



# General Assembly

## Human Rights Council

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Agenda item 6

### Universal periodic review

## Report of the Working Group on the Universal Periodic Review \*

### Monaco

### Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-first session from 5 to 16 November 2018. The review of Monaco was held at the 11th meeting, on 12 November 2018. The delegation of Monaco was headed by the Minister of Foreign Affairs and Cooperation, Gilles Tonelli. At its 17th meeting, held on 15 November 2018, the Working Group adopted the report on Monaco.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Monaco: Croatia, Senegal and United Arab Emirates.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Monaco:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/31/MCO/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/31/MCO/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/31/MCO/3).

4. A list of questions prepared in advance by Brazil, Germany, Liechtenstein, Portugal, on behalf of the Group of Friends on national implementation, reporting and follow-up, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Monaco through the troika. These questions are available on the website of the universal periodic review.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation described some of the specific features of Monaco. For example, according to the Constitution, judicial affairs did not fall within the purview of the Government. The judiciary was entirely independent of the executive power, which guaranteed complete freedom of decision. That particularity was not the only one, but part and parcel of an institutional architecture built to meet the needs of an over 700-year-old community currently comprising 38,300 inhabitants that lived within an area of 2 km<sup>2</sup>. Less than 22 per cent of residents had Monegasque nationality and more than 140 nationalities were represented.

6. The following features, among others, distinguished Monaco from other States, including those of a similar size: 98 per cent of employees working in Monegasque companies were foreigners, although Monegasque nationals were afforded priority in access to employment; 85 per cent of employees in Monegasque companies were non-residents and commuted daily; one third of children enrolled in Monegasque schools were non-residents, living abroad with their parents; over 50 per cent of medical cost reimbursements paid by the social security system went to practitioners practising outside Monaco.

7. Following its second universal periodic review, the Principality took action on 70 out of the 81 recommendations made. Fifty-three – or three quarters – of those 70 recommendations had been followed up with measures that had facilitated the achievement of their objectives.

8. Monaco's accession to the Rome Statute and its attendant membership of the International Criminal Court was a recurring issue. It

was inconceivable that a situation falling within the purview of that Court should arise in situ in a territory covering 2 km<sup>2</sup>, if only because the Principality had no army. The only issue was therefore the prosecution of entities or persons domiciled in the Principality that had committed acts within the remit of that Court outside the territory of Monaco. Monegasque legislation already contained provisions to handle such cases, as illustrated by a number of cases addressed under that framework in the past. Monaco was unable to ratify the Rome Statute as some of its provisions, including those relating to the status of the Head of State, were incompatible with its Constitution.

9. New institutions for the promotion and Protection of Human Rights had been established. 30 November 2018 marked the establishment of the Interministerial Committee for the Promotion and Protection of Women's rights. The Committee would ensure follow-up to the recommendations of three core conventions relating to human trafficking, violence against women and domestic violence, and discrimination against women. The Committee would involve relevant Monegasque associations and the Office of the High Commissioner for the Protection of Rights, Liberties and for Mediation in its work. The authorities had actively supported the establishment of the Association for the Support of Victims of Crime in July 2014, whose purpose was to provide support to victims of physical, sexual or mental violence, free of charge and on a confidential basis. Since October 2013, the Office of the High Commissioner had been responsible for protecting citizens in their dealings with the authorities and combating unjustified discrimination.

10. The changes to domestic law in response to the recommendations made during the previous review cycle included: the enactment of legislation on the rights and freedoms of persons with disabilities, gender equality, harassment and violence in the workplace, medical informed consent, and on combating racism through its establishment as an aggravating circumstance. The delegation drew particular attention to the following legislation: Act No. 1.410 of 2 December 2014 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities; Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to names and establishing pre-birth recognition of children, which permitted parents to give their children the mother's surname and entitled any person to bear and use the name of his or her spouse, substituting or adding to his or her own name in the order they chose; Act No. 1.450 of 4 July 2017 on shared residence, which allowed for the equal sharing of custody by the father and the mother, provided that it was in the child's interest; and Act No. 1.457 of 12 December 2017 on harassment and violence in the workplace.

11. At the international level, the following conventions and protocols had been ratified since 2013: Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual abuse (Lanzarote Convention); Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention); Council of Europe Convention on Action against Trafficking in Human Beings; Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol; Council of Europe Convention on Cybercrime and the Additional Protocol thereto, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems; and the Convention on the Rights of Persons with Disabilities.

12. As to gender equality, domestic legislation in Monaco did not discriminate against women in any way. Women enjoyed the same political rights as men, which meant they had the same right to stand for election and to vote, the latter of which was enshrined in the Constitution. The existing legal framework also provided for equal access to the labour market. The Act and its implementing regulation of 1974 provided that all employees, irrespective of sex, were entitled to equal pay for equal work or work of equal value. Women were afforded adequate social protection in the form of maternity leave and family allowances to help them reconcile their career duties with their parenting responsibilities. The growing participation of women in decision-making and the economic life of the country demonstrated the effectiveness of the measures taken. To date, 57 per cent of senior posts in the administration (unit heads or higher) were occupied by women. One of the five government councillor posts was currently held by a woman. Eight out of the 24 members of the National Council were women and the gender balance tipped the other way when it came to ambassadors. In the judiciary, four out of the five services administered by the Directorate of Judicial Services were headed by women.

13. One of the most recent legislative advances to strengthen gender equality was Act No. 1.457 of 12 December 2017 on harassment and violence at the workplace, which had entered into force on 23 December 2017. It prohibited harassment, sexual blackmail and violence in the workplace, among others, required employers to take all necessary measures to prevent such acts, and established those acts as a criminal offence.

14. Concerning employment, the Monegasque Constitution guaranteed equal access to employment for non-nationals without distinction. Although Monegasque nationals were given priority in employment, taking into account that they constituted a minority in their own country, there was no distinction, exclusion, restriction or preference based on race, colour, sex, religion, political opinion or social origin.

15. As at 31 December 2017, 4,500 persons – approximately 2,500 men and 2,000 women – had been working in the civil service, accounting for 8 per cent of employees in the Principality. Nearly two thirds of them were French, against 30 per cent Monegasque nationals. Although, at 77 per cent, men outnumbered women among French staff, women accounted for 64 per cent of Monegasque staff and were thus in the majority. In December 2017, there had been 50,000 private sector employees, 60 per cent of whom had been men. Nearly two thirds of private sector employees were of French nationality, which illustrated that the system of priority employment in no way undermined foreigners' access to employment in the Principality. Furthermore, all employees in the Principality of Monaco, regardless of their nationality, were covered by a basic social welfare system. All insured persons had equal access to health insurance and a pension.

16. The Office of the High Commissioner for the Protection of Rights, Liberties and for Mediation had been set up in October 2013; a High Commissioner had been appointed in February 2014. The Office's main functions were to ensure the protection of citizens in their dealings with the authorities and to combat unjustified discrimination. The High Commissioner was mandated to receive complaints from natural or legal persons who considered themselves to be victims of unjustified discrimination. In the public sector, the High Commissioner could require the relevant administrative departments to provide any document, information or assistance

necessary to fulfil his or her duties. He or she could also verbally request supplementary items from the citizen and the aforementioned departments so as to clarify any discrepancies. The High Commissioner ensured respect for the adversarial principle by, if necessary and unless impossible, listening to the explanations of the citizen or his or her representative, as well as those of the administrative authority concerned. In the private-sector realm, the High Commissioner heard the claimant and could request him or her to provide any additional item to clarify the facts and the situation that had given rise to the grievance. After examining the complaint, the High Commissioner might refer it to the authorities or interested parties. In application of the adversarial principle, he or she could also invite the accused party to comment on the acts of discrimination that were the subject of the complaint. On the basis of the complaint, the High Commissioner had the power to make recommendations requesting the defendant to remedy the discrimination identified and to provide information on the follow-up given to the recommendation within a given deadline. If no information was forthcoming, the High Commissioner could make the recommendation public or prepare a special report for the attention of the Prince.

17. The Principality promoted gender equality through its development cooperation policy, which mainly aimed at eradicating poverty through actions in the fields of health, education and social inclusion through employment. Monegasque development cooperation operated in countries with annual per capita incomes of less than 4,000 dollars (least developed countries) or in very poor communities in middle-income countries. The focus was placed on forgotten, often overlooked areas in capitals and major cities (slums, poor neighbourhoods), remote settings (rural or desert areas) and border areas (refugee camps). There, Monaco supported activities with a strong impact on the population's purchasing power. In 2016, 60 per cent of Monegasque official development assistance (9.6 out of 16 million euros), representing 0.16 per cent of the country's gross domestic product, had been allocated for projects in least developed countries. In total, nearly 800,000 persons had benefited directly from the Principality's assistance.

## **B. Interactive dialogue and responses by the State under review**

18. During the interactive dialogue, 49 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

19. Turkmenistan welcomed the changes made to the domestic normative and institutional framework for the promotion and protection of human rights, and the signature and ratification of international instruments. It also noted the importance of the establishment of new institutions for the promotion and protection of human rights.

20. Ukraine welcomed the ratification of a number of international human rights treaties, including the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It also acknowledged the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation.

21. The United Kingdom of Great Britain and Northern Ireland noted that Monaco had not endorsed the Call to Action on Modern Slavery and encouraged Monaco to consider doing so. It also noted that women continued to be disadvantaged in some areas, which included the prohibition on women remarrying within 310 days of the dissolution of a previous marriage and different treatment under retirement rules and regulations.

22. The United States of America acknowledged that the size of Monaco affected its capacity to accept refugees and commended the country's support for the United Nations High Commissioner for Refugees. It noted, however, that the law did not provide for formal asylum or refugee status. It also expressed concern about the law that criminalized denunciations of the ruling family.

23. Uruguay urged Monaco to continue its commitment to promoting and protecting human rights, which had been highlighted by its recent ratification of several international human rights instruments. It congratulated Monaco on the adoption of legislative measures to promote gender equality.

24. The Bolivarian Republic of Venezuela expressed appreciation for the protection by Monaco of vulnerable groups, such as children, women and persons with disabilities. It highlighted, in particular, the arrangement for receiving and schooling persons with disabilities, and the establishment of services for victims of violence. It commended the fact that education was obligatory for children of both sexes until the age of 16 and that primary and secondary schools were free in public schools.

25. Albania commended Monaco for its constructive cooperation with international human rights mechanisms. It welcomed the ratification of a number of international human rights instruments, including the Convention on the Rights of Persons with Disabilities. Albania asked for information on the process of establishing a committee for the promotion and protection of women's rights, particularly on the role of civil society during and after the establishment of such an interministerial committee.

26. Algeria welcomed the various initiatives taken to guarantee the rights of the child, and encouraged Monaco to make further efforts in this area, particularly through the development and implementation of a comprehensive policy. It also praised the implementation of a law that criminalized various forms of violence against women such as harassment or forced marriage and that specifically recognized rape between spouses.

27. Andorra appreciated the ratification of a number of international instruments, particularly the Convention on the Rights of Persons with Disabilities. It asked about the measures aimed at providing care for minors with disabilities, and about the integration of persons with disabilities in the labour market.

28. Argentina congratulated Monaco on the enactment of the act on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, and on the different measures adopted to ensure the rights of persons with disabilities. It commended efforts to combat discrimination against women.

29. Australia noted the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for

Mediation. It acknowledged the ratification of a range of international legal instruments, including the Convention on the Rights of Persons with Disabilities. It noted the lack of a clear and express prohibition of discrimination based on nationality, race or ethnicity, and sporadic allegations of government corruption.

30. Brazil commended the accession by Monaco to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and to the Convention on the Rights of Persons with Disabilities. It also welcomed the enactment of laws on issues related to gender equality, harassment and violence at the workplace, the fight against racism and the rights of persons with disabilities.

31. Bulgaria welcomed the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation. It highlighted the process for the establishment of the interministerial committee for the promotion and protection of women's rights. It also commended Monaco on the ratification of the Convention on the Rights of Persons with Disabilities, and the recent enactment of legislation on extending opportunities for persons with disabilities.

32. Canada welcomed the steps taken to reduce discrimination against foreign workers by adopting new legislation that allows French nationals of the region to work remotely. It also noted the positive contribution by Monaco to helping and assisting the most vulnerable populations in developing countries.

33. Chile welcomed the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation. It also welcomed the ratification of several international human rights instruments. It expressed concern about the lack of legislation expressly prohibiting all forms of discrimination against women. It also expressed concern about complaints of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons.

34. China noted the ratification by Monaco of the Convention on the Rights of Persons with Disabilities. China welcomed the efforts of Monaco to protect vulnerable groups, including women, children, the elderly, and persons with disabilities, and to promote gender equality and social inclusiveness. China also welcomed the active cooperation of Monaco with developing countries and official development assistance provided by Monaco to developing countries.

35. Côte d'Ivoire commended measures adopted to strengthen the institutional and normative framework to protect human rights. It welcomed the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, and the act on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities. It also welcomed the ratification by Monaco of several European and international human rights treaties.

36. Cyprus commended Monaco on its strong commitment to protecting and promoting human rights and on the concrete measures the Government had taken to implement its international human rights obligations. It welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities, and asked if there was any information available on the implementation of that instrument, especially with regard to minors and access to the workplace.

37. Denmark stated that the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment established an important set of practical tools on preventing torture and ill-treatment. It further stressed that the Convention on the Elimination of All Forms of Discrimination against Women guided the efforts of States to realize gender equality in law and practice by addressing discrimination against women and girls.

38. France expressed appreciation for the strong commitment to human rights displayed by Monaco both at the country level and in international organizations, as reflected recently by the country's ratification of the Convention on the Rights of Persons with Disabilities.

39. Gabon congratulated Monaco on the adoption of legislation for the disabled, in particular the act on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities, adopted in 2014, and on the ratification in 2017 of the Convention on the Rights of Persons with Disabilities. It commended measures taken for the protection of older persons, in particular the opening of the Clinical Gerontology Centre.

40. Georgia hailed the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It welcomed the establishment of a national institution for the promotion and protection of human rights, namely the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, as well as of the Association for the Support of Victims of Crime.

41. Germany commended Monaco on its ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on the Rights of Persons with Disabilities.

42. Ghana welcomed the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation in 2013, and of the Association for the Support of Victims of Crime in 2014 to provide support to victims of various acts of violence and other criminal offences. It commended the country on its ratification of the Convention on the Rights on Persons with Disabilities in 2017.

43. The delegation observed that, with its 2 km<sup>2</sup> territory, Monaco was neither a destination country nor a migration corridor. Furthermore, as Monaco and France formed a customs union, controls were carried out by the French customs authorities, which had the same powers as on French territory. Monaco therefore issued no entry visas for its territory. Since 1 January 2018, 55 unaccompanied minor migrants had entered Monegasque territory. Child protection measure had been implemented and the children had been placed in the care of the Department of Social Welfare and Social Services. Following a health check, the children had been handed over to the French authorities in charge of monitoring the entry and movement of third-country nationals in the Schengen

Area, as required by European regulations.

44.Regarding violence against children, the delegation referred to the concept of “specific forms of violence” against particularly vulnerable groups. The delegation also referred to a bill that would shortly be submitted to the legislative assembly (National Council), which established the commission of violent acts against children not resulting in injuries as an aggravating circumstance.

45.Concerning disability, the delegation said that, in addition to a guaranteed subsistence minimum, a spectrum of supporting funds were made available for the implementation of disability benefit programmes for adults and children, including: home help services, education assistants, tailor-made holidays, transportation by taxi and coverage of non-classified services. Legislation had helped promote professional inclusion of persons with disabilities and enhanced recognition of the role played by parents of children with disabilities, granting them the right to family benefits.

46.Honduras commended Monaco on its efforts to implement the recommendations it had received during the second review cycle, including its establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation. It noted with appreciation the financial contributions made by Monaco to the Office of the United Nations High Commissioner for Human Rights.

47.Iceland expressed its appreciation for the ratification by Monaco of the Convention on the Rights of Persons with Disabilities, as well as for the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation.

48.Indonesia commended Monaco on the progress it had made since its last review, in particular regarding the ratification in 2017 of the Convention on the Rights of Persons with Disabilities and the establishment in 2014 of the Association for the Support of Victims of Crime. It also welcomed the country’s continued commitment to providing development cooperation and assistance to developing countries, in accordance with the Sustainable Development Goals.

49.Iraq noted progress made since the last review of Monaco, especially with regard to the normative and institutional human rights framework in the country. It expressed strong appreciation for the ratification of a number of regional and international conventions as well as for the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation.

50.Ireland congratulated Monaco on the progress the country had made since its last review. Those positive steps had included the ratification of a number of international human rights instruments, such as the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

51.Italy welcomed the commitment of Monaco to promoting and protecting human rights. It hailed efforts benefiting women, children and persons with disabilities. It appreciated the ratification of several international human rights instruments, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the Convention on the Rights of Persons with Disabilities.

52.Madagascar noted with satisfaction that Monaco had acceded to several international human rights instruments, noting that it had, inter alia, ratified the Convention on the Rights of Persons with Disabilities in 2017, as well as the Convention on the Elimination of All Forms of Discrimination against Women in 2016. It also welcomed the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation.

53.Maldives was encouraged by the efforts and progress made by Monaco in regard to improving the rights of persons with disabilities, especially through the enactment of legislation in 2014 and the ratification of the Convention on the Rights of Persons with Disabilities in 2017.

54.Malta thanked Monaco for the presentation of its national report and commended the special measures the country had taken on behalf of women and children since its last universal periodic review.

55.Mauritius particularly welcomed the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in 2016, as well as the ratification of the Convention on the Rights of Persons with Disabilities, in 2017. It applauded the continued efforts by Monaco to promote and protect the rights of the most vulnerable, implemented through special measures designed to benefit children, women, older persons and the disabled.

56.Montenegro welcomed the progress by Monaco, since the previous review, regarding the institutional framework for human rights, which had included the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation. Montenegro also commended Monaco for ratifying the Convention on the Rights of Persons with Disabilities in 2017 and additional international treaties within the framework of the Council of Europe.

57.The Netherlands commended Monaco for ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the Council of Europe Convention on Action against Trafficking in Human Beings, but remained concerned about specific issues pertaining to the rights of women and lesbian, gay, bisexual, transgender and intersex persons.

58.Pakistan acknowledged the efforts made by Monaco with regard to the rights of disadvantaged persons, including women, children, the elderly and persons with disabilities, and commended the adoption of the Harassment and Workplace Violence Act in 2017.

59.The Philippines recognized the institutional progress made by Monaco since the last universal periodic review cycle, which had included the establishment of an interministerial committee for more effective coordination, implementation and evaluation of national policies and measures to combat violence and discrimination against women. It also welcomed the ratification by Monaco of the

Convention on the Rights of Persons with Disabilities in 2017.

60. Portugal welcomed measures taken by Monaco to strengthen human rights protection, in particular the creation of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, the ratification of international human rights instruments in the area of child protection and the elimination of discrimination against women.

61. Qatar noted measures taken to improve the legislative framework, and the ratification of international human rights instruments. It also noted measures to ensure equality in access to medical assistance, as well as education for all, and special attention provided to vulnerable groups.

62. The Republic of Moldova commended Monaco for the importance it attached to the universal periodic review process, reflected in the thorough consideration given to the recommendations it had received. It welcomed the adoption of Act No. 1.457, on harassment and violence in the workplace, which took into account a recommendation made by the Republic of Moldova during the second cycle. It welcomed the ratification of international human rights instruments.

63. Senegal commended progress achieved by Monaco in implementing the recommendations accepted during the second cycle, in particular with regard to gender equality, education for all, the provision of free medical assistance, and combating all forms of discrimination.

64. Serbia commended action taken to implement the recommendations received during the previous cycle. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities, in 2017, and the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation, in 2013.

65. Singapore commended Monaco for taking several progressive measures to care for older persons, who constituted a significant segment of its population. Such measures had included establishing the Rainier III Clinical Gerontology Centre in 2013 and implementing an intergenerational cooperation project, as well as other initiatives to enable older persons to stay at home for as long as possible and in good living conditions.

66. Slovenia welcomed the strengthening of the institutional framework for the protection and promotion of human rights with the establishment of the national human rights institution. It acknowledged the efforts made on the rights of older persons and stated that it would welcome efforts by Monaco to continue strengthening intergenerational cooperation and solidarity.

67. Spain was concerned about the absence of specific national legislation to combat gender-based discrimination and about the continuing existence of certain legal provisions unfavourable to women.

68. The State of Palestine commended the Government's commitment to promoting and protecting human rights. It noted that important steps had been taken in combating discrimination and violence against women.

69. Togo welcomed notable progress achieved by Monaco since its previous review, in particular the establishment of the High Commissioner for Rights and Liberties and for Mediation. It commended measures taken for vulnerable groups, notably the strengthening of the legal framework to protect the rights of women and persons with disabilities.

70. Tunisia welcomed efforts to protect human rights and the establishment of the Office of the High Commissioner for the Protection of Rights and Liberties and for Mediation. It acknowledged the ratification of treaties, and action, to combat violence, trafficking in persons and xenophobia.

71. Replying to a question about conferral of Monegasque nationality, the delegation said that men and women were afforded equal treatment. There were three ways of acquiring Monegasque citizenship: by birth, by an act of the Prince (naturalization), or by having been married to a person holding Monegasque nationality for 10 years. Monegasque legislation guaranteed complete gender equality in that respect.

72. Regarding conventions to be signed, the study of the impact of possible accession to the International Convention for the Protection of All Persons from Enforced Disappearance was currently being finalized.

73. As concerned access to health care for foreign children, health care was available to all without discrimination on the basis of sex, origin, age or severity of the condition. Sixty per cent of patients going to the Monaco hospital for treatment were non-residents; most of them came from France and Italy. State medical aid was available to persons who had been residing in the Principality for at least five years and whose income was below a certain threshold. It covered medical expenses related to pregnancy, illness other than occupational disease or workplace accidents, disability or death.

74. In response to a question concerning deafblind children, the delegation said that children with any impairment or disability received education support in the form of a person who accompanied them all day and assisted them in their schoolwork.

75. The delegation concluded by recalling that in Monaco, which currently hosted 141 nationalities on a territory of 2 km<sup>2</sup>, tolerance and human rights were fundamental.

## **II. Conclusions and/or recommendations**

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

**76.1 Consider accession to the remaining core human rights conventions (Iraq);**

76.2 Consider ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ukraine);

76.3 Redouble its efforts to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and reaffirm its commitment to preventing torture (Uruguay);

76.4 Finalize the study on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and consider its ratification (Togo);

76.5 Consider reviewing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia);

76.6 Examine the opportunity of withdrawing its reservations to articles 7 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Honduras);

76.7 Continue taking steps towards the setting up of an interministerial committee for the promotion and protection of women's rights (Malta);

76.8 Complete the creation of the interministerial committee for the promotion and protection of the rights of women (Gabon);

76.9 Continue efforts to establish the Committee for the Promotion and Protection of Women's Rights (Tunisia);

76.10 Consult civil society in the context of the establishment of the Interministerial Committee for the Promotion and Protection of Women's Rights (Andorra);

76.11 Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);

76.12 Continue strengthening policies on protection of the most vulnerable and ensure that their interests are adequately taken into account (Qatar);

76.13 Continue its ongoing efforts on the strengthening of protection policies for children, women and persons with disabilities (Turkmenistan);

76.14 Continue to take effective measures to promote gender equality and further guarantee the rights of vulnerable groups, including women, children, and persons with disabilities (China);

76.15 Continue the efforts in raising the awareness in the field of human rights (Turkmenistan);

76.16 Continue its efforts in promoting human rights awareness through various education and training programmes (Philippines);

76.17 Further promote economic and social development and continue to provide development assistance to the developing countries (China);

76.18 Continue its efforts to achieve the international objective of 0.7 per cent of gross national product for official development assistance (Côte d'Ivoire);

76.19 Continue to further enrich its legislation to better fight racism (Indonesia);

76.20 Continue efforts to combat hate speech against foreigners and promote a culture of difference and tolerance (Tunisia);

76.21 Continue strengthening legislation and social programmes to combat racism, racial discrimination and xenophobia and related forms of intolerance (Bolivarian Republic of Venezuela);

76.22 Ensure that the national legislation explicitly makes racist motivation an aggravating circumstance for all ordinary offences (Ukraine);

76.23 Abolish the discriminatory prohibition on women remarrying within 310 days following a divorce (Iceland);

76.24 Adopt specific legislation aimed at eradicating, punishing and preventing all forms of discrimination, violence or abuse against persons based on their sexual orientation or gender identity (Chile);

76.25 Continue its cooperation with Least Developed Countries with the aim of attaining Sustainable Development Goal 1 "End extreme poverty, including hunger" (Senegal);

76.26 Adopt comprehensive legislation to prevent and combat all forms of trafficking, with a victim protection centred approach, particularly women and child victims of commercial sexual exploitation (Honduras);

76.27 Strengthen measures aimed at protecting potential victims of trafficking (Algeria);

76.28 Conduct an official study of the possible link between prostitution and trafficking in persons for sexual exploitation in Monaco (United Kingdom of Great Britain and Northern Ireland);

76.29 Adopt mechanisms that regulate and promote equality between men and women, particularly in relation to pay equity, the participation and representation of women in the workplace (Canada);

76.30 Complete the elaboration and the adoption of the bill related to the regulation of night work, with a view to repealing the prohibition of night work for women (Gabon);

76.31 Take action to ensure equal access to education (Madagascar);

76.32 Take legal measures to strengthen the right to education for children who are not Monegasque citizens (Portugal);

76.33 Take further measures to strengthen the right to access to education for all children irrespective of their nationality (Republic of Moldova);

76.34 Continue strengthening access to education, in particular of girls and young women, supporting their entry at all educational levels (Bolivarian Republic of Venezuela);

76.35 Integrate into the Monegasque educational system the specific concerns of deaf-mute and visually impaired persons (Senegal);

76.36 Adopt legislation that explicitly prohibits all forms of discrimination against women (Chile);

76.37 Intensify efforts to eliminate discrimination against women, including human trafficking (Iraq);

76.38 Continue its effort to achieve full and effective gender equality, including by strengthening policies that foster genuine equality between women and men (Indonesia);

76.39 Continue its efforts to combat discrimination and violence against women and promote their rights, and to ensure equal representation of women in decision-making positions (State of Palestine);

76.40 Continue its efforts to facilitate women's representation in the National Council and the Government (Bulgaria);

76.41 Continue to develop strategies to increase the participation of women in political life, as well as in leading positions in business enterprises (Cyprus);

76.42 Encourage an equal male–female representation in the Parliament and within the Government (France);

76.43 Take concrete measures to promote women's full and equal participation in public life, in particular by accelerating women's full and equal participation in elected and appointed bodies (Iceland);

76.44 Redouble its efforts to ensure that women are better represented in public affairs and politics, particularly in decision-making roles (Pakistan);

76.45 Take adequate measures in order to ensure the equal representation of women within the State institutions and public affairs (Serbia);

76.46 Step up efforts to promote better representation of women in public and political affairs, including within political bodies, and provide incentive measures to encourage them (Togo);

76.47 Approve comprehensive anti-discrimination legislation that prohibits discrimination against all women and covers direct and indirect discrimination in the public and private spheres, as well as interrelated forms of discrimination against women, affecting in particular women belonging to minority groups (Honduras);

76.48 Adopt comprehensive anti-discrimination legislation to combat discrimination against women, in particular women belonging to minority groups (Pakistan);

76.49 Continue implementing policies directed towards the achievement of full and effective gender equality, including by amending or repealing obsolete provisions in the legislation that are discriminatory against women (Republic of Moldova);

76.50 Take the necessary measures so that its national legislation ensures that women and men have equal rights with regard to obtaining, keeping and transmitting nationality (Argentina);

76.51 Amend its nationality law to ensure that women have equal rights with regard to obtaining, keeping and transmitting nationality (Iceland);

76.52 Repeal legal provisions unfavourable to women in terms of nationality, work and family and implement and develop specific legislation in the area of gender equality (Spain);

76.53 Continue efforts to improve women's health, and strengthen policies to encourage their entry into the labour market (Bolivarian Republic of Venezuela);

76.54 Continue to promote women's rights, including ensuring access to sexual and reproductive health services (Australia);



76.55 Continue to strengthen efforts to combat all forms of violence and discrimination against women (Maldives);

76.56 Consider the possibility of setting up a body tasked with driving policies for preventing and combating violence against women and of drawing up a national action plan for preventing and combating violence against women (Georgia);

76.57 Establish a national action plan to prevent and combat violence against women (United Kingdom of Great Britain and Northern Ireland);

76.58 Continue efforts to prevent violence against women and combat harassment (Tunisia);

76.59 Adopt a broader definition of domestic violence in accordance with the definition given in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (Uruguay);

76.60 Consider developing and implementing a comprehensive policy for the protection of the rights of the child (Bulgaria);

76.61 Continue to take measures to promote the rights of the child through developing and implementing a comprehensive policy for child rights (Maldives);

76.62 Ensure that foreign children can have the same access to health services of the same quality as Monegasque children (Madagascar);

76.63 Enact legislation to prohibit all forms of corporal punishment of children in all settings, while promoting positive, non-violent and participatory forms of child-rearing and discipline (Brazil);

76.64 Adopt legislation to prohibit corporal punishment and violence against children (Madagascar);

76.65 Adopt provisions to implement the recommendations of the Committee on the Rights of the Child to prohibit corporal punishment in all settings (Portugal);

76.66 Enact legislation to clearly prohibit corporal punishment of children without exceptions in all settings, including in the home (Uruguay);

76.67 Establish a toll-free 24-hour helpline available for all children at the national level and promote awareness of how children could access the helpline (Albania);

76.68 Ensure that the necessary resources and policies are in place for the effective implementation of laws that promote the rights of persons with disabilities, such as Act No. 1.441 and Act No. 1.410 and the Convention on the Rights of Persons with Disabilities (Singapore);

76.69 Take measures aimed at ensuring full access to culture for persons with disabilities and people with low incomes (Algeria);

76.70 Accelerate the creation of a unit in the Principality for elderly persons with mental disabilities in need of special care (Qatar);

76.71 Continue to invest in building sufficient medical, social and geriatric infrastructure to meet the needs of Monaco's older persons ahead of time so that they can age with dignity (Singapore);

76.72 Consider adopting a procedure for granting asylum or refugee status while continuing its support for the United Nations High Commissioner for Refugees' work in protecting refugees (United States of America).

77. The following recommendations will be examined by Monaco, which will provide responses in due time, but no later than the fortieth session of the Human Rights Council:

77.1 Consider assigning to the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation the function of providing victims of discrimination with legal aid, including during court proceedings (Ghana);

77.2 Continue to strengthen the role of the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation to be in line with the Paris Principles (Indonesia);

77.3 Ensure that the national human rights institution is fully compliant with the Paris Principles and seek accreditation by the Global Alliance of National Human Rights Institutions (Ireland);

77.4 Encourage the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation to seek accreditation by the Global Alliance of National Human Rights Institutions (Montenegro);

77.5 Take legal measures for the Office of the High Commissioner for the Protection of Rights, Liberties and for Mediation to satisfy all the criteria laid down in the Paris Principles (Portugal);

77.6 Consider allowing Monaco's High Commissioner for the Protection of Rights, Liberties and for Mediation to initiate investigations into civil liberties violations (United States of America).

78. The recommendations formulated during the interactive dialogue/listed below have been examined by Monaco and

have been noted by Monaco:

**78.1 Ratify or accede to the human rights instruments to which it is not yet a party, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Rome Statute of the International Criminal Court (Honduras);**

**78.2 Sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Spain);**

**78.3 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines);**

**78.4 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

**78.5 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed by Monaco in 2007 (France) (Italy);**

**78.6 Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile) (Denmark) (France) (Ghana) (Portugal);**

**78.7 Sign and ratify the Optional Protocols to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (Ireland);**

**78.8 Ratify the Optional Protocol to the International Covenant on Civil and Political Rights (Montenegro);**

**78.9 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ukraine);**

**78.10 Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the first Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

**78.11 Ratify the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness (Côte d'Ivoire);**

**78.12 Consider acceding to the Rome Statute of the International Criminal Court (Ghana);**

**78.13 Ratify the Rome Statute of the International Criminal Court and align its national legislation with all obligations under the Rome Statute (Germany);**

**78.14 Ratify the Rome Statute of the International Criminal Court (France) (Iceland);**

**78.15 Become a party to the Rome Statute of the International Criminal Court (Portugal);**

**78.16 Ratify the Treaty on the Prohibition of Nuclear Weapons (Togo);**

**78.17 Withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);**

**78.18 Join the International Labour Organization and the respective conventions of the ILO (Germany);**

**78.19 Strongly consider becoming a member of the International Labour Organization and the International Organization for Migration (Philippines);**

**78.20 Improve its government transparency and accountability, including by instituting mechanisms to ensure openness and public consultation in parliamentary processes (Australia);**

**78.21 Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation (State of Palestine);**

**78.22 Take active steps to ensure its domestic legislation prohibits discrimination based on nationality, race or ethnicity, in line with the International Convention on the Elimination of All Forms of Racial Discrimination (Australia);**

**78.23 Establish a strong anti-discrimination legislative framework prohibiting all forms of direct and indirect discriminatory practice (Madagascar);**

**78.24 Adopt a civil union agreement that grants equal rights from that of marriage to unmarried partners (Canada);**

**78.25 Adopt marriage equality legislation, extending full marriage rights to same-sex couples (Iceland);**

**78.26 Amend legislation in order to grant equal recognition and legal rights to same-sex couples, in particular with respect to laws governing marriage, cohabitation of couples, adoption and employment discrimination (Netherlands);**

**78.27 Enact legislation to protect and promote the rights of lesbian, gay, bisexual, transgender and intersex persons (Brazil);**

**78.28 Protect lesbian, gay, bisexual, transgender and intersex persons by, for example, adopting specific legislation against hate crimes and guaranteeing their full social integration and the participation of lesbian, gay, bisexual, transgender and intersex persons in all spheres of life (Spain);**

**78.29 Consider revising restrictions on freedom of expression and decriminalization of speech critical of the ruling family (United States of America);**

**78.30 Improve working conditions for employees in the informal sector (Senegal);**

**78.31 Counter discrimination against women in political participation and family affairs, in particular through repealing reservations made under articles 7 (b), 9 and 16 (1) (e) and (g) of the Convention on the Elimination of All Forms of Discrimination against Women, including through the amendment of the nationality law to ensure that women and men have equal rights with regard to obtaining, keeping and transmitting nationality (Netherlands);**

**78.32 Open discussions with civil society groups and stakeholders on the sexual and reproductive rights of women and girls, repeal discriminatory legislation and decriminalize elective abortion (Canada);**

**78.33 Adopt measures to protect the reproductive rights of women through the enactment of legislative reforms to fully decriminalize voluntary termination of pregnancy (Uruguay);**

**78.34 Continue working to ensure the effective protection of victims of gender-based violence by amending Law No. 1.382 of 2011 to adequately meet the specific needs of women victims and also amend article 262 of the Criminal Code to ensure that the definition of rape is based on the lack of freely given consent (Spain);**

**78.35 Review the law that establishes the minimum age of criminal responsibility as 13 years of age and eliminate this provision (Portugal).**

**79. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## **Annex**

[French Only]

### **Composition of the delegation**

The delegation of Monaco was headed by Mr. Gilles Tonelli, Conseiller de Gouvernement-Ministre des Relations Extérieures et de la Coopération de Monaco and composed of the following members:

- M. Laurent ANSELMi, Directeur des Services Judiciaires;
- S.E Mme Carole LANTERI, Ambassadeur, Représentant Permanent de la Principauté de Monaco auprès de l'Office des Nations Unies à Genève;
- M. José BADIA, (Conseil National (Parlement), Conseiller National, Président de la Commission des Relations Extérieures;
- Mme Isabelle ROSABRUNETTO, Directeur Général, Département des Relations Extérieures et de la Coopération;
- Mme Valérie VIORA, Directeur Général, Département des Affaires Sociales et de la Santé;
- Mme Véronique SEGUI-CHARLOT, Directeur de l'Action et de l'Aide Sociales, Département des Affaires Sociales et de la Santé;
- Mme Pascale PALLANCA, Directeur du Travail, Département des Affaires Sociales et de la Santé;
- M. Alexandre BORDERO, Directeur de l'Action Sanitaire, Département des Affaires Sociales et de la Santé;
- M. Jean-Laurent RAVERA, Chef du Service du Droit International, des Droits de l'Homme et des Libertés Fondamentales, Direction des Affaires Juridiques;
- M. Christian CEYSSAC, Chargé de Mission, Département de l'Intérieur;
- Mme Corinne MAGAIL, Chargé de Mission, Département des Relations Extérieures et de la Coopération;
- M. Rémy LE JUSTE, Commissaire de Police, Chef de la Division de Police Administrative, Direction de la Sécurité Publique;
- M. Gilles REALINI, Premier Secrétaire, Mission Permanente de la Principauté de Monaco, auprès de l'Office des Nations Unies à Genève;
- M. Maxime MAILLET, Administrateur, Direction des Services Judiciaires;

- Mme Laura BENITA, Rédacteur principal, Direction des Affaires Juridiques;

- Mlle Francesca CASALONE, Stagiaire, Mission Permanente de la Principauté de Monaco, auprès de l'Office des Nations Unies à Genève.