Universal Periodic Review

(45th working group session)

Contribution of UNESCO to Compilation of UN information

Monaco

I. RATIFICATION OF UNESCO CONVENTIONS

II. REVIEW OF LEGISLATIVE, REGULATORY AND POLICY FRAMEWORKS AND IMPLEMENTATION

A. RIGHT TO EDUCATION

Discrimination dans le domaine de l'enseignement (consultations de l'UNESCO)

TITLE	Date of ratification, accession, acceptance or succession	Declarations/ Reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's field of competencies
Convention against Discrimination in Education (1960)	Acceptance: 28/08/2012			The right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification: 07/11/1978			The right freely to participate in the cultural life of the community
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Acceptance: 04/06/2007			The right freely to participate in the cultural life of the community
Convention on the Protection and Promotion of the Cultural Diversity of	Ratification: 31/07/2006			The right freely to participate in the cultural life of the community

1. Monaco a soumis des rapports pour les 9e et 10e consultations sur la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement 1960.

Constitution et principale(s) loi(s) sur l'éducation

2. La Constitution de 1962, telle qu'amendée en 2002[1], proclame le droit à l'instruction primaire et secondaire gratuite pour les Monégasques (article 27). Elle garantit également un principe d'égalité devant la loi des Monégasques et l'interdiction de privilèges entre eux (article 17) ainsi que « L'étranger jouit dans la Principauté de tous les droits publics et privés qui ne sont pas formellement réservés aux nationaux » (article 32). Le droit à l'éducation n'est pas consacré dans le cadre législatif.

3. La loi sur l'éducation de 2007[2] prévoit que l'éducation est obligatoire pour les enfants des deux sexes entre 6 et 16 ans de nationalité monégasque ou dont les parents (ou représentants légaux) sont établis régulièrement à Monaco (article 3). Cela correspond à 11 années d'éducation primaire et secondaire obligatoires. Selon l'article 27 de la Constitution, l'éducation primaire et secondaire est gratuite pour les Monégasques, ce qui correspond à 12 années d'éducation gratuite au regard de la composition et durée de l'éducation primaire et secondaire (articles 3 et 12 de la loi sur l'éducation et articles 1, 2 et 3 de la décision ministérielle déterminant les cycles d'apprentissage d'éducation primaire et secondaire[3]).

4. En ce qui concerne l'éducation pré-primaire, elle est ouverte aux enfants à partir de l'âge de 3 ans jusqu'à ce qu'ils atteignent l'âge de la scolarité obligatoire (6 ans) (article 10 de la loi sur l'éducation), mais aucune disposition législative n'a pu être identifiée qui prévoit son caractère gratuit ni obligatoire.

Examen

Âge légal du marriage

5. L'article 116 du Code Civil[4] prévoit qu'il n'est pas possible de se marier avant l'âge de 18 ans, mais que des dispenses pour motifs graves peuvent être accordées par le Prince aux mineurs d'au moins 16 ans. Selon la

[1] https://www.gouv.mc/Gouvernement-et-Institutions/Les-Institutions/La-Constitution-de-la-Principaute
[2] https://journaldemonaco.gouv.mc/Journaux/2007/Journal-7817/Loi-n-1.334-du-12-juillet-2007-sur-l-education
[3] https://journaldemonaco.gouv.mc/Journaux/2016/Journal-8290/Arrete-Ministeriel-n-2016-494-du-2-aout-2016-determinant-les-cycles-d-apprentissage-de-l-enseignement-primaire-et-secondaire
[4] https://legimonaco.mc/code/code-civil/

Recommandation générale/observation générale conjointe no 31 du CEDAW-CRC, un enfant mature de moins de 18 ans peut être autorisé à se marier à condition qu'il soit âgé d'au moins 16 ans et que cette décision soit prise par un juge sur la base de motifs légitimes et exceptionnels définis par la loi et sur la base de la preuve de sa maturité, sans déférence pour les cultures et les traditions.

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

Constitutional and Legislative Framework:

6. The 1962 Constitution of the Principality of Monaco[5] in its Article 23 guarantees "freedom to express one's opinions in all matters… subject to the right to prosecute any offenses committed in the exercise" of this freedom.

7. Defamation (verbal and written assault) of the Prince and his family is criminalized by the Monegasque Penal Code[6] (Articles 58, 59 and 60) and is sanctioned with imprisonment for up to five years, or a fine, or community service.

8. Monaco adopted freedom of information legislation (Ordonnance Souveraine n° 3.413) in 2011[7] which enables public access to official documents (Articles 22-28).

Implementation of the law:

9. Refusals of access to public documents may be appealed against with the Minister of State, who "shall refer the matter to the adviser", according to Article 26 of the Ordonnance Souveraine n° 3.413[8] (le conseiller en charge des recours et de la médiation). The adviser reports to the Minister of State (Art. 6), who ensures the advisor's "statutory and functional independence" (Art. 7). The Advisor examines the case and issues a recommendation to the Minister of State (Art. 27).

Safety of journalists:

10. As of 20 April 2023, UNESCO has recorded no killings of journalists in Monaco[9] since 2006, when systematic monitoring by the organization began.

III. RECOMMENDATIONS

A. RIGHT TO EDUCATION

11. Monaco devrait être encouragée à :

[5] https://www.wipo.int/wipolex/en/text/496807 (unofficial translation)
[6] https://legimonaco.mc/code/code-penal/
[7] https://journaldemonaco.gouv.mc/Journaux/2011/Journal-8032/Ordonnance-Souveraine-n-3.413-du-29-aout-2011-portant-diverses-mesures-relatives-a-la-relation-entre-l-Administration-et-l-administre
[8] Ibid
[9] https://en.unesco.org/themes/safety-journalists/observatory/country/223758

i. Consacrer le droit à l'éducation pour tous dans le cadre législatif.
ii. Garantir au moins une année d'éducation pré-primaire gratuite et obligatoire, en conformité avec la Déclaration d'Incheon.
iii. Réviser le Code Civil afin que seul un juge puisse autoriser un mariage avant l'âge de 18 ans.
iv. Continuer à soumettre régulièrement des rapports nationaux complets pour les consultations périodiques sur les instruments normatifs de l'UNESCO relatifs à l'éducation, et notamment sur la Convention concernant la lutte contre la discrimination dans le domaine de l'enseignement.
v. Partager avec l'UNESCO toute information pertinente pour la mise à jour du profil pays de l'Observatoire de l'UNESCO sur le droit à l'éducation[10] et l'Outil de suivi de l'UNESCO sur le droit à l'éducation des filles et des femmes, *Son Atlas.*[11]

B. RIGHT TO FREEDOM OF OPINION AND EXPRESSION AND RIGHT TO INFORMATION

12. It is recommended that Monaco decriminalize defamation in accordance with international standards.

13. Monaco is encouraged to cooperate with UNESCO's annual survey instrument to measure global progress on access to information and consider including relevant information in its Voluntary National Reviews under the SDGs.

C. CULTURAL RIGHTS

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Monaco is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Monaco is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society associations as well

[10] https://fr.unesco.org/themes/droit-education/base-de-donnees
[11] https://fr.unesco.org/education/girls-women-rights

as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young people and persons with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. THE RIGHT TO SHARE IN SCIENTIFIC ADVANCEMENT AND ITS BENEFITS

15. Monaco did not submit its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation period from 2017 to 2020. In May 2023, UNESCO's Executive Board also adopted 216 EX/Decision 45, which calls on all Member States to redouble their efforts to ensure the full and comprehensive implementation and monitoring of the 2017 Recommendation on Science and Scientific Researchers along the lines established in this decision. Therefore, Monaco is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice. Particular attention should be paid to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, equal opportunities and treatment, including for girls and women pursuing a scientific career, etc.) and human rights obligations related to the practice of science generally: the human rights related to access to and uses of scientific knowledge through education; the sharing of benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion; protection for the rights of human subjects of research; and promotion of the science society interface. UNESCO stands ready to support Monaco develop and nurture its science ecosystem, and the protection of their science and scientific researchers, in line with the abovementioned Recommendation. Monaco is invited to reach out to the UNESCO Secretariat for that purpose.

16. Furthermore, Monaco is encouraged to expand input on issues covered by the Recommendation in its national report to the UPR to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations. Within this framework, Monaco is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and also to address the relevant dimensions of the right to science in its reporting on the impact of the COVID-19 pandemic and the assessment of responses thereto.