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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Monaco**

The present report is a summary of two stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. The Council of Europe Commission against Racism and Intolerance (COE/ECRI) indicated that Monaco has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, albeit with a reservation to Article 2 (1)5 and noted in this respect that Monaco “reserves the right to apply its own legal provisions concerning the admission of foreigners to the labour market of the Principality”. COE/ECRI welcomed Monaco’s decision to recognize the competence of the Committee for the Elimination of Racial Discrimination to receive and consider, under Article 14 of the said Convention, complaints from individuals and groups of individuals alleging violations by the State of the rights set out therein.<sup>2</sup>

2. COE/ECRI mentioned that Monaco has not ratified International Labour Organization (ILO) Convention 111 on discrimination (employment and occupation) as it is not a member of the ILO<sup>3</sup> and recommended that Monaco ratify the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>4</sup>

3. COE/ECRI recommended that that Monaco withdraw the interpretative declarations and reservations made under Articles 2.2, 6, 9, 11 and 13 of the International Covenant on Economic, Social and Cultural Rights.<sup>5</sup> The Government of Monaco made comments regarding this recommendation.<sup>6</sup>

### **B. Constitutional and legislative framework**

4. COE/ECRI stated that the Constitution of Monaco includes provisions granting rights to Monegasques alone and that the Monegasque authorities have explained that this differentiation is necessary because of the particular situation of nationals, who are a minority in their own country. However, while understanding this distinctive feature of Monegasque society, which can indeed, in some cases, justify differential treatment based on objective and reasonable criteria, COE/ECRI stressed that such differential treatment should not in practice result in discrimination.<sup>7</sup> It recommended that the Monegasque authorities include in the Constitution of Monaco a provision establishing the principle of equal treatment, the State’s commitment to promoting equality and the right of individuals to be free from discrimination on grounds such as race, colour, language, religion, nationality and national or ethnic origin.<sup>8</sup>

5. COE/ECRI noted that regarding naturalized Monegasques’ participation in the electoral process, Articles 54 and 79 of the Constitution provide that they are not eligible to stand in local or national elections until they have been naturalized for five years and that the Monegasque authorities are reviewing this provision in order to reduce the requirement to one year, which is a positive step in the integration of naturalized persons.<sup>9</sup> COE/ECRI encouraged the Monegasque authorities in this review and recommended its completion as soon as possible. It also recommended that Article 29 of the Constitution, which grants the right of peaceful assembly to Monegasques alone, be extended to all persons within Monaco’s jurisdiction.<sup>10</sup>

6. COE/ECRI called on the Monegasque authorities to ensure that the Principality’s legislation includes the requirement that reasons be given for decisions concerning applications for naturalization.<sup>11</sup> The Government of Monaco made comments regarding this issue.<sup>12</sup>

### **C. Institutional and human rights infrastructure**

7. COE/ECRI mentioned that there is no independent body specializing in the protection of human rights and/or in combating racism and racial discrimination in Monaco and that it was informed by the Monegasque authorities that they are considering setting up a human rights institution. It recommended that the Monegasque authorities set up, as soon as possible, an independent body specializing in the protection of human rights, whose tasks will include combating racism and racial discrimination.<sup>13</sup> The Government of Monaco made comments regarding the issues raised in this paragraph.<sup>14</sup>

8. COE/ECRI welcomed the Monegasque government's decision to set up, on 23 March 2006, a commission responsible for considering requests by victims of despoilment in Monaco during the Second World War or their heirs.<sup>15</sup> It encouraged the Monegasque authorities to continue to provide material and logistical support to the Commission and recommended that they ensure that the Commission's decisions are implemented.<sup>16</sup>

### **D. Policy measures**

9. COE/ECRI recommended that the Monegasque authorities step up their efforts to include human rights education in general, and education for combating racism and racial discrimination in particular, including through a cross-disciplinary approach, in the Principality's school curricula. It also recommended that school curricula cover the contribution of the various communities living in Monaco to Monegasque society and awareness-raising on the subject of diversity.<sup>17</sup> COE/ECRI further recommended that the Monegasque authorities continue to ensure that teaching staff at all levels receive initial and in-service training in human rights in general and issues concerning racism and racial discrimination in particular.<sup>18</sup>

10. COE/ECRI recommended that the Monegasque authorities consider ways of establishing a system for ethnic data collection according to the rules laid down by Law No.1.165 regulating the processing of nominal information, in order to assess the situation of the various groups living in the Principality and frame policies aimed at resolving the problems they might face in areas such as employment, housing and access to state benefits and public services. It also recommended that they conduct an information campaign on the law and on the work of the Monitoring Commission for Nominal Information.<sup>19</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **Implementation of international human rights obligations,**

#### **1. Equality and non discrimination**

11. As regards legislation against racist acts, COE/ECRI welcomed Law No.1.299 of 15 July 2005 on freedom of public expression<sup>20</sup> and recommended that the Monegasque authorities ensure that the general public and all those concerned are aware of the sections of the law on freedom of public expression that concern incitement to racial hatred and that members of the judiciary and police officers receive training in applying these provisions.<sup>21</sup> COE/ECRI stated that apart from this law, Monaco's criminal legislation does not provide for sanctions in respect of other types of racist act, such as attacks motivated by racial hatred, nor does it provide for the racist motivation of a criminal offence to be considered as an aggravating circumstance at the time of sentencing.<sup>22</sup> COE/ECRI recommended that the Monegasque authorities ensure, in accordance with paragraphs 18-23 of its General Policy Recommendation No.7, that the Principality's criminal legislation provides for racist acts to be punished and for the racist

motivation of a criminal offence to be considered as an aggravating circumstance at the time of sentencing and that criminal legislation is amended accordingly.<sup>23</sup> The Government of Monaco made comments regarding the issues raised in this paragraph.<sup>24</sup> COE/ECRI recommended that the Monegasque authorities ensure that criminal offences of a racist nature committed in Monaco are in practice listed separately so that, if necessary, the existence of this type of problem can be established and appropriate measures can be taken.<sup>25</sup> The Government of Monaco made comments regarding this recommendation.<sup>26</sup>

12. COE/ECRI noted that, generally speaking, the Principality appears to lack civil and administrative legislation against racial discrimination in areas such as employment and said that it was informed by the Monegasque authorities that the National Council is considering two bills on fixed-term and indefinite-term employment contracts.<sup>27</sup> According to COE/ECRI, such legislation should 1) define and prohibit direct and indirect racial discrimination, and 2) provide that acts such as announced intention to discriminate, instructing another to discriminate and inciting another to discriminate are considered as forms of discrimination. The legislation should also provide that the prohibition of discrimination applies to all public authorities as well as to all natural or legal persons, both in the public and in the private sector, in all areas, including employment, membership of professional organizations, education, housing, health, social protection, goods and services intended for the public and public places, and the pursuit of economic activity.<sup>28</sup>

13. COE/ECRI encouraged the Monegasque authorities in their enactment of the bills on fixed-term and indefinite-term employment contracts and recommended that they ensure that this is done without delay and that these laws include provisions against racial discrimination, in line with its General Policy Recommendation No.7.<sup>29</sup>

## **2. Right to life, liberty and security of the person**

14. Le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (COE/CPT) a indiqué que lors de la visite de sa délégation à Monaco (28-31 Mars 2006), cette dernière n'a entendu aucune allégation de torture ou de mauvais traitements physiques graves de la part de personnes qui ont été récemment détenues par la police et n'a recueilli aucun autre indice en ce sens. COE/CPT a ajouté que les informations récoltées auprès d'autres sources - notamment auprès de magistrats, d'avocats, et de membres du corps médical, viennent confirmer cette impression positive de la délégation.<sup>30</sup>

15. Cela étant, COE/CPT a signalé que la délégation a recueilli de nombreuses plaintes relatives au menottage serré systématique des personnes interpellées ou escortées par les membres de la police et que la délégation a pu observer par elle-même, lors de visites dans différents lieux de privation de liberté - et notamment lors de l'admission de nouveaux entrants à la maison d'arrêt - la généralisation de cette pratique. En outre, elle a pris connaissance de certificats médicaux faisant état de séquelles neurologiques temporaires consécutives à l'usage de telles pratiques.<sup>31</sup>

16. Dans ce contexte, COE/CPT a souligné que la délégation a pris connaissance des instructions sommaires régissant le menottage diffusées au sein des services de la Sûreté Publique et a considéré que ces instructions apparaissent comme par trop générales et il importe que des instructions plus détaillées soient diffusées, insistant sur les notions d'opportunité et de proportionnalité, et donnant au personnel des indications pratiques sur les procédures à suivre en cas de menottage. De plus, l'avis des autorités judiciaires et administratives devrait être recueilli lors de l'élaboration des nouvelles instructions, dans les domaines relevant de leur responsabilité

respective. COE/CPT a recommandé qu'une circulaire détaillée concernant le menottage soit élaborée et diffusée au sein de la police monégasque, à la lumière des commentaires ci-dessus.<sup>32</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>33</sup>

17. COE/CPT a fait savoir que lors de l'examen de la législation monégasque, il est apparu que l'incrimination de la torture n'était pas spécifiquement prévue, s'agissant d'infractions commises sur le territoire de la Principauté et qu'en l'espèce, la torture est poursuivie *in se* lorsque les faits ont été commis en dehors du territoire de la Principauté (article 8, 1er alinéa, Code de Procédure Pénale) ou constituent des circonstances aggravantes dans le contexte de certains crimes contre les personnes. De plus, la notion de torture n'a pas été explicitement retenue dans le texte de la Constitution, révisée en 2002. COE/CPT a invité les autorités monégasques à prendre des mesures visant à permettre l'incrimination du crime de torture dans le Code Pénal monégasque.<sup>34</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>35</sup>

18. COE/CPT a précisé qu'aucune allégation de mauvais traitements physiques de patients par le personnel du Service de psychiatrie et de psychologie médicale du Centre Hospitalier Princesse Grace (CHPG) n'a été recueillie lors de la visite et que bien au contraire, le personnel maintenait un excellent rapport avec les patients. Toutefois, COE/CPT s'est dit très préoccupé par les pratiques suivies en matière d'utilisation de moyens de contrainte par les membres de la police affectés à la surveillance de détenus hospitalisés. En effet, la délégation du COE/CPT a constaté que ces pratiques étaient parfois mises en œuvre en dehors de tout assentiment du corps médical, voire même contrairement à ses consignes explicites.<sup>36</sup>

19. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment of children is lawful in alternative care settings<sup>37</sup> and in the home and that provisions against violence and abuse in the Criminal Code are not interpreted as prohibiting corporal punishment in childrearing.<sup>38</sup> It added that corporal punishment in schools is considered unlawful and is not among the permitted disciplinary measures in the Education Law (2007), but that there is no explicit prohibition.<sup>39</sup> Corporal punishment is unlawful in the penal system as a sentence for crime and it is considered unlawful as a disciplinary measure in penal institutions but there is no explicit prohibition, according to GIEACPC.<sup>40</sup>

20. GIEACPC recalled that in its concluding observations on Monaco's initial report in 2001, the Committee on the Rights of the Child expressed concern that corporal punishment is not prohibited by law, and recommended prohibition in the family.<sup>41</sup>

### 3. Administration of justice and the rule of law

21. COE/CPT a soulevé la question du respect du prescrit de l'article 19 de la Constitution, qui stipule que "hormis le cas de flagrant délit, nul ne peut être arrêté qu'en vertu de l'ordonnance motivée du juge, laquelle doit être signifiée au moment de l'arrestation ou, au plus tard, dans les 24 heures". En effet, la délégation du COE/CPT a constaté que le délai en question (c'est-à-dire, 24 heures au plus entre la privation de liberté effective et la signification de l'ordonnance motivée du juge) n'était pas toujours respecté et avait même été dépassé, et ce à plusieurs reprises, de plusieurs heures.<sup>42</sup>

22. COE/CPT a indiqué qu'une pratique se serait développée à travers les années au sein de la Sûreté Publique, selon laquelle les fonctionnaires de police se limitaient à mettre la personne concernée à disposition du magistrat dans un délai maximum de 24 heures et a estimé qu'une telle interprétation n'est pas conforme au prescrit constitutionnel, lequel prévoit explicitement

que l'ordonnance motivée du juge doit être signifiée dans les 24 heures de la privation de liberté. COE/CPT a recommandé qu'il soit mis immédiatement fin à cette pratique et qu'une copie du mandat d'arrêt - portant mention de l'heure à laquelle il a été décerné - devrait être remise au détenu.<sup>43</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>44</sup>

23. COE/CPT a mis en évidence une lacune majeure dont souffre la Maison d'arrêt de Monaco, et ce malgré les travaux importants réalisés ces vingt dernières années. Les quartiers cellulaires de l'établissement ont été aménagés, pour leur plus grande part, au sein d'une ancienne poudrière militaire, dont la vocation première n'était certainement pas l'hébergement de détenus. COE/CPT a considéré que cet état de choses affecte notablement - et, très vraisemblablement, de manière irrémédiable - certains aspects de la vie pénitentiaire. En conséquence, il a recommandé aux autorités monégasques de commencer à explorer les voies et moyens permettant un transfert, à terme, de la Maison d'arrêt de Monaco dans de nouvelles installations, conçues, celles-ci, en fonction de leur finalité pénitentiaire.<sup>45</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>46</sup>

24. COE/CPT a précisé qu'outre l'absence de programmes d'activités, la Maison d'arrêt de Monaco connaissait, depuis la double évasion de 2003, un régime de restrictions, appliqué indistinctement à tous les détenus, qualifié de "tolérance zéro" et que cette formule visait à "sanctuariser" le quartier cellulaire et à exclure totalement toute introduction d'objets personnels (nourriture, vêtements de rechange, colis des familles, etc.) aux détenus, condamnés ou prévenus. Le but avéré de cette pratique - rendre impossible toute évasion et éviter tout trafic, ainsi qu'économiser du personnel - ne manquait pas d'avoir des conséquences néfastes sur la vie des détenus.<sup>47</sup>

25. COE/CPT a considéré qu'une politique de restriction dite de "tolérance zéro" qui frappe en permanence et sans aucune distinction tous les détenus, condamnés et prévenus, hommes et femmes, mineurs et adultes, est inacceptable. Il a ajouté qu'un tel régime de restriction ne serait justifié que s'il était motivé par une évaluation individuelle du risque et mis en œuvre à l'égard de détenus sélectionnés, pendant la période de temps strictement nécessaire. L'appliquer à tous et en tout temps s'apparente à une forme de punition collective déguisée, selon COE/CPT qui a recommandé aux autorités monégasques de réexaminer la pertinence du régime de restriction dit de "tolérance zéro" et a estimé que d'autres mesures, plus sélectives, pourraient être mises en œuvre pour contrôler les personnes/objets entrants en prison.<sup>48</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>49</sup>

26. COE/CPT a rapporté que sa délégation a été informée que la Maison d'arrêt de Monaco hébergeait parfois des mineurs et a estimé qu'incarcérer dans une maison d'arrêt des mineurs de 13 et 14 ans qui doivent être privés de liberté, comme cela avait été le cas pendant une dizaine de jours en décembre 2005, n'est franchement pas souhaitable. COE/CPT a noté qu'il est de loin préférable que de telles personnes soient placées dans des centres de détention spécifiquement dévolus aux mineurs.<sup>50</sup>

27. COE/CPT a déclaré reconnaître les difficultés pratiques auxquelles se trouvent confrontées les autorités monégasques à cet égard ; néanmoins, il s'est dit certain que celles-ci trouveront un moyen de résoudre ce problème. COE/CPT a recommandé que, tant que des mineurs seront incarcérés à la Maison d'arrêt de Monaco, l'on accorde une attention particulière à leur éducation (y compris leur éducation physique), pendant leur détention dans cet établissement.<sup>51</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>52</sup>

28. COE/ECRI recommended that the Monegasque authorities ensure that members of the judiciary<sup>53</sup> and police officers<sup>54</sup> receive initial and in-service training in human rights in general and in issues concerning racism and racial discrimination in particular. The Government of Monaco made comments regarding these recommendations.<sup>55</sup>

#### **4. Right to privacy, marriage and family life**

29. According to COE/ECRI, law No.1.165 of 23 September 1993 regulating the processing of nominal information provides in Section 12 that the collection, recording and use of information indicating membership of a racial or religious group are prohibited unless the persons concerned give their express consent in writing. This section nevertheless provides for some derogations from the rule, namely on the one hand, concerning processing carried out by a public law corporation and justified by reasons relating to the public interest and on the other hand with regard to members of a church institution or a political, religious, philosophical, humanitarian or trade union grouping, within the statutory or social aim of the institution or grouping and for the purposes of its functioning. This law also established the Monitoring Commission for Nominal Information.<sup>56</sup>

30. COE/ECRI recommended that the Monegasque authorities ensure that such a data collection system complies with European regulations and recommendations on data protection and protection of privacy, as recommended in ECRI's General Policy Recommendation No.1 on combating racism, xenophobia, anti-Semitism and intolerance. They should also ensure that data collection fully respects the anonymity and dignity of the persons questioned and complies with the principle of informed consent. In addition, the system for collecting data on racism and racial discrimination should take account of the dimension of equality between women and men, especially in terms of the possibility of double or multiple discrimination.<sup>57</sup>

#### **5. Freedom of expression and association**

31. COE/ECRI said that Monaco has several media outlets, including a daily newspaper edited and printed in France, one weekly newspaper, a private television channel<sup>24</sup> and cable television and that according to the information it has received, no Monegasque journalists have to date been charged with racist or anti-Semitic remarks.<sup>58</sup> COE/ECRI recommended that the Monegasque authorities encourage the setting up of an independent self-regulatory body to deal with complaints against the media and that they encourage the drafting of a code of professional ethics for the media which will take account, among others, of the issues of racism and racial discrimination.<sup>59</sup> The Government of Monaco made comments regarding this recommendation.<sup>60</sup> COE/ECRI also recommended that the Monegasque authorities support any initiatives taken to raise media awareness of these issues.<sup>61</sup>

32. As regards setting up associations, COE/ECRI indicated that members of civil society have welcomed the Monegasque authorities' decision to allow foreigners to set up an association by simply declaring the fact, rather than by requesting authorization as was previously the case. COE/ECRI considered that this decision places them on an equal footing with Monegasque citizens.<sup>62</sup>

#### **6. Right to work and to just and favourable conditions of work**

33. COE/ECRI stated that there is in Monaco's employment sector a system of priority: firstly for citizens, followed by their spouses, non-citizens living in Monaco, then French citizens from the neighbouring municipalities, and lastly non- Monegasques living outside the

Principality and these municipalities. The nationality criterion applies for the purposes of recruitment (on the basis of equal merit), redundancy and the suppression of posts. COE/ECRI indicated that it has no information on the practical application of this system and does not know whether any research has been done on the subject and that it is therefore difficult to establish whether or not there are cases of discrimination in the application of this system.<sup>63</sup> COE/ECRI considered it necessary to adopt legislation to prevent and/or punish, in the implementation of this system, any discrimination on grounds such as race, colour, language, religion, nationality and ethnic or national origin. This law could also cover areas such as promotion and access to training.<sup>64</sup>

34. COE/ECRI called on the Monegasque authorities to ensure that the recruitment and dismissal system established in the Principality does not in practice result in discrimination on grounds such as race, colour, language, religion, nationality and ethnic or national origin and that they establish legal safeguards to that effect, for example by introducing provisions ensuring equality in promotion and access to training.<sup>65</sup> COE/ECRI also recommended that the Monegasque authorities ensure that the new law on the status of non-Monegasque civil servants provides for adequate safeguards against discrimination on grounds such as race, colour, language, religion, nationality and ethnic or national origin.<sup>66</sup>

35. COE/ECRI recommended that the Monegasque authorities continue to combat the use of illegal workers and pay special attention to the situation of domestic employees.<sup>67</sup> The Government of Monaco made comments regarding this recommendation.<sup>68</sup>

## **7. Right to social security and to an adequate standard of living**

36. COE/ECRI mentioned that Monaco has three housing sectors: the public sector, which is state-owned and open only to nationals; the so-called protected sector, which is reserved for Monegasques and other categories of persons, namely the children, spouses, widows/widowers or divorced spouses of a Monegasque, the parents of a child born of a union with a Monegasque, persons born in Monaco who have lived there since birth and whose parents were living there when they were born, and persons who have lived in the Principality for at least 40 continuous years; and the private sector<sup>69</sup>.

37. COE/ECRI recommended that the Monegasque authorities ensure that the housing priority system favouring Monegasque citizens and other categories of persons does not in practice result in discrimination against non-Monegasque workers<sup>70</sup> and that the Monegasque authorities ensure that the five-year residence requirement governing non-Monegasques' eligibility for housing benefit is reduced.<sup>71</sup>

38. COE/ECRI reported that the Principality also distinguishes between Monegasques and non-Monegasques in terms of certain state benefits and that the State thus awards only nationals benefits such as business start-up grants and benefits for unemployed mothers. COE/ECRI noted on this point that Monaco has made interpretative declarations and reservations to Article 2.2 of the International Covenant on Economic, Social and Cultural Rights, which requires States Parties to guarantee that the rights set out in the Covenant will be exercised without any discrimination on grounds such as race, colour, language, religion or national origin.<sup>72</sup>

39. COE/ECRI noted that all workers and pensioners, as well as their families benefit from a social security system and the benefits provided by it. However, it was concerned at the fact that foreigners are required to live in the Principality for five years before being entitled to certain social and medical assistance measures. It therefore welcomed the Monegasque authorities'



assurances that a change to this requirement is under consideration with regard to social assistance.<sup>73</sup>

40. COE/ECRI recommended that the Monegasque authorities ensure that there is no discrimination between nationals and non-nationals in the matter of State benefits.<sup>74</sup> COE/ECRI also recommended that the Monegasque authorities reduce as soon as possible the five-year residence requirement for non-Monegasques to be entitled to social and medical assistance.<sup>75</sup>

41. COE/CPT a souligné que la législation actuelle concernant le placement et la protection des malades mentaux en Principauté de Monaco apparaît globalement conforme aux critères énoncés par le COE/CPT en la matière, mais que deux lacunes sont à mettre en évidence : tout d'abord, la délégation du COE/CPT a constaté que la ratification judiciaire de la mesure initiale de placement n'intervenait généralement que dans un délai de 4 à 6 semaines après l'hospitalisation d'office, alors que la durée moyenne d'hospitalisation d'office au CHPG était de 1 à 3 mois. Il était dès lors courant que la ratification judiciaire intervienne seulement dans les jours qui précédaient la proposition de main levée formulée par le médecin chef de service du CHPG. COE/CPT a recommandé aux autorités monégasques de prendre des mesures immédiates visant à raccourcir sensiblement la durée des procédures de ratification judiciaire en question.<sup>76</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>77</sup>

42. En outre, le juge n'entendait pas le patient concerné, se limitant au contrôle in camera des divers éléments du dossier (certificat médical, rapport d'expertise, etc.). COE/CPT a estimé que la tenue d'une audience judiciaire à l'hôpital - permettant un contact direct entre toutes les parties en cause (à savoir le patient, le médecin et le juge) - devrait venir compléter l'examen des pièces de procédures in camera et qu'une telle audience permettrait au juge non seulement d'entendre les explications éventuelles du patient et du médecin, mais aussi de communiquer directement sa décision au patient (avec l'aide du médecin, si nécessaire). De plus, l'ordonnance du juge devrait figurer dans le dossier du patient et ce dernier devrait en recevoir copie. COE/CPT a recommandé que les autorités monégasques prennent des mesures visant à améliorer la procédure suivie en matière de placement non volontaire de patients psychiatriques.<sup>78</sup> Les autorités Monégasques ont fait des commentaires concernant cette recommandation.<sup>79</sup>

## **8. Right to education and to participate in the cultural life of the community**

43. COE/ECRI stated that there are approximately 5,900 school pupils in Monaco and compulsory education is free of charge in state schools for Monegasque children and children living in Monaco.<sup>80</sup> It encouraged the Monegasque authorities to continue to grant the children of cross-frontier workers access to State schools, and to pay special attention to the case of children whose parents received their whole education in the Principality or work there. COE/ECRI also encouraged the Monegasque authorities to continue to ensure that non-French-speaking children can quickly learn French and recommended that they pursue and reinforce the steps taken to cater for pupils from different backgrounds.<sup>81</sup> The Government of Monaco made comments regarding the issues raised in this paragraph.<sup>82</sup>

## **9. Migrants, refugees and asylum-seekers**

44. COE/ECRI said that there are three procedures for removing foreigners from the Principality of Monaco: deportation; turning a person back and banishment and that as regards banishment, it welcomed the Monegasque authorities' assurances that the legislation authorizing this measure, which is one of the ignominious sentences that may be imposed by a judge in criminal law, is in the process of being repealed.<sup>83</sup> COE/ECRI encouraged the Monegasque

authorities to remove banishment from Monaco's legislation as soon as possible and recommended that they introduce procedural safeguards for the implementation of turning back and deportation measures as soon as possible. It recommended that they ensure that these safeguards are clearly stated, for example in the future law on public security, and that this law is voted without delay.<sup>84</sup> COE/ECRI recommended that the Monegasque authorities ensure that the asylum application procedure in the Principality comprises all the necessary safeguards.<sup>85</sup> The Government of Monaco made comments regarding the issues raised in this paragraph.<sup>86</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

#### *Notes*

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

GIEACPC      Global Initiative to End All Corporal Punishment of Children\*, London, United Kingdom

#### *Regional intergovernmental organization*

COE      COE/ECRI, Council of Europe, Strasbourg, France/European Commission against Racism and Intolerance and COE/CPT, Council of Europe, Strasbourg, France/European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

<sup>2</sup> COE/ECRI, p. 7, para. 3.

<sup>3</sup> COE/ECRI, p. 8, para. 4.

<sup>4</sup> COE/ECRI, p. 8, para. 5.

<sup>5</sup> COE/ECRI, p. 17, para. 44.

<sup>6</sup> COE/ECRI, p. 30.

<sup>7</sup> COE/ECRI, p. 8, para. 7.

<sup>8</sup> COE/ECRI, p. 9, para. 9.

<sup>9</sup> COE/ECRI, p. 9, para.8.

<sup>10</sup> COE/ECRI, p. 9, para. 10.

<sup>11</sup> COE/ECRI, p. 10, para. 13.

<sup>12</sup> COE/ECRI, pp. 28-29.

<sup>13</sup> COE/ECRI, p. 13, para. 27.

<sup>14</sup> COE/ECRI, p. 30.

- <sup>15</sup> COE/ECRI, p. 13, para. 26.
- <sup>16</sup> COE/ECRI, p. 13, para. 28.
- <sup>17</sup> COE/ECRI, p. 14, para. 32.
- <sup>18</sup> COE/ECRI, p. 14, para. 33.
- <sup>19</sup> COE/ECRI, p. 21, para. 63.
- <sup>20</sup> COE/ECRI, p. 10, para. 14.
- <sup>21</sup> COE/ECRI, p. 11, para. 17.
- <sup>22</sup> COE/ECRI, p. 10, para. 15.
- <sup>23</sup> COE/ECRI, p. 11, para. 16.
- <sup>24</sup> COE/ECRI, p. 29.
- <sup>25</sup> COE/ECRI, p. 21, para. 65.
- <sup>26</sup> COE/ECRI, p. 31.
- <sup>27</sup> COE/ECRI, p. 11, para. 19.
- <sup>28</sup> COE/ECRI, p. 12, para. 19.
- <sup>29</sup> COE/ECRI, p. 12, para. 22.
- <sup>30</sup> COE/CPT, p. 12, para. 9.
- <sup>31</sup> COE/CPT, p. 12, para. 9.
- <sup>32</sup> COE/CPT, p. 12, para. 10.
- <sup>33</sup> COE/CPT/Réponse des autorités Monégasques, p. 4.
- <sup>34</sup> COE/CPT, p. 12, para. 11.
- <sup>35</sup> COE/CPT/Réponse des autorités Monégasques, p. 5.
- <sup>36</sup> COE/CPT, p. 36, para. 75.
- <sup>37</sup> GIEACPC, p. 2, para. 1.4.
- <sup>38</sup> GIEACPC, p. 2, para. 1.1.
- <sup>39</sup> GIEACPC, p. 2, para. 1.2.
- <sup>40</sup> GIEACPC, p.2, para. 1.3.
- <sup>41</sup> GIEACPC, p. 2, para. 2.
- <sup>42</sup> COE/CPT, p. 20, para. 30.
- <sup>43</sup> COE/CPT, p. 20, para. 30.
- <sup>44</sup> COE/CPT/Réponse des autorités Monégasques, p. 8.
- <sup>45</sup> COE/CPT, pp. 21-22, para. 33.
- <sup>46</sup> COE/CPT/Réponse des autorités Monégasques, p. 9.
- <sup>47</sup> COE/CPT, p. 26, para. 47.
- <sup>48</sup> COE/CPT, p. 26, para. 48.
- <sup>49</sup> COE/CPT/Réponse des autorités Monégasques, pp. 11-12.
- <sup>50</sup> COE/CPT, p. 27, para. 49.
- <sup>51</sup> COE/CPT, p. 27, para. 49.
- <sup>52</sup> COE/CPT/Réponse des autorités Monégasques, pp. 12-13.
- <sup>53</sup> COE/ECRI, p. 12, para. 24.

- <sup>54</sup> COE/ECRI, p. 20, para. 59.
- <sup>55</sup> COE/ECRI, pp. 29 and 31.
- <sup>56</sup> COE/ECRI, p. 20, para. 61.
- <sup>57</sup> COE/ECRI, p. 21, para. 64.
- <sup>58</sup> COE/ECRI, p. 18, para. 51.
- <sup>59</sup> COE/ECRI, p. 19, para. 52.
- <sup>60</sup> COE/ECRI, p. 30.
- <sup>61</sup> COE/ECRI, p. 19, para. 53.
- <sup>62</sup> COE/ECRI, p. 16, para. 36.
- <sup>63</sup> COE/ECRI, p. 21, para. 67.
- <sup>64</sup> COE/ECRI, p. 22, para. 67.
- <sup>65</sup> COE/ECRI, p. 22, para. 71.
- <sup>66</sup> COE/ECRI, p. 22, para. 72.
- <sup>67</sup> COE/ECRI, p. 22, para. 73.
- <sup>68</sup> COE/ECRI, p. 31.
- <sup>69</sup> COE/ECRI, p. 16, para. 39.
- <sup>70</sup> COE/ECRI, p. 16, para. 40.
- <sup>71</sup> COE/ECRI, p. 16, para. 41.
- <sup>72</sup> COE/ECRI, pp. 16-17, para. 42.
- <sup>73</sup> COE/ECRI, p. 17, para. 43.
- <sup>74</sup> COE/ECRI, p. 30.
- <sup>75</sup> COE/ECRI, p. 17, para. 44.
- <sup>76</sup> COE/CPT, p. 42, para. 94.
- <sup>77</sup> COE/CPT/Réponse des autorités Monégasques, p. 22.
- <sup>78</sup> COE/CPT, p. 42, para. 95.
- <sup>79</sup> COE/CPT/Réponse des autorités Monégasques, p. 23.
- <sup>80</sup> COE/ECRI, p. 17, para. 45.
- <sup>81</sup> COE/ECRI, p. 18, para. 48.
- <sup>82</sup> COE/ECRI, p. 30.
- <sup>83</sup> COE/ECRI, p. 15, para. 34.
- <sup>84</sup> COE/ECRI, p. 16, para. 37.
- <sup>85</sup> COE/ECRI, p. 16, para. 38.
- <sup>86</sup> COE/ECRI, p. 30.

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