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Draft report of the Working Group on the Universal Periodic Review*

Monaco

* The annex is being circulated without formal editing, in French.

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 His Excellency Mr. Gilles Tonelli, Minister of Foreign Affairs and Cooperation of the Principality of Monaco. 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 the 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 NMIRFs, Slovenia, Spain, 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

[To be completed by 23 November 2018]

A. Presentation by the State under review

B. Interactive dialogue and responses by the State under review

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

II. Conclusions and/or recommendations

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

6.1. Consider accession to the remaining core human rights conventions (Iraq);

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

- 6.3. 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);
- 6.4. Finalise the study on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and consider its ratification (Togo);
- 6.5. Consider reviewing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia);
- 6.6. 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);
- 6.7. Continue taking steps towards the setting up of an inter-ministerial committee for the promotion and protection of women's rights (Malta);
- 6.8. Complete the creation of the inter-ministerial committee for the promotion and protection of the rights of women (Gabon);
- 6.9. Continue efforts to establish the Committee for the Promotion and Protection of Women's Rights (Tunisia);
- 6.10. Consult civil society in the context of the establishment of the Inter-ministerial Committee for the Promotion and Protection of Women's Rights (Andorra);
- 6.11. Adopt an open, merit-based process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);
- 6.12. Continue strengthening policies on protection of the most vulnerable and ensure that their interests are adequately taken into account (Qatar);
- 6.13. Continue its ongoing efforts on the strengthening of protection policies for children, women and persons with disabilities (Turkmenistan);
- 6.14. 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);
- 6.15. Continue the efforts in raising the awareness in the field of human rights (Turkmenistan);
- 6.16. Continue its efforts in promoting human rights awareness through various education and training programs (Philippines);
- 6.17. Further promote economic and social development and continue to provide development assistance to the developing countries (China);
- 6.18. Continue its efforts to achieve the international objective of 0.7 per cent of gross national product for official development assistance (Côte d'Ivoire);
- 6.19. Continue to further enrich its legislation to better fight racism (Indonesia);
- 6.20. Continue efforts to combat hate speech against foreigners and promote a culture of difference and tolerance. (Tunisia);

- 6.21. Continue strengthening legislation and social programmes to combat racism, racial discrimination and xenophobia and related forms of intolerance (Bolivarian Republic of Venezuela);
- 6.22. Ensure that the national legislation explicitly makes racist motivation an aggravating circumstance for all ordinary offences (Ukraine);
- 6.23. Abolish the discriminatory prohibition on women remarrying within 310 days following a divorce (Iceland);
- 6.24. 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);
- 6.25. Continue its cooperation with Least Developed Countries (LDCs) with the aim of attaining SDG1 “End extreme poverty, including hunger” (Senegal);
- 6.26. Adopt comprehensive legislation to prevent and combat all forms of trafficking with a victim protection centered approach, particularly women and children victims of commercial sexual exploitation (Honduras);
- 6.27. Strengthen measures aimed at protecting potential victims of trafficking (Algeria);
- 6.28. 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);
- 6.29. 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);
- 6.30. 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);
- 6.31. Take action to ensure equal access to education (Madagascar);
- 6.32. Take legal measures to strengthen the right to education for children who are not Monegasque citizens (Portugal);
- 6.33. Take further measures to strengthen the right to access to education to all children irrespective of their nationality (Republic of Moldova);
- 6.34. Continue strengthening access to education, in particular of girls and young women, supporting their entry at all educational levels (Bolivarian Republic of Venezuela);
- 6.35. Integrate into the Monegasque educational system the specific concerns of deaf mute and visually impaired persons (Senegal);
- 6.36. Adopt legislation that explicitly prohibits all forms of discrimination against women (Chile);
- 6.37. Intensify efforts to eliminate discrimination against women, including human trafficking (Iraq);
- 6.38. Continue its effort to achieve full and effective gender equality, including by strengthening policies that foster genuine equality between women and men (Indonesia);

- 6.39. 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);
- 6.40. Continue its efforts to facilitate women's representation in the National Council and the Government (Bulgaria);
- 6.41. Continue to develop strategies to increase the participation of women in political life, as well as in leading positions in business enterprises (Cyprus);
- 6.42. Encourage an equal male-female representation in the Parliament and within the Government (France);
- 6.43. 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);
- 6.44. Redouble its efforts to ensure that women were better represented in public affairs and politics, particularly in decision making roles (Pakistan);
- 6.45. Take adequate measures in order to ensure the equal representation of women within the state institutions and public affairs (Serbia);
- 6.46. 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);
- 6.47. 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);
- 6.48. Adopt comprehensive anti-discrimination legislation to combat discrimination against women, in particular women belonging to minority groups (Pakistan);
- 6.49. 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);
- 6.50. 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);
- 6.51. Amend its nationality law to ensure that women have equal rights with regard to obtaining, keeping and transmitting nationality (Iceland);
- 6.52. 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);
- 6.53. Continue efforts to improve women's health, and strengthen policies to encourage their entry into the labour market (Bolivarian Republic of Venezuela);
- 6.54. Continue to promote women's rights, including ensuring access to sexual and reproductive health services (Australia);

- 6.55. Continue to strengthen efforts to combat all forms of violence and discrimination against women (Maldives);
- 6.56. Consider the possibility of setting up a body tasked with driving policies for preventing and combating violence against women as well as to draw up a national action plan for preventing and combating violence against women (Georgia);
- 6.57. Establish a national action plan to prevent and combat violence against women (United Kingdom of Great Britain and Northern Ireland);
- 6.58. Continue efforts to prevent violence against women and combat harassment (Tunisia);
- 6.59. 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);
- 6.60. Consider to develop and implement a comprehensive policy for the protection of the rights of the child (Bulgaria);
- 6.61. Continue to take measures to promote rights of the child through developing and implementing a comprehensive policy for child rights (Maldives);
- 6.62. Ensure that foreign children can have the same access to health services of the same quality as Monegasque children (Madagascar);
- 6.63. 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);
- 6.64. Adopt legislation to prohibit corporal punishment and violence against children (Madagascar);
- 6.65. Adopt provisions to implement the recommendations of the Committee on the Rights of the Child to prohibit corporal punishment in all settings (Portugal);
- 6.66. Enact legislation to clearly prohibit corporal punishment of children without exceptions in all settings, including in the home (Uruguay);
- 6.67. 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);
- 6.68. Ensure that the necessary resources and policies are in place for the effective implementation of laws that promote the rights of person with disabilities such as Act No. 1.44~~10~~ and Act No. 1.~~4~~.~~1041~~ and the Convention on the Rights of Persons with Disabilities (Singapore);
- 6.69. Take measures aimed at ensuring full access to culture for persons with disabilities and people with low incomes (Algeria);
- 6.70. Accelerate the creation of a unit in the Principality for elderly persons with mental disabilities in need of special care (Qatar);
- 6.71. 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);

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

7. 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:

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

7.2. 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);

7.3. 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);

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

7.5. 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);

7.6. 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).

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

8.1. Ratify or accede to the human rights instruments to which it is not yet a party, in particular the International Convention for 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);

8.2. 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);

8.3. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (Philippines);

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

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

- 8.6. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Chile); (Denmark); (France); (Ghana); (Portugal);**
- 8.7. **Sign and ratify the Optional Protocols to the International Covenant on Civil and Political Rights and to International Covenant on Economic, Social and Cultural Rights (Ireland);**
- 8.8. **Ratify the Optional Protocol to the International Covenant on Civil and Political Rights (Montenegro);**
- 8.9. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Ukraine);**
- 8.10. **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);**
- 8.11. **Ratify the Convention relating to the Status of Stateless Persons, and the Convention on the Reduction of Statelessness (Côte d'Ivoire);**
- 8.12. **Consider acceding to the Rome Statute on the International Criminal Court (Ghana);**
- 8.13. **Ratify the Rome Statute of the International Criminal Court and align its national legislation with all obligations under the Rome Statute (Germany);**
- 8.14. **Ratify the Rome Statute of the International Criminal Court (France); (Iceland);**
- 8.15. **Become a party to the Rome Statute of the International Criminal Court (Portugal);**
- 8.16. **Ratify the Treaty on the Prohibition of Nuclear Weapons (Togo);**
- 8.17. **Withdraw its reservations to the Convention on the Elimination of All Forms of Discrimination against Women (Denmark);**
- 8.18. **Join the International Labour Organization and the respective conventions of the ILO (Germany);**
- 8.19. **Strongly consider becoming a member of the International Labour Organization (ILO) and the International Organization on Migration (IOM) (Philippines);**
- 8.20. **Improve its government transparency and accountability, including by instituting mechanisms to ensure openness and public consultation in parliamentary processes (Australia);**
- 8.21. **Ensure that its policies, legislation, regulations and enforcement measures effectively serves to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation (State of Palestine);**
- 8.22. **Take active steps to ensure its domestic legislation prohibits discrimination based on nationality, race or ethnicity in line with the Convention on the Elimination of All Forms of Racial Discrimination (Australia);**
- 8.23. **Establish a strong anti-discrimination legislative framework prohibiting all forms of direct and indirect discriminatory practice (Madagascar);**

- 8.24. **Adopt a civil union agreement that grants equal rights from that of marriage to unmarried partners (Canada);**
- 8.25. **Adopt marriage equality legislation, extending full marriage rights to same-sex couples (Iceland);**
- 8.26. **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);**
- 8.27. **Enact legislation to protect and promote the rights of LGBTI persons (Brazil);**
- 8.28. **Protect LGBTI persons by, for example, adopting specific legislation against hate crimes and guaranteeing their full social integration and participation of LGBTI people in all spheres of life (Spain);**
- 8.29. **Consider revising restrictions on freedom of expression and decriminalization of speech critical of the ruling family (United States of America);**
- 8.30. **Improve working conditions for employees in the informal sector (Senegal);**
- 8.31. **Counter discrimination against women in political participation and family affairs, in particular through repealing reservations made under article 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);**
- 8.32. **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);**
- 8.33. **Adopt measures to protect the reproductive rights of women through the enactment of legislative reforms to fully decriminalize voluntary termination of pregnancy (Uruguay);**
- 8.34. **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);**
- 8.35. **Review the law that establishes the minimum age of criminal responsibility as 13 years of age and eliminate this provision (Portugal).**
- 9. 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 ANSEMI, 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 Sûreté 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.