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National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Monaco

* The present document is being issued without formal editing.



I. Preparation of the report

1. On 17 August 2018, Monaco submitted its third national report.¹ The review of Monaco was held on 12 November 2018, during the thirty-first session of the Working Group of the Human Rights Council. The delegation of Monaco was led by the Minister of Foreign Affairs and Cooperation.
2. On 15 November 2018, the Working Group adopted the report on Monaco.² In accordance with the established procedure, an addendum was transmitted by Monaco to the Human Rights Council on 15 February 2019.³
3. During the third cycle of the universal periodic review on 12 November 2018, 113 recommendations were made to Monaco. Monaco noted 35 of those recommendations, either because they were incompatible with the country's specificities⁴ or because they required mechanisms that were different from those already in place to achieve similar objectives. Two of the recommendations, concerning the definition of rape (78.34) and accountability in the conduct of public affairs (78.20), respectively, have been implemented.
4. Lastly, Monaco did not take a position on six recommendations (77.1–77.6), as they required more in-depth study before the Principality could make a decision. These concerned the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation.⁵
5. The 72 recommendations accepted by Monaco (76.1–76.72) refer, for the most part, to measures already taken or in the process of being taken. It is within this framework that the Principality of Monaco is pursuing its policy of strengthening the promotion and protection of human rights, including economic, social and cultural rights.
6. As regards women's rights, the Principality of Monaco has stepped up its efforts to promote gender equality, and further committed to combating violence against women.
7. The Committee for the Promotion and Protection of Women's Rights was created on 25 October 2018. The inaugural session of the Committee was held on 30 November 2018 in Monaco. It is chaired by the Minister of Foreign Affairs and Cooperation. The Interministerial Delegate for the Promotion and Protection of Women's Rights monitors the implementation of the Committee's decisions and guidance.
8. Children's rights include equal access to education and health care for all children, whether resident in Monaco or with a parent working in the Principality, regardless of nationality, sex or age. Monaco likewise places an emphasis on humanist values in lesson content and through many extracurricular activities.
9. Regarding the country's policy for older persons, the report mentions the expansion of accommodation and/or support services and the policies developed for persons with disabilities.
10. In terms of international cooperation, the Government of Monaco continues to work alongside the international community on the various issues and challenges of human development and in the fight against poverty, in line with the 2030 Sustainable Development Goals.
11. This fourth report begins by outlining the changes made since 2018, namely, the enactment of legislation, the ratification of international instruments and the establishment of a new institution. In the final section, an update on the implementation of the recommendations is provided.
12. As part of this exercise, the Ministry of Foreign Affairs and Cooperation consulted the following entities: the Ministry of the Interior, the Ministry of Health and Social Affairs, the Department of Legal Affairs, the Committee for the Promotion and Protection of Women's Rights and the Department of Justice.

II. Progress achieved in the field of human rights

A. Changes to domestic law

13. Mention can be made of the following legislative and regulatory texts:
- Act No. 1.464 of 10 December 2018 on strengthening the protection of individuals against defamation and insult.
 - Act No. 1.478 of 12 November 2019 modifying certain provisions on sentencing.
 - Act No. 1.513 of 3 December 2021 on the fight against harassment and violence in schools.
 - Act No. 1.517 of 23 December 2021 amending the provisions on the criminalization of sexual assault.
 - Act No. 1.523 of 16 May 2022 on the promotion and protection of women's rights, which amended and repealed obsolete and discriminatory provisions.
 - Act No. 1.527 of 7 July 2022 amending Act No. 975 of 12 July 1975 on the status of civil servants.
 - Act No. 1.535 of 9 December 2022 on the seizure and confiscation of items used to commit and proceeds derived from a crime.
 - Act No. 1.538 of 16 December 2022 amending Act No. 1.096 of 7 August 1986 on the status of municipal civil servants, as amended.
 - Act No. 1.547 of 22 June 2023 on the gifting of leave days.
 - Sovereign Ordinance No. 9.966 of 30 June 2023 amending Sovereign Ordinance No. 605 of 1 August 2006 implementing the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted in New York on 15 November 2000, as amended.
 - Sovereign Ordinance No. 9.640 of 23 December 2022 laying down general statutory provisions for contractual State employees.

B. Signature and ratification of international instruments

14. Since the previous recommendations received in the context of the universal periodic review, the Principality has ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities⁶ and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198).⁷

C. New institution for the promotion and protection of human rights

15. The Committee for the Promotion and Protection of Women's Rights was created by Sovereign Ordinance No. 7.178 of 25 October 2018 and was inaugurated by the Minister of State on 30 November of the same year. The Committee was set up pursuant to the recommendations of international women's rights monitoring bodies. Its composition is defined by Sovereign Ordinance.

16. It is mandated to promote public policies on gender equality and to combat violence and discrimination against women. It enables the Government of Monaco to carry out its activities in a coordinated manner and in consultation with other Monegasque institutions and civil society. The Committee is also tasked with coordinating the collection and analysis of relevant data and the dissemination of the results obtained.

17. It is composed of representatives of the ministries and government departments concerned, the Department of Justice and the above-mentioned interministerial delegate. Other institutions are also involved in its work. These include the National Council (Monegasque Legislative Assembly), the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation, the Office of the Mayor, the Economic, Social and Environmental Council and women's rights associations.

III. Implementation of recommendations from previous cycles

A. Full implementation of accepted recommendations

Recommendations 76.5 and 76.6 concerning reservations to the Convention on the Elimination of All Forms of Discrimination against Women (SDG 5)

18. When on 18 March 2005 Monaco acceded to the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, it entered a number of reservations.⁸

19. On 19 October 2017, Monaco withdrew its reservation relating to the conditions of application of article 16 (1) (g) of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, regarding the right to choose one's surname, following the adoption of Act No. 1.440 of 5 December 2016 amending certain provisions of the Civil Code relating to names and establishing pre-birth recognition of the child, which allows, inter alia, mothers to pass on their name to their children.

20. Concerning the fifth reservation, while the Principality does not envisage legalizing abortion in general, Act No. 1.477 of 11 November 2019, referred to above, which was adopted after Monaco had ratified the Convention, abolished all criminal penalties for women who have terminated a pregnancy. There is not, however, any intention to withdraw the reservation in question.

21. The other reservations were entered because of the specificities of the Principality and cannot be withdrawn.

Recommendations 76.7–76.10 concerning the establishment of a committee for the promotion and protection of women's rights (SDG 5)

22. Since 2019, the Committee for the Promotion and Protection of Women's Rights has been led by an "interministerial" delegate to reflect the cross-cutting nature of her mandate, which is to prepare and direct the committee's work and to implement its guidance. To this end, she is assigned an annual budget to fund the Committee's activities and a budget to cover the cost of providing subsidies to associations carrying out women's rights projects.

23. The Committee's main achievements include:

- Legislative advances (see above, para. ...).
- Training programmes for professionals dealing with victims of domestic violence.
- The annual census on violence against women and the study on measuring the gender pay gap carried out by the Monegasque Institute of Statistics and Economic Studies.
- Information campaigns on the international days celebrated on 8 March and 25 November.

24. As for civil society, the Committee involves in its work all associations working in the field of women's rights.⁹ These associations can propose projects addressing the subject of violence against women or gender equality in response to a call for such projects.

Recommendations 76.12–76.14 concerning policies to protect and promote the rights of the most vulnerable persons, in particular children, persons with disabilities and women (including the promotion of gender equality) (SDGs 5 and 10)

25. Act No. 1.527 of 7 July 2022, Act No. 1.538 of 16 December 2022 and Act No. 1.547 of 22 June 2023, referred to above, introduced into Monegasque law a mechanism whereby employees in the private and public sectors can gift one or more days of leave to a colleague who needs to care for a seriously ill child or a relative who is losing their ability to live independently.

26. Within the Government, the Department of Social Welfare and Social Services is responsible for providing educational and social support to vulnerable persons, in particular children, persons with disabilities and persons in precarious situations. It provides regular feedback on its experiences on the ground to help to strengthen existing systems and to identify any legislative and/or regulatory changes that might be needed.

27. The year 2023 was marked by the decision to stop taking the spouse's income into account when calculating adult disability allowance (see Ministerial Decree No. 2022-685 of 2 December 2022). This was the consequence of a regulatory reform intended to empower persons with disabilities by ending their reliance on their spouse and his or her resources, a problem which affected women in particular.

28. To support this major change, the Department of Social Welfare and Social Services has conducted a census of all persons resident in Monaco who are likely to benefit from these new provisions so that it may provide them with relevant information and explain the steps to be taken.

29. Lastly, a minimum income has been introduced allowing recipients who meet the relevant criteria to receive a financial allowance and social and educational support to help them become financially independent (see Act No. 1.502 of 11 December 2020 amending Act No. 1.465 of 11 December 2018 on Monegasque family assistance and social assistance). This minimum income is accompanied by State medical assistance, which grants recipients access to health care.

Recommendations 76.15 and 76.16 concerning human rights awareness (SDG 3)

30. Various human rights training and/or awareness-raising programmes for health-care and administrative staff are being conducted at the Princess Grace Hospital:

- Initial training sessions are organized on a regular basis to familiarize staff with Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, which is aimed at preventing and strengthening the punishment of acts of violence, particularly those committed in a family setting, against a spouse or children and, more generally, against any vulnerable person.
- These training sessions empower participants to take a stand against violence, to listen to people's stories (without being an investigator or a judge) and to direct the victim to specialized shelters.
- Similar training courses are offered on human trafficking. They are designed to provide staff with a better understanding of the phenomenon (including the main indicators, how to identify a victim, how to interview a potential victim and what assistance and protection mechanisms are available).
- In terms of ongoing training, the Princess Grace Hospital is currently setting up a group of health-care and administrative professionals with the aim of raising awareness among other such professionals, refining their ideas when drawing up internal protocols and improving patient care, including in the context of detecting and responding to violence, particularly violence against women.

31. Social workers attached to the Department of Social Welfare and Social Services also undergo regular training so that they can provide better support to those they help (training on human trafficking in 2020, on caring for victims of violence in 2021 and 2022, and on sexism in the workplace in 2023).

Recommendation 76.15 concerning human rights awareness (SDG 4)

32. Monegasque school curricula are in line with those of the French national education system. Human rights education is part of the moral and civics education taught in Monegasque primary and secondary schools.¹⁰ International days devoted to a specific cause or action involving all civil and institutional partners take place throughout the school year and concern students at all levels of education.¹¹

Recommendations 76.19–76.22 on combating racism

33. The Monegasque Constitution is one of the main provisions prohibiting racial discrimination.¹² Similarly, Monegasque legislation prohibits and punishes both racial hate speech and racist violence.

34. It is to be recalled that Act No. 1.299 of 15 July 2005 on freedom of public expression, as amended, punishes incitement to hatred or violence¹³ and defamation and public insults¹⁴ motivated by racial hatred. Non-public threats, defamation and insults motivated by racial hatred are also punishable, under articles 234-2 and article 421 of the Criminal Code.

35. Several recent laws have served to step up the fight against racism in Monaco. This legislation was strengthened by Act No. 1.478 of 12 November 2019, referred to above, which created new aggravating circumstances¹⁵ applicable in cases of violence, in particular when the violence is motivated by the victim's real or supposed origin or membership or non-membership of a particular ethnic group, nation or race.

36. Racist motives also constitute an aggravating circumstance applicable to the offence of bullying in schools, established by Act No. 1.513 of 3 December 2021, referred to above.¹⁶

37. In addition, Act No. 1.527 of 7 July 2022, referred to above, introduced the principle of non-discrimination among civil servants, including on the grounds of ethnicity.¹⁷ There is an equivalent provision in the 1986 municipal civil servants' statute¹⁸ and in the statutory text regulating contractual State employees.¹⁹

Recommendation 76.23 concerning the period widowed women must wait before remarrying (SDG 5)

38. Act No. 1.523 of 16 May 2022 repealed articles 126–129 of the Civil Code, which established a "waiting period" for widowed women wishing to remarry.

Recommendation 76.24 on combating discrimination based on sexual orientation and gender identity (SDG 5)

39. As mentioned above in relation to the fight against racism, the principle of equality is recognized by the Monegasque Constitution. Monegasque law also provides for measures to crack down on acts undermining the equality of lesbian, gay, bisexual, transgender and intersex persons.

40. It is to be recalled that Monegasque law specifically punishes incitement to hatred or violence,²⁰ public²¹ and non-public defamation,²² public²³ and non-public insults,²⁴ and threats²⁵ on the grounds of sexual orientation.

41. More recently, Act No. 1.478 of 12 November 2019, referred to above, increased the penalties for violence committed on the grounds of the victim's sexual orientation.²⁶

42. The motive of sexual orientation also constitutes an aggravating circumstance applicable to the offence of bullying in schools, established by Act No. 1.513 of 3 December 2021, referred to above.²⁷

43. In addition, Act No. 1.527 of 7 July 2022, referred to above, introduced the principle of non-discrimination among civil servants on the grounds of sexual orientation.²⁸ There is an equivalent provision in the 1986 municipal civil servants' statute²⁹ and in the statutory text regulating contractual State employees.³⁰

Recommendations 76.26, 76.27 and 76.37 on combating human trafficking

44. Sovereign Ordinance No. 9.966 of 30 June 2023, referred to above, marked a turning point in the fight against human trafficking.

45. In criminal matters, the offence of trafficking now applies to all forms of human trafficking, whether national or transnational and whether or not they are linked to organized crime.³¹ New aggravating circumstances have likewise been introduced for trafficking offences.³²

46. In the area of victim assistance, Sovereign Ordinance No. 605, as amended, provides for the right of victims of trafficking to information.³³ Regular training is also provided for professionals who come into contact with victims of trafficking, as well as minors who are victims of trafficking.

47. In addition, victims of trafficking may obtain compensation:

- Under new article 621-1 of the Code of Criminal Procedure,³⁴ which provides that any person who has sued for damages in criminal proceedings and received a final decision awarding him or her damages for the harm suffered as a result of a criminal offence may request the Seized or Confiscated Assets Management Service to pay the sum in question out of the funds or liquidation value of the debtor's assets when their confiscation has been ordered by a final decision and when the Service is the custodian of the assets in question.
- And under Bill No. 1074 on compensation for victims of sexual offences,³⁵ crimes against children³⁶ and domestic violence,³⁷ which was submitted to the National Council on 16 February 2023 for a vote. The aim is to enable victims of the offences in question – some of which are typically associated with human trafficking – who, after having sued for damages in criminal proceedings, receive a final decision by a Monegasque court awarding them damages for the harm suffered as a result of one of the criminal offences listed, to be compensated by the State when they are unable to secure payment of the full amount of the damages awarded to them and the sums awarded to cover procedural costs.

48. As for the protection afforded to trafficking victims, the Government and the judicial services are working to draft and adopt a circular containing an inter-service coordination plan on identification of and support for victims of trafficking.

49. In addition, the Government of Monaco is currently looking into the issue of care and support for victims, together with associations in the Department of Alpes-Maritimes in neighbouring France.

Recommendations 76.29 and 76.53 on gender equality in the world of work, including in the areas of pay and women's representation in the labour market (SDGs 5 and 10)

50. In Monaco, the principle of equal pay for equal work regardless of sex is enshrined in Act No. 739 of 16 March 1963 on remuneration.³⁸

51. As regards the public sector, Act No. 1.527 of 7 July 2022 amended article 17 of Act No. 975 of 12 July 1975 to introduce the principle of non-discrimination among civil servants. There is an equivalent provision in the 1986 municipal civil servants' statute³⁹ and in the statutory text regulating contractual State employees.⁴⁰

52. The Government is implementing a range of policies to promote equal access to the labour market. The Employment Office does not discriminate between men and women when processing applications.

53. In the social sphere, job-seeking women without a family or in a precarious situation can be supported by social workers and receive personalized follow-up.

54. Moreover, a number of measures have recently been introduced to help employees, especially women, achieve a better work-life balance. These measures include:

- The roll-out of teleworking in Monaco. As at 3 July 2023, more than half of the persons teleworking were women – that is, 2,526 employees out of a total of 5,043.

- Recent changes to the existing legal framework have extended the duration of maternity leave from 16 to 18 weeks and paternity leave from 12 to 21 days for civil servants and government employees alike.⁴¹ Discussions are currently under way with a view to bringing the system for employees in the private sector into line with the system for civil servants and government employees through the adoption of legislation.

55. In this connection, the Ministry of Health and Social Affairs is also looking into ways of promoting better work-life balance in general.

56. In addition to the measures taken in the public sector, there are several initiatives that attest to the private sector's commitment to this goal. For example, on 6 November 2019, representatives of the main employers in Monaco signed the Charter for Gender Equality at Work, known as MONEGALITE, thus translating their commitment to promoting this important cause into a reality.

Recommendation 76.31 on measures to ensure equal access to education (SDG 4)

57. Article 27 of the Constitution states that Monegasques have the right to free primary and secondary education, and article 32 that foreign nationals in the country enjoy all public and private rights that are not formally reserved for Monegasque nationals.

58. In addition, the Education Act of 12 July 2007 spells out the conditions for access to education:

- The State is the guarantor of education as a national public service (art. 1).
- Education is compulsory for all children of either sex between 6 and 16 years of age (art. 3).
- The State verifies the nature of the schooling received by children elsewhere (outside Monaco) based on a declaration from the parents accompanied by any supporting documents proving that the child is currently enrolled in a school (cf. art. 4).
- Homeschooling is possible; an annual review is conducted to ensure that the compulsory education curriculum is actually being taught and that the level attained by the child is similar to that attained by school-going children of the same age (art. 5).
- Preschool education is available to children from 3 years of age; Monegasque children are admitted at their parents' request, while other children are admitted subject to availability (art. 10).
- Students with special educational needs are accommodated in a school or receive schooling in a place adapted to their needs (art. 11).
- Compulsory education is free of charge at public educational institutions (art. 12).

59. The Department of Education, Youth and Sports All observes all these conditions to ensure that all children receive and benefit from equal access to education.

Recommendations 76.32 and 76.33 concerning legal measures to strengthen the right to education of children who are not Monegasque nationals (SDG 4)

60. As mentioned above, education is not the preserve of Monegasque nationals. The applicable legal provisions – in particular articles 3, 10 and 11 of the Act of 12 July 2007 – are scrupulously respected.

61. For example, only 20.2 per cent of the school-going population are Monegasque nationals, which attests to the absence of discrimination. In addition, school rules and regulations emphasize the need to respect others, and place particular emphasis on sanctions for failure to do so.

62. Furthermore, 33 per cent of students are known as *dérogataires*, meaning that they are neither nationals nor residents of Monaco. While the vast majority are French (around 81 per cent), 44 other nationalities are represented.⁴²

Recommendation 76.34 on strengthening access to education, in particular of girls and young women, supporting their entry at all education levels (SDG 4)

63. No discrimination is permitted in the Principality. The principles of equality before the law, the recognition of public and private rights not reserved for Monegasque nationals and the absence of distinction enshrined in the Constitution and national law prevail.⁴³

64. National statistics also show a high level of mixed-sex schooling at all levels of education.⁴⁴

Recommendation 76.35 on the integration into the Monegasque education system of the specific concerns of signing deaf persons and visually impaired persons (SDG 4)

65. Persons with disabilities, impairments or learning difficulties are cared for as part of a personalized support plan.

66. Recently, an “Inclusion Week” was introduced in Monegasque schools. This initiative raises awareness of differences among young people and of the difficulties that some of them may face. In view of the small number of cases, Monaco is able to offer personalized support.⁴⁵ Cooperation with specialized services in France also makes it possible to exchange best practices.

Recommendations 76.36–76.39 concerning the fight against gender-based discrimination (SDG 5)

67. Discrimination against women is addressed by comprehensive, multisectoral legislation that prohibits every possible form of discrimination, whether direct or indirect, in both the public and private spheres.

68. The Monegasque Constitution is one of the main provisions prohibiting this type of discrimination. In addition, several pieces of legislation have been adopted since the previous review in order to promote women’s rights and to combat discrimination against women:

- The purpose of Act No. 1.523 of 16 May 2022, referred to above, was to amend or repeal all codified and non-codified national law provisions that were obsolete or that discriminated against women.⁴⁶
- Act No. 1.527 of 7 July 2022, referred to above, amended article 17 of Act No. 975 of 12 July 1975 on the status of civil servants to reinforce the principle of non-discrimination, particularly between the sexes.⁴⁷

69. In the public sector, the duration of paternity leave has been extended from 12 to 21 days, as mentioned above.

Recommendation 76.39 on ensuring equal representation of women in decision-making positions (SDG 5)

70. A number of actions are being carried out to this end. The Committee for the Promotion and Protection of Women’s Rights regularly runs awareness-raising campaigns on gender equality.

71. For example, the 2021 campaign “Everyone has their place ...” was aimed at breaking down clichés. The campaign touched upon several subjects: equality in everyday life, at work and in leisure and sport.

72. The central theme of the campaign of 8 March 2020 was equality in the world of work and the representation of both sexes in professions that, traditionally, practised largely by one sex or the other.

73. Lastly, to mark the twenty-sixth series of European Heritage Days, the Committee organized an exhibition entitled “Remarkable women in Monegasque history” to spotlight exceptional women who have contributed to improving women’s standing in society.

74. Other initiatives include awareness-raising campaigns for young people (see annex 1).

75. The Committee also organizes training courses on gender equality in the workplace:
- Since 2021, a targeted professional development programme has been made available to women working in the public and private sectors in the Principality.
 - In 2023, the Government of Monaco launched training courses on sexism in the workplace in order to better understand what was behind stereotypes and the impact they had on the workplace, and to set out the applicable national law provisions.

Recommendations 76.39 and 76.58 on combating violence against women (SDG 5)

76. Act No. 1.464 of 10 December 2018, referred to above, specifically criminalized public and non-public⁴⁸ threats,⁴⁹ defamation and insult,⁵⁰ and incitement to hatred or violence,⁵¹ on the grounds of sex.

77. Moreover, Act No. 1.478 of 12 November 2019, referred to above, increased the penalties for violence committed on the grounds of the victim's sex.⁵²

78. The primary aim of Act No. 1.517 of 23 December 2021, referred to above, was to make the punishment of sexual assault – one of the most common forms of violence against women – as effective as possible, by redefining the elements constituting the offence and the penalties it carried⁵³ and by basing the legal definition of rape and other forms of sexual assault on the lack of consent by the victim.

79. Mention should also be made of Act No. 1.513 of 3 December 2021, referred to above. The aim of this law was to introduce into Monegasque law a body of rules for identifying, preventing, reporting, dealing with and punishing acts of harassment and violence in schools, including those motivated by gender.

80. The text also addressed the new phenomenon of “revenge pornography”, which involves posting photographs of a person having sexual relations online without their consent.⁵⁴

81. New article 308-4-2 of the Criminal Code addresses situations where sexual images of another person are used to threaten or blackmail them.

Recommendations 76.50–76.52 on nationality law (SDG 5)

82. Firstly, successive amendments to Monegasque nationality law⁵⁵ have made it possible, in practical terms, to “close the gap” between men and women in terms of their ability to transmit their nationality, whether through the direct line of descent or marriage.⁵⁶

83. Article 1 of Act No. 1.155, as amended, makes it clear that Monegasque women may pass on their nationality to their children – and to their foreign husbands – under conditions that are no more restrictive than those under which Monegasque men may pass on their nationality to their descendants and foreign wives.

84. The distinction now made in article 1 of Act No. 1.155 between the direct line of paternal descent and the direct line of maternal descent for the purpose of acquiring Monegasque nationality appears to be fundamentally formal, and the list of conditions applicable to mothers included in that provision is presented as the result of successive legislative developments.

Recommendation 76.53 on efforts to improve women's health (SDG 3)

85. The various programmes and services offered by the Princess Grace Hospital, the only public hospital in the country, are not only intended for patients living in Monaco.

86. The establishment's appeal is tied to its excellence, which is attributable to, inter alia, its use of cutting-edge technologies to screen for and treat specific forms of cancer, some of which affect only women, such as breast or cervical cancer. To shorten wait times for treatment for such forms of cancer, full day-long sessions are organized during which all diagnostic tests are carried out in the same place and, if necessary, a care plan can be drawn up on the same day. Other specialist departments at the Princess Grace Hospital, such as the pelvic centre, which deals with pelvic organ prolapse, also play a role in ensuring that women suffering from specific conditions receive comprehensive care.

87. Several prevention campaigns are also conducted throughout the year, including:

- The “Pink October” breast cancer campaign, whereby the cost of examinations is covered by Monegasque social security funds, even without a medical prescription.

- Campaigns to promote screening and vaccination against human papillomavirus. The cost of this vaccine is reimbursed in full (by Monegasque social security funds) for a target group of beneficiaries (adolescents of between 11 and 14 years of age).

88. Moreover, in the social sphere, women without a family or in a precarious situation can receive care, if certain conditions are met (Sovereign Ordinance No. 5.743 of 3 March 2016), in the form of State medical assistance, which grants recipients access to a full range of health-care services.

Recommendation 76.54 on the promotion of women’s rights, including ensuring access to sexual and reproductive health services (SDGs 3 and 5)

89. Monaco has several health services working in the field of sexual and reproductive health, which are easily and freely accessible to women.

90. At the Princess Grace Hospital, the Prenatal Coordination Centre assists future parents, particularly mothers-to-be, in putting together a parenting plan and, if necessary, with prenatal diagnostics. The Centre receives, listens to and advises pregnant women and their families as part of an early prenatal interview at which, among other things, their psychological and social situation is assessed and information and advice on any psychological care they might need and on the various material aids available to them is provided. The Centre also conducts research on protection against sexually transmitted diseases and hygiene rules during maternity. Other specialized services of the Princess Grace Hospital, including the Mother and Baby Unit, also work in the field.

91. The Monaco Health Screening Centre also plays a major role by providing quick, free and anonymous screening, including for breast cancer, cervical cancer and osteoporosis.

92. Moreover, Act No. 1.477 decriminalizing abortion for women was adopted on 11 November 2019 (see recommendation 76.5 above).

Recommendations 76.55–76.59 on combating violence against women (SDG 5)

93. The Committee for the Promotion and Protection of Women’s Rights is rolling out an extensive training programme for professionals dealing with violence against women. This also applies to administrative and hospital staff trained to deal with victims of violence.

94. As part of the Government’s policy to improve care for victims, an international toll-free number (0800 91 90 10) has been set up to provide free information to all victims of violence in Monaco. All types of violence are covered: rape and sexual violence, domestic violence, sexual harassment, violence in institutional settings, etc. Furthermore, in order to raise awareness of health issues specifically affecting women, a page devoted to this subject has been added to the Committee’s website.⁵⁷ The website features articles on endometriosis, breast cancer and osteoporosis produced in partnership with the Princess Grace Hospital.

95. The Committee regularly publicizes these numbers through awareness-raising campaigns, social networks and events organized as part of the fight against violence against women.

96. Since 2019, the Committee has been organizing events on violence against women as part of the international day celebrated on 25 November. Each year, a specific theme is chosen to highlight the different types of violence and the assistance and emergency services available (see annex 1).

97. The State also provides financial and material support to the Association for the Support of Victims of Crime. This association is made up of members who use their knowledge to assist victims of crime, including by receiving them, listening to what they have to say and providing them with information, help, psychological support and advice tailored to their needs.

Recommendation 76.58 on combating harassment

98. Monegasque law covers harassment in all its forms:

- Act No. 1.517 of 23 December 2021, referred to above, introduced into the Criminal Code the new, stand-alone offence of sexual harassment.⁵⁸
- Article 236-1 of the Criminal Code, which dealt with harassment in general terms, has been amended to refer specifically to “moral harassment”; elements intended to make moral harassment in the presence of several perpetrators easier to characterize have been incorporated into this criminal provision.
- The offence of moral harassment in the workplace, which was punishable under Act No. 1.457 of 12 December 2017 on harassment and violence at work, has been moved to article 236-1-1-1 of the Criminal Code to ensure that the offence is expressly punishable under this law and to make Monegasque law on this subject clearer.
- Lastly, Act No. 1.513 of 3 December 2021, referred to above, established a new offence of harassment in schools, which provides for increased penalties when the offence is committed on the grounds of the victim’s sex.

Recommendation 76.59 on the definition of domestic violence (SDG 5)

99. The concept of “domestic violence” was introduced by Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, and refers to “any form of violence or threat of violence, whether physical, psychological, sexual or economic, perpetrated by persons who share or have shared a household with the victim”.⁵⁹ Drawing on a realistic conception of criminal law, the Monegasque legislator wished to take a global and factual approach to domestic violence by targeting acts committed between spouses or persons living together or between persons who have lived together for some time.⁶⁰

100. It is worth recalling that a person who commits or has committed violence against his or her partner when he or she does not live with them may nevertheless be prosecuted for intentional assault and battery, which is punishable under articles 236 et seq. of the Criminal Code.⁶¹

Recommendations 76.63–76.66 concerning the prohibition of corporal punishment

101. Monegasque law now specifically punishes the corporal punishment of children.

102. Act No. 1.478 of 12 November 2019, referred to above, amended article 238-1 of the Criminal Code, which now provides that persons responsible for violence that has not resulted in illness or incapacity to work will be subject to correctional measures when the violence is committed against a minor.

103. In addition, the new article 239 of the Criminal Code stipulates that the penalties provided for in articles 236,⁶² 237⁶³ and 238⁶⁴ of the Code will be increased if the violence is committed against a minor.

104. Act No. 1.527 of 7 July 2022, Act No. 1.538 of 16 December 2022 and Act No. 1.547 of 22 June 2023, referred to above, introduced into Monegasque law a mechanism whereby employees in the private and public sectors can gift one or more days of leave to a colleague who needs to care for a seriously ill child or a relative who is losing their ability to live independently.

Recommendation 76.68 concerning the effective implementation of laws to promote the rights of persons with disabilities, such as Act No. 1.441⁶⁵ and Act No. 1.410⁶⁶ and the Convention on the Rights of Persons with Disabilities (SDGs 4 and 10)

105. The Principality of Monaco is deeply committed to protecting persons with disabilities (see third report of Monaco dated 17 August 2018). Recently, the Government’s capacity in this area has been strengthened through the appointment of a senior civil servant responsible for persons with disabilities, whose intervention will help to improve the public policies and schemes already in place in accordance with a road map that is currently being drawn up and that will be implemented from 2024 onward.

106. Between 2022 and 2023, the Government took various measures to ensure the financial independence of persons with disabilities living in Monaco in the wake of a regulatory reform relating to the allowance for adults with disabilities (see the information provided in recommendations 76.12–76.14).

107. In the education sphere, the Department of Social Welfare and Social Services has a service dedicated to coordinating the work of special needs assistants and their training. This system has been expanded considerably in recent years (around 90 special needs assistants for the 2023/24 school year) to enable children with special needs to receive effective schooling in mainstream schools. Since 2018, a specialized educational centre has been providing the best possible care for children with disabilities with learning difficulties. The centre offers educational support as part of a multidisciplinary care approach.

108. In addition, following the adoption of a dedicated law in 2016 (Act No. 1.441), the Government has proactively pursued a policy of making accessible existing (through renovation) and new (compliant with applicable standards from the outset) buildings. For example, it appears that almost all (around 90 per cent) of the existing public buildings identified by the Government during an audit carried out in 2019 will have been made compliant/accessible by the end of 2023.

109. In parallel, as regards new public buildings, following the introduction of a minimum quota (5 per cent) by article 99 of Ministerial Decree No. 2017-893 of 21 December 2017, the number of apartments that are accessible to persons with disabilities has grown significantly since 2018. Further apartments should be available by the end of 2024.

Recommendation 76.71 on building sufficient medical, social and geriatric infrastructure to meet the needs of older persons ahead of time so that they can age with dignity (SDG 3)

110. Monegasque public policies are designed to anticipate the needs of the older persons against the backdrop of an ageing population, and to maintain and develop the complementarity between the residential care sector and the gerontological hospital sector.⁶⁷

111. At the same time as it seeks to accommodate older persons in dedicated facilities, the Government also seeks to enable them to live at home for as long as possible. Against this backdrop, the Government is considering introducing a new mobile care system to, *inter alia*, provide any night-time care that older persons might need, with scheduled visits by home-helps to assist them in getting in and out of bed; help to make the dwelling of older persons living at home safer and to limit call-outs to the emergency services in the event of a fall; and, lastly, delay having to move to a care facility and avoid hospitalization.

112. Lastly, in terms of social facilities, mention can be made of the recent opening of Maison du Numérique⁶⁸ (July 2023) and Villa Lamartine, a multigenerational living space (September 2023).⁶⁹

Recommendation 76.69 aimed at ensuring full access to culture for persons with disabilities and people with low incomes (SDG 10)

113. The “carnet spectacles” scheme entitles older persons to a 50 per cent discount on the cheapest ticket for cultural shows and sporting events in the Principality. In 2019, the scheme was extended to persons with disabilities.

Recommendation 76.70 aimed at accelerating the creation of a unit in the Principality for older persons with mental conditions in need of special care (SDGs 3–10)

114. The Government has drawn up a national plan to support the ageing population and to ensure the provision of dependent care; the plan, which is based on a review of the existing care system for older persons living at home and in specialized facilities, sets out the actions to be taken to further improve the conditions in which this care is provided.

115. As for older persons suffering from degenerative diseases who can still live at home but who need support, the Speranza-Albert II day-care centre supports the modality of home-based care by providing persons suffering from Alzheimer’s disease and related conditions with a space where they can take part in activities designed to stimulate memory,

maintain social contact and take physical exercise. The centre now provides this care free of charge (fully funded by the State) since its post-pandemic reopening in May 2023.

116. The Rainier III Clinical Gerontology Centre provides comprehensive care for older persons suffering from such diseases (it is equipped with an acute geriatric care department, a follow-up care and rehabilitation unit, cognitive-behavioural unit and long-term care wards for patients with significant loss of autonomy).

117. The above is complemented by geriatric care consultations, which are an opportunity to receive a quick specialist opinion, advice regarding the care system or a dependent care assessment, and to schedule check-ups and prepare for moving to a care facility.

118. Lastly, for older persons suffering from mental disorders not specifically linked to their age:

- “La Roseraie” psychiatric and medical psychology unit provides appropriate care by receiving residents of the Principality, providing them with outpatient psychiatric follow-up services, organizing therapeutic activities for them and providing them with psychosocial rehabilitation care so that its patients can rejoin society and/or the workplace.
- Patient care can be provided on site, at the patient’s home or in a retirement home in Monaco.
- In addition, within the Résidence du Cap Fleuri, which is a residential care facility for older persons that is currently under renovation, a unit providing medical services for 12 older adults with disabilities will be set up.

Recommendation 76.72 concerning the possible adoption of a procedure for granting asylum or refugee status while continuing to support the work of the Office of the United Nations High Commissioner for Refugees in protecting refugees (SDG 10)

119. Such a procedure exists in Monaco and is implemented on the basis of Sovereign Ordinance No. 996 of 2 August 1954, which gives legal effect to the United Nations Convention relating to the Status of Refugees of 28 July 1951, and the exchange of letters between the Government of Monaco and the Government of the French Republic of 2 July 1955.

120. The main issues it covers include the definition of refugee status, general obligations and rights, legal conditions governing staff and property, conditions of employment and welfare, and other administrative measures (assistance, movement, travel documents, taxation etc.).

121. Monaco also continues to support the Office of the United Nations High Commissioner for Refugees (see below).

B. Partial implementation of accepted recommendations

Recommendation 76.30 on the current bill to repeal the prohibition of night work for women (SDGs 5 and 8)

122. Bill No. 980 on the regulation of night work was submitted by the Government to the National Council on 22 October 2018.

123. This bill is an autonomous and comprehensive text to replace the existing provisions on the subject,⁷⁰ including the provision banning night work for women who carried out certain tasks (Ordinance-Law No. 677, art. 11 (1)).

124. However, the bill does include specific provisions to protect pregnant women (art. 11) by requiring them to undergo medical check-ups more frequently and offering them the possibility of being temporarily assigned to a suitable day shift.

C. Recommendations noted

Recommendation 78.34 on the definition of rape (SDG 5)

125. As regards the criminalization of rape, Act No. 1.517 of 23 December 2021, referred to above, amended the legal definition of rape and other forms of sexual assault so that it is now based on the violation of free and unequivocal consent.⁷¹ This law also introduced an irrebuttable presumption of absence of consent when the rape or sexual assault is committed against a minor under 13 years of age,⁷² or when these offences constitute incest against a minor, regardless of his or her age.⁷³

Recommendation 78.20 concerning transparency and accountability in the conduct of public affairs (SDG 16)

126. During the fourth evaluation round of the Group of States against Corruption of the Council of Europe, the competent committee noted that “significant progress has been made where it comes to strengthening integrity measures” within the National Council, including the adoption of the Rules of Procedure of the National Council and the Ethics Charter for National Councillors, as well as greater transparency in the legislative process.⁷⁴ The country’s anti-corruption apparatus was also strengthened by the adoption of Sovereign Ordinance No. 9.931 of 15 June 2023, referred to above, which is aimed at establishing a specific legal regime to govern the ethics of members of the Government (Minister of State and other Government ministers).⁷⁵

Recommendations 78.32 and 78.33 concerning the decriminalization of elective abortion (SDG 5)

127. Act No. 1.477 of 11 November 2019, decriminalizing abortion for pregnant women, abolished all criminal penalties for women who have had an abortion. Thus, pregnant women who secure or attempt to secure an abortion will no longer face criminal penalties. To date, this measure has never been applied.

IV. International cooperation and the Sustainable Development Goals

Recommendation 76.17 on promoting economic and social development and providing development assistance to developing countries (SDG 10)

128. In administering its official development assistance, the Government gives priority to least developed countries, especially those with the lowest human development indicators.⁷⁶ Monegasque Cooperation is also active in four middle-income countries (Lebanon, Tunisia, Morocco and South Africa) (see annex 2 for figures).

129. Monegasque official development assistance is aimed at improving the living conditions of the most vulnerable population groups, and contributes directly to the attainment of the Sustainable Development Goals with a high impact on the socioeconomic development of partner countries. The inclusion of persons with disabilities and refugees/displaced persons is one of the country’s cross-cutting cooperation objectives.

130. Monaco has placed official development assistance at the heart of its public policy; the amount of assistance has increased steadily since its inception in 2007 (more than a 10 per cent annual increase since 2012). Monegasque official development assistance will amount to €74 million over the period 2022–2024.

131. In 2021, 1.2 per cent of State revenue was devoted to official development assistance (or €532 per capita per year). This assistance is allocated exclusively in the form of grants, and does not exacerbate the indebtedness of developing countries.

132. In 2022, the Principality reported, for the first time, its official development assistance figures to the Organisation for Economic Co-operation and Development, and has since been listed as a donor country in the Organisation’s annual report.⁷⁷

133. Monaco has decided to deploy its official development assistance as close as possible to local actors. Therefore, 36 per cent of its official development assistance is channelled into local initiatives, which is almost double the 20 per cent target set at the World Humanitarian Summit held in Istanbul.

134. Among these local actors, Monaco allocates its official development assistance primarily to civil society organizations. Monaco is committed to bringing to the fore the voices of marginalized actors, such as young people, women, the voluntary sector, displaced persons and refugees, who all have a part to play and legitimacy to act.

Recommendation 76.18 on continuing efforts to achieve the international objective of 0.7 per cent of gross national product for official development assistance (SDG 10)

135. As over 70 per cent of its official development assistance is allocated to least developed countries, Monaco meets the target set by the United Nations of allocating at least 0.15 per cent of national wealth to least developed countries.

136. Monaco ranks first per capita among contributors to the Office of the United Nations High Commissioner for Refugees (with \$27.75 per capita in 2023)⁷⁸ and the Green Climate Fund, and is one of the main per capita contributors to the World Food Programme.

Recommendation 76.25 on continued cooperation with least developed countries with the aim of achieving Sustainable Development Goal 1 on ending extreme poverty and hunger

137. Each year, Monegasque Cooperation allocates 70 per cent of its resources to the seven least developed countries with which it partners, which are mentioned above.

138. In 2021, Monaco allocated €10.8 million in official development assistance to least developed countries, representing 0.15 per cent of its gross domestic product (€7.27 billion – source: Monegasque Institute of Statistics and Economic Studies). This level of assistance enables Monaco to meet the Addis Ababa target (allocate at least 0.15 of national wealth to least developed countries).

139. In 2022, Monegasque Cooperation allocated 11.26 million to least developed countries.⁷⁹

140. In 2023, Monaco took part in the Fifth United Nations Conference on the Least Developed Countries and supports the implementation of the Doha Programme of Action.

- Sustainable Development Goal 1 – The fight against poverty: Monaco has made the fight against poverty the ultimate goal of its development cooperation. It prioritizes initiatives that improve the living conditions of vulnerable population groups in its partner countries. The cooperation agreements signed between Monaco and its partner countries explicitly mention the fight against poverty as one of the objectives of the partnership.
- Sustainable Development Goal 2 – The fight against hunger: Monaco has made food and nutrition security one of its four sectoral priorities since 2018. Almost a quarter of its official development assistance is allocated each year to initiatives aimed at combating malnutrition, particularly among women and children, and at supporting sustainable agricultural chains and family farming. Monaco has a large circle of partners in this field, including the public authorities of States. The cooperation agreements signed with partner countries explicitly mention food and nutrition security as one of the objectives of the partnership. Monaco has been a member of the School Meals Coalition since it was launched in September 2021 and supports numerous school feeding programmes in partner States.

Conclusion

141. Monaco recognizes the importance of the universal periodic review for the promotion and protection of human rights and pledges to monitor the policies it has put in place, in accordance with the recommendations it has accepted.

142. Monaco has strengthened its policy on women's rights, including through the creation of the Interministerial Committee for the Promotion and Protection of Women's Rights.

143. Since 2018, Monaco has upgraded its legislative framework through the adoption of laws and regulatory texts, as mentioned in paragraph 2 of the present report.

144. Monaco continues to support the most vulnerable, including persons with disabilities and older persons.

145. Lastly, Monegasque Cooperation continues to invest in the fight against extreme poverty and hunger, which particularly affect women and children.

Notes

¹ cf. document [A/HRC/WG.6/31/MCO/1](#).

² cf. document n° [A/HRC/40/13](#).

³ cf. document [A/HRC/40/13/Add.1](#).

⁴ Monarchie constitutionnelle couvrant une superficie de 2,08 km² qui ne compte que 39 050 habitants, dont 9 686 de nationalité monégasque (IMSEE, 2023)⁴ Monarchie constitutionnelle couvrant une superficie de 2,08 km² qui ne compte que 39 050 habitants, dont 9 686 de nationalité monégasque (IMSEE, 2023).

⁵ Haut Commissariat à la Protection des Droits, des Libertés et à la Médiation (www.hautcommissariat.mc).

⁶ Ratifiée le 27 juin 2019 et rendue exécutoire par l'Ordonnance Souveraine n° 7.677 du 16 septembre 2019.

⁷ Ratifiée le 24 avril 2019 et rendue exécutoire par l'Ordonnance Souveraine n° 9.393 du 29 juillet 2022.

⁸ « 1) *La ratification de la Convention par la Principauté de Monaco n'aura pas d'effet sur les dispositions constitutionnelles régissant la succession au Trône.*

2) *La Principauté de Monaco se réserve le droit de ne pas appliquer les dispositions de l'alinéa b de l'article 7 de la Convention en matière de recrutement dans la Force Publique.*

3) *La Principauté de Monaco ne se considère pas liée à l'égard des dispositions de l'article 9 qui ne sont pas compatibles avec les dispositions de sa législation relatives à la nationalité.*

4) *La Principauté de Monaco ne se considère pas liée par l'alinéa g du paragraphe 1 de l'article 16 en ce qui concerne le droit au choix du nom de famille.*

5) *La Principauté de Monaco ne se considère pas liée par l'alinéa e du paragraphe 1 de l'article 16 dans la mesure où celui-ci peut être interprété comme imposant de légaliser l'avortement et la stérilisation.*

6) *La Principauté de Monaco se réserve le droit de continuer à appliquer sa législation en matière de sécurité sociale qui, dans certaines circonstances, prévoit le paiement de certaines prestations au Chef de foyer qui, selon cette législation, est présumé être le mari.*

7) *La Principauté de Monaco déclare, conformément aux dispositions du paragraphe 2 de l'article 29, qu'elle ne se considère pas liée par les dispositions du paragraphe premier de cet article. ».*

⁹ Dans le cadre des actions réalisées par les associations qui participent aux travaux du Comité, on notera quelques exemples :

- SheCanHeCan : organisation de sessions de speed mentoring avec l'Association des Femmes Chefs d'Entreprise de Monaco (AFCEM) à l'occasion du 8 mars 2022 et 2023 ;
- Union des femmes monégasques (UFM) : organisation de l'exposition « les femmes squattent l'environnement » ;
- Zonta Club : organisation de la Conférence « Différences et indifférence des genres en médecine » ;
- AFCEM : organisation de la Conférence « Oser (se) grandir pour rebondir et réussir ».

¹⁰ Toutes les références consultables sont celles qui figurent dans les programmes français sur le site eduscol.education.fr.

¹¹ Ainsi peut-on citer : le festival *Cinema for change* (prix des enfants et prix jeunesse), la *No Finish line*, le Téléthon, le Rallye Princesse Charlène, le projet Communal junior, mais encore les journées internationales des droits de l'enfant, pour la Paix, pour la protection des droits des femmes, pour le sport au service de la paix, la mémoire des Génocides et des crimes contre l'Humanité, la commémoration de l'abolition de l'esclavage, etc.

¹² Il importe en effet de souligner que le principe d'égalité est consacré par l'article 17 de la Constitution, selon lequel « [t]ous les ressortissants monégasques sont égaux devant la loi. Il n'y a pas entre eux de privilèges ». Il s'étend également aux étrangers en vertu de l'article 32 de la Constitution, qui dispose que ces derniers jouissent dans la Principauté « de tous les droits publics et privés qui ne sont pas formellement réservés aux nationaux ». Ce principe est sanctionné par le

- Tribunal Suprême. Tout texte législatif ou réglementaire, toute décision administrative portant atteinte à ce droit peut faire l'objet d'un recours en annulation devant le Tribunal Suprême (Article 90 de la Constitution).
- ¹³ Article 16 de la loi n° 1.299 du 15 juillet 2005 sur la liberté d'expression publique, modifiée.
- ¹⁴ Articles 24 et 25 de la loi n° 1.299 du 15 juillet 2005, modifiée, susvisée.
- ¹⁵ Cf. articles 238-1 et 239 du Code pénal.
- ¹⁶ Cf. article 236-1-1 du Code pénal.
- ¹⁷ Article 17 de la loi n° 975 du 12 juillet 1975, précitée.
- ¹⁸ Article 17 de la loi n° 1.096 du 7 août 1986 portant statut des fonctionnaires de la Commune, modifiée.
- ¹⁹ Article 19 de l'Ordonnance Souveraine n° 9.640 du 23 décembre 2022, susvisée.
- ²⁰ Article 16 de la loi n° 1.299 du 15 juillet 2005, modifiée, susvisée.
- ²¹ Article 24 de la loi n° 1.299 du 15 juillet 2005, modifiée, susvisée.
- ²² Article 421 du Code pénal.
- ²³ Article 25 de la loi n° 1.299 du 15 juillet 2005, modifiée, susvisée.
- ²⁴ Article 421 du Code pénal.
- ²⁵ Article 234-2 du Code pénal.
- ²⁶ Cf. articles 238-1 et 239 du Code pénal.
- ²⁷ Article 236-1-1 du Code pénal.
- ²⁸ Article 17 de la loi n° 975 du 12 juillet 1975 portant statut des fonctionnaires de l'État, modifiée.
- ²⁹ Article 17 de la loi n° 1.096 du 7 août 1986 portant statut des fonctionnaires de la Commune, modifiée.
- ³⁰ Article 19 de l'Ordonnance Souveraine n° 9.640 du 23 décembre 2022 portant dispositions générales de caractère statutaire applicables aux agents contractuels de l'État.
- ³¹ L'article premier de l'Ordonnance Souveraine n° 605 du 1er août 2006 portant application de la Convention des Nations Unies contre la criminalité transnationale organisée, de son Protocole additionnel visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants, et de son Protocole additionnel contre le trafic illicite de migrants par terre, air et mer, adoptés à New York le 15 novembre 2000, en ce qu'il était susceptible de limiter l'application de l'infraction de traite aux cas de traite de nature transnationale et impliquant un groupe criminel organisé, a en effet été abrogé.
- ³² Lorsque l'infraction de traite a mis en danger la vie de la victime délibérément ou par négligence grave, l'infraction a été commise à l'encontre d'un mineur, l'infraction a été commise par un agent public dans l'exercice de ses fonctions, ou lorsque l'infraction a été commise dans le cadre d'une organisation criminelle.
- ³³ Sur leur droit d'obtenir réparation du préjudice subi, de se constituer partie civile si l'action publique est mise en mouvement par le Ministère public ou en citant directement l'auteur des faits devant la juridiction compétente ou en portant plainte devant le Juge d'instruction, et d'être aidées par les intervenants relevant des Services de l'État spécifiquement voués à cette mission ou par une association conventionnée d'aide aux victimes.
- ³⁴ Créé par la loi n° 1.535 du 9 décembre 2022 relative à la saisie et à la confiscation des instruments et des produits du crime.
- ³⁵ Savoir l'exhibition sexuelle ; le harcèlement sexuel ; le chantage sexuel ; l'atteinte sexuelle ; le viol ; l'agression sexuelle ; l'incitation à la débauche ou à la corruption de mineurs ; l'exploitation sexuelle de mineurs ; le proxénétisme ; l'utilisation d'un mineur aux fins d'activités sexuelles ; la polygamie ; la castration ; l'atteinte à l'intégrité des organes génitaux d'une personne de sexe féminin.
- ³⁶ Savoir l'enlèvement ; l'absence de déclaration d'un accouchement ; l'absence de remise à l'officier d'état civil d'un nouveau-né trouvé ; l'exposition et le délaissement d'un enfant ou d'une personne hors d'état de se protéger en raison de leur état physique ou mental ; la non-représentation d'enfant ; le détournement ou le déplacement d'un mineur ; le recueil d'un mineur sans l'accord de celui qui en avait la garde ; la pédopornographie ; la contrainte d'un mineur à regarder ou à participer à des scènes ou spectacles pornographiques ; l'assistance à des spectacles pornographiques impliquant la participation de mineurs ; le fait d'amener un mineur à assister ou à participer à des activités sexuelles ; le fait de provoquer un mineur à transporter, détenir, offrir ou céder des stupéfiants.
- ³⁷ Savoir le meurtre ; les menaces ; les coups et blessures ; le mariage forcé ; la détention et la séquestration ; l'abus frauduleux de l'état d'ignorance ou de la situation de faiblesse ; les délits d'omission ; l'abandon de famille ; la dénonciation calomnieuse ; l'atteinte au droit au respect de la vie privée et familiale ; la menace de diffuser tout enregistrement ou document portant sur des paroles ou images de la victime, présentant un caractère sexuel ou portant atteinte à sa dignité ; l'usurpation d'identité.
- ³⁸ L'article 2-1 dispose que « *Tous les salariés, quel que soit leur sexe, doivent recevoir une rémunération égale en contrepartie d'un même travail ou d'un travail de valeur égale ; cette rémunération s'entend du salaire défini à l'article premier, ainsi que de tous les avantages et*

accessoires, directs ou indirects, en espèces ou en nature, y afférents. Les différents éléments composant la rémunération visée à l’alinéa précédent doivent être établis selon des normes identiques pour tout salarié sans distinction de sexe. [...] » Précisément sur cet indicateur, Monaco dispose d’outils d’analyse et de suivi. Citons ici l’étude de 2022 sur les écarts de salaire entre hommes et femmes à Monaco, réalisée par l’Institut Monégasque de la Statistique et des Etudes Economiques (IMSEE), destinée à être rééditée à intervalle régulier, permettant ainsi d’apprécier l’évolution de la situation dans le temps et de mettre en place des mesures appropriées.

- ³⁹ Article 17 de la loi n° 1.096 du 7 août 1986 portant statut des fonctionnaires de la Commune, modifiée.
- ⁴⁰ Article 19 de l’Ordonnance Souveraine n° 9.640 du 23 décembre 2022 portant dispositions générales de caractère statutaire applicables aux agents contractuels de l’Etat.
- ⁴¹ Article 57 de la loi n° 975 du 12 juillet 1975 portant statut des fonctionnaires de l’État, modifiée par la loi n° 1.527 du 7 juillet 2022.
- ⁴² Les dix premières nationalités des scolarisés à Monaco sont française (45,2%), monégasque (22,9%), italienne (14,5%), britannique (5,6%), portugaise (2,7%), russe (2,6%), allemande (1,8%), ukrainienne (1,6%), suisse (1,6%) et belge (1,5%).
- ⁴³ Par ailleurs, au-delà de l’aspect éducatif, la Direction de l’Education Nationale, de la Jeunesse et des Sports, en lien avec le Comité pour la promotion et la protection des droits des femmes, a développé de nombreuses actions de sensibilisation telles que la Journée Internationale de la femme, la Journée Internationale de lutte contre les violences faites aux femmes ou encore la Journée de la fille, en partenariat avec le Conseil National.
- ⁴⁴ Les pourcentages de présence de filles en classe se décomposent ainsi : 48,1% en maternelle ; 50,1% en cours élémentaire ; 49,7% au collège ; 47,8% au lycée.
- ⁴⁵ En 2023 : 2 élèves malvoyants et 5 élèves malentendants.
- ⁴⁶ Pour ce faire, ce texte a opéré, d’une part, une actualisation de diverses références normatives, résultant des évolutions successives du droit, à l’instar de la suppression de dispositions relatives à l’ancien régime total et, d’autre part, une adaptation des référentiels sémantiques, conduisant notamment à neutraliser ou bilatéraliser certains énoncés sexués, fondés sur des conceptions aujourd’hui dépassées en raison des évolutions sociétales. Enfin, le texte a supprimé ou modifié les dispositions teintées d’obsolescences « scientifique » ou « technique », tels que le délai de viduité ou encore la présomption de survie déterminée par le sexe. Ont ainsi été modifiés des énoncés renvoyant à une conception androcentrée (avec l’homme comme seule référence) du milieu professionnel, certains termes suggérant ainsi que l’exercice de certaines fonctions (ou missions) ne pourraient être réservées qu’à un homme. De même en a-t-il été des formulations renvoyant à une conception patriarcale de la famille, dans laquelle l’époux ou le père se voit seul investi du pouvoir de gestion des intérêts de la famille et de décision en son sein, les femmes étant considérées incapables sous régime de protection. Dans cette perspective, le texte a notamment remplacé les notions de « bon père de famille » par le terme « parent » ou « en bon père de famille » par « avec tous les soins attendus » dans certaines dispositions du droit monégasque. Au total, cette loi a permis de modifier ou supprimer 85 textes et dispositions du droit monégasque.
- ⁴⁷ Comme dit précédemment, l’article 17 de la loi n° 975 du 12 juillet 1975, modifiée, susvisée, trouve son équivalent dans le statut des fonctionnaires de la Commune de 1986 et dans le texte réglementaire qui régit les agents contractuels de l’Etat.
- ⁴⁸ Article 421 du Code pénal.
- ⁴⁹ Article 234-2 du Code pénal.
- ⁵⁰ Articles 24 et 25 de la loi n° 1.299 du 15 juillet 2005, modifiée, susvisée.
- ⁵¹ Article 16 de la loi n° 1.299 du 15 juillet 2005.
- ⁵² Cf. articles 238-1 et 239 du Code pénal.
- ⁵³ Redéfinition de l’infraction d’outrage public à la pudeur, par le biais de l’introduction de l’incrimination d’« *exhibition sexuelle* », redéfinition de l’infraction d’harcèlement sexuel, redéfinition de l’actuelle infraction d’« *attentat à la pudeur* », par le recours à la formulation d’« *atteinte sexuelle* », redéfinition de l’appréhension pénale du viol, redéfinition de l’agression sexuelle, etc.
- ⁵⁴ Ainsi, l’article 308-4-1 du Code pénal appréhende de manière spécifique le fait d’écouter, enregistrer, transmettre des paroles présentant un caractère sexuel prononcées dans un lieu privé, le fait de fixer, transmettre l’image d’une personne dans un lieu privé qui présenterait un caractère sexuel, le fait de conserver, porter ou laisser porter à la connaissance du public ou d’un tiers, ou d’utiliser publiquement ou non, tout enregistrement ou document précité présentant un caractère sexuel, le fait de publier, par quelque voie que ce soit, un montage réalisé avec les paroles ou l’image de la personne concernée obtenues dans un lieu public ou privé, présentant un caractère sexuel, et également, le fait, en l’absence d’accord de la personne pour la diffusion, de porter à la connaissance du public ou d’un tiers tout enregistrement ou tout document portant sur des paroles ou des images présentant un caractère sexuel, obtenu, avec le consentement exprès ou présumé de la personne ou par elle-même.

- ⁵⁵ Intervenues successivement par la loi n° 1.155 du 18 décembre 1992, la loi n° 1.276 du 22 décembre 2003, la loi n° 1.296 du 28 avril 2005 et, en dernier lieu, la loi n° 1.387 du 19 décembre 2011.
- ⁵⁶ Depuis le 29 juin 2019, l'article premier de la loi n° 1.155 du 18 décembre 1992 relative à la nationalité dispose que : « *Est monégasque* :
- 1° – *Toute personne née d'un père monégasque sauf si celui-ci a acquis sa nationalité par déclaration en application des dispositions de l'article 3 ;*
- 2° – *Toute personne née d'une mère née monégasque qui possédait encore cette nationalité au jour de la naissance.*
- 3° – *Toute personne née d'une mère monégasque et dont l'un des ascendants de la même branche est né monégasque.*
- 4° – *Toute personne née d'une mère monégasque ayant acquis la nationalité monégasque par naturalisation, par réintégration ou par application des dispositions du second alinéa de l'article 6 ou du quatrième alinéa de l'article 7 de la présente loi.*
- 5° – *Toute personne née d'une mère ayant acquis la nationalité monégasque par déclaration suite à une adoption simple.*
- 6° – *Toute personne née à Monaco de parents inconnus.*
- La nationalité de l'enfant qui a fait l'objet d'une adoption plénière est déterminée selon les distinctions établies à l'alinéa précédent ».*
- ⁵⁷ www.dfm.mc.
- ⁵⁸ Article 260-1 du Code pénal.
- ⁵⁹ Article préliminaire de la loi n° 1.382 du 20 juillet 2011 relative à la prévention et à la répression des violences particulières.
- ⁶⁰ Cette notion peut constituer un élément d'une infraction autonome comme c'est le cas en matière de violences, pour lesquelles l'article 238-1 du Code pénal. Elle peut également constituer une circonstance aggravante en relation avec d'autres infractions (par exemple, en matière de menaces, cf. l'article 234-1 du Code pénal).
- ⁶¹ Il peut encourir jusqu'à un à cinq ans d'emprisonnement et de l'amende prévue au chiffre 4 de l'article 26, à savoir 18 000 à 90 000 euros.
- ⁶² Violences ayant entraîné une incapacité totale de travail supérieure à huit jours, violences ayant entraîné une mutilation ou la mort sans intention de la donner.
- ⁶³ Violences prévues à l'article 236 commises avec guet-apens ou préméditation.
- ⁶⁴ Violences ayant entraîné une incapacité totale de travail inférieure ou égale à huit jours.
- ⁶⁵ Loi n° 1.441 du 5 décembre 2016 relative à l'accessibilité du cadre bâti.
- ⁶⁶ Loi n° 1.410 du 2 décembre 2014 sur la protection, l'autonomie et la promotion des droits et des libertés des personnes handicapées.
- ⁶⁷ Pour ce qui concerne les infrastructures médicales, sociales et gériatriques, et notamment les lits de gériatrie (à noter, les valeurs ci-après exprimées doivent être appréciées dans le contexte particulier d'une Cité-État) :
- *Infrastructures publiques* : le Centre Rainier III compte 30 lits pour le court séjour gériatrique, 30 lits pour l'unité Denis Ravera (maladie d'Alzheimer et troubles cognito-comportementaux), 30 lits de soins de suite et de réadaptation gériatrique et 120 lits de soins de longue durée. S'agissant des EHPAD, la résidence du Cap Fleuri a une capacité actuelle de 78 lits, la seconde précitée (NRCF), en cours de restructuration, disposera de 130 lits. Enfin, la résidence « A Qietüdine », assimilée à une maison de retraite, compte 70 chambres.
- Afin d'assurer le bon accueil de la population vieillissante à venir, le Gouvernement prévoit dès à présent la mise en place de nouvelles structures, avec notamment un projet de nouvel établissement d'environ 120 places.
- *Infrastructures privées* : les résidences de la Fondation Hector Otto, dont une vient d'être réhabilitée afin d'être médicalisée, complètent ce dispositif.
- ⁶⁸ Lieu d'assistance, d'apprentissage et de découverte autour du numérique à Monaco, dans lequel les séniors, entre autres, peuvent bénéficier d'une écoute et d'une aide personnalisées de la part de conseillers dédiés, mais aussi d'un accès à une grande variété d'équipements numériques tels que des ordinateurs, des tablettes et des smartphones.
- ⁶⁹ Lieu de vie intergénérationnel favorisant l'interaction des séniors avec le reste de la population, notamment les jeunes, proposant un espace de 1 000 m² sur deux étages incluant divers services (restaurant, espace de loisir, espace dédié à l'activité physique, salles dédiées à des activités culturelles et artistiques, une salle informatique, ...), afin d'effectuer de multiples activités.
- ⁷⁰ A ce jour, le travail de nuit est encadré par les dispositions de l'Ordonnance-loi n° 677 du 2 décembre 1959 sur la durée du travail, modifiée (articles 11, 13, 13 ter, 13 quater et 13 quinquies), lesquelles fixent l'horaire du travail de nuit, ainsi que des interdictions d'emploi de nuit visant certaines catégories de personnes en vue de les protéger, dont les personnes âgées de moins de dix-huit ans (art. 13 bis, alinéa 1, Ordonnance-loi n° 677) ainsi que les femmes occupées à certaines tâches (art. 11,

alinéa 1, Ordonnance-loi n° 677).

⁷¹ Ainsi, l'article 262 du Code pénal tel que modifié par la loi n° 1.517 susmentionnée dispose que : « *Le viol se définit comme le fait d'imposer à la personne d'autrui, de commettre ou de subir, sans son consentement, tout acte de pénétration sexuelle ou acte bucco-génital, de quelque nature qu'il soit et par quelque moyen que ce soit.* ».

⁷² Nouvel art. 261-1, dernier al., du Code pénal.

⁷³ Nouvel art. 261-2, dernier al., du Code pénal.

⁷⁴ GRECO, Deuxième Rapport de conformité de Monaco, 20-24 mars 2023, document référencé « GRECORC4(2023)5 », § 33)

⁷⁵ L'Ordonnance Souveraine n° 9.931 du 15 juin 2023, susvisée, rappelle que les membres du Gouvernement exercent leurs attributions avec loyauté, dignité, probité, désintéressement, impartialité, objectivité et discrétion professionnelle. Des dispositions sont également prévues en ce qui concerne, notamment :

- L'information et la sensibilisation des membres du Gouvernement sur les principes et règles éthiques, déontologiques et de conformité à leur fonction ;
- L'établissement d'une déclaration de patrimoine et d'une déclaration d'intérêts ;
- La formalisation d'une procédure de déport et d'une procédure d'abstention ;
- Le renforcement de la politique d'encadrement et du système de traçabilité des cadeaux ;
- La création d'un Comité d'éthique et la désignation d'un déontologue ;
- La mise en place d'une procédure spécifique pour prévenir le « *pantouflage* », lorsqu'un membre du Gouvernement envisage à la cessation de ses fonctions, d'exercer une activité privée.

⁷⁶ Le Niger (189ème sur 191 pays), le Burundi (187/191), le Mali (186/191), le Burkina Faso (184/191), Madagascar (173/191), le Sénégal (170/191), la Mauritanie (158/191).

⁷⁷ [https://www.oecd-ilibrary.org/sites/2dcf1367-](https://www.oecd-ilibrary.org/sites/2dcf1367-en/1/3/2/31/index.html?itemId=/content/publication/2dcf1367-en&_csp_=177392f5df53d89c9678d0628e39a2c2&itemIGO=oecd&itemContentType=book)

[en/1/3/2/31/index.html?itemId=/content/publication/2dcf1367-](https://www.oecd-ilibrary.org/sites/2dcf1367-en/1/3/2/31/index.html?itemId=/content/publication/2dcf1367-en&_csp_=177392f5df53d89c9678d0628e39a2c2&itemIGO=oecd&itemContentType=book)

[en&_csp_=177392f5df53d89c9678d0628e39a2c2&itemIGO=oecd&itemContentType=book.](https://www.oecd-ilibrary.org/sites/2dcf1367-en/1/3/2/31/index.html?itemId=/content/publication/2dcf1367-en&_csp_=177392f5df53d89c9678d0628e39a2c2&itemIGO=oecd&itemContentType=book)

⁷⁸ [https://reporting.unhcr.org/dashboards/donor-ranking.](https://reporting.unhcr.org/dashboards/donor-ranking)

⁷⁹ Ses sept pays partenaires, Haïti, Mozambique, Malawi et certaines aides d'urgence.