



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/MCO/CO/2
12 December 2008

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Ninety-fourth session
Geneva, 13-31 October 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

MONACO

1. The Human Rights Committee discussed the second periodic report of Monaco (CCPR/C/MCO/2) at its 2572nd and 2573rd meetings (CCPR/C/SR.2572 and 2573) held on 14 and 15 October 2008, and adopted the following concluding observations at its 2591st meeting (CCPR/C/SR.2591), held on 28 October 2008.

A. Introduction

2. The Committee welcomes the second periodic report of Monaco, in particular the information following up on its previous recommendations (CCPR/CO/72/MCO). It also applauds the written responses provided to the list of issues (CCPR/C/MCO/Q/2 and Add.1) and the additional information supplied during its consideration of the report. The Committee notes that the delegation included representatives of ministerial departments that played an essential role in the application of the Covenant.

B. Positive aspects

3. The Committee hails the amendment of the 1962 Constitution by Act No. 1249 of 2002 establishing the principle of the independence of the judiciary and verification by the Supreme Court of the legality of administrative decisions.

4. The Committee notes with satisfaction the legislative advances made with respect to equality between the sexes, in particular the passage of the following acts:

(a) Act No. 1276 of 22 December 2003, permitting naturalized Monegasque women to pass their nationality on to their children;

(b) Act No. 1278 of 29 December 2003, amending the Civil Code and establishing:

(i) Equal rights between man and wife within the household, the choice of a place of residence being henceforth subject to agreement between the spouses;

(ii) Equal rights between children born in wedlock and those born out of wedlock.

5. The Committee hails the passage of the “Justice and Freedom” Act, No. 1343, of 26 December 2007, amending the Code of Criminal Procedure and adding a new article 60-4, dealing with the rights of persons held in custody and establishing a number of safeguards for human rights, including the right to consult a lawyer of one’s choice. The Committee also welcomes the introduction of “custodial judges” (*juges des libertés*).

C. Matters of concern and recommendations

6. While taking note of the explanations provided by the State party in its written responses to the list of issues, the Committee reiterates its concern about the interpretative declarations made and the reservations entered when the Covenant was ratified.

The Committee recommends that the State party reconsider and reduce the number of its interpretative declarations and reservations, which have become out of date and unnecessary following changes in the State party, in particular those relating to articles 13, 14 (paragraph 5), 19 and 25 (subparagraph (c)) of the Covenant.

7. Although the Optional Protocol to the Covenant is currently under consideration, the Committee notes that the State party has not yet acknowledged the competence of the Committee to receive and consider communications from individuals under its jurisdiction relating to provisions of the Covenant.

The Committee encourages the State party to accede to the Optional Protocol to the Covenant.

8. The Committee takes note of the establishment of a Human Rights and Fundamental Freedoms Unit within the Department of External Relations in 2005, but observes that it does not qualify as an independent national human rights institution (art. 2).

The Committee recommends that the State party establish a national human rights institution in accordance with the principles relating to the status of national institutions for promotion and protection of human rights (the “Paris Principles”) annexed to General Assembly resolution 48/134. In so doing, the State party should consult civil society.

9. While taking note of current proceedings relating to the bill on combating domestic violence, the Committee regrets that the State party has not yet adopted specific legislation on domestic violence against women (art. 3).

The Committee encourages the State party to adopt specific legislation on domestic violence. The State party should also step up public information campaigns, inform women of their rights, and provide victims with material and psychological support. The police should be given specific training on the subject.

10. While the Committee takes note of the bill on medical interruption of pregnancy, which is intended to amend article 248 of the Criminal Code so that medical interruption of pregnancy will no longer be considered a crime, inter alia in cases where a pregnancy endangers a woman's life or physical health, it is concerned to observe that abortion is still illegal in all circumstances under the State party's legal system (arts. 3 and 6).

The State party should amend its legislation on abortion to comply with the Covenant. It should take steps to help women avoid unwanted pregnancies so that they do not need to resort to abortions that are illegal or that take place in unsafe conditions such as may endanger their lives, or to seek abortions abroad.

11. While it understands the security requirements associated with efforts to combat terrorism, the Committee is concerned about the broad, ill-defined definition of terrorist acts given in book III, title III, of the Criminal Code on offences against the State. More specifically, it is concerned that the definition of "environmental" terrorism is not clear.

The State party should ensure that any action taken to combat terrorism is in keeping with the requirements of the Covenant. It should also formulate and adopt a more precise definition of terrorist acts. The Committee requests the State party to provide it with further information on the definition and scope of "environmental" terrorism.

12. The Committee takes note of the State party's assurances that banishment will be done away with during the current reform of the Criminal Code, but it is still concerned that out-of-date provisions contrary to the Covenant, such as the criminal law provisions authorizing banishment, remain in force (art. 12).

The State party should repeal out-of-date provisions contrary to the Covenant such as the criminal-law provisions authorizing banishment, which are in complete contradiction with article 12, paragraph 4, of the Covenant.

13. The Committee has taken note of the bill on the principle of allowing the establishment of bodies corporate by simple declaration. It is, however, concerned about the discretion given to the Administration to decide whether a body corporate being set up is sectarian in nature (arts. 18 and 22).

The Committee recommends that the State party define more specifically the conditions required for setting up bodies corporate, and to clarify what it means by "objet de caractère sectaire" ("sectarian purposes").

14. The Committee requests the State party to publish the second periodic report, its written responses to the list of issues, and these concluding observations, as adopted by the Committee, making them widely available to all sectors of society and to the legislative, administrative and judicial authorities in particular. It also requests the State party to give details in its next periodic report of whatever follow-up action it has taken, and urges it to encourage the establishment of domestic non-governmental human rights organizations.

15. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, information on the follow-up action it has taken on the Committee's recommendations in paragraph 9 above.

16. The Committee requests the State party to include in its third periodic report, due to be submitted by 28 October 2013, specific, up-to-date information on follow-up action taken on all the recommendations made and on the implementation of the Covenant as a whole. The Committee also requests that the third periodic report be prepared in consultation with civil society entities operating in the State party.
