



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Monaco and welcome the constructive engagement of your Government during the 31<sup>st</sup> session of the UPR Working Group in November 2018.

As the final outcome report on the review of Monaco has been recently adopted by the Human Rights Council at its 40<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Monaco – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 49 delegations, the presentation and responses made by the delegation of Monaco and the actions taken by your Government to implement the 51 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to highlight that I am particularly encouraged by a number of measures taken by the Government of Monaco, in particular the establishment of the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation and of the Committee for the Promotion and Protection of Women's Rights as well as the ratification of important international instruments to protect the rights of women such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

I encourage Monaco to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for Monaco's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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H.E. Mr. Gilles Tonelli  
Counsellor of the Government and Minister for External Relations and Cooperation  
Principality of Monaco



I encourage Monaco to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice by Monaco to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Monaco in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention relating to the Status of Stateless Persons; the Convention on the Reduction of Statelessness; the Optional Protocol to the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Rome Statute of the International Criminal Court.
- Withdrawing its reservations and interpretative declarations to the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights.
- Becoming a member of the International Labour Organization (ILO) and a party to the respective conventions of the ILO.

### **National human rights framework**

- Continuing to strengthen the role of the Office of the High Commissioner for the Protection of Human Rights and Freedoms and for Mediation to bring it in line with the Paris Principles.
- Giving a robust role to the Committee for the Promotion and Protection of Women's Rights in the realization of women's rights in consultation with civil society.
- Improvement of the government transparency and accountability, particularly of the legislative process, including by instituting mechanisms to ensure openness and public consultation in parliamentary processes and to easy public access to adequate information on consultations held.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Continuing to strengthen legislation on protection against discrimination, by passing a framework law on protection against all forms of discrimination including direct and indirect discrimination in both the public and private spheres.
- Continuing to strengthen social programmes to combat racism, racial discrimination and xenophobia and related forms of intolerance; and considering reviewing the Criminal Code to explicitly make racist motivation an aggravating circumstance for all ordinary offences.



- Continuing efforts to provide lesbian, bisexual, transgender and intersex individuals with the necessary protection from discrimination and violence; and adopting specific anti-discrimination legislation and criminal law provisions explicitly recognizing violence based on sexual orientation or gender identity as an aggravating factor.

*Development, the environment, and business and human rights*

- Continuing efforts to meet the international objective of allocating 0.7 per cent of gross national product for official development assistance.
- Establishment and implementation of regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards.

**B. Civil and political rights**

*Right to life, liberty and security of person*

- Incorporation in its criminal law of a definition of torture that covers all the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Amendment of Law No. 1.382 to adequately address the special needs of female victims of gender-based violence and to extend the definition of domestic violence to non-cohabiting couples.

*Administration of justice, including impunity, and the rule of law*

- Considering the possibility of raising the age of criminal responsibility and repealing the amendment to the Code of Criminal Procedure that allows children under 13 years of age to be placed in police custody for the needs of investigation.

*Fundamental freedoms*

- Decriminalization of defamation and making such acts part of the Civil Code in accordance with international standards; and revision of the provisions of the Criminal Code on publicly offending the royal family to bring them into line with article 19 of the International Covenant on Civil and Political Rights.
- Establishment of a legal regime to protect “native children” (enfants du pays) from refoulement and expulsion, by restricting the removal of individuals who had been born and had always lived in Monaco to specific cases where there were imperative grounds for doing so; and repealing criminal provisions authorizing banishment, as these are inconsistent with article 12 of the International Covenant on Civil and Political Rights.

*Prohibition of all forms of slavery*

- Strengthening measures to protect potential victims from trafficking, including by encouraging reporting by victims and witnesses, and providing witness protection programmes and temporary residence permits to victims; and allocating specific funds for exit programmes for women who wished to leave prostitution.



### *Right to family life*

- Making the necessary legislative amendments to ensure protection of the rights of persons in civil union relationships.

### **C. Economic, social and cultural rights**

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

- Ensuring that the application of the system of priorities does not lead to abuses or discrimination in the hiring and dismissal of non-nationals, and taking steps to ensure that employees have an opportunity to be informed of their rights and to facilitate complaints in cases of abuse.
- Increase of the capacities and resources of the labour inspectorate to enable it to monitor the situation of domestic workers more effectively, including their recruitment and working conditions, as well as the working conditions in the cleaning sector.

#### *Right to an adequate standard of living*

- Reduction of the five-year residence requirement for low-income non-Monegasque nationals to be eligible for certain social and medical benefits and for access to housing, and housing aid.

#### *Right to health*

- Strengthening measures, in line with relevant international human rights standards, to prevent substance abuse among adolescents, by way of education on life skills, and engagement of the mass media to promote healthy lifestyles by children and adolescents. This should be accompanied by the provision of rehabilitation, reintegration and recovery programmes specifically designed for child victims of drug and substance abuse.
- Guaranteeing free medical assistance to foreign children residing in Monaco, in particular for fewer than five years, so as to ensure that all children enjoy the same access to and quality of health services.
- Legalization of abortion in cases of incest and severe fetal impairment and decriminalizing it in all other cases.

#### *Right to education*

- Taking appropriate legislative measures to strengthen the right to education of children who are not Monegasque and considering all possible measures to ensure that foreign children are allowed equal access to education.
- Adoption of targeted measures to address structural barriers that might deter girls from enrolling in traditionally male-dominated fields of study, such as, but not limited to, mathematics, information technology and science.

## **D. Rights of specific persons or groups**

### *Women*

- Adoption of a comprehensive strategy to eliminate stereotypes concerning the roles and responsibilities of women and men in the family and in society.
- Continuing 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; abolition of the discriminatory prohibition for women to remarry for 310 days following a divorce; and ensuring that the nationality law guarantees that women and men have equal rights with regard to obtaining, keeping and transmitting nationality, including abolishing the obligation for Monegasque women to fulfil certain conditions in order to transmit their nationality to their children.
- Adoption of the necessary legislative amendments to enforce the principle of equal pay for work of equal value in both the private and public sectors.
- Stepping up efforts and concrete measures to promote women's equal representation in public life, in particular by promoting women's full and equal participation in elected and appointed bodies and providing incentive measures to encourage this.
- Ensuring effective access for victims of gender-based violence to courts and adequate responses by the authorities to all such cases through the strict application of the relevant criminal law provisions, and as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial and expeditious manner, and the imposition of adequate penalties; setting up a body tasked with driving policies for preventing and combating violence against women, and drawing up a national action plan; and stepping up support of NGOs involved in combating violence against women.
- Amendment of the Criminal Code to ensure that the definition of rape is based on the lack of freely given consent.

### *Children*

- Strengthening efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings, and in all policies, programmes and projects relevant to and with an impact on children.
- Development and implementation of a comprehensive policy on children.
- Introduction of provisions expressly prohibiting corporal punishment in all settings, and strengthening efforts to promote positive, non-violent and participatory forms of child-rearing and discipline.

### *Persons with disabilities*

- Setting up an independent national mechanism to monitor the implementation of the Convention on the Rights of Persons with Disabilities, as required under article 33 of that Convention.



*Refugees and asylum seekers*

- Incorporation of the procedure for processing asylum applications into domestic law, clearly specifying, in particular, the reception measures to be adopted by the State in favour of asylum seekers while their cases are being assessed and the relevant criteria on which the State should base its decisions to accept or reject applications, taking into account applicable international agreements, in particular the Convention relating to the Status of Refugees of 28 July 1951.