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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-sixth session
Geneva, 1-19 May 2006

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on Economic,
Social and Cultural Rights**

MONACO

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Monaco on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.64) at its 3rd and 4th meetings, held on 2 May 2006 (E/C.12/2006/SR.3 and 4), and adopted, at its 19th meeting, held on 19 May 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party and its written replies to the list of issues to be considered. It also welcomes the frank and constructive dialogue with the delegation of the State party. The Committee takes note of the additional information supplied by the State party in the form of an amended report. However, it regrets that the amended report was submitted only on the eve of the session at which the report was to be considered, which made it difficult to take the additional information into account.

B. Positive aspects

3. The Committee notes with satisfaction the adoption of the Act of 15 July 2005 on freedom of public expression, which criminalizes insults of a racial, ethnic or religious nature and insults based on real or supposed sexual orientation.
4. The Committee welcomes the State party's accession in March 2005 to the Convention on the Elimination of All Forms of Discrimination against Women.
5. The Committee notes with satisfaction that unemployment is virtually non-existent in the State party.
6. The Committee notes with satisfaction the major efforts made by the State party to modernize its legislation, including by amending the Civil Code so as to ban any discrimination between children born in or out of wedlock or of adulterous or incestuous relationships. It welcomes the fact that the Civil Code now refers only to "children" or "descendants". It also welcomes the replacement in the Code of the concept of paternal authority with that of parental authority.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes that there are no major factors or difficulties impeding the effective implementation of the Covenant in Monaco.

D. Principal subjects of concern

8. The Committee expresses concern at the interpretative declarations and reservations, particularly with regard to article 2, paragraph 2, and articles 6, 9 and 13, entered by the State party when it ratified the Covenant.
9. While the Committee welcomes the adoption of Act No. 1296 of 12 May 2005 on the transmission of Monegasque nationality from mothers to their children, it remains concerned about the restrictions that prevent naturalized women from transmitting Monegasque nationality to their children in the event of a divorce.
10. The Committee is concerned that non-Monegasques continue to be subject to a five-year residence requirement which prevents them from enjoying the right to housing and access to social welfare and medical treatment (arts. 2, para. 2, and 11 of the Covenant).
11. While taking note of the amendments made to the Civil Code, the Committee is concerned at the fact that there are different legal requirements for men and women wishing to acquire Monegasque nationality (art. 3 of the Covenant).
12. The Committee notes that there is an effective social security system for salaried employees. It regrets, however, that family benefits are not included in the social security regime applicable to the self-employed (art. 9 of the Covenant).
13. The Committee notes with concern the health problems affecting young people, resulting in particular from drug use and drug addiction (arts. 10 and 12 of the Covenant).

14. The Committee is concerned at the lack of specific legislation on domestic violence against women (arts. 10 and 12 of the Covenant).

15. The Committee notes with concern that abortion is illegal in all circumstances in the State party's legal system (art. 12).

E. Suggestions and recommendations

16. The Committee recommends that the State party withdraw its interpretative declarations and reservations. The Committee encourages the State party to review them, especially those that have become or are becoming obsolete or pointless, including those relating to article 2, paragraph 2, and articles 6, 9 and 13 of the Covenant, in the light of developments in the State party.

17. The Committee encourages the State party to adopt legislation that provides for equality at law in respect of the transmission of nationality to children by Monegasque women, regardless of the manner in which nationality was acquired.

18. The Committee recommends that the State party reduce the five-year residence requirement for non-Monegasques to enjoy the right to housing and access to social welfare and medical treatment.

19. The Committee recommends that the rules on acquisition of nationality should be the same for men and for women.

20. The Committee recommends that the State party ensure that the social security system provides adequate protection to all categories of workers and their families.

21. The Committee recommends that the State party step up its efforts to combat and prevent drug addiction, particularly among young people, and that it adopt specific legislation in that regard.

22. The Committee recommends that the State party consider adopting specific legislation making domestic violence a criminal offence, and establish judicial procedures to protect women who are victims of domestic violence.

23. The Committee recommends that the State party review its legislation on abortion and that it consider making exceptions to the general ban on abortion where there are therapeutic reasons for so doing and in cases where pregnancy is the result of rape or incest.

24. The Committee encourages the State party to establish an independent national human rights institution, in accordance with the Paris Principles (General Assembly resolution 48/134), with a mandate to protect and promote all human rights, including economic, social and cultural rights.

25. The Committee recommends that the State party bring its legislation relating specifically to economic, social and cultural rights into line with the amended Civil Code.

26. The Committee encourages the State party to join the International Labour Organization (ILO) and sign and ratify those ILO conventions that relate to the provisions of the Covenant.

27. The Committee encourages the State party to ensure that human rights education is provided in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

28. The Committee encourages the State party to accede to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education.

29. The Committee encourages the State party to raise its level of aid funding to the minimum recommended by the United Nations, namely 0.7 per cent of gross national product (GNP).

30. The Committee requests the State party to provide disaggregated data relating to the implementation of the Covenant, and particularly on the incidence of work-related illness and the frequency of review of the minimum wage, and refers the State party in this regard to its general comment No. 14, particularly paragraphs 43 and 44, on core obligations. It also recommends that this information should be used to strengthen policies, programmes and monitoring with regard to the Covenant.

31. The Committee requests the State party to disseminate widely the present concluding observations at all levels of society and to inform the Committee in its next periodic report about all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

32. Finally, the Committee requests the State party to submit its second and third periodic reports as a single document by 30 June 2009.
