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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Monaco**

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## **I. Preparation of the report**

1. The Principality of Monaco presented its first report on the human rights situation for the universal periodic review on 18 February 2009.
2. The Working Group on the Universal Periodic Review produced a report which was adopted at the twelfth session of the Human Rights Council on 4 June 2009 and which contained a series of conclusions and recommendations in respect of Monaco.
3. In response to those conclusions and recommendations, Monaco voluntarily submitted an interim report in June 2012.
4. Monaco is submitting its second report on the human rights situation in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21.
5. The Ministry of Foreign Affairs has compiled the up-to-date information on the implementation of the recommendations from the universal periodic review provided by the ministries of Health and Social Affairs and of the Interior, the Department of Judicial Services and the Department of Justice.
6. The report begins by listing the legislative amendments made, international instruments signed and/or ratified by Monaco, new institutions established and newly implemented policies.
7. It then groups together by subject the recommendations made during the previous review and explains how they have been implemented.

## **II. Progress achieved in the field of human rights**

### **A. Changes to domestic law**

8. In recent years, Monaco has adopted several laws related to human rights, including a number to implement recommendations made during the first universal periodic review.
9. These laws include:
  - Act No. 1.276 of 22 December 2003 amending Act No. 1.155 of 18 December 1992 on nationality;
  - Act No. 1.296 of 12 May 2005 on transmission of nationality by mothers pursuant to article 3 of Act No. 572 of 18 November 1952 (repealed);
  - Act No. 1.229 of 15 July 2005 on freedom of public expression;
  - Act No. 1.344 of 26 December 2007, on stiffer penalties for crimes and offences against children;
  - Act No. 1.359 of 20 April 2009 on the establishment of a Prenatal Coordination and Family Support Centre and amending article 248 of the Criminal Code and article 323 of the Civil Code;
  - Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence;
  - Act No. 1.387 of 19 December 2011 amending Act No. 1.155 of 18 December 1992 on nationality;
  - Act No. 1.399 of 25 June 2013 on the reform of the Code of Criminal Procedure in the area of pretrial detention.

10. Attention should also be drawn to Sovereign Order No. 3.782 of 16 May 2012 on the organization of the prison and detention system,<sup>1</sup> which provides that “The prison service guarantees respect for the human dignity and fundamental rights of all detainees to the extent set out in the decisions of the judicial authority”.

11. The following two bills have also been introduced:

- Bill No. 893 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities;
- Bill No. 908 on workplace harassment and violence.

12. The benefits of most of this legislation will be explained later in the report.

## **B. Signature and ratification of international instruments**

13. Monaco signed the Convention on the Rights of Persons with Disabilities on 23 September 2009.

14. Monaco deposited its instrument of accession to the Protocol relating to the Status of Refugees on 16 June 2010.

15. Monaco deposited its instrument of acceptance of the Convention against Discrimination in Education of the United Nations Education, Scientific and Cultural Organization (UNESCO) on 28 August 2012. This instrument entered into force for Monaco on 28 November 2012.

16. Monaco signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 20 September 2012.

17. Monaco signed the Council of Europe Convention on Cybercrime on 2 May 2013. The procedure for ratification of this Convention is under way.

18. Monaco signed and ratified the Additional Protocol to the Criminal Law Convention on Corruption of the Council of Europe on 10 July 2013.

## **C. New institutions related to the promotion and/or protection of human rights**

19. A member of the Government was appointed delegate with responsibility for persons with disabilities in 2006.

20. In the area of protection of women and children, the new Princess Charlene Children’s Home (formerly the Sainte Dévote home) was inaugurated in 2012. This home comes under the authority of the Department of Health and Social Affairs and is intended to house children placed there by court order. The home, which meets the updated standards, can accommodate 24 children between the ages of 6 and 18. In addition, there are three mother/child apartments on the top floor to provide a safe environment for women who are minors and their children and women who have been the victims of violence or who need educational help in bringing up their children.

21. For older persons, the Rainier III Clinic Gerontology Centre was opened on 12 February 2013. The Centre provides specialized and graduated health and preventive care to meet the needs of elderly patients. The Rainier III Centre is at the heart of the geriatric system, and works closely with the Gerontological Coordination Centre of Monaco, the Spéranza-Albert II Centre and public retirement homes in the Principality. The Centre aims

not only to respond to the challenge of the growing number of older persons in the Principality, but also to meet their specific needs and address problems such as multiple pathologies, social isolation, frailty and loss of autonomy.

22. With regard to human rights generally, the International Law, Human Rights and Fundamental Freedoms Unit was set up under the Department of Legal Affairs in 2012.

### **III. Follow-up to the recommendations made during the previous review that were supported by Monaco<sup>2</sup>**

#### **A. Legislative amendments**

23. This section deals with the recommendations related to specific legal provisions of Monegasque law.

##### **Recommendation No. 80-2**

24. Draft regulations currently being prepared take account of the recommendations made by the Commissioner for Human Rights of the Council of Europe in that they provide a legal framework for the use of video surveillance equipment and set forth a number of guarantees intended to protect the right to privacy, such as setting the conditions for use of the equipment, mentioning duly authorized personnel, establishing how long the recordings may be kept, and establishing a right to access the recordings for all persons concerned.

##### **Recommendation No. 80-7**

25. It should be noted that the article of the Civil Code to which this recommendation makes reference — article 227 — deals only with filiation and not with inheritance rules.

26. However, it should be pointed out that these inheritance laws were already substantially amended under Act No. 1.278 of 29 December 2003 amending certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code. Specifically, the Act removed all differences in terms of inheritance rights between children from legitimate, natural, adulterous or incestuous relationships.

27. More specifically, the Act repealed article 635 of the Civil Code, which provided: “If a child born of incest or of a relationship that was adulterous for both parties dies without issue, half of the child’s estate is inherited by the father and half by the mother [...] If a child born of a relationship that was adulterous for only one party dies without issue, that party shall inherit half of the child’s estate; [...]”.

##### **Recommendation No. 80-13**

28. A bill repealing the provisions of the Criminal Code on banishment is currently under consideration by the Government.

##### **Recommendation No. 80-18**

29. The conditions under which foreigners may enter and reside in Monaco are set forth in Sovereign Order No. 3.153 of 19 March 1964.

30. In addition, article 1-1 of Sovereign Order No. 765 of 13 November 2006 on the organization and functioning of the Police Department, as amended by Order No. 3.717 of 28 March 2012, provides that “The mission to preserve public security and tranquillity involves the enforcement of law, the protection of persons and property and the prevention of disturbances to public order.”

As such, the Police Department is responsible, among other things, for:

“[...] – monitoring the situation with regard to the residence of persons present in the territory of the Principality and persons wishing to stay or work there; [...]”.

31. The measure of refoulement may be taken in the following cases:
- Following a criminal conviction;
  - If information confirming a conviction abroad is brought to the attention of the Monegasque authorities;
  - If the person concerned is involved in international trafficking;
  - For any other reason in the interests of public order.
32. This measure is therefore not a policy applied to irregular migrants.
33. Furthermore, while it is an administrative rather than a judicial measure, taken by the Minister of State and therefore not restricted only to persons with criminal convictions, it is always taken on the basis of exact facts that make clear the risks that the presence in Monaco of the persons concerned would pose to public order and the internal security of the Principality.
34. This measure is subject to appeal before the Supreme Court, which may overturn the decision, on the grounds of a manifest error of assessment, for example.

**Recommendation No. 80-19**

35. In Monegasque law, terrorism is dealt with under articles 391-1 to 391-12 of the Criminal Code on the application of Act No. 1.318 of 26 June 2006 on terrorism, as well as Act No. 1.362 of 3 August 2009 on combating money laundering, the funding of terrorism and corruption, and Act No. 1.299 of 15 July 2005 on freedom of public expression (art. 16).
36. There are currently no other bills on this matter under consideration.

**Recommendation No. 81-11**

37. Article 20 of the Constitution expressly sets forth the prohibition of cruel, inhuman or degrading treatment.
38. Furthermore, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was brought into force for Monaco by Sovereign Order No. 10542 of 14 May 1992 and is therefore fully part of the body of Monegasque legal instruments which Monegasque judges may invoke.
39. Article 8, paragraph (2), of the Code of Criminal Procedure, which establishes that the courts have jurisdiction over cases of torture committed abroad, makes reference to the definition contained in article 1 of the Convention. It states: “In addition to cases in which the jurisdiction of the Monegasque courts arises from the sovereign orders adopted to give effect to international conventions, the following may also be prosecuted and tried in the Principality: ... (2) Anyone who commits, outside the territory of the Principality, acts classified as crimes or offences that constitute torture under article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on 10 December 1984, if he or she is found in the Principality”.
40. In addition, the Monegasque Criminal Code provides that certain crimes and offences can be classified or punished more severely if acts of torture have been committed.

41. Article 228 of the Criminal Code on voluntary homicide thus provides that “anyone who uses methods of torture or commits acts of cruelty in the commission of a crime shall receive the same punishment as a person found guilty of murder”.

42. Article 278 of the Criminal Code on detention and abduction provides that “Those found guilty shall be punished with the maximum fixed-term prison sentence in each of the following three cases: ... 3. If [the victim] is subjected to torture. The penalty shall be life imprisonment if, as a result of torture, the person suffers mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or some other serious and permanent disability.”

43. Furthermore, articles 236<sup>3</sup> and 245<sup>4</sup> of the Criminal Code provide for a harsher penalty for violence and intentional assault not classified as homicide and other intentional crimes and offences if they have been followed by “mutilation, amputation or deprivation of the use of a limb, blindness, loss of an eye or some other serious and permanent disability”.

44. In addition, article 247<sup>5</sup> of the Criminal Code provides for the maximum fixed-term prison sentence for the crime of castration and attacks on the genital integrity of females.

45. Thus, Monegasque domestic law already deals with the concept of torture at various levels and, given that other urgent reforms are under way, there are no immediate plans to include a definition of torture in criminal legislation.

46. In practice, no complaints or reports of acts of torture or other cruel, inhuman or degrading treatment have been registered recently.

47. Only one conviction, incurring a sentence of 15 years’ imprisonment, was handed down in 2008 for murder using methods of torture or committing acts of cruelty.

## **B. Signature and ratification of international instruments**

### **Recommendation No. 80-1**

48. Monaco signed the Convention on the Rights of Persons with Disabilities on 23 September 2009, thus demonstrating its intention to become a party to that Convention.

49. Currently, the ratification of the Convention is contingent on bringing Monegasque law into line with the obligations that Monaco would have as a State party to the Convention.

50. To this end, Bill No. 893 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities was submitted by the Government to the National Council on 7 December 2011.

51. The Bill is intended to constitute a framework law dealing comprehensively with the situation of persons with disabilities, specifically for the purpose of complying with the provisions of the Convention on the Rights of Persons with Disabilities of 13 December 2006.

52. It is intended to define the concept of disability, taking into consideration its consequences on the person’s interaction with their environment and quality of life and provides for measures of all kinds (human, technical or animal assistance) to ensure a maximum of autonomy while respecting the person’s life plan.

53. The objective of the Bill is to ensure respect for the rights and freedoms of persons with disabilities. The operative part of the Bill sets forth in particular access to employment and sheltered employment, the allocation of various allowances to ensure sufficient resources (special education allowance, allowance for adults with disabilities, housing

allowance), facilitated access in the city and to public transport, as well as care and schooling for children with disabilities. The Bill introduces official recognition of family carers.

54. Monegasque positive law addresses disability in the following instruments:

- Sovereign Order No. 10.127 of 3 May 1991 on social measures for persons with disabilities, replaced by Sovereign Order No. 15.091 of 31 October 2001;
- Act No. 1.334 of 12 July 2007 on education, which provides for the integration of children with disabilities into mainstream education;
- Act No. 1.377 of 18 May 2011 amending Act No. 1.235 of 28 December 2000 on rental conditions for certain residential properties constructed or completed before 1 September 1947.

55. More generally, Monaco has introduced many new measures to help persons with disabilities and is continuing to offer the following services:

- “Mobi-bus”, an on-request transport service for persons with reduced mobility (older persons and/or persons with disabilities);
- Handiplage, a website with information on swimming at beaches accessible for persons with disabilities or reduced mobility;
- Audioplage, a service which ensures safe swimming at beaches for persons who are blind or visually impaired;
- The construction of apartments adapted for persons with reduced mobility in all new State property operations.

56. On the International Day of Persons with Disabilities on 3 December 2012, the Department of Health and Social Affairs organized, under the aegis of the Ministry of Health and Social Affairs, the first Monegasque forum on disability, on the theme of “Integration in employment, let’s work together”.

57. For 2013, the Department of Health and Social Affairs chose the theme “Accessibility, let’s get around together”, which is one of the general principles of the Convention on the Rights of Persons with Disabilities (arts. 3 and 9). The objective of this day is twofold:

- To take a fairer approach to disability;
- To raise public awareness of the challenges of accessibility and other issues surrounding disability.

58. With this in mind, the International Day of Persons with Disabilities will be celebrated every year.

#### **Recommendations Nos. 81-1 and 81-8**

59. Monaco signed the Convention for the Protection of All Persons from Enforced Disappearance on 7 February 2007.

60. However, the subsequent examination of the provisions of the Convention revealed a number of incompatibilities with the provisions of Monegasque law, in particular constitutional and legislative provisions.

**Recommendation No. 81-2**

61. Monaco has not ruled out, in the longer term, discussing the Optional Protocol with a view to assessing the technical and legal consequences and implications of ratification of this instrument.

**Recommendations Nos. 81-3, 81-4 and 81-6**

62. Monaco is still considering whether to join the International Labour Organization (ILO). This is because of the issues raised by the principles of ILO with respect to the right to organize in the Principality and its system of employment priority.

63. For the same reasons, the Government is still considering ratifying certain ILO conventions, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

**Recommendations Nos. 81-5 and 81-8**

64. Following important discussions on the possible ratification by Monaco of the Convention of 17 July 1998 on the Status of the International Criminal Court, the Government noted the difficulties, at the domestic level, that would arise in terms of consistency of its institutional structure.

65. Nonetheless, Monaco is determined to cooperate with the International Criminal Court, on a case-by-case basis, on cases in which the Court requests its collaboration, as already happened when the Principality executed a request for assistance from the Prosecutor of the Court.

**Recommendation No. 81-7**

66. The Principality acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment on 6 December 1991.

67. As for its Optional Protocol, it should be recalled that Monaco has only one prison, which holds on average between 20 and 30 prisoners serving short sentences. Thus, it is not, strictly speaking, a detention centre.

68. Furthermore, no cases of ill-treatment or poor material conditions have been identified or even alleged for decades.

69. The prison is designed to house minors being held in detention (primarily pretrial detention). Fewer than 10 young people are imprisoned there every year, for an average duration of less than 28 days. Every effort is made to ensure the protection of those minors, who never come into contact with adults and are given twice as much outdoor time as adults. Educational activities are provided by the best teachers in the Principality, in accordance with the school level of the minors.

70. For reasons of efficiency, the Monegasque authorities do not wish to increase the number of facilities, as their management would present drawbacks without bringing any real improvement in the effective implementation of human rights.

71. In fact, the establishment of an independent oversight body for prisons seems ill-suited to the Monegasque situation and would not improve the safeguards for prisoners.

72. It should be noted that, following their second visit to Monaco in November 2012, the representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment confirmed that no cases of torture or ill-treatment had been brought to their attention.



## C. National human rights institution

### Recommendations Nos. 81-9 and 81-10

73. Sovereign Order No. 3.413 of 29 August 2011 on relations between the administration and the citizen formally establishes the office of Minister for Appeals and Mediation and introduces mediation into the Monegasque regulatory framework as an autonomous activity and an integral part of the structure for the protection of human rights.

74. The neutrality and impartiality of the Minister for Appeals and Mediation are guaranteed by the principle of administrative supervision, according to which the Minister of State ensures that, in the exercise of his or her duties, the Minister for Appeals and Mediation has statutory and functional independence from all parts of the executive authorities, from which he or she may not receive any instructions. The Minister of State guarantees that the Minister for Appeals and Mediation has the material resources necessary to carry out his or her duties (Sovereign Order No. 3.413 of 29 August 2011, art. 7, para. 2).

75. The necessary independence is derived from the fact that citizens refer matters directly to the Minister; this applies for all disputes, whether a disagreement arising from prior administrative appeals against individual decisions or a dispute that gives rise to formal claims (Sovereign Order No. 3.413 of 29 August 2011, art. 9).

76. The independence and autonomy of the Minister for Appeals and Mediation also results from the procedural guarantees afforded to citizens throughout the process of examining their request. The process thus includes an investigation phase, and guarantees that the applicant is kept duly informed and that his or her privacy, as well as that of the opposing party, is respected. To foster a direct relationship, the Minister informs the citizen of the likely consequences of the referral, and can also provide all the relevant information on the issue of mediation, particularly, if applicable, about appeal deadlines (Sovereign Order No. 3.413 of 29 August 2011, art. 10). The Minister investigates the appeal or the dispute referred with neutrality and impartiality (Sovereign Order No. 3.413 of 29 August 2011, art. 11).

77. This functional independence is demonstrated by the responsibilities assigned to the Minister for Appeals and Mediation, who has investigatory powers to carry out consultation and examination of the unit concerned, examination of files and interviews with the applicant. He or she ensures respect for the principle of an adversarial process by listening to the versions of events of both the citizen or the citizen's representative and the administrative authority concerned, if necessary and unless impracticable (Sovereign Order No. 3.413 of 29 August 2011, art. 12).

78. In addition, the Minister enjoys functional protection, which means that the administration is obliged to provide protection against threats, abuse, insults, defamation or attacks of all kinds that he or she may face in the exercise of his or her duties and, where necessary, remedy the damage caused. The administration may be subrogated to the rights of the victim and of any direct action taken to claim damages before the criminal court (Act No. 975 of 12 July 1975 on the status of civil servants, art. 14).

79. Like his or her counterparts in other countries, whether independent or institutional, the Minister for Appeals and Mediation has the authority under articles 13 and 14 of the aforementioned order to make recommendations to the Ministry of State and, where necessary, ensures follow-up to the decision taken or agreement reached on the basis of his or her recommendation.

## **D. Equality and non-discrimination**

### **1. Prevention of discrimination**

#### **Recommendation No. 80-3**

80. Attention is drawn to article 16 of Act No. 1.299 of 15 July 2005 on freedom of public expression.<sup>6</sup>

81. On 28 August 2012, Monaco deposited its instrument of acceptance of the UNESCO Convention against Discrimination in Education, which entered into force for Monaco on 28 November 2012.

82. Furthermore, for many years, the Department of Education, Youth and Sport has taken part in various awareness-raising campaigns to prevent discrimination.

83. For example, the campaign against all forms of discrimination “All different, All equal” launched by the Council of Europe in 2006 was presented to schools and was run throughout the 2006/07 school year.

84. Schools have also taken up other Council of Europe campaigns and other activities specific to Monaco, including:

- The Council of Europe’s One in Five campaign, whose objective is to stop sexual violence against children;
- Intergenerational Encounters between primary school children and older persons, with the objective of re-establishing links and preventing exclusion;
- Activities around the theme of solidarity, selected by a primary school (Ecole des Révoires) as part of its involvement in the Eco-Schools programme, an international educational programme on sustainable development created in France in 2006 by the French Office of the European Foundation for Environmental Education;
- The initiative of a group of teachers from Collège Charles III who worked with their students to make a short film entitled *Stop discrimination* in the 2011/12 school year; the film was screened during the Monaco Charity Film Festival in May 2013.

85. In addition, as part of activities related to combating sexually transmitted infections, students in Monaco learn about countering all forms of discrimination, including the exclusion of persons living with AIDS.

86. Every year Monaco celebrates International Women’s Day, Universal Children’s Day and International Day of Persons with Disabilities.

87. On 19 April 2013, the Palais de Justice hosted a visit by the Council of Europe’s Commissioner for Human Rights, Mr. Nils Muižnieks, who led a training workshop on the subject of combating racism in Europe together with Mr. Jean-Paul Costa, former President of the European Court of Human Rights and President of the International Institute of Human Rights. The workshop was designed for staff of the judicial system, members of the police force and members of the Employment Tribunal.

### **2. Gender equality and women’s representation in the Government**

#### **Recommendations Nos. 80-6, 80-8, 80-9**

88. On 19 December 2011, Monaco adopted Act No. 1.387 amending Act No. 1.155 of 18 December 1992 on nationality. This Act represented a major step forward towards achieving gender equality in an area as fundamental as the transmission of nationality. Monegasque nationality law has thus been adapted to respond to new family situations and

avoid cases of stateless children, where paternal filiation has not been established, for instance.

89. Previously, Monegasque nationality was mainly transmitted through paternal filiation or naturalization based on a decision by the Sovereign Prince. Women of Monegasque nationality were not able to transmit this nationality to their husbands, who could only become Monegasque by way of naturalization.

90. The new legislation is structured around four key measures:

- Monegasque men and women who have acquired nationality through filiation or naturalization will now be able to transmit it to their spouse;
- The period required for transmission by marriage has been extended to 10 years for both men and women;
- In order to avoid cases of stateless children, a foreign spouse who has acquired Monegasque nationality through marriage must retain his or her original nationality. Divorced persons who have acquired nationality through marriage may not transmit it to children born subsequently or to future spouses;
- As a transitional measure, all women who were married before the entry into force of the Act continue to benefit from the previous transmission period of five years.

#### **Recommendation No. 80-14**

91. Generally speaking, there are many women in senior posts in the Monegasque administration.

92. In the Government, there is a female Minister for Public Works, the Environment and Urban Development.

93. The positions of Director General (senior civil servant in charge of all ministerial units) of Foreign Affairs and Director General of Health and Social Affairs are held by women.

94. In addition, there are many women directors of central administrative services (ministries or ministerial departments in other countries), notably the Department of Budget and Treasury, the Department of Education, Youth and Sport, the General Secretariat of the Department of Justice and the Expenditure Control Authority.

95. Furthermore, many chiefs of service, including of the Department of Diplomatic and Consular Relations, the Department of International Cooperation, the Department of International Relations, the Department of Health and Social Affairs and the State Property Authority, are women.

96. In the area of diplomacy, gender equality has practically been achieved with respect to ambassadorial positions.

97. By way of example, the permanent representatives of Monaco to the United Nations, the United Nations Office at Geneva and the Council of Europe are women.

### **3. Non-discrimination and combating workplace harassment**

#### **Recommendation No. 80-4**

98. The Monegasque Constitution guarantees freedom to work for foreigners, without any difference in treatment (arts. 25<sup>7</sup> and 32<sup>8</sup>).

99. In addition, the effective implementation of this guarantee is ensured by the fact that anyone who considers that they have been the victim of a violation of this right may bring a case directly to the Supreme Court.

100. This is clearly demonstrated by the wealth of Supreme Court case law, with rulings on matters involving discrimination, including cases related to the exercise of professional activities.

101. For example, in a decision of 29 November 2010, *A. v. Minister of State*, the Supreme Court specified that, “while article 25 of the Constitution mentions that ‘priority is given to Monegasque citizens in the allocation of public and private employment’, this priority is exercised ‘under the conditions provided for by the law or international conventions’”, that article 32 of the Constitution recalls that “foreigners enjoy all public and private rights in the Principality which are not strictly reserved for citizens”, that “the Supreme Court may choose to disregard the law in favour of a treaty”, and that it “shall therefore censure the disputed decision assuming that its objective or effect was to infringe on the freedom to work”.

102. In addition, in its decisions the Supreme Court often refers to the principles set forth in international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights of 16 December 1966, the European Social Charter, and the preamble and annex to the Constituent Treaty of the International Labour Organization.

103. Secondly, it is important to point out that the rights recognized in the field of employment are exercised without distinction, with the exception of rights related to nationality or place of residence, which are not a matter of discrimination but of priority based on the small number of citizens in Monaco (in 2012: 36,000 inhabitants, of which approximately 8,500 were Monegasque), who form a minority in their own country.

104. Furthermore, the implementation of employment priority for Monegasque citizens must comply with the requirement that the Monegasque candidate’s professional skills must be more or less equal to those of other candidates.

105. In fact, it should be stressed that, given the size of the foreign population working in Monaco, the rules concerning employment priority do not have any negative impact on the employment opportunities of foreigners in the Principality.

106. Indeed, although there is an employment priority system, as outlined above, no distinction, exclusion, restriction or preference based on race, colour, sex, religion, political opinion or social origin may be allowed.

107. Thus, there is no gender discrimination with respect to remuneration,<sup>9</sup> recruitment or dismissal<sup>10</sup> in either the public or the private sectors. All employees, regardless of their nationality or place of residence, automatically receive legal aid in the event of a workplace accident.

108. Furthermore, Bill No. 895 amending Act No. 975 of 12 July 1975 on the status of civil servants was submitted to the office of the National Council on 14 December 2011, to introduce into the Act the principle of non-discrimination between civil servants on the basis of their political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance or ethnicity.

109. This Bill will be submitted for consideration by the National Council in due course.

**Recommendation No. 80-15**

110. The aforementioned Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence resulted in the inclusion of article 236-1 of the Criminal Code, which reads as follows:

“Knowingly submitting a person, by whatever method, to repeated acts or omissions with the purpose or effect of degrading their living conditions by means of a change in their physical or mental health is punishable as follows:

- From 3 months to 1 year in prison and [a fine of between 9,000 and 18,000 euros] if no illness or total incapacity to work was caused;
- From 6 months to 2 years in prison and [a fine of between 18,000 and 90,000 euros] if an illness or total incapacity to work of eight days or less was caused;
- From 1 to 3 years in prison and [a fine of between 36,000 and 180,000 euros] if an illness or total incapacity to work of more than 8 days was caused.

Anyone who commits such offences against one of the following persons shall be subject to the maximum penalties set out in the first paragraph above:

- Their spouse or any other person who lives or has lived with them under the same roof on a long-term basis.”

111. Furthermore, the Government submitted Bill No. 908 on harassment and violence in the workplace to the office of the National Council on 18 December 2012. By expressly prohibiting harassment and violence in the workplace, the Bill is intended to raise awareness among all employment partners of inadmissible behaviour in order to prevent, reduce and, ideally, eradicate such behaviour.

112. The draft provisions thus expressly prohibit harassment, sexual blackmail and violence in the workplace, establishing penalties for such behaviour of up to 3 years’ imprisonment and fines of between 180,000 and 360,000 euros. Article 2 of the Bill efficiently defines the sanctioned behaviour:

Workplace harassment involves knowingly subjecting, by whatever means, a physical person, in the context of a work relationship, to repeated acts or omissions with the purpose or effect of degrading their working conditions by means of a change in their physical or mental health.

Sexual blackmail involves using any form of serious pressure against a physical person, possibly repeatedly, in the context of a work relationship or a recruitment process, with a view to obtaining from them an act of a sexual nature, whether for the benefit of the perpetrator or of a third party.

Violence in the workplace involves threatening or attacking, physically or mentally, a physical person in the context of a work relationship.

**Recommendation No. 80-16**

113. All persons covered by social insurance who are resident in the territory of Monaco are entitled to medical and family benefits.

114. Furthermore, with respect to social benefits related to employment, no distinction is made in legislation or regulations between beneficiaries on the basis of their nationality.

115. Only the particular provisions of the bilateral social security conventions concluded with France and Italy concern exclusively the situation of border workers from the two signatory countries.

116. Self-employed workers are affiliated to their own social regime, which is funded only by their contributions; however, with respect to health insurance, they and their dependants are entitled to the same benefits in kind as employees.

117. Self-employed workers do not receive benefits under the family allowance regime.

118. Indeed, the representatives of self-employed workers in the Audit Committee of the Accident, Illness and Maternity Insurance Fund for Self-Employed Workers decided, in March 2012, that, given the impact that the establishment of a family allowance regime would have on the level of contributions (approximately 30 per cent) and the general economic context, it would not be advisable, in the short term, to extend the scope of their regime to include family allowances.

119. On that occasion, they noted that they would request an updated study on the matter when conditions were more favourable.

120. The State provides medical cover for employees and self-employed workers who have stopped their professional activity, are resident in the territory of the Principality and are no longer entitled to medical insurance.

## **E. Combating racism**

### **Recommendation No. 80-5**

121. Under Monegasque positive law, it is already possible to adequately punish crimes or offences motivated by racial hatred. However, the Government has not ruled out the possibility of discussing a bill to amend the Criminal Code to this effect.

### **Recommendation No. 80-20**

122. Monaco participates in exchanges of experiences with other countries by participating in the meetings on human rights of various international organizations of which it is a member.

123. In addition to the information provided during the previous review, it should be noted that conferences are regularly organized in the Principality to raise awareness among members of the legal community on human rights issues, such as the aforementioned conference on combating racism in Europe held on 19 April 2013.

## **F. Protection of the most vulnerable persons**

### **Recommendation No. 80-10**

124. It should first be noted that Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence was enacted with a view to strengthening the protection of women, children and persons with disabilities.

125. The purpose of this piece of legislation is to prevent and punish acts of violence that necessitate or justify specific forms of punishment or reparation or aggravated or adapted penalties because of the particular vulnerability of the victims of such violence or the situations in which it is committed.

126. With regard to punishment in the strict sense of the term, the Act has added to the body of domestic legislation, specifically addressing all forms of violence or threats of violence — physical, psychological, sexual or financial — against women in particular. In order to ensure that this does translate into greater protection for women, specific prevention, protection and punishment measures have been introduced into Monegasque

legislation for acts such as, crimes of honour, female genital mutilation, forced marriage, marital rape and harassment.

127. In all cases of violence between spouses, or persons currently living together or who have lived together in the past on a long-term basis, Act No. 1.382 of 20 July 2011 provides for substantially harsher penalties, either double the penalty provided for the ordinary offence or the maximum of that penalty.

128. In addition, a failure to make reparations as ordered counts as an aggravating circumstance with respect to the penalty to be imposed; it may lead, *inter alia*, to revocation of the suspension of a sentence or of probation.

129. Furthermore, under articles 2 and 34 of the Act, the judge may order treatment for persons sentenced to terms of imprisonment and no longer only in the case of suspended sentences with probation.

130. With regard to assistance and protection for victims, the Government has decided to allow the judicial authority to hand down decisions specifically to protect victims. As a result, the Act gives the court the option of imposing on perpetrators, under penalty of 1 to 6 months' imprisonment and a fine of between 9,000 and 18,000 euros:<sup>11</sup>

- A fixed-term ban on entering into contact with the victims, by any means whatsoever, including electronic communication;
- A fixed-term ban on appearing in certain places.

131. Under that provision, the judge has complete discretion to take a decision in line with the needs and the situation of the victims. For example, the perpetrator could be banned from appearing in the vicinity of schools, gymnasiums and other places of work, leisure or residence, including, of course, their home, frequented by the person or persons they assaulted. This prohibition takes on a number of forms over the course of the various procedural stages that are likely to follow acts of violence:

- An emergency measure taken by the prosecutor during the preliminary investigation;
- A measure taken by the investigating judge with a view to protecting the victims for the duration of the investigation;
- A supplementary punishment to a main sentence.

132. In the more specific context of criminal procedure, it should be noted that the legislation endeavours to provide support for the victim from the investigation phase onwards by enabling either the Public Prosecutor or the investigating judge to order a medical and psychological examination to determine the nature of the damage suffered and whether there is need for an appropriate programme of care.

133. Following the lead of international standards in this area,<sup>12</sup> the aforementioned Act No. 1.382 of 20 July 2011 provides, *inter alia*, for mandatory initial and in-service training for all professionals who deal with cases of violence, whether they are staff of the justice system, the police force, medical professionals or social workers.<sup>13</sup>

134. Secondly, it is important to note that Monaco has a proper structure to provide accommodation and care for women victims of domestic violence: the Department of Health and Social Affairs, whose Social Unit is made up of a team of staff trained in different areas (social workers – special needs assistants) as well as a psychologist, who are able to deal with this type of situation.

135. On arrival at the Social Unit, women are met by a social worker. The aim of this initial meeting is to:

- Help the woman talk about her experience (overcome feelings of guilt, shame or fear she may experience during this course of action and develop the importance of this moment);
- Inform her of her rights (to file a complaint with the police, etc.);
- Evaluate the situation in order to propose appropriate support measures: accommodation, if necessary emergency accommodation to ensure the victim's safety, financial assistance, professional support and family mediation.

136. It is important to stress that the Social Unit is able to implement the majority of these measures itself, thus guaranteeing a good level of responsiveness in dealing with this type of situation, particularly in emergency situations.

137. With respect to the protection of children, it is now recognized that witnessing violence has the same effect on children as if they were the victims of the violence.

138. Protection measures may also be necessary depending on the seriousness of the situation; these can include introduction of an educational support measure. This kind of measure, which is ordered by the court (acting on a report), is imposed on parents and consists of the educational monitoring of the child in the family. This type of child protection is also provided by the Social Unit.

139. The Social Unit also works as part of a network with hospital services and outpatient facilities, all of the various agencies involved in social welfare (justice, police, municipal services, social insurance funds, etc.) and civil society; the involvement of the Union of Monegasque Women is an example in this area.

140. Thus, cases of domestic violence are dealt with using the resources at the units' disposal and working in a network, which is facilitated by the proximity of all those involved. Furthermore, the number of situations allows for individualized care as close as possible to the victims.

141. Thirdly, mention should be made of the family mediation unit attached to the Ministry of Health and Social Affairs, which assessed the situation and provides specific support to couples dealing with this type of problem.

142. The support for these couples is based on the individual's ability to communicate in a different way when there is a family conflict and helps strengthen their parenting skills.

143. Family mediation enables the development of communication between partners and the establishment of clear boundaries, which helps put an end to violence and enables women to regain control over their lives.

144. Finally, it should be noted that Monaco signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 20 September 2012.

#### **Recommendation No. 80-11**

145. Firstly, the aforementioned Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence introduces the right for persons who have been the victims of such violence to receive full information and advice related to their personal situation.

146. Police officers inform victims of such violence orally and by any other means of their right to obtain reparations for the injury caused, by claiming damages if criminal proceedings are brought by the Public Prosecution Department, by directly bringing proceedings against the perpetrator, by reporting an offence to the competent court or by filing a complaint with the investigating judge, and to receive assistance from persons



working for State services tasked specifically with providing such assistance or by a Government-approved association that provides assistance to victims.

147. To this end, victims receive a set of documents whose content has been approved by ministerial order. All public and private hospitals and medical practices based in Monaco must provide this documentation freely and anonymously. Persons with disabilities who are the victims of such violence have the right to full information in a form that is suited to their disability.

148. Secondly, it should be noted that the Public Prosecution Department recently amended the information sheet sent to complainants and victims informing them of the date of the court hearing for the case concerned.

149. The standard information sheet specifies that the victims may appear in person or be represented by the counsel of their choosing and that they can receive reparations for the injury suffered (directly related to the offence) by claiming damages in criminal proceedings and submitting a claim, with supporting documentation, for a specific amount of compensation. It reminds victims that they can request legal aid and lists the criteria for means testing. A legal aid application form is attached to the information sheet.

150. Furthermore, several of those who come into contact with victims of violence, including various staff members in the Social Unit and the Medical Inspectorate for Schools attached to the Department of Health and Social Affairs, have been trained in this area. In addition, training sessions are currently being organized for staff at the Centre Hospitalier Princesse Grace.

151. Since the professionals all collaborate in a network, women victims of domestic violence can easily access information and the appropriate support.

152. The Principality also promotes many measures to support families in different ways and help prevent domestic violence through campaigns that provide information on family mediation to professionals:

- March 2012: “Presentation of the Family Mediation Process” organized in partnership with the Department of Education, Youth and Sport for school principals, teachers, psychologists and social workers;
- April 2012: Conference on “Parental crisis following the birth of a first child” organized in partnership with the In-service Medical Training College of the Princess Grace Hospital for all early childhood professionals: staff of crèches, maternity and paediatric services, doctors, and psychologists in hospitals and private practice;
- October 2012: Film/debate on “Parents’ separation through the eyes of children; advantages of family mediation” with the screening of the documentary “My parents, their divorce and me?”;
- December 2012: Conference on “Ageing and dependence: family mediation can help”, organized in partnership with the In-service Medical Training College of the Princess Grace Hospital for all professionals working to support families dealing with ageing, disabilities or dependence;
- May 2013: As part of “hearing the child’s voice” during the separation of their parents, a study day on the theme “The place of the child’s voice during parents’ separation” aimed at professionals involved in family disputes: judges, lawyers, child psychologists and social workers.

153. Furthermore, Monaco signed Convention No. 201 of the Council of Europe of 12 July 2007 on the Protection of Children against Sexual Exploitation and Sexual Abuse on 22 October 2008.

154. The Council of Europe's One in Five campaign against sexual violence against children was launched in Monaco in November 2011 and will be rolled out in all the country's schools.

**Recommendation No. 80-12**

155. Pursuant to Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, measures for the protection of victims and the training of judges and others responsible for the care of victims of such acts have been adopted.

156. Training for professionals who come into contact with victims of violence, including judges, health professionals and police officers, has been in place since 2012.

157. The training of judges in particular obviously includes the subject of human rights and, more specifically, discrimination. Initial training includes a module on the judicial environment, which covers the phenomena of exclusion and discrimination, and in-service training includes courses on the European Convention on Human Rights, ethics, and the judge's responsibility.

158. Monitoring of the case law of the European Court of Human Rights is also ensured, as its principal judgements are circulated regularly to all judges, with analysis and commentary from a professor specialized in this area.

159. Thus, the Monegasque courts are aware of discrimination issues and do apply the legal provisions in this area. For instance, on 6 July 2010, the Criminal Court sentenced an individual to 5 days in prison for insults based on the sexual orientation of the victim, in application of article 15, paragraph 1, and article 25, paragraphs 3 and 4, of Act No. 1.299 of 15 July 2005. More recently, a conviction by the Police Court for non-public insults (whose racist nature had been established) of 7 May 2013 was upheld by a ruling of the Criminal Court of 25 June 2013 (fine and punitive damages).

160. For members of the police force, there is a training module on discrimination for students at the Police and Public Security College as part of the course on ethics and police ethics, with the objective of providing an understanding of the phenomenon of racism, providing information on applicable sanctions and raising awareness among police personnel of the principles and values that should guide their conduct.

161. Furthermore, members of the police assigned to the Section for Minors and Social Protection receive initial and in-service training that includes theoretical (for example, taking statements from minors who have been the victims of sexual offences) and practical training (for example, immersion training in specialized French police units; cyber-police courses, courses on digital and telephone policing) on issues related to children's rights and juvenile justice.

162. The Principality regularly organizes conferences aimed primarily at raising awareness of human rights issues among those involved in the legal sector. For example, on 19 April 2013, the Palais de Justice hosted Mr. Nils Muižnieks, European Commissioner for Human Rights, who, in collaboration with Mr. Jean-Paul Costa, Former President of the European Court of Human Rights, led a training workshop entitled "Combating Racism in Europe".

163. In addition, Mr. Jean-François Renucci, Professor at the Faculty of Law of the University of Nice Sophia-Antipolis and a renowned expert in the area of human rights,

recently gave two presentations in Monaco for Monegasque civil servants and judicial personnel:

- On 23 November 2012, on “Deprivation of liberty and the European Convention on Human Rights”;
- On 15 March 2013, on “A fair trial and the European Convention on Human Rights”.

## **G. Education policy and exchange of good practice**

### **Recommendation No. 80-17**

#### *Comprehensive initiative and national strategy for human rights education*

164. Human rights education is compulsory as it is included in the Monegasque national curriculum.

165. In terms of a national human rights education strategy, the Department of Education has introduced Health and Citizenship Education committees into secondary school development plans to encourage discussion among students on the type of behaviour that can help build up self-respect, respect for others and mutual assistance, and encourage a greater sense of responsibility among young people.

166. Students themselves have been involved in drawing up the strategy through the student representatives on the Health Education Committees.

167. Efforts to achieve the human rights education policy objectives are addressed in the broader sense and include work to raise awareness of rights through, for instance, education for peace, citizenship and values, multicultural education, global education and education on tolerance and on sustainable development.

168. Attention should also be drawn to the interaction between schools, local authorities, civil society and the community as a whole to raise awareness of children’s rights and the fundamental principles of human rights education.

#### *Specific initiatives undertaken in the area of human rights education – teaching and learning process*

169. In general, from primary through to secondary school, human rights education is included in classes on “living together” (nursery section), history, geography and civic and moral education classes (in elementary school) and in civics, law and social education classes (junior and senior secondary school), in a cross-cutting manner.

170. In addition, the Declaration of Human Rights and the Convention on the Rights of the Child are the set reference materials for all activities undertaken by schools, particularly related to humanitarian work.

171. Lastly, education on democratic citizenship and human rights is included in the in-service training for teachers with the promotion of teaching methods that give a sense of responsibility and encourage student participation. Since 2012, the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education has been distributed to schools (and posted on their websites) and will gradually be taken into account in future education projects.

**Recommendation No. 80-21**

172. Monaco participates in exchanges of good practice with the international community during the meetings of working groups and expert committees organized by the various international organizations of which it is a member.

173. With respect to children, Monaco hosted two Council of Europe conferences in the context of the “Building a Europe for and with children” programme.

174. During the conference held on 20 and 21 November 2011 on “Building a child-friendly Europe: Turning a vision into reality”, speakers included prominent Monegasque figures who described successful policies, particularly in the fields of health and justice.

175. With regard specifically to education, the Department of Education, Youth and Sport participates regularly in meetings of the Council of Europe and the ENIC-NARIC networks, established by the Council and UNESCO to draw up common policies and practices for the recognition of qualifications from all European countries.

176. Furthermore, Monaco was represented at the meeting of Ministers of Education of the Council of Europe in Helsinki on 26 and 27 April 2013.

177. With respect to women, Monaco has participated in the work of the Commission on the Status of Women and the Ad hoc Committee on preventing and combating violence against women and domestic violence (CAHVIO) of the Council of Europe.

178. Lastly, it should be noted that Monaco has participated in the three seminars held in French on the universal periodic review.

**H. International cooperation**

**Recommendation No. 80-22**

179. Despite the particularly difficult international context, the Government strives to maintain its commitment in terms of international solidarity for the most disadvantaged groups (women, children, persons with disabilities) and those severely affected by conflict, for example in Mali and Syria.

180. Monegasque development cooperation activities, which are primarily targeted at the eradication of poverty, have been refocused in some 20 partner countries, most of them least developed countries (LDCs), such as Burkina Faso, Burundi, Haiti, Mali, Mauritania, Madagascar, Niger and Senegal.

181. On 13 September 2000, Monaco, along with the 189 other United Nations Member States, adopted the Millennium Declaration, approved by the General Assembly, which established the Millennium Development Goals.

182. The eight Goals are the common thread in the Government’s development cooperation policy in two priority areas: education and health.

183. Aid from Monaco, all in the form of donations, provides support for some 120 development cooperation projects every year.

184. A portion of this assistance is also allocated to the funds and programmes of the international organizations of which Monaco is a member, in accordance with its political priorities at international level (health, protection of children and human rights, environmental protection, emergency humanitarian assistance, capacity-building, etc.).

### Recommendation No. 80-23

185. While most international cooperation started in the 1960s, in the wake of decolonization, the Monegasque Government began its cooperation activities in the 1990s, and introduced a cooperation policy in 2003, with the establishment of the International Cooperation Bureau, which in 2007 became the Department of International Cooperation.

186. Although this work was still very new, in 2007 the Government set itself the objective of allocating 0.7 per cent of its gross national income to public development assistance, with the aim of joining the group of countries that demonstrate the highest levels of solidarity.

187. Between 2007 and 2011, allocations to public development assistance increased by 25 per cent per year.

188. Today, despite the especially difficult international economic context, the level of public development assistance allocated by Monaco remains stable and may increase in the coming years, economic conditions permitting.

### Conclusion

189. **In recent years, Monaco has worked to strengthen the protection and promotion of human rights, particularly through the adoption of legislation related to criminal procedure, nationality law, specific forms of violence and crimes and offences against children.**

190. **The Principality has also generally strengthened its policies to protect children, to protect women from violence and to help persons with disabilities.**

191. **Furthermore, Monaco has implemented quality education, social and health policies.**

192. **Finally, in the area of international cooperation, Monaco is working towards its objective of combating poverty, focusing on maternal and child health, the fight against pandemics and neglected diseases, food security, education, gender equality and environmental sustainability.**

#### Notes

<sup>1</sup> L'Arrêté du Directeur des Services Judiciaires n° 2012-8 du 4 juin 2012 fixe les conditions d'application de l'Ordonnance Souveraine n° 3.782.

<sup>2</sup> Recommandation contenues dans le document A/HRC/12/3 du 4 juin 2009.

<sup>3</sup> «*Tout individu qui, volontairement, aura occasionné des blessures ou porté des coups ou commis toute autre violence ou voie de fait, s'il en est résulté une maladie ou une incapacité totale de travail d'une durée excédant huit jours, sera puni d'un emprisonnement de un à cinq ans et [d'une amende de 18 000 à 90 000 euros].*

*Quand les violences ci-dessus exprimées auront été suivies de mutilation, amputation ou privation de l'usage d'un membre, cécité, perte d'un oeil ou autre infirmité permanente grave, le coupable sera puni de la réclusion de cinq à dix ans.*

*Si les coups portés ou les blessures faites volontairement, mais sans intention de donner la mort, l'ont pourtant occasionnée, le coupable sera puni de la peine de la réclusion de dix à vingt ans.»*

<sup>4</sup> «*La peine sera la réclusion de dix à vingt ans si les faits prévus à l'article 243 (Coups et blessures volontaires non qualifiés homicides et autres crimes et délits volontaires) ont été suivis de mutilation, amputation, privation de l'usage d'un membre, cécité, perte d'un oeil ou toute autre infirmité permanente grave, ou s'ils ont entraîné la mort sans intention de la donner [...]*»

- <sup>5</sup> «*Tout individu coupable du crime de castration encourra le maximum de la peine de la réclusion à temps.*  
*Si la mort en est résulté, le coupable subira la réclusion à perpétuité.*  
*Les mêmes peines seront applicables à tout individu qui aura pratiqué une atteinte à l'intégrité des organes génitaux d'une personne de sexe féminin, par voie d'ablation, totale ou partielle notamment par excision, d'infibulation ou de toute autre mutilation.*  
*Les dispositions du présent article ne sont pas applicables aux interventions sur des organes génitaux pratiquées conformément à la loi ainsi qu'aux règles professionnelles et aux principes déontologiques gouvernant les activités pharmaceutiques, médicales et chirurgicales.»*
- <sup>6</sup> «Sont punis de cinq ans d'emprisonnement et de l'amende prévue au chiffre 4 de l'article 26 du Code pénal [de 18.000 à 90.000 euros], ou de l'une de ces deux peines seulement, ceux qui, par l'un des moyens énoncés à l'article précédent, ont directement provoqué, dans le cas où cette provocation n'aurait pas été suivie d'effet, à commettre l'une des infractions suivantes:
- 1° les atteintes volontaires à la vie, les atteintes volontaires à l'intégrité de la personne et les agressions sexuelles;
- 2° les vols, les extorsions et les destructions, dégradations et détériorations volontaires dangereuses pour les personnes;
- 3° les actes de terrorisme ou l'apologie de tels actes.
- Sont punis des mêmes peines ceux qui, par l'un des moyens énoncés à l'article 15, provoquent à la haine ou à la violence à l'égard d'une personne ou d'un groupe de personnes à raison de leur origine, de leur appartenance ou de leur non appartenance à une ethnie, une nation, une race ou une religion déterminée, ou à raison de leur orientation sexuelle, réelle ou supposée [...]
- <sup>7</sup> «**Article 25** - La liberté du travail est garantie. Son exercice est réglementé par la loi.
- La priorité est assurée aux Monégasques pour l'accèsion aux emplois publics et privés, dans les conditions prévues par la loi ou les conventions internationales.»
- <sup>8</sup> «**Article 32** - L'étranger jouit dans la Principauté de tous les droits publics et privés qui ne sont pas formellement réservés aux nationaux.»
- <sup>9</sup> article 2-1 de la Loi n°739 du 16 mars 1963 sur le salaire, modifiée;
- Ordonnance Souveraine n°5.392 du 4 juillet 1974 portant application de la Loi n°948 du 19 avril 1974 complétant et modifiant en ce qui concerne l'égalité de rémunération entre les hommes et les femmes la Loi n°739 du 16 mars 1963 sur le salaire.
- <sup>10</sup> - Loi n°975 du 12 juillet 1975 portant statut des fonctionnaires de l'Etat;
- Loi n°1.096 du 7 août 1986 portant statut des fonctionnaires de la Commune;
- Loi n°629 du 17 juillet 1957 tendant à réglementer les conditions d'embauchage et de licenciement en Principauté.
- <sup>11</sup> Article 37-1 du Code pénal.
- <sup>12</sup> Cf. not. parmi les standards accordant une place substantielle à la question de l'information, le point n° 26 de la recommandation 2002-5, précitée, du Comité des Ministres du Conseil de l'Europe selon lequel les Etats membres devraient diffuser des documents ciblant plus particulièrement les victimes afin de les informer de manière claire et compréhensible de leurs droits, des services dont elles peuvent bénéficier et des actions qu'elles peuvent envisager d'entreprendre, qu'elles portent plainte ou non, ainsi que des possibilités de bénéficier d'un soutien psychologique, médical et social ainsi que d'une assistance juridique.
- <sup>13</sup> Article 46 de la loi n°1.382 sur la prévention et la répression des violences particulières.