



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
17 December 2019  
English  
Original: French  
English, French and Spanish only

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**Committee on the Elimination of Discrimination  
against Women**

**Seventy-fifth session**

10–28 February 2020

Agenda item 5

**Follow-up to the consideration of reports submitted by  
States parties under article 18 of the Convention**

**Information received from Monaco on the follow-up to the  
concluding observations on its combined initial to third  
periodic reports\***

[Date received: 22 November 2019]

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\* The present document is being issued without formal editing.



## Introduction

1. The Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and entered into force in 1981.
2. On 18 March 2005, the Principality of Monaco ratified the Convention, which had been given the force of law by Sovereign Ordinance No. 96 of 16 June 2005. In 2016, the Principality ratified the Optional Protocol to the Convention, which established a complaint mechanism that allows any woman or group of women to bring complaints of violations of their human rights before the Committee on the Elimination of Discrimination against Women.
3. In acceding to the Convention, States undertake to pursue, by all appropriate means, policies aimed at eliminating all forms of discrimination against women. National periodic reports on the implementation of the Convention are examined by the Committee, a body of independent experts, as part of a dialogue with the State party concerned. The outcome of that exercise is a set of recommendations made to the State party.
4. On 9 November 2017, at the United Nations Office at Geneva, a delegation from Monaco<sup>1</sup> met with the 23 members of the Committee. The meeting was chaired by Ms. Dalia Leinarte (Lithuania). The delegation comprised representatives from the Permanent Mission of the Principality of Monaco to the United Nations Office at Geneva, the Ministry of Health and Social Affairs, the Ministry of Interior, the Ministry of Foreign Affairs and Cooperation, the Department of Legal Affairs and the Department of Justice.
5. The purpose of the meeting was to consider the combined initial to third periodic reports of Monaco ([CEDAW/C/MCO/1-3](#)) on the implementation of the Convention, submitted in 2016 by the Government of Monaco.
6. The Committee's concluding observations on the combined initial to third periodic reports are contained in [CEDAW/C/MCO/CO/1-3](#) and the responses of Monaco are contained in [CEDAW/C/MCO/Q/1-3/Add.1](#). The fourth periodic report is due in November 2021.

## Gender-based violence against women

### **Additional information on paragraph 26 (i) of the concluding observations ([CEDAW/C/MCO/CO/1-3](#))**

7. A national committee for the promotion and protection of women's rights was established pursuant to Sovereign Ordinance No. 7.178 of 25 October 2018.
8. Reporting to the Head of the Government (the Minister of State) and headed by the Minister of Foreign Affairs and Cooperation, the Committee coordinates, implements, monitors and assesses national policies and measures aimed at promoting

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<sup>1</sup> The delegation was composed of Ms. Carole Lanteri, Ambassador and Permanent Representative of Monaco to the United Nations Office at Geneva, Mr. Gilles Realini, First Secretary, and Ms. Patricia Chacon-Sierra, Special Assistant; Ms. Véronique Segui-Charlot, Director of the Department of Social Welfare and Social Services; Dr. Alexandre Bordero, Director of the Department of Health Affairs; Ms. Pascale Pallanca, Director of the Department of Employment; Ms. Laurence Guazzone, Technical Adviser at the Department of Education, Youth and Sport; Ms. Corine Magail, Official Representative of the Department of International Affairs; Mr. Frédéric Pardo, Senior Legal Administrator at the Department of Legal Affairs; Ms. Lisa Capaccioni, Police Social Worker at the Ministry of Interior; and Ms. Antonella Couma, Adviser at the Department of Justice.

gender equality and preventing and combating all forms of violence and discrimination against women, including those forms covered by the following conventions:

- Convention on Action against Trafficking in Human Beings, concluded in Warsaw on 16 May 2005
- Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, concluded in Istanbul on 11 May 2011
- Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979

9. The Committee includes representatives from the relevant ministries and government departments, including the Department of Justice, as well as the Chief Officer for Women's Rights, who monitors the implementation of the Committee's decisions and policies.

10. Working groups have been set up to enable Committee members to meet regularly and implement specific measures.

11. One of the working groups is tasked with collecting data on violence against women, with a view to preparing reliable statistics and developing indicators to inform public policy.

12. The data collection project is already under way and is being led by the Monegasque Institute of Statistics and Economic Studies (IMSEE), in cooperation with data protection entities.

13. IMSEE was established in 2011 to gather, interpret and publish key figures relating to activities in the Principality. It provides an accurate picture of the economic and social environment of Monaco.

14. Collecting data on violence against women is complex, because victims may approach various entities, and they do not systematically file complaints.

15. The Department of Justice, the Department of Social Welfare and Social Services, the Police Department, the Princess Grace Hospital Centre and the Victims of Criminal Offences Help Association are all involved in the data collection project.

16. Since 2018, the Public Prosecution Department has produced tables summarizing cases of violence against women. The tables contain over 30 indicators, to maximize the data collected and to ensure reliable statistics (the year of the violence; the date that the authorities became aware of the case; the channel through which contact with the victim was established; the nationality, age, profession and place of residence of the victim; the type of violence and the location where it took place; whether children were present; whether the violence resulted in a disability or other harm; the victim's relationship to the perpetrator; the gender, nationality, age, occupation and place of residence of the perpetrator; whether alcohol was a factor; whether charges were pressed, whether a written complaint was filed or whether a protection order was granted, and so forth; and whether the perpetrator was tried, convicted and/or sentenced).

17. An anonymous and free helpline has been set up for victims of violence: 0800 91 90 10. Anyone in Monaco who is a victim of violence can call the toll-free number to obtain free information. The helpline is open to victims of every type of violence, including rape and sexual violence, domestic violence, sexual harassment and institutional violence.

## Employment

### **Additional information on paragraphs 35 (a) and 36 (a) of the concluding observations**

18. The Constitution and the laws and regulations in force in Monaco contain no discriminatory provisions on the grounds of race, skin colour, gender, language or religion.

19. All workers legally employed in Monaco enjoy the same working conditions, regardless of their race, gender, religion or nationality, in accordance with the conventions to which Monaco is a party.

20. Like all workers legally employed in Monaco, non-Monegasque workers have social security cover in the event of illness or work-related accidents. Targeted support measures to help the most vulnerable people are in place and rigorous inspections of working conditions are carried out to prevent any form of exploitation.

21. Foreign workers can go to the Labour Inspectorate to report working conditions that do not comply with the law in force and to obtain information on their rights.

22. According to article 1 of Act No. 629 of 17 July 1957 regulating the conditions of recruitment and dismissal in the Principality, no worker may be employed in the private sector in Monaco unless that person has a work permit issued by the Employment Office.

23. Employing an individual who does not have a work permit is a crime and is therefore prosecutable in the Criminal Court.

24. Under article 1 of Act No. 870 of 17 July 1969 on the employment of pregnant women and nursing mothers, no female employee may be dismissed once her pregnancy has been medically confirmed, or during the periods of suspension of the employment contract to which she is entitled by way of maternity leave, whether or not she exercises that entitlement, as well as during the four weeks following the end of those periods.

25. As the dismissal of a pregnant woman is prohibited by law, employers cannot try to circumvent that prohibition by applying article 6 of Act No. 729. Indeed, that article does not give employers the absolute right to terminate an employee at their discretion; the circumstances surrounding the termination must be free of any abuse and the grounds for the dismissal must not be unlawful or illegal.

26. In any event, no such cases have been brought before the Monegasque courts.

## Sexual harassment in the workplace

### **Additional information on paragraphs 37 and 38 of the concluding observations**

27. Following the adoption of bill No. 908, Act No. 1.457 of 12 December 2017 on harassment and violence in the workplace entered into force on 22 December 2017. The Act complements the Principality's existing legislative and jurisprudential framework. It contains 15 articles that protect employees, interns, civil servants and public officials against harassment, sexual blackmail and violence in the workplace. Under the Act, employers are obliged to take all necessary measures to put an end to such actions, and the perpetrators of such actions are held criminally liable. The Act also establishes a penalty for making a false declaration.

28. The Act prohibits the following:

- Workplace harassment, which is defined as the act of subjecting a natural person, knowingly and using any means, in the context of a working relationship, to repeated actions or omissions whose purpose or effect is a deterioration in the working conditions of the natural person that affects his or her dignity or impairs his or her physical or mental health.
- Sexual blackmail at work, which is defined as the act, whether repeated or not, of putting any form of serious pressure on a natural person in the context of a working relationship or a recruitment procedure in order to obtain from that person an act of a sexual nature, whether the act is sought for the benefit of the perpetrator or a third party.
- Workplace violence, which is defined as the act of threatening or assaulting, whether physically or psychologically, a natural person in the context of a working relationship.

29. Managers of companies with over 10 employees are required to appoint a focal point to whom employees who believe they are victims of workplace harassment, violence or sexual blackmail can report their allegations. The focal point and the employee concerned must jointly prepare a written report of the incident so that the manager of the company can be informed and can take immediate action to put a stop to the behaviour in question as soon as he or she has ascertained the veracity of the allegations. If the manager fails to do so, he or she shall be held liable.

30. The Labour Court and the criminal courts have jurisdiction over such cases, with the exception of those relating to ordinary law, which fall under the jurisdiction of the Court of First Instance.

31. The State as an employer is also covered by the Act and must ensure the protection of civil servants, public officials, temporary staff, apprentices and interns in such situations. The following procedure has been established: the complainant must file a report with the designated focal point, who is appointed by the Human Resources and Training Department for a one-year period. The focal point co-signs the detailed report prepared by the complainant and transmits it immediately, through his or her superiors, to the Minister of State. The Minister of State refers the case to the competent hierarchical authority (either the Head of the entity concerned or the relevant government minister if the Head of the entity is implicated in the matter or if the alleged victim is employed in the secretariat of the entity) for investigation. The complainant and the focal point are informed.

32. The competent hierarchical authority to which the matter is referred may take or order immediate emergency precautionary measures (supervision and/or physical separation, or suspension of the alleged perpetrator).

33. The parties concerned are then brought before the competent hierarchical authority, in the presence of the Director of the Human Resources and Training Department and/or a representative of the Director, where they are heard in a fair and impartial manner.

34. Once the facts of the case have been checked, and if their veracity has been ascertained, the competent hierarchical authority shall take or order any measures necessary to put a stop to the behaviour in question and to protect the complainant. In any event, the focal point shall inform the complainant of the measures taken.

35. The Department of Employment strives to ensure the effective application of Act No. 1.457 by carrying out various activities on the ground, including disseminating and providing refresher information on the Act to employers' unions, companies and the public.

## **Marriage and family relations**

### **Additional information on paragraphs 49 and 50 of the concluding observations**

36. Under articles 126–129 of the Civil Code, a woman wishing to remarry following the death of her spouse or the dissolution of her previous marriage may not do so until a “waiting period” of 310 days has passed.

37. The waiting period was originally instituted to ensure that the woman concerned was not pregnant from her previous spouse, in order to avoid any issues regarding the paternity of any child born after the dissolution of the marriage.

38. However, given modern means of determining paternity, this provision no longer seems necessary; the Government of Monaco may therefore repeal it in the near future.

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