



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE SECOND PERIODIC REPORT OF MONACO
(CCPR/C/MCO/2)**

**Constitutional and legal framework within which
the Covenant is implemented
(art. 2)**

1. Has the State party reduced the number of interpretative declarations, in particular those which have become obsolete and unnecessary in the light of developments that have taken place in the State party, especially with regard to articles 13, 14, paragraph 5, and 19 of the Covenant? Does the State party contemplate withdrawing the reservation that it entered concerning article 25 of the Covenant (see the Committee's previous concluding observations (CCPR/CO/72/MCO), paragraph 4)?
2. Please cite examples of cases in which the provisions of the Covenant have been invoked before or by the courts and state the impact thereof (see previous concluding observations, paragraph 5, and State party report (CCPR/C/MCO/2), paragraph 258).
3. Does the State party envisage establishing an independent national institution for the protection of human rights in accordance with the Paris Principles (General Assembly resolution 48/134, annex) (see previous concluding observations, paragraph 6)?
4. Does the State party plan to ratify the Optional Protocol to the Covenant?
5. Please indicate whether the human rights and fundamental freedoms unit is competent to follow up the recommendations of the Committee. Please also indicate whether this unit is competent to receive individual communications (see State party report, paragraphs 260-262).

Measures to combat terrorism; respect for the rights guaranteed in the Covenant

6. Please provide detailed information on the legislation in force on counter-terrorism in particular with regard to its compatibility with respect for the rights guaranteed by the Covenant. What is the definition contained in the legislation?

Non-discrimination and equal rights of men and women (arts. 3, 23 and 26)

7. Please provide detailed data, in particular indicating percentages, on executive positions occupied by women in the private and public sectors. What measures has the State party taken to ensure equality of opportunity for women to serve in public office? Is there a law prohibiting sexual harassment in the workplace and in education, and how is it enforced? Does the State party envisage increasing the representation of women within Government (see previous concluding observations, paragraph 8, and State party report, paragraphs 307 and 320)?

8. Please provide detailed information on violence against women, especially domestic violence. Please provide statistics concerning the number of complaints registered, the number of judicial inquiries conducted, the penalties imposed and the compensation awarded to victims. Has the State party adopted specific legislation on domestic violence against women?

9. Does the State party contemplate amending article 196 of the Civil Code, which gives husbands the right to choose the couple's place of residence (see previous concluding observations, paragraph 9)?

10. Please specify which restrictions remain in force with regard to the transmission of nationality by naturalized Monegasque women to their children. Does the State party envisage amending the national legislation on this matter (see previous concluding observations, paragraph 10, and State party report, paragraph 579)?

**Right to life and treatment of prisoners
(arts. 6 and 10)**

11. Please provide further information on the draft law on the medical termination of pregnancy and indicate whether this draft law will include exceptions to the general ban on abortion for medical reasons and in cases of pregnancy resulting from rape or incest (see State party report, paragraph 365).

12. Please provide information on the draft law which would formally establish a 24-hour period of police custody which could in certain cases be extended twice, up to a maximum of 72 hours. Please specify in which cases. Has the draft law been adopted?

13. Does the State party envisage establishing detention centres specifically for juveniles (see State party report, paragraph 423)?

**Right to enter, leave and move freely within a country
(art. 12)**

14. Please indicate whether the State party has repealed the provision concerning banishment mentioned in article 7 of the Criminal Code and, subsequently, in articles 17, 20, 21 and 24 thereof (see previous concluding observations, paragraph 18, and State party report, paragraphs 432-434).

**Right to a fair trial
(art. 14)**

15. Please indicate whether the draft amendment to the Code of Criminal Procedure, which guarantees, inter alia, the presumption of innocence and the right of any person in police custody to obtain the assistance of a legal representative of his choosing, has been adopted by the National Council (see previous concluding observations, paragraphs 14 and 15, and State party report, paragraphs 400 and 452-455).

**Right of peaceful assembly
(art. 21)**

16. Does the State party envisage extending the scope of article 29 of the Constitution concerning the right of peaceful assembly to all persons under Monegasque jurisdiction?

**Freedom of association
(art. 22)**

17. Has the State party adopted the draft law on freedom of association that was tabled at the National Council? If so, please provide information on the provisions contained in the law (see State party report, paragraph 511).

**Rights of the child and right to equal protection under the law
(arts. 24 and 26)**

18. Has the State party adopted appropriate legislation so that children born out of wedlock may enjoy the same rights as other children (see previous concluding observations, paragraph 11)?

**Right to equality before the law and equal protection under the law
(art. 26)**

19. Please provide detailed information on the proposed reform of the Criminal Code, which would introduce a specific penalty for racial discrimination and provide for aggravating circumstances in cases of racist and xenophobic insult (see previous concluding observations, paragraph 13, and State party report, paragraph 591).

20. Please specify whether the two draft laws currently under consideration, one on sport and the other on computer crime, which should include provisions specifically designed to combat racist attitudes, expressions and problems linked to intolerance, have been adopted (see State party report, paragraph 503).

**Dissemination of information relating to the Covenant
and the Optional Protocol
(art. 2)**

21. Please provide more detailed information on the training provided to public officials, in particular to judges and police officers, concerning the provisions of the Covenant (see State party report, paragraphs 589 and 590).

22. Does the State party envisage encouraging the establishment of non-governmental human rights organizations in the State party (see State party report, paragraph 261)?

23. Please indicate whether the State party has disseminated information on the provisions of the Covenant and the previous concluding observations of the Committee and, also, the reporting process for the present report (see previous concluding observations, paragraph 21).
