. It invited Monaco to share its experiences in implementing UPR recommendations. It made a recommendation.

39. Senegal praised the strengthening of the promotion and protection of human rights in Monaco and the improvement to the living conditions of older persons and persons with disabilities. It commended the amendment to the law on nationality allowing Monegasque women to transmit their nationality to their partners. Senegal was sure that Monaco would take steps to raise awareness of, and prevent, racism and racial discrimination.

40. Slovakia appreciated Monaco's commitment to the promotion and protection of human rights and the progress it had made since its last UPR. Slovakia strongly supported the fight against impunity for perpetrators of the most serious crimes and noted that global ratification of the Rome Statute of the International Criminal Court and the Agreement on Privileges and Immunities was of utmost importance. Slovakia made a recommendation.

41. While referring to recommendations made by Slovenia during the first Monaco's review, Slovenia took note of Monaco's difficulties at the national level with the ratification of the Rome Statute, hoping that the country will adjust its institutional structure for that purpose. It noted with appreciation Monaco's signature in 2012 of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence. Slovenia made recommendations.

42. Spain congratulated Monaco for its humanitarian action policies and its participation in various international humanitarian bodies. While noting a draft law for the protection and autonomy of persons with disabilities and the promotion of their rights and freedoms, Spain asked about measures adopted to promote their integration in the labour market and their equal access to education. Spain made recommendations.

43. Thailand welcomed Monaco's efforts to put voluntary pledges into action since its first review. It commended measures to promote women's and children's rights and to eliminate discrimination in education, as well as progress regarding persons with

disabilities. It noted remaining distinctions related to nationality and residence in legislation regarding employment and the absence of legislation to protect the rights of foreign workers. Thailand made recommendations.

44. Togo noted the strengthening of human rights in Monaco since its last UPR. It commended progress in domestic legislation and noted that it had become a signatory to the Convention on the Rights of Persons with Disabilities. It welcomed measures to protect children, women from violence and persons with disabilities as well as specific campaigns and school programmes to combat discrimination. It praised the legislative amendment allowing women to transmit their nationality to their partners and children. Togo made recommendations.

45. Tunisia noted the progress made in human rights by Monaco since its UPR in 2009, particularly the ratification of regional and international human rights instruments and the revision of laws on nationality and police custody. It also noted Monaco's commitment on international development and encouraged Monaco to increase development aid to 0.7 per cent of its GDP. Tunisia made recommendations.

46. Concernant le domaine de la coopération internationale, le Conseiller du Gouvernement pour les Relations extérieures a souligné que le Gouvernement Princier s'est efforcé de maintenir son engagement en matière de solidarité internationale à l'égard des populations les plus défavorisées et celles durement touchées par les conflits. Dans le domaine de la lutte contre la pauvreté, la coopération monégasque pour le développement a été recentrée récemment dans une vingtaine de pays partenaires essentiellement des PMA.

47. L'aide monégasque permet de soutenir chaque année environ 120 projets de coopération au développement. Elle est également allouée à des organisations internationales (santé, protection des enfants, des droits de l'homme, protection de l'environnement, aide humanitaire d'urgence).

48. Concernant l'appréhension pénale des actes de racisme, la délégation a informé que la loi n° 1299 du 15 juillet 2005 sur la liberté d'expression publique appréhende pénalement toute provocation fondée sur une motivation raciste quels que soient les moyens employés. Sur l'appréhension des motivations racistes comme circonstances aggravantes, le Gouvernement Princier n'exclut pas de modifier le Code pénal à cette fin.

49. Sur la ratification du Statut de Rome sur la Cour Pénale Internationale, la Principauté de Monaco a identifié plusieurs problèmes récurrents, notamment constitutionnels. Cependant la Principauté a déjà donné des suites favorables aux demandes d'assistance judiciaire et de coopération présentées par la Cour Pénale Internationale.

50. Pour répondre à la question sur la diffamation, la délégation a informé que bien qu'étant un délit pénal autonome, cette incrimination n'est pas un obstacle à la liberté d'expression. Cette infraction tend précisément à protéger toute personne contre toute diffamation en raison d'une appartenance à un groupe déterminé. La liberté d'expression a ses limites et il convient de veiller à trouver précisément l'équilibre entre liberté d'expression et répression de propos clairement diffamatoires.

51. S'agissant des questions relatives aux personnes handicapées, Monaco a souligné l'importance de la politique développée afin de privilégier l'autonomie et l'intégration dans le milieu de vie ordinaire des personnes handicapées. La délégation a partagé des bonnes pratiques en matière d'accessibilité aux transports, aux établissements publics, aux appartements, au travail et à l'éducation.

52. Sur l'évolution des dispositions législatives, le projet de loi 893, précité, a été déposé sur le bureau du Conseil national, texte prioritaire du Conseil National et du Gouvernement Princier.

53. S'agissant de la torture, le droit interne monégasque appréhende pénalement les actes de torture à différents niveaux de son ordonnancement juridique. La Convention contre la torture et autres peines ou traitements cruels inhumains et dégradants fait partie des normes juridiques monégasques auxquelles le juge se réfère directement. La délégation a précisé qu'aucune dénonciation d'actes de torture n'a été récemment enregistrée à Monaco.

54. S'agissant des discriminations qui pourraient apparaître dans le domaine de l'emploi Monaco a précisé que la protection mise en place à l'égard des nationaux se justifie par la situation particulière de la Principauté. La Constitution reconnaît la priorité aux Monégasques pour l'accès aux emplois publics et privés dans la mesure où la personne possède les aptitudes nécessaires. La priorité se fait à aptitudes équivalentes. Aucune préférence n'existe en fonction de la race, du sexe, de la couleur, de l'opinion publique ou de l'origine sociale. Selon la délégation, ce système permet de favoriser le plein emploi des nationaux sans priver les non nationaux de la possibilité d'embauche.

55. En ce qui concerne la protection sociale, celle-ci est basée sur la notion de lieu de travail et il n'y a aucune discrimination. Les salariés monégasques et les salariés étrangers, régulièrement admis à travailler dans la Principauté bénéficient, quelle que soit leur nationalité, des prestations diverses au même niveau.

56. En ce qui concerne l'OIT, une éventuelle adhésion n'a pas été écartée. L'examen auquel Monaco procède se justifie par les questions que soulèvent les principes de l'OIT au regard du système de priorité d'emploi monégasque et de son droit syndical. Ces mêmes raisons conduisent le Gouvernement Princier à poursuivre son étude quant à une éventuelle ratification de la Convention 111 concernant la discrimination en matière d'emploi.

57. The United Kingdom of Great Britain and Northern Ireland recognized that human rights were enshrined in the Constitution and noted the fair treatment of prisoners, monitored by independent observers. It welcomed religious freedom and efforts to eradicate child abuse. It was concerned that there was no law against sexual or gender discrimination in employment and no independent procedure to monitor complaints of human rights violations by the police. It made recommendations.

58. The United States of America commended Monaco's long-standing exemplary human rights record and its contributions to MDG attainment, support to UNHCR and other foreign aid and development assistance. It noted that Monaco had cooperated with Venice Commission legal experts on the formulation of an opinion on Monaco's Constitution. It made recommendations.

59. Uruguay highlighted Monaco's signature and adherence to international human rights instruments, the ratification of ILO Convention 169, policies to promote and protect the rights of the elderly, the reforms of the penitentiary administration, as well as Monaco's work in the areas of persons with disabilities and violence at work. Uruguay made recommendations.

60. Viet Nam, thanking Monaco for its succinct national report, welcomed the country's achievements to protect and promote human rights and its active contribution to international cooperation. It encouraged Monaco to share its experiences and good practices with other countries. Recognizing that no country could claim to be a perfect example of human rights, Viet Nam made recommendations.

61. Albania commended Monaco's commitment to human rights through effective measures and an extensive legal and administrative human rights framework, notably regarding the rights of vulnerable people. Albania looked forward to the adoption of the bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities and the ratification of the Convention on the Rights of Persons with Disabilities.

The establishment of the Office of the Minister for Appeals and Mediation would promote fairness and transparency. Albania made recommendations.

62. Algeria, commending efforts to promote human rights in Monaco, noted amendments to several laws, especially on the right to nationality and on eradicating crimes against children. It welcomed the signature and ratification of several international instruments, including the Protocol to the Convention relating to the Status of Refugees and the UNESCO Convention against Discrimination in Education. Algeria made recommendations.

63. Morocco noted the adoption of new laws on criminal procedure, right to nationality, crimes and offences against children and protection of women from violence. It applauded Monaco's continued provision of international assistance to disadvantaged groups and the compulsory study of human rights in schools. Related legislative measures could be shared as good practice. Applauding measures to support persons with disabilities, Morocco noted the signature of Convention on the Rights of Persons with Disabilities. It made a recommendation.

64. Australia welcomed the priority given to human rights issues since Monaco's first review. It commended Monaco for progress made in responding to recommendations, including the signature of the Convention on the Rights of Persons with Disabilities. It encouraged the country to actively consider ways to align Monegasque law with the obligations of signatories, with a view to ratification. Australia made a recommendation.

65. Brazil noted with satisfaction that in line with recommendations from its first review, Monaco has acceded to the Protocol relating to the Status of Refugees and congratulated Monaco on the accession to the UNESCO Convention against Discrimination in Education. It noted the establishment of the Ministry for Appeals and Mediation. The absence in the Criminal Code of a definition of torture aligned with article 1 of the Convention against Torture was still a matter of concern. Brazil made recommendations.

66. Canada welcomed steps to strengthen capacity to address violence against women, children and other vulnerable persons by adopting new legislation and creating a specialized institution to care for children and women in need. Regarding steps to encourage the participation of women in the Government Council, it asked what progress had been made in that regard and what measures would be implemented. Canada made recommendations.

67. Chile valued the adoption of various human rights laws as well as the signature and ratification of major international human rights instruments by Monaco. It highlighted policies and actions aimed at protecting the elderly. Chile made recommendations.

68. China noted with appreciation Monaco's efforts to improve the legislative framework and measures to protect the rights of vulnerable groups, namely women, children, people with disabilities and the elderly. It appreciated Monaco's cooperation with developing countries and the ODA provided. While taking note of recommendations made by the European Commission against Racism and Intolerance, China asked whether Monaco intended to take more measures to strengthen its fight against racism.

69. Congo commended actions to strengthen human rights, particularly regarding new laws on criminal procedure, right to nationality, specific forms of violence and crimes and offences against children. It noted steps to support persons with disabilities, as well as against violence against women and children. It applauded Monaco's international commitment to combating poverty, centred around maternal and child health and pandemics. Congo made a recommendation.

70. Costa Rica took note of progress made since Monaco's last review, which reflected its commitment towards the human rights promotion and protection. It took note with

appreciation of changes in the national legislation for the transferral of nationality, putting an end to discriminatory practices against women. It acknowledged awareness campaigns against discrimination and commended the ratification of international instruments. Costa Rica made recommendations.

71. Cuba recognized Monaco's efforts and results in the implementation of accepted recommendations from the first UPR. It commended progress made in various sectors, such as the protection of the rights of persons with disabilities, and of women and children. It noted however that Monaco had also challenges in the area of human rights. Cuba made recommendations.

72. Ecuador congratulated Monaco for its efforts to implement recommendations from its first review and recognized the initiatives implemented for the human rights training and awareness-raising of judges and police. It appreciated legislation on criminal procedure, crimes against children and violence against women. Ecuador made recommendations.

73. Estonia noted with appreciation that Monaco had become a party to core international human rights instruments and was fully cooperating with special procedures and treaty bodies. It acknowledged human rights as part of Monaco's domestic policies and the implementation of previous recommendations such as the adoption of a bill on the prevention and punishment of specific forms of violence. It noted efforts regarding gender equality and called on Monaco to prohibit corporal punishment and to punish domestic violence. It also encouraged decriminalizing defamation. Estonia made recommendations.

74. France welcomed Monaco's commitment to human rights since the first cycle of the UPR, particularly with regard to the rights of persons with disabilities and its provision of international development assistance. It asked whether Monaco planned to implement a national strategy applying the UN's Guiding Principles on Businesses and Human Rights. It made recommendations.

75. Argentina congratulated Monaco for the ratification of international instruments, including the UNESCO Convention against Discrimination in Education, and its accession to the Protocol relating to the Status of Refugees. It noted its efforts to fully integrate persons with disabilities and the adoption of legislation for the prevention and punishment of specific forms of violence. It encouraged Monaco to continue carrying out actions aiming at improving the treatment of migrants and asylum seekers. Argentina made recommendations.

76. Indonesia welcomed Monaco's commitment to human rights and noted strengthened policies to protect women, children and persons with disabilities, including the submission of national legislation related to the ratification of the Convention on the Rights of Persons with Disabilities. It welcomed the establishment of the Office of the Minister for Appeals and Mediation. It thanked Monaco for its unwavering commitments to international cooperation in maternal and child health, pandemics, neglected diseases, education and gender equality. Indonesia made recommendations.

77. Concernant les femmes au sein de l'Administration, le chef de la délégation a déclaré que la majorité des emplois à haute responsabilité sont occupés par des femmes.

78. Par rapport à la ratification de la Convention sur les disparitions forcées, signée en 2007, le chef de la délégation a indiqué que certaines stipulations conventionnelles semblent incompatibles avec les dispositions du droit monégasque. Néanmoins, Monaco poursuit ses réflexions sur ce point.

79. Sur les suggestions de la Commission de Venise quant à la mise en adéquation des textes relatifs au fonctionnement du Conseil National avec la pratique actuelle, le Conseiller national a indiqué que le Parlement étudie actuellement un calendrier de mise en œuvre de ces propositions.

80. Monaco a précisé qu'il n'y a pas de difficulté juridique concernant le dépôt de plainte contre des policiers se livrant à des atteintes aux droits de l'homme. En outre, le corps de la police, notamment de la police judiciaire, est contrôlé par le Procureur Général. Il existe par ailleurs un service spécialisé chargé d'enquêter sur les infractions qui auraient pu être commises par des policiers. Ce service est rattaché directement au Ministère d'Etat et n'est hiérarchiquement pas soumis à l'autorité du Directeur de la Police.

81. Pour ce qui concerne les recommandations de la Commission de Venise sur le plan judiciaire, la délégation a souligné que l'administration de la justice est indépendante et détachée du Gouvernement. La loi n°1398 du 25 juin 2013 a achevé le processus mis en place par la réforme du statut de la magistrature en 2009 qui avait créé un organe de gestion du corps judiciaire, le Haut Conseil de la Magistrature.

82. Pour ce qui concerne les violences domestiques, Monaco a adopté la loi relative à la prévention et à la répression des violences particulières et a notamment mis en place une formation pour la prise en charge des victimes à l'intention des magistrats, des greffiers, des assistantes sociales et des policiers.

83. S'agissant des condamnés dont la peine est exécutée en France, Monaco assure un suivi de ces détenus notamment au travers de mesures de grâce ou de mise en liberté conditionnelle, qui relèvent exclusivement de sa compétence. Monaco est sur le point de finaliser un accord avec la France pour qu'un magistrat de Monaco se rende périodiquement dans les établissements concernés afin de s'assurer que les conditions de détention sont bien conformes aux standards en vigueur à Monaco.

84. En ce qui concerne les fonds illicites, la délégation a souligné que la coopération judiciaire de Monaco est effective, qu'il existe ou pas une convention internationale avec le pays requérant. La Principauté collabore sur le principe de la réciprocité et apporte son assistance aux divers organes internationaux en matière de lutte contre le blanchiment. Aussi, une réflexion est en cours pour créer une agence de gestion et d'administration de l'ensemble des fonds qui sont bloqués par les autorités monégasques.

85. Le chef de la délégation a annoncé la création début 2014 d'un Haut-Commissariat à la Protection des Droits, des Libertés et à la Médiation.

86. La délégation a informé que la Loi n°739 du 16 mars 1963 sur le salaire garantit l'égalité de rémunération homme-femme et la nullité de toute disposition qui comporterait une discrimination de rémunération entre les sexes. Les seules discriminations sont des discriminations positives, dans la mesure où la législation prévoit un certain nombre de dispositions plus protectrices en faveur des femmes et des jeunes.

87. La délégation a relevé qu'en Principauté de Monaco, il n'existe aucune différence entre les salariés de la Principauté et que les règles qui s'appliquent aux employeurs et aux salariés s'appliquent à tous les employeurs et à tous les salariés, quel que soit leur sexe, leur religion, leur nationalité, leur couleur ou leur genre.

88. Le chef de la délégation a conclu en réaffirmant que Monaco continuera d'œuvrer tant au plan national qu'international à la défense des personnes les plus vulnérables. Il a aussi rappelé l'engagement de Monaco au sein de l'Organisation des Nations Unies et son soutien au mécanisme de l'Examen Périodique Universel.

II. Conclusions and/or recommendations

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

- 89.1. **Ratify the Convention on the Rights of Persons with Disabilities, which Monaco signed in 2009 (France);**
- 89.2. **Ratify the Convention on the Rights of Persons with Disabilities (Togo);**
- 89.3. **Consider ratifying the Convention on the Rights of Persons with Disabilities, with particular consideration for widening accessibility for all, as mentioned in the article 9 of the Convention, in order that persons with disability could live independently and contribute to their local community (Thailand);**
- 89.4. **Consider ratifying the Convention on the Rights of Persons with Disabilities shortly (Morocco);**
- 89.5. **Complete the ratification of the Convention on the Rights of Persons with Disabilities at the earliest convenience, if possible (Viet Nam);**
- 89.6. **Accelerate the process for the ratification of the Convention on the Rights of Persons with Disabilities (Spain);**
- 89.7. **Step up procedures for the ratification of the Convention on the Rights of Persons with Disabilities (Albania);**
- 89.8. **Continue in its efforts with regard to the ratification of the Convention on the Rights of Persons with Disabilities and the Bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities (Indonesia);**
- 89.9. **Continue to consider ratifying the Convention on the Rights of Persons with Disabilities (Tunisia);**
- 89.10. **Consider adopting and implementing law on the independent functioning and organization of the National Council in order to reflect changes already made to the Constitution in 2002 (United States of America);**
- 89.11. **Include in its national criminal legislation, a definition of torture, in compliance with the provisions of the Convention against Torture (Maldives);**
- 89.12. **Complete the review of its legislative project on the abolition of the penalty of banishment and promptly follow-up on the results of this review (Canada);**
- 89.13. **Expedite action on the bill currently under consideration aimed at promoting and protecting the rights of persons with disabilities (Nigeria);**
- 89.14. **Strengthen the national unit for the protection of human rights within the Department of Foreign Affairs of the Monegasque Government and work towards the establishment of a national human rights institution (France);**
- 89.15. **Consider amending the institution of the Ombudsman currently available, so that it is more independent from the office and it can address human rights controversies among citizens and the various State institutions in an impartial and autonomous manner (Mexico);**
- 89.16. **Set up an independent body responsible for human rights (Algeria);**
- 89.17. **Create an independent national human rights institution in conformity with the Paris Principles (Tunisia);**

- 89.18. Establish a national human rights institution, whose functioning is in accordance with the Paris Principles (Costa Rica);
- 89.19. Establish an independent national human rights institution in conformity with the Paris Principles, providing it with the necessary human and financial resources to effectively exercise its functions, including the investigation of allegations of torture (Uruguay);
- 89.20. Consider the establishment of an independent national human rights institution, within, and in accordance with the appropriate domestic procedural and legal framework (Maldives);
- 89.21. Consider establishing an independent national human rights institution in conformity with the Paris Principles and set up an independent human rights structure to receive human rights complaints from individuals (Slovenia);
- 89.22. Consider establishing an independent human rights institution in conformity with the Paris Principles (Indonesia);
- 89.23. Establish a mechanism that monitors gender equality in employment, wage discrimination against women and discrimination on sexual orientation (United Kingdom of Great Britain and Northern Ireland);
- 89.24. Continue strengthening protection policies in favor of children boys and girls, women and persons with disabilities (Chile);
- 89.25. Continue concentrating efforts towards older persons, with a view to adequately addressing the challenge resulting from an increasing number of elderly adults (Chile);
- 89.26. Pursue its efforts to take up the challenges of human rights in accordance with international standards (Oman);
- 89.27. Continue its efforts of raising awareness on human rights issues among its population (Mauritius);
- 89.28. Continue the efforts in the area of human rights training for the judiciary and police staff (Chile);
- 89.29. Strengthen the fight against all forms of discrimination (Ecuador);
- 89.30. Intensify its efforts to combat racial discrimination, xenophobia and intolerance, and to encourage high level politicians to take a clear stand against these scourges (Tunisia);
- 89.31. Undertake all possible efforts to combat racism, racial discrimination, xenophobia and other forms of related intolerance (Cuba);
- 89.32. Accelerate the study of drafts law aimed at combating racial discrimination, particularly with regard to migrants, and reinforce the protection of foreign workers (Uruguay);
- 89.33. Expedite action on bills currently under consideration aimed at combating racial discrimination (Nigeria);
- 89.34. Enact a specific law outlawing racist or xenophobic attitudes and prohibiting the display of racist symbols or signs reflecting a racist ideology in sport (Islamic Republic of Iran);
- 89.35. Amend the criminal legislation with the view of introducing the racist motivated offence as an aggravating criminal circumstance (Albania);

- 89.36. **Make specific provision in its criminal law for preventing and combating racist motivations which constitute an aggravating circumstance in the country (Islamic Republic of Iran);**
- 89.37. **Continue with efforts to promote gender equality (Nigeria);**
- 89.38. **Take measures to raise awareness of its new legislation concerning domestic violence and inform victims of violence about their rights and help available to them (Canada);**
- 89.39. **Put in place an independent procedure to monitor complaints of human rights violations by the police (United Kingdom of Great Britain and Northern Ireland);**
- 89.40. **Consider establishing a mechanism to monitor the conditions of execution of the sentence of the convicted prisoners deprived of their liberty in France (Costa Rica);**
- 89.41. **Encourage the establishment of non-governmental human rights organizations (Slovenia);**
- 89.42. **Attach greater relevance and adopt measures to guarantee the enjoyment of all economic, social and cultural rights of its population (Cuba);**
- 89.43. **Continue the efforts for the equal guarantee of the right to free medical assistance for children, with especial attention to those from disadvantaged environments (Ecuador);**
- 89.44. **Redouble its efforts in providing and facilitating better access for all in exercising their right to health and right to education (Malaysia);**
- 89.45. **Strengthen the protection of foreign workers in the country, including through the revision of relevant legislation on their working conditions (Thailand);**
- 89.46. **Adopt the pending legislation on harassment and violence in the workplace and continue to ensure protection of non-Monegasque workers from any form of discrimination, including in terms of access to social and health services (Republic of Moldova);**
- 89.47. **Increase the international cooperation activities aimed at the development of other countries (Cuba);**
- 89.48. **Pursue its commitments in the area of international development aid, especially in the area of health and poverty (Viet Nam);**
- 89.49. **Continue to attach priority in the area of international cooperation to combating poverty, to mother and child health, to education and to combating pandemics (Togo);**
- 89.50. **Take all appropriate measures for the effective implementation of its voluntary commitment in terms of international cooperation to work towards food security and gender equality (Congo);**
- 89.51. **Guarantee the cooperation and responsiveness of financial institutions with regard to requests for the recovery of funds of illicit origin (Tunisia).**
90. **The following recommendations will be examined by Monaco which will provide responses in due time, but no later than the 25th session of the Human Rights Council in March 2014:**

- 90.1. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in order to increase the possibilities for complaints and investigation by the Committee on Economic, Social and Cultural Rights, and thereby bringing such protection system at the same level of the existing one with regard to civil and political rights (Spain);**
- 90.2. **Ratify the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women (France);**
- 90.3. **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women to better fight against discrimination against women and to ensure greater protection of such group (Spain);**
- 90.4. **Ratify the Optional Protocol to the Convention against Torture (Brazil); Ratify the Optional Protocol to the Convention against Torture (France);**
- 90.5. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Estonia); Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**
- 90.6. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**
- 90.7. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which Monaco signed in 2007 (France);**
- 90.8. **Continue to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);**
- 90.9. **Accelerate the legislative procedures and judicial reforms aimed at the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of its monitoring body (Uruguay);**
- 90.10. **Ratify the Rome Statute of the International Criminal Court (Montenegro); Ratify the Rome Statute of the International Criminal Court (Australia); Ratify the Rome Statute of the International Criminal Court (France); Ratify the Rome Statute of the International Criminal Court (Brazil);**
- 90.11. **Continue to consider ratifying the Rome Statute of the International Criminal Court (Tunisia);**
- 90.12. **Ratify the Rome Statute of the International Criminal Court (ICC) and fully align its national legislation with all obligations under the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the ICC, and to investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts (Netherlands);**
- 90.13. **Ratify the Rome Statute of the International Criminal Court, fully align its national legislation with the obligations under the Rome Statute and accede to the Agreement on Privileges and Immunities of the International Criminal Court (Ireland);**
- 90.14. **Ratify/accede to the Rome Statute of the International Criminal Court, to implement it fully at national level and to accede to the Agreement on Privileges and Immunities of the International Criminal Court (Slovakia);**

- 90.15. Ratify the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court, and to fully align its national legislation with the obligations contained therein (Estonia);
- 90.16. Accelerate the internal procedures to ratify the Rome Statute of the International Criminal Court, and adhere to the Agreement on Privileges and Immunities of the International Criminal Court, as well as to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay);
- 90.17. Examine the incompatibilities of national legislation that prevent its adherence to the ILO and ratify its Conventions, in particular ILO Conventions No. 111 and No. 87 (Uruguay);
- 90.18. Become a member of the International Labour Organization and the respective conventions (Germany);
- 90.19. Consider ratifying the fundamental ILO Conventions (Nicaragua).
91. The recommendations below did not enjoy the support of Monaco:
- 91.1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Argentina); Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria);
- 91.2. Consider the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);
- 91.3. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nicaragua);
- 91.4. Adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and recognize the competence of the Committee (Uruguay);
- 91.5. Consider enacting Venice Commission recommendations to bring some of its laws formally in line with its already democratic practices (United States of America);
- 91.6. Decriminalize defamation and make it part of the Civil Code (Ireland);
- 91.7. Take measures in order that the Constitution and other national legislation contain proper provisions that clearly establish the principle of equal treatment and non-discrimination on the grounds of race, color, ethnic origin, nationality, language or religion (Mexico);
- 91.8. Continue its efforts to consolidate the legislative framework in the field of the protection against discrimination, in particular in relation to the employment of non-nationals (Netherlands);
- 91.9. Review and abolish those legal and practical measures which precluded the naturalized Monegasques, being eligible for elections, in particular articles 54 and 79 of the Constitution in order to remove any inappropriate differentiation between its citizens (Islamic Republic of Iran);

- 91.10. Consider ways to further ensure the independence of the judiciary, such as vesting the High Council of Judges and Prosecutors in the Constitution (United States of America);
- 91.11. Conduct an analysis of the discriminatory treatments that may be affecting foreigners, especially in the field of employment, and consider amending its legislation in accordance with the result of this study (Canada).
92. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Monaco was headed by Mr. José Badia, Conseiller de Gouvernement pour les Relations extérieures, (Minister of Foreign Affairs), and composed of the following members:

- S.E.M. Philippe Narmino, Directeur des Services Judiciaires;
 - S.E. Mme. Carole Lanteri, Ambassadeur, Représentant Permanent de la Principauté de Monaco auprès de l'Office des Nations Unies;
 - M. Jean-Charles Allavena, Conseiller National;
 - Mme. Mireille Pettiti, Directeur Général, Département des Relations Extérieures;
 - Mme. Virginie Cotta, Directeur Général, Département des Affaires Sociales et de la Santé;
 - Mme. Dominique Pastor, Conseiller technique, Département des Affaires Sociales et de la Santé;
 - M. Eric Bessi, Directeur du Travail;
 - Mme. Marina Ceysac, Conseiller auprès de Monsieur le Directeur des Services Judiciaires;
 - M. Jean-Laurent Ravera, Chargé de Mission au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
 - M. Frédéric Pardo, Administrateur juridique principal au Service du droit international, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques;
 - Mme. Laurence Coda, Conseiller Technique, Département de l'Intérieur;
 - Mme. Marie-Hélène Gamba, Conseiller Technique, Direction de l'éducation nationale de la jeunesse et des sports;
 - M. Johannes De Millo Terrazzani, Conseiller de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
 - M. Gilles Realini, Deuxième Secrétaire de la Mission permanente de Monaco auprès de l'Office des Nations Unies à Genève;
 - Mme. Justine Ambrosini, Secrétaire des Relations Extérieures, Direction des Affaires Internationales.
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