



International Covenant on Civil and Political Rights

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Human Rights Committee

103rd session

17 October–4 November 2011

List of issues prior to the submission of the third periodic report of Monaco (CCPR/C/MCO/3)*

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide detailed information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/MCO/CO/2), including any necessary statistical data.

* The present list of issues was adopted by the Committee at its 103rd session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant

Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations

Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)

4. Does the State party envisage withdrawing its interpretative declarations and reservations entered upon ratification of the Covenant? If not, please provide detailed reasons why it does not intend to do so (CCPR/C/MCO/CO/2, para. 6).

5. Please provide information on the first case of discrimination based on sexual orientation that was referred to the courts in July 2010. Has this case been concluded? If so, what was the outcome?

6. In light of the Committee's previous concluding observations (CCPR/C/MCO/CO/2, para. 8), please indicate the measures taken to establish a national human rights institution that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Furthermore, please indicate what measures, if any, have been taken to ensure that the office of the "Médiateur"(Ombudsman) is independent. Does it have powers to investigate complaints of human rights violations by individuals against law enforcement personnel?

Counterterrorism measures and respect for rights guaranteed in the Covenant (arts. 7, 9 and 14)

7. In the light of the Committee's previous recommendations (CCPR/C/MCO/CO/2, para. 11), please provide information on the specific legislative measures taken to ensure that the broad definition of terrorist acts, particularly environmental terrorism, as provided by book III, title III, of the Criminal Code is clear and complies with the provisions of the Covenant.

Equality and non-discrimination (arts. 2 and 26)

8. Please provide information on the legislative measures that have been taken to include nationality in the law as a ground for non-discrimination. Please specifically indicate the measures taken to ensure that the "system of employment priorities" in the employment sector does not have the effect of discriminating against people on the grounds of race, colour, nationality, religion and other grounds. What measures have been taken to make the conditions for acquiring and transferring nationality the same for men and women? Please indicate the measures that have been taken to revise the five-year residence requirement for non-Monegasques which restricts their enjoyment of the right to housing and access to social welfare and medical treatment. What measures have been taken to abolish the requirement for naturalized Monagesques to have been citizens for five years before being eligible for elections?

Right to life and prohibition of torture and of other cruel, inhuman or degrading treatment or punishment (arts. 3, 6 and 7)

9. In light of the Committee's previous recommendations (CCPR/C/MCO/CO/2, para. 10), please provide information on the measures taken to help women avoid unwanted pregnancies so that they do not resort to illegal and clandestine abortions that may endanger their lives. In this regard, please provide an update on measures taken to review the general prohibition on abortion. Please provide an update on the status of the bill on medical interruption of pregnancy.

10. Please provide an update on the legislative, administrative and other measures taken to eliminate all forms of violence against women, inter alia, prompt investigations, prosecutions of perpetrators and provision of effective remedies to victims in the State party. Please provide statistical data on domestic violence disaggregated by the number of (a) complaints received, (b) cases prosecuted, (c) convictions secured and acquittals, and (d) reparation provided to victims. Please comments on the status of the bill No. 869 on the prevention of domestic violence which was submitted to the National Council in October 2009.

11. Please provide information on measures taken to ensure that the revised Criminal Code includes a definition of torture that fully accords with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Covenant. Please indicate the measures being taken to ensure that the law prohibits the invocation of exceptional circumstances or an order from a superior officer as a justification of torture. Furthermore, please indicate the measures taken to ensure that the law specifically provides for redress and compensation for victims of torture and ill-treatment.

Elimination of slavery and servitude (art. 8)

12. Please provide updated information on measures taken (a) to prevent and combat sexual exploitation and trafficking in human beings, (b) to prosecute and punish such acts, and (c) to assist and protect the victims of trafficking, inter alia, by providing remedies to or facilitating the granting of residence permits to them regardless of their cooperation in investigations. Please also provide relevant statistical data, disaggregated on the basis of gender, age and country of origin on this phenomenon.

Freedom of movement and freedom of association (arts. 12, 18 and 22)

13. In light of the Committee's previous recommendations (CCPR/C/MCO/CO/2, para. 12), please provide an update on the measures taken to repeal the provisions in the Criminal Code that authorize banishment.

14. Please provide information on the measures taken to ensure that Ordinance Law No. 399 of 6 October 1944 on the establishment of trade unions, which provides that the federal bureaux of trade union federations are to consist of a general secretary and a general treasurer who must be of Monegasque nationality, is compatible with the Covenant.

15. In the light of the Committee's previous recommendations (CCPR/C/MCO/CO/2, para. 13), please indicate the measures that have been taken to ensure that the law defines the conditions required for setting up corporate bodies, and ensuring that the discretion conferred on the Administration is exercised in accordance with the provisions of the Covenant. Please specifically address the concerns of the Committee with regard to "objet de caractère sectaire" for purposes of registering a corporate body.

Freedom of expression and prohibition of incitement to hatred (arts. 19 and 20)

16. Please provide information on measures taken to establish an independent mechanism to deal with complaints against the media.

17. Please provide information on the status of bills, including bill No. 818 concerning offences involving information systems such as the making of threats via the telecommunications network, and the sports bill aimed at combating expressions of intolerance at sporting events.

18. Please provide information on measures taken to ensure that articles 58 and 60 of the Penal Code, which prohibit public denunciations of the ruling family and attract a sentence of 6 months' to 5 years' imprisonment, comply with the provisions of the Covenant, in the

light of the general comment No. 34 (2011) on article 19: freedoms of opinion and expression.
