

Responses to Recommendations

MONACO

Review in the Working Group: 4 May 2009
 Adoption in the Plenary: 23 September 2009

Monaco's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
23 REC accepted; 7 rejected; 11 pending	No addendum	Out of the 11 pending, 4 rejected and 7 commented on but no clear position given	None	Accepted: 23 Rejected: 11 No clear position: 7 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/3:

“80. The recommendations formulated during the interactive dialogue have been examined by Monaco and the recommendations listed below enjoy the support of Monaco:

A - 1. Sign and ratify the United Nations Convention on the Rights of Persons with Disabilities (Italy, Argentina) as soon as possible (Italy);

A - 2. Amend privacy legislation so as to bring it in line with recommendations on video surveillance of 11 March 2009 by the Human Rights Commissioner of the Council of Europe (Netherlands);

A - 3. Use public awareness-raising campaigns to prevent discrimination, if they have not yet been implemented (Argentina);

A - 4. Within the context of item e) of Human Rights Council resolution 9/12, ensure that the system of priorities in the employment sector does not imply discrimination on the grounds of race, color, nationality, religion, language or ethnic or national origin (Brazil);

A - 5. Broaden criminal legislation regarding racist acts by considering racist motivations of criminal offences as an aggravating circumstance at the time of sentencing (Germany);

A - 6. Continue efforts to ensure men and women the same legal rights in all areas of legislation, including those related to marriage and requirements to acquire Monegasque nationality (Sweden);

A - 7. Amend the provision of the Civil Code stating that “a child born out of wedlock has, in his or her non-proprietary relations with his or her father or mother, the same rights and obligations as a legitimate child” so as to put an end to this form of discrimination in terms of property succession (Congo);

A - 8. Make the conditions for acquiring and transferring nationality the same for men and women (Congo);

A - 9. Ensure that relevant rules are applied equally irrespective of sex and adopt legislation to allow the transmission of nationality by naturalized Monegasque women to their children (Azerbaijan);

A - 10. Further strengthen its policy and programmatic response to address domestic violence against women (Canada);

A - 11. Envisage specific training or awareness campaigns to inform the victims of domestic violence of their rights (Luxembourg);

A - 12. Provide State officials and judiciary and law enforcement officials with human rights training specifically focusing on the protection of human rights, in particular those of vulnerable groups, and on the practical implications of the 2005 Law on freedom of public expression (Czech Republic);

A - 13. Abolish banishment in view of its inhumane character (Congo);

A - 14. Consider steps to encourage the participation of women in the Government Council (Canada);

A - 15. Complete the reviews under way to update labour legislation, giving particular attention to issues of harassment in the workplace (Canada);

A - 16. Provide adequate protection to all categories of workers and their families, including self-employed workers through the social security regime (Argentina);

A - 17. Include human rights education in the school curricula and teachers' education (Czech Republic);

A - 18. Review its national legislation and practice so that they comply with the principle of non-refoulement (Czech Republic);

A - 19. Take further measures to ensure that the definition of terrorist acts in Monaco is in line with its human rights obligations (Sweden);

A - 20. Share its experience with other countries concerning preventive measures against affronts to human dignity and against racism as mentioned in paragraphs 110 and 111 of the national report (A/HRC/WG.6/5/MCO/1) (Morocco);

A - 21. Share with the members of the international community its best practices and policies and programmes, including educational programmes, with respect to women, children, older persons and persons with disabilities (Philippines);

A - 22. Pursue and strengthen the financial support it is already providing for the fight against poverty in developing countries (Algeria);

A - 23. Make sustained efforts to realize its commitments to contribute to the achievement of internationally-agreed development goals by raising its aid financing to at least 0.7 per cent of its GDP to reinforce the suggestions made by different Treaty Bodies (Bangladesh).

81. The following recommendations will be examined by Monaco, which will provide responses in due time. The responses of Monaco to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session.

R - 1. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance(CED), signed by Monaco in 2007 (France);

NC - 2. Accede to (France)/Consider ratifying (Slovenia) the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

NC - 3. Join the International Labour Organization (ILO) and accede to relevant ILO conventions (Algeria);

NC - 4. Become a member of ILO and ratify its conventions, in particular, Convention N° 111 concerning discrimination in respect of employment and occupation (Mexico);

NC - 5. Consider ratifying the Rome Statute of the International Criminal Court (Slovenia);

NC - 6. Ratify ILO Convention No. 111 as recommended by the United Nations treaty bodies and the European Commission against Racism and Intolerance (Azerbaijan);

R - 7. Consider ratifying (Azerbaijan)/Sign and ratify (United Kingdom)/Accede to (Czech Republic) the Optional Protocol to the Convention against Torture (OPCAT);

NC - 8. Ratify a number of conventions, inter alia, the Rome Statute of the International Criminal Court and the CED (Argentina);

R - 9. Establish an independent national human rights institution and ensure that it complies with the Paris Principles (Azerbaijan) / in accordance with the Paris Principles (United Kingdom);

R - 10. In keeping with its commitment to protect and promote human rights, consider establishing an independent human rights commission according to the Paris Principles to reinforce the suggestions made by different Treaty Bodies (Bangladesh);

NC - 11. Include in its national criminal legislation a definition of torture in compliance with the provisions of the CAT (Czech Republic);

82. The recommendations noted in paragraphs 31 (b), 33 (a), 37, 38 (b), 43 (a)(ii), 68 (d)(i) and 74 (a) above did not enjoy the support of Monaco:

1. With regard to the recommendations in paragraphs 31 (b) (Algeria), 38 (b) (Mexico), 43 (a)(ii) (Azerbaijan), 68 (d)(i) (Argentina) and 74 (a) (the Philippines), Monaco indicated that the International Convention on the Rights of All Migrant Workers and Members of their Families does not appear to be adapted to the realities of the country. It recalled that the right to health and the right to education are fully vested to persons working in Monaco who do not have Monegasque nationality. Specific support measures, notably related to housing, are foreseen for the most vulnerable people and strict working condition controls are implemented to prevent any kind of exploitation. Measures which have been adopted so far do respond to the purposes of the Convention.

R - Paragraph 31 (b) (Algeria) "Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMWC)"

R - Paragraph 38 (b) (Mexico) "Take the necessary measures to guarantee human rights of migrants, including ratifying ICRMW"

R - Paragraph 43 (a)(ii) (Azerbaijan) "Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families"

R - Paragraph 68 (d)(i) (Argentina) "Sign and ratify ICRMW"

R - Paragraph 74 (a) (the Philippines) "Consider signing and ratifying the International Convention on the Rights of All Migrant Workers and Members of their Families"

2. With regard to the recommendation in paragraph 33 (a) (the Netherlands), Monaco indicated that

civil and political rights (right to be elected and to vote) belong only to persons with Monegasque nationality all the more so as the latter are demographically a minority. Nevertheless, foreigners participate in public life through their representation in the Economic and Social Council and through the various associations in charge of defending their interests, and as such, are entitled to interact with public authorities.

R - Paragraph 33 (a) (the Netherlands) “Actively consider widening opportunities for foreign inhabitants to participate actively in political life”

3. With regard to the recommendation in paragraph 37 (United States), Monaco indicated that freedom of expression (in particular press freedom) is fully guaranteed in the country without prejudice to the right of the Royal Family to protect itself against insult and intrusion of privacy. Moreover, this right was recognized at the international level by the European Court of Human Rights. The recommendation in paragraph 37 can only be rejected, as no law modification is required. Freedom of expression is indeed already guaranteed.”

R - Paragraph 37 (United States) “Recommended that the Government uphold freedom of expression, including with respect to public denunciations of the royal family”

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