



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Seventy-sixth session

Geneva, 15 February–12 March 2010

## List of issues to be taken up in connection with the consideration of periodic reports submitted by States parties

### Initial to sixth periodic reports of Monaco (CERD/C/MCO/6)\*

#### Article 1

1. The Constitution provides for different treatment of the rights of nationals and the rights of all residents, including with regard to employment, free education and assistance in the event of illness or unemployment. Please indicate the measures taken by the State party to ensure that the preference given to Monegasque citizens is matched by legal protection against racial discrimination.

#### Article 2

2. Please provide information on any measures taken to set up a system for the collection of data on hate crimes, as well as on racism and racial discrimination.

3. Please indicate whether the new Act on the status of civil servants contains the necessary guarantees against racial discrimination.

4. Please provide specific examples of any efforts made by the human rights unit in the Department of External Relations to promote and protect human rights (paras. 68–69). Please also indicate whether this unit is responsible for questions relating to racism and racial discrimination (para. 70).

5. Please indicate whether the State party plans to establish an independent national human rights institution in conformity with the Paris Principles and responsible, inter alia, for combating racism and racial discrimination.

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\* The paragraphs cited in parentheses refer to the report of the State party, which was issued under the symbol CERD/C/MCO/6.

6. Please indicate whether, in the course of their service, Monegasque judges, members of the judicial branch and police officers have received specific training on questions relating to racism and racial discrimination.

#### **Article 4**

7. Please indicate whether the State party has already incorporated a definition of racial discrimination into the new Criminal Code in accordance with article 1 of the International Convention on the Elimination of Racial Discrimination and whether racist, anti-Semitic or xenophobic motives for an offence have been included as aggravating circumstances (para. 78).

8. Please indicate whether the State party has adopted draft law No. 818 on computer-related offences, which would add a new article 234-1 to the Criminal Code punishing threats of a racist nature or based on racial discrimination.<sup>1</sup>

#### **Article 5**

9. Please indicate the measures taken by the State party to ensure that foreigners can be assisted, where necessary, by interpreters and translators during their detention and legal proceedings.

10. Please indicate whether the State party plans to revise articles 54 and 79 of the Constitution, which stipulates that naturalized Monegasques must be citizens for five years before becoming eligible to hold office in the National Council or at local level.

11. Monegasque nationality is granted solely by the Prince of Monaco, who is not bound to give reasons for his decision to refuse naturalization or reinstate nationality (paras. 25 and 29). Please indicate what measures have been taken by the State to prevent racial discrimination during the naturalization procedure (paras. 31–34).

12. Please provide information on the introduction of procedural guarantees to protect against racism and racial discrimination during expulsion and refoulement procedures (paras. 60–65) and during the asylum procedure (paras. 66–67).

13. Please provide information on measures taken by the State party to combat direct and indirect racial discrimination, in particular in the area of employment. Please also indicate whether the State party has adopted the two acts on fixed-term contracts and open-ended contracts in Monaco, and describe their content.

14. Please provide any information on the number of complaints received by the Labour Inspectorate concerning racism and racial discrimination at the workplace.

15. Please indicate whether the State party has taken any measures to employ persons belonging to minorities in the Government.

16. According to information available to the Committee, a non-Monegasque national must reside in Monaco for five years in order to be eligible for housing subsidies and for certain social and medical assistance measures. Please indicate whether the State party plans to reduce the duration of residence.

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<sup>1</sup> Replies by the Government of Monaco to the list of issues to be taken up in connection with the consideration by the Human Rights Committee of the second periodic report of Monaco (CCPR/C/MCO/Q/2/Add.1), Question No. 20.

**Article 6**

17. Please indicate whether the State party plans to set up an institution such as the office of the ombudsman to address human rights issues, including racism and racial discrimination.

**Article 7**

18. In paragraph 89 of its core document, submitted in 2002 (HRI/CORE/1/Add.118), the State party indicates that the Government plans to transmit all the reports it has submitted under various international human rights instruments to the Principality's press centre and to disseminate them through Monaco's official web site ([www.gouv.mc](http://www.gouv.mc)) to the public at large, non-governmental organizations and associations in Monaco concerned with the questions addressed. Please indicate whether this has now been done.

19. Please indicate whether there is a code of ethics for Monegasque journalists which takes into consideration the provisions of the Convention concerning incitement to racial hatred through hate speech. Please also indicate whether the State party plans to establish an independent supervisory body responsible for dealing with complaints against the media. Lastly, please indicate whether the State party plans to adopt a code of ethics for the media which takes into account, inter alia, the question of racism and racial discrimination.

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