



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the second and third periodic reports of Monaco*

I. General information

1. Please explain the status of the Covenant in the domestic legal system. Please also state whether the provisions of the Covenant are automatically applied by the courts in the Principality of Monaco. If so, please provide examples of cases in which the provisions of the Covenant have been invoked or applied.
2. Please inform the Committee whether the State party intends to reconsider its position on the establishment of an independent national human rights institution in conformity with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex).
3. Please indicate whether the State party intends to revise its policy in order to withdraw its reservations and interpretative declarations, in particular those made in respect of articles 2 (para. 2), 6, 9 and 13 of the Covenant.
4. Please indicate whether the State party intends to accede to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted on 10 December 2008 by the General Assembly in its resolution 63/117.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 2 – Non-discrimination

5. Please explain to what extent the State party is prepared to review its position with regard to the transmission of nationality to children, in order to establish equal treatment between Monegasque women and those who have been naturalized. Please provide information on the measures taken by the State party to adopt legislation that protects non-citizens from racial discrimination in particular spheres of everyday life, and especially with regard to recruitment, working conditions and dismissal.

* Adopted by the pre-sessional working group at its fifty-second session (2–6 December 2013).



Article 3 – Equal rights of men and women

6. Please inform the Committee by what date the State party intends to amend its law on nationality so as to establish equal treatment with regard to the acquisition of nationality through marriage for foreign men who have married Monegasque women and foreign women who have married Monegasque men. Please provide information on steps taken to foster equality between men and women, especially regarding employment, social security, the provision of goods and services, and access to economic, social and cultural activities, and regarding the representation of women in public and political life and in the private sector, including in positions of responsibility.

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Article 6 – Right to work

7. Please specify the current rate of unemployment in the State party, including the rates for young people, women, persons with disabilities and non-citizens, since 2008. Please provide information on the number of young people who have benefited from pre-recruitment training during the reporting period and the number actually recruited after the training. Provide information on the impact of this measure in reducing unemployment among young people and on whether it concerns both young Monegasques and young non-citizens.

8. Please indicate how many people have benefited from apprenticeship contracts and specify their nationality. Also indicate what impact this apprenticeship support scheme has had in reducing unemployment. Explain whether the different levels of refund for employers, depending on the category of apprentice (based on their nationality and place of residence), is an obstacle to recruitment. Indicate what measures the State party has taken to put an end to this unequal treatment.

Article 7 – Right to just and favourable conditions of work

9. Please inform the Committee of the statutory minimum wage (SMIC) as set by circular No. 2007-05 of 16 July 2007. Indicate the steps taken by the State party to regularly increase the minimum wage, including the special top-up allowance of 5 per cent.

10. Please provide information on the number of domestic employees and on their working conditions, in particular salary, leave, number of working hours per week and access to social security coverage. Indicate whether there is any special legislation to protect them.

11. Please provide information on the scale of informal employment in the State party, particularly in the hotel and catering and construction industries and on any measures taken to put an end to it.

12. Please give details of the measures taken to increase the staff of the labour inspectorate and to amend legislation to enable the inspectorate to carry out inspections in all work places.

Article 8 – Right to form and join a trade union and right to strike

13. Please indicate what measures have been taken to lift the restrictions contained in Ordinance-law No. 399 of 6 October 1944 authorizing the establishment of trade unions, with regard to access by workers who are of neither Monegasque nor French nationality to positions within trade union federations.

Article 9 – Right to social security

14. Please state what steps have been taken by the State party to reduce the five-year residence requirement for non-Monegasques to enjoy certain social and medical benefits such as the right to free medical care, housing benefit, a monthly retirement allowance for low-income persons and support for older persons in residential care homes.

Article 10 – Protection of the family, mothers and children

15. Please provide statistical data on domestic violence during the reporting period, particularly violence against women. Please describe the protection and support measures in place in the State party and compensation provided to victims of domestic violence. Please state the number of complaints filed, investigations conducted and prosecutions, if any, and the convictions and penalties imposed on the perpetrators, under the existing criminal law.

16. Provide information on awareness-raising campaigns on domestic violence and their results. Describe measures to raise awareness among women of their rights and to make it easier for them to file complaints.

17. Please provide information on the adoption of bill No. 869, designed to combat and prevent specific forms of violence against women, children and persons with disabilities, submitted by the Government to the National Council in 2009.

18. Please provide details of existing measures to explicitly abolish by law corporal punishment against children in all settings.

Article 11 – Right to an adequate standard of living

19. Please provide information on restrictions to access to housing outside the “protected” sector, which affect foreigners who have been working in Monaco for a long time but are unable to find housing there. State whether the scheme under consideration in 2011 to set aside housing in the neighbouring municipalities for persons working in Monaco has been adopted and implemented.

20. What requirements does the State party impose on residents of Monaco in order for them to be granted housing benefit?

Article 12 – Right to physical and mental health

21. Please describe the impact of the steps taken by the State party to combat drug abuse among young persons.

22. Describe the measures taken by the State party in the area of sexual and reproductive health and to integrate sexual and reproductive health education into school curricula.

23. Please comment on the conditions laid down in paragraphs 10, 19, 20 and 21 of article 248 of Act No. 1.359 of 20 April 2009 on therapeutic abortion, amending article 248 of the Criminal Code, and state whether they are fully consistent with the Committee's recommendation on the subject. Provide statistics on the number of women who undergo therapeutic abortion in the State party and who meet the legal requirements.

Articles 13 and 14 – Right to education

24. Provide information on the measures taken to guarantee access to preschool education for all children living in the State party.

Article 15 – Cultural rights

25. Provide details of practical measures taken by the State party during the reporting period to guarantee the full participation of non-Monegasque communities and groups in cultural life, and the measures taken to promote their cultural identity.

26. Provide information on the steps taken to promote the right to enjoy the benefits of scientific progress and its applications.
