



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

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**Committee on the Elimination of Discrimination
against Women**
Sixty-eighth session

Summary record of the 1557th meeting

Held at the Palais des Nations, Geneva, on Thursday, 9 November 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial and second and third periodic reports of Monaco (continued)
(CEDAW/C/MCO/1-3, CEDAW/C/MCO/Q/1-3 and CEDAW/C/MCO/Q/1-3/Add.1)

Article 9 (continued)

1. *At the invitation of the Chair, the delegation of Monaco took places at the Committee table.*

2. **Ms. Lanteri** (Monaco) said that the transmission of Monegasque citizenship was based on the principle of *jus sanguinis* rather than *jus soli*.

3. **Mr. Pardo** (Monaco) said that, following the adoption and enactment of Act No. 1.387 of 19 December 2011 amending Act No. 1.155 of 18 December 1992, the Nationality Act, any persons who had acquired Monegasque citizenship through filiation or naturalization could transmit their nationality to a spouse after 10 years of marriage; however, foreign women who had married Monegasque men prior to the entry into force of the 2011 Act could be naturalized after five years. Monegasque women who married foreign men were not automatically required to take on their husbands' citizenships or renounce their own.

4. Foreign spouses who acquired Monegasque citizenship were required to retain their original citizenship in order to ensure that their children were not stateless, and divorcees who had acquired Monegasque citizenship through marriage were not entitled to transmit that citizenship to their children after their divorce or to any future spouse. Children acquired Monegasque citizenship if they were born to a mother who had been a Monegasque citizen since her birth or who had acquired citizenship through naturalization or other legal means if they were born to a parent who had acquired Monegasque citizenship or if they were born in the Principality of Monaco to unknown parents. Monegasque citizenship would be lost if a citizen was naturalized in a foreign country or if he or she voluntarily acquired another nationality, renounced Monegasque citizenship or served in a foreign military. The full text of the Act would be provided to the Committee after the dialogue.

5. **Ms. Manalo** said that she wished to know what would happen to women who became stateless by losing Monegasque citizenship and being unable to regain their original citizenship.

6. **Ms. Lanteri** (Monaco) said that the foreign spouse of a Monegasque national was required to obtain confirmation from his or her country of origin that he or she was entitled to dual citizenship before being granted Monegasque citizenship.

7. **Ms. Manalo** said that she wished to know whether a child would receive Monegasque citizenship if his or her mother had been a Monegasque citizen at the time of conception, but had lost that citizenship by the time the child was born.

8. **Ms. Couma** (Monaco) said that children born in such circumstances would usually receive Monegasque citizenship at birth.

9. **Ms. Lanteri** (Monaco) said that it was rare for women in such cases to be stateless, and the child could receive Monegasque citizenship from his or her father if conceived when his or her mother was a Monegasque citizen. Children born to mothers who had acquired Monegasque citizenship through marriage and had dual citizenship could acquire their mothers' other citizenship.

Article 10

10. **Ms. Gbedemah** said that domestic legislation did not expressly guarantee free education to children of foreign nationalities whose parents or legal representatives were not lawfully residing in the State party, as noted by the Committee on the Rights of the Child in its concluding observations on the combined second and third periodic reports of

Monaco ([CRC/C/MCO/CO/2-3](#)). She wished to know whether efforts were being made to guarantee free education for those children and what measures were in place to implement the relevant recommendations of the Committee on the Rights of the Child.

11. She would appreciate additional information on the two private denominational schools under contract with the State, including whether children belonging to different denominations could attend, whether religious education was compulsory and whether they applied the same disciplinary codes as public schools. She wished to know whether the data on schoolchildren provided in paragraph 185 of the periodic report had been disaggregated by gender. Regarding violence against girls in schools, she asked what measures were in place to address cyberbullying, and whether corporal punishment was legal in schools.

12. Although women constituted just over 50 per cent of those enrolled in tertiary education institutions, they were underrepresented in science and among scholarship recipients. She wished to know whether the Government would consider applying temporary special measures to increase the participation of girls in science, such as targeted recruitment, numerical goals related to time frames or quota systems. If not, she asked what measures the Government would take to actively encourage girls to study science.

13. She would appreciate additional information on sexual and reproductive health education. At present, such education appeared to be provided at a relatively late age and was not based on rights or issues of power and responsible sexual behaviour.

14. **Ms. Lanteri** (Monaco) said that education was free and compulsory for all children aged 6-16 and legally residing in Monaco, regardless of their nationality. Although a considerable number of exceptions were made, the Government did not have the capacity to enrol the children of the approximately 450,000 people who commuted to Monaco every day from Italy and France.

15. **Ms. Guazzone** (Monaco) said that, of the approximately 6,000 children at school in Monaco, between 2,000 and 2,500 benefited from dispensations allowing them access to schools despite being children of foreign nationals. Around 1,200 applications for such dispensations were received every year, of which 200-250 were granted. However, it was necessary to maintain reasonable class sizes to ensure a high level of education and school safety. Private denominational schools were able to establish their own criteria for admission.

16. Awareness-raising programmes had been established to combat bullying, including cyberbullying. A procedure for reporting bullying had been implemented, which helped schools to deal with individual cases.

17. **Ms. Lanteri** (Monaco) said that the basic curriculum was the same in private and public schools and pupils at both kinds of school were expected to pass the school-leaving examination at the end of their school career. Both Monegasque nationals and long-term legal residents were eligible to receive available grants and scholarships. Statistics indicated that a large majority of the Monegasque population had obtained postgraduate qualifications.

18. **Ms. Guazzone** (Monaco) said that children of public officials and civil servants had access to scholarships for secondary or tertiary education, including if they were not Monegasque nationals or residents, as well as grants for language courses. Monegasque schools used French science programmes to enable pupils to enter higher education in France, and it had been noted that there was a gender imbalance among university science students in France. Moreover, efforts were being made to promote vocational training among both girls and boys, and to tailor such training to the needs of individual children.

19. **Ms. Lanteri** (Monaco) said that sexual and reproductive health education included awareness-raising activities on issues such as AIDS and other sexually transmitted diseases. The Monegasque national health system worked with schools, all of which were staffed with school nurses who could provide contraceptives and counselling. Social workers were also available to give guidance to students. Older students who had completed their secondary education and who were paid to supervise schoolchildren, traditionally known as *pions*, were also present, including while children were having their break, to prevent bullying, and cyberbullying.

20. **Mr. Pardo** (Monaco) said that measures had been taken and legislation had been enacted to address and punish cyberbullying, but further action was needed.

21. **Ms. Gbedemah** said that it was still not clear how many boys attended faith schools, whether disciplinary standards in such schools were the same as those imposed in non-faith schools and whether such schools were open to all pupils, irrespective of their faith. She asked whether temporary special measures would be taken to increase the number of girls who opted to study science. She wondered whether corporal punishment was completely banned in schools or merely subject to certain restrictions.

22. **Ms. Acar** said that she wished to know whether the topic of gender equality had been mainstreamed in the education system and included in the regular curriculum followed by all schools. She asked whether professionals in health care, education and other areas were given training in gender equality.

23. **Ms. Lanteri** (Monaco) said that the Government could not force girls to study science. However, a career day was held in schools every year. Corporal punishment was not tolerated in schools. Gender equality was taught in accordance with the French curriculum.

24. **Mr. Bordero** (Monaco) said that all health-care professionals underwent training in France or followed courses identical to those established in that country. Men and women had equal access to health-care services, and efforts had been made to improve the training given to health-care professionals working with women victims of violence and children who had experienced or witnessed violence.

25. **Ms. Guazzone** (Monaco) said that social workers, school psychologists and school nurses were trained to deal with reports of violence. Professionals working in the education system reported any incident of harassment or violence that came to their attention, including cases of domestic violence communicated to them by children.

Article 11

26. **Ms. Narain** said that the Committee was concerned to note that, under article 6 of Act No. 729 of 1963, employers could terminate open-ended contracts without notice or cause. The Committee had received reports that, on the basis of that Act, foreign workers had been dismissed shortly after the completion of their maternity leave. Noting that the provision in question appeared to be in breach of Act No. 870 of 17 July 1969, which prohibited women from being dismissed on grounds of pregnancy, or within four weeks of the completion of their maternity leave, she asked whether the delegation could provide statistics on the number of mothers, particularly foreign mothers, who had been dismissed after completing their maternity leave and whether those cases had been investigated by the Labour Inspectorate.

27. She wondered whether discrimination on the grounds of sexual orientation was prohibited in employment legislation. It was still not clear whether the State party's employment legislation provided for equal pay for work of equal value. She asked whether any research into equality in employment had been carried out and whether women had been consulted on legislation dating from 1959 that prohibited them from night work.

28. Under Statutory Order No. 399 of 1944, the majority of the members of a trade union board were required to be Monegasque or French nationals. She failed to understand how the Government could justify the inclusion of such a requirement and whether it had a time frame for amending the law so that foreign workers, including foreign women, enjoyed the right to be elected to the board of a trade union. She asked whether the Government would consider removing the reference to "husband's permission" in the Statutory Order. She would like to know how many complaints of sexual harassment had been made under the law on workplace harassment as from 2016, how many prosecutions and convictions there had been, whether legal proceedings in such cases could be initiated by the police, the Labour Inspectorate or a trade union on behalf of victims and whether victims were entitled to free legal assistance.

29. The Committee would welcome information on the number and situation of domestic workers in Monaco. She asked whether any specific legislation to protect such

workers had been adopted, whether the Labour Inspectorate had investigated reports of unsafe working conditions of migrant domestic workers and whether they had the right to belong to a trade union. It would be interesting to learn how many women were telecommuting or working part-time, whether such women received benefits and adequate employment protection under the law and how many women worked in the informal sector. She wished to know whether the State party intended to take action on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and whether it intended to become a member of the International Labour Organization (ILO) and sign the relevant conventions. If not, she wished to know to what extent domestic legislation had incorporated the principles enshrined in those international instruments.

30. **Ms. Lanteri** (Monaco) said that, although no individual could be prevented from joining the board of a trade union on the grounds of gender, the majority of board members were required to be Monegasque or French nationals. The Government currently had no plans to accede to the Convention or join ILO, as the civil service would not be able to cope with the additional reporting obligations that membership of that organization would entail. However, the Government fully adhered to the principles enshrined in the Convention and the relevant ILO conventions.

31. **Ms. Pallanca** (Monaco) said that employment legislation protected pregnant women against arbitrary dismissal during their pregnancy, during their maternity leave and after the completion of that leave. Women and men could be dismissed only if very precise reasons were given for their dismissal. Any individual who had been arbitrarily dismissed was entitled to compensation and could initiate legal proceedings against his or her employer.

32. Women occupied 41 per cent of posts in the private sector, 29 per cent of posts in the primary sector, 19 per cent of posts in the manufacturing sector and 44 per cent of posts in the service sector. Although a legal provision was in force that prohibited women from night work in certain industries, companies had the right to request exemptions from that provision on behalf of their women employees. In such cases, women were asked whether they wished to work night shifts.

33. Under the Criminal Code, victims of sexual harassment in the workplace could initiate legal proceedings against the alleged perpetrators. A bill on harassment, including sexual harassment in the workplace, was expected to be adopted in the near future. Legislation on telecommuting arrangements had been adopted very recently and was being implemented gradually in conjunction with employers. Currently, some 175 men and 149 women were engaged in that form of work.

34. Domestic workers who wished to file a complaint against their employer or enquire about their rights were free to consult with representatives of the Labour Inspectorate without making an appointment. Any report of domestic slavery would be transmitted to the police and investigated and the perpetrators brought to justice. In order to ensure that the board members of a trade union had close ties with Monaco, the majority of those members were required to be Monegasque or French nationals. Very few complaints had been received about regulations on the nationality of trade union board members.

Article 12

35. **Ms. Hofmeister** said that sports played an important role in the life and economy of Monaco. The Principality hosted several world-renowned sporting events, predominantly for male competitors and male consumers, that drew workers and fans from all over the world. There was evidence to show that major sporting events generally led to increased demand for prostitutes. She was concerned at reports that the events in Monaco attracted large numbers of so-called high-class prostitutes and that super yachts moored in the Monegasque harbour were allowed to operate unchecked as brothels. Of further concern was the fact that contraception was not a priority focus in the State party's health strategy and that abortion was banned in all but very limited circumstances. She wished to know what steps the State party was taking to combat the transmission of sexually transmitted diseases during major sporting events and to conduct awareness-raising activities and distribute contraceptives to sex workers and their clients. She wondered to what extent the

Catholic Church had had an influence on legislation governing abortion and on the availability of emergency contraception; whether data could be provided as to the prevalence of illegal and unsafe abortions, including how many women had died as a result of those practices; whether contraceptives were provided free of charge to young people; and whether sex education included topics such as sexual orientation. Lastly, she asked what procedures were in place to preserve biological evidence in rape cases, without violating the dignity of the victim and what measures were in place to address the situation of intersex persons and prevent the use of intersex genital mutilation.

36. **Ms. Lanteri** (Monaco) said that the Committee member had painted a dreadful picture of her country that bore no relation to reality. Monaco was essentially a small village with a high quality of life and a good health-care system that cared for all women, without discrimination. Abortions were permitted in only restricted circumstances owing to the Principality's Catholic traditions; however, backstreet abortions did not occur in Monaco. Women had full freedom of movement and, if necessary, were free to travel to neighbouring countries for such procedures.

37. No other European State had invested as much time, effort and resources into combating HIV/AIDS and other sexually transmitted diseases. Although the risks were admittedly higher during certain sports events, a number of services and associations actively conducted awareness-raising and information activities on sexually transmitted diseases. Lastly, female genital mutilation was prohibited and Monaco had joined international movements aimed at eliminating that scourge.

38. **Mr. Bordero** (Monaco) said that he would reject the Committee member's characterization of his country. High-level sporting events inevitably attracted prostitution, but the problems relating to the procurement of prostitution in Monaco had been identified and comprehensively addressed. The official religion of Monaco was Catholicism; thus, it was natural that the Church had had some influence over the approach taken to abortion. All abortions were, however, carried out in hospitals, in a monitored and safe environment with professional staff, including psychologists, on hand to provide the best care to patients. Backstreet abortions did not exist.

39. Advanced methods were used by the police and medical staff to collect evidence in cases of rape. Training and awareness-raising activities were also conducted, in particular for doctors and nurses who dealt with victims. As regards genital mutilation, the practice was prohibited for women and men alike. Various initiatives were under way with regard to sex education and contraception, including regular campaigns in schools. A number of Monegasque and French organizations gave lively presentations and disseminated information to adolescents on the subject and condoms were distributed through pharmacies. Lastly, the authorities knew of only one intersex person, a child who was at school in Monaco. The Monegasque health-care system was comprehensive and provided care to all persons, without discrimination. In the absence of intersex specialists in Monaco, French specialists provided additional support.

Article 13

40. **Ms. Nadaraia** said that she wished to know what measures had been taken to integrate Iraqi and Syrian refugees into Monegasque society and to what extent Act No. 1.410 of 2014 on the Protection, Autonomy and Promotion of the Rights and Freedoms of Persons with Disabilities had improved access to health, education, regular employment and social protection for women with disabilities. Regarding HIV/AIDS, it would be useful to have an account of any impact assessments that had been conducted in relation to the Fight AIDS Monaco organization's programme on preventing and combating HIV/AIDS, in particular among women. The retirement age was 65 for women and men, pensions could be drawn early at 60, and women could retire at 55 years of age. She wished to know the reasons underlying the inequality in retirement age and how it affected women's economic sustainability. Survivors' pensions amounted to just 60 per cent of the deceased spouse's retirement entitlement, and eligibility to receive the pension was lost upon remarriage. She wondered how that policy affected women's economic independence and why women lost their entitlement to so many benefits in the State party if they remarried.

41. Gaps in the legislation remained, notably with regard to upholding the rights of and prohibiting discrimination against lesbian, gay, bisexual, transgender and intersex persons. Noting that a contract for cohabiting couples, including same-sex couples, was set to be introduced in 2018, she wondered whether any legislation to address the specific challenges faced by lesbian, gay, bisexual, transgender and intersex women was envisaged and whether there were plans to allow same-sex adoptions and same-sex marriage. The State party should also consider collecting data on offences against the women and undertaking a thorough analysis of the legislation to evaluate the extent to which their rights were protected.

42. **Ms. Lanteri** (Monaco) said that her country had a 50-year track record of welcoming refugees and had established a comprehensive system to help them. Services ranging from medical examinations and health-care coverage, education, housing, training and language courses were provided to smooth their path towards integration and autonomy. The Iraqi and Syrian refugees currently in Monaco were being supported by refugee organizations, many of whom employed staff who spoke the same language, thus enabling them to build relationships and aiding in their social integration.

43. The Government worked in conjunction with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and other international organizations to combat HIV/AIDS. By way of example, it participated in joint assistance programmes to provide socioeconomic aid and medical assistance to families affected by the disease in Rwanda and Burundi. In Europe, there was a distinct lack of prevention campaigns. The low transmission rates in Monaco, however, were a testament to the comprehensive prevention work conducted by Fight AIDS Monaco.

44. **Ms. Pallanca** (Monaco) said that the measure allowing women to retire at 55 was specifically aimed at women who had raised at least three children up to the age of 16.

45. **Ms. Segui-Charlot** (Monaco) added that an additional allowance was also available for women and men residents in Monaco as a pension top-up. Under Act No. 1.410 of 2014, women and men with disabilities were entitled to receive health care appropriate to their needs and social and educational support to help integrate them into the labour market.

46. **Mr. Bordero** (Monaco) said that a comprehensive system was in place to provide free assistance to persons with physical or psychosocial disabilities with a view to integrating them into society. Regarding Fight AIDS Monaco, it was difficult to fully assess its impact, as there was a lack of data. The organization not only worked in Monaco but also in neighbouring parts of France. It was clear, however, that vigilance was needed to prevent a resurgence, which was why Fight AIDS Monaco was so committed to continuous awareness-raising campaigns. For example, it offered free HIV/AIDS testing in shopping centres and also operated a shelter offering support and counselling for persons living with HIV/AIDS. Free and anonymous screening was available at the public hospital, where follow-up support was also provided, if required.

47. **Mr. Pardo** (Monaco) said that the Constitution contained a general principle prohibiting discrimination. Instead of one single law on non-discrimination, there were several that covered different areas. Publishing content, whether in the traditional media or on social networks, that discriminated against a population group, including on the basis of their sexual orientation, was a punishable offence. Provisions that protected persons from threats of violence were applicable to all persons, included those discriminated against because of their sexual orientation.

Articles 15 and 16

48. **Ms. Halperin-Kaddari**, noting that, for most purposes, men were defined in law as being the head of the household, said that she wished to know whether the Government would consider amending that discriminatory definition. She wondered whether the Government would consider amending the discriminatory legal provision that prevented women from remarrying within 310 days of the dissolution of their marriage, particularly in view of the fact that technological advances had made it impossible to justify such a provision on the grounds that it was necessary to reduce the risk of paternity disputes.

49. She wished to draw the delegation's attention to the Committee's general recommendation No. 29 (2013), which pointed out that property distribution regimes often favoured husbands and had adverse financial consequences for women following a divorce. In order to comply with article 16 of the Convention, States parties had to adopt legislation that would recognize each spouse's monetary and non-monetary contributions to the property accumulated during a marriage and provide for the equal distribution of that property. The Committee was concerned that, under article 194 of the Civil Code, either spouse could open a deposit account or hold securities without the consent of the other spouse and could freely dispose of the money or securities in question, in contravention of the principle of shared property.

50. Noting that recent amendments to the law had made it possible for parents to have shared custody of their children, she asked whether that form of custody was now the default option when a couple separated, whether children in shared-custody situations were required to spend exactly equal amounts of time at each parental home, whether the Government was monitoring the consequences of such arrangements and whether it had considered the widespread studies indicating that such arrangements could cause psychological harm to children, particularly those of very young age. She wished to know whether the issue of domestic violence was taken into account in decisions concerning the custody of children and whether the Government was taking steps to prevent fathers from using the fact that they had shared custody of their children as justification for reducing the amount of child maintenance that they paid. Lastly, she asked whether the bill on cohabitation agreements had been adopted and whether such contracts were available for same-sex couples.

51. **Ms. Lanteri** (Monaco) said that, in view of the fact that the legislation on shared custody had been adopted as recently as July 2017, the Government had not yet had the opportunity to carry out any studies of its consequences.

52. **Mr. Pardo** (Monaco) said that, although no plans had been made to review the legislation stipulating that a woman was required to wait a certain number of days before she could remarry, the Government would take note of the Committee's comments on that issue. The bill on cohabitation agreements, which had been drafted by the parliament, had not yet been adopted.

53. **Ms. Couma** (Monaco) said that, although the law provided for the separation of property, all couples were entitled to adopt a different matrimonial property regime if they so desired. The law allowed for the provision of compensation (*prestation compensatoire*) by one of the spouses upon divorce in order to make up for the disparity of living conditions that the breakdown of the marriage caused.

54. Before the legislation on shared custody had been adopted, in-depth consultations had taken place between Members of the Parliament and representatives of the judiciary. The legislation had been drafted with the aim of ensuring that the best interests of the child would be taken into account in judicial decisions on custody.

55. **Ms. Segui-Charlot** (Monaco) said that studies of shared custody arrangements had been carried out before the legislation on shared custody had been adopted. Such arrangements could be applied only in cases involving children of 3 years of age or older. The Government was examining the question of how to provide social assistance to both parents in cases where the parents had shared custody of their children and considering how to define the concept of head of household in such cases. Currently, the parent who had custody of the children was considered to be the head of household.

56. **Ms. Halperin-Kaddari** said that she would welcome further information on mechanisms in place to balance any differences in the relative financial standing of men and women who had decided to end their marriage. She asked what custody arrangements were implemented for children under the age of 3, whether, in such cases, custody was generally awarded to the mother and whether shared custody was an option only for children aged 3 years and over.

57. **Ms. Lanteri** (Monaco) said that, under a marital property system based on the separation of assets, which was the default regime in Monaco, a woman with substantial

assets would be able to retain them after she divorced. If any other agreement had been established prior to the marriage, the assets would be distributed in accordance with that agreement. If any such agreement was not respected, the aggrieved party would be able to initiate legal proceedings to obtain what was due to him or her.

58. **Ms. Segui-Charlot** (Monaco) said that, in custody cases involving children under the age of 3, the custody arrangements in place prior to the adoption of the legislation on shared custody would apply. In such cases, custody was normally, but not always, awarded to the mother. When custody was shared, the amount of time that the children spent at each parental home was determined in accordance with the best interests of the child and the wishes of each parent.

59. **Ms. Lanteri** (Monaco) said that she wished to thank the Committee for the constructive dialogue. Any data that remained outstanding would soon be provided in writing.

The meeting rose at 5.05 p.m.