



# GREVIO

## Baseline Evaluation Report Monaco

” Group of Experts  
on Action  
against Violence  
against Women and  
Domestic Violence  
(GREVIO)



**Istanbul Convention**



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## Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the Convention”) by the Parties.

It is composed of 10 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the Convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the Convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Monaco as one of the first two parties together with Austria to undergo this procedure. It covers the Convention in its entirety<sup>1</sup> and thus assesses the level of compliance of monegasque legislation and practice in all areas covered by the Convention. In light of the scope of the Convention – as set out in its Article 2 paragraph 1, the baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term “violence against women” used throughout this report thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the Convention, which are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, this report proposes measures to strengthen the implementation of the Convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency. These are, in order of priority, “urge”, “strongly encourage”, “encourage” and “invite”. GREVIO uses the verb “urge” where it considers that immediate action is required to bring the Party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. The verb “strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the Convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings of a lower priority. Lastly, the verb “invites” points to small gaps in implementation which the Party is requested to consider closing should the opportunity arise or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the Party. These include the following:

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<sup>1</sup> With the exception of Chapter VIII of the Convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

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- submission, by the party, of a report drawn up on the basis of GREVIO's baseline questionnaire (this report is, in general, made public);
  - a state dialogue with representatives of the Party on issues emanating from the state report;
  - an evaluation visit to the Party under review to meet with governmental and non-governmental representatives working in this field;
  - comments by the Party on GREVIO's draft report;
  - publication of GREVIO's report after its adoption together with any comments received from the Party.

In addition, GREVIO collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as at February 2017. Developments since that date are neither covered in the analysis nor taken into account in the conclusions and proposals therein.

According to the Convention, national parliaments shall receive this report from the national authorities (Article 72, paragraph 2). GREVIO would also invite the national authorities to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

## Executive Summary

Following the enactment of Law No. 1.382 of 20 July 2011 on specific forms of violence, Monaco now has extensive measures including not only prevention and protection measures but also law enforcement and integrated policies. Monaco is pursuing a long-term multi-agency strategy which aims to provide a comprehensive response to violence against women. Efforts are currently under way to step up this strategy by establishing a network of designated trained officers within each of the services involved. The authorities are encouraged to pursue the efforts currently under way to systematise and streamline data collection while taking account of the relevant provisions of the Istanbul Convention.

When implementing the provisions of the Convention at national level, the authorities should integrate a gender perspective that includes the prevention of inequalities between women and men and stereotypes. Generally speaking, Monaco should continue its efforts to ensure that real gender equality is recognised in law and applied in practice. Particular attention should be paid to the fact that certain groups of women, particularly those from a foreign background, are exposed to a higher risk of economic violence, and to the needs resulting from that risk.

In order to promote effective, comprehensive and integrated national policies, the authorities should appoint or set up a body capable of driving such policies and should involve all the relevant players, particularly associations, and grant them appropriate resources. These policies should be regularly monitored and assessed, especially in the light of data obtained from victim surveys.

As regards prevention, in addition to its support for the International Days for the Elimination of Violence against Women, Monaco has carried out a number of awareness-raising measures, primarily in the field of promoting family solidarity. Monaco should continue with and expand upon such measures to include, in particular, the gender equality dimension and targeting the public at large. This dimension should also be highlighted in the fields of education and the training of professionals, in addition to the gender dimension of violence. The authorities also need to do more to ensure wider availability of programmes designed to prevent re-offending by violent perpetrators, as well as private sector and media participation in the framing and implementation of the policies advocated by the Convention.

Concerning its obligations under the Convention with respect to protection and support, Monaco should make sure that all of the services involved have an understanding of gender-based violence against women in line with the principles and definitions set out in the Convention. Owing to the specific territorial and demographic characteristics of Monaco, the authorities' response to the specific needs of victims is based on an all-embracing approach by the general support services rather than on specialist services. Consequently, in addition to appropriate training, the general support services also need to be able to have recourse to guidelines or protocols and specialist officers within the relevant services. In any event, the authorities should consider ways in which they could provide specialist support services.

In Monaco, victim shelters appear to be well-equipped and able to meet the real needs on the ground. The authorities should explore all the available options to ensure a round-the-clock helpline service that fulfils the criteria laid down in the Convention. Given that there are no forensic medical officers in Monaco, support for victims, including victims of sexual violence, should be stepped up by providing health care professionals with special training and/or by ensuring the competent services have greater access to expert forensic opinions. In order to provide guidance to the health care professionals concerned, the authorities should standardise and/or formalise the circumstances requiring the reporting of serious acts of violence where there are fears that further serious acts of violence will follow. Recognition of and respect for the victim status of children who witness violence should be fully incorporated into the networking approach pursued by Monaco as part of its integrated multi-agency strategy.



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Concerning substantive law, given the low number of compensation awards to victims of violence, Monaco should implement measures to ensure that victims can be compensated for the harm they have suffered. In relation to custody and visiting rights, the authorities should ensure the effective application of the principle whereby instances of violence against a non-abusive parent must be taken into account in the same way as instances of violence against children. As regards measures taken to punish instances of violence covered by the Convention, Monegasque legislation draws to a large extent on the provisions of the Convention. However, some harmonisation is needed in view of differences identified between the provisions of the Convention and the criminal offences that exist in Monaco. The same observation applies to the aggravating circumstances set out in the Convention. The authorities are moreover called upon to identify and remove any hurdles preventing penalties from complying fully with the requirement to be effective, proportional and dissuasive. While the principle of prohibiting mandatory alternative dispute resolution processes, such as family mediation, in cases involving violence, appears to be applied in practice by the authorities, it should be enshrined in law.

Concerning investigation, prosecution, procedural law and protective measures, Monaco should develop standardised procedures making risk assessment and management an integral part of victim monitoring by all the relevant services. Given that the legal framework governing the use of restraining and protection orders is virtually not applied in practice, the authorities should make the necessary adjustments to ensure effective use of such measures. In addition, they are encouraged to take steps to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings.

Concerning the situation of foreign women, whose residence status may depend on that of their spouse or partner because they may be financially dependent on the latter's resources, Monaco is invited to ensure the application of the conditions governing right of residence taking into account the difficulties faced by foreign victims when they no longer have access to these resources. This is without prejudice to Monaco's reservation under Article 59 of the Convention. Although Monaco receives very few asylum requests, the authorities should ensure that people working with asylum-seekers have the necessary knowledge of gender-sensitive procedures.

## Introduction

Monaco signed the Istanbul Convention on 20 September 2012 and ratified it on 7 October 2014. Upon the deposit of its instrument of ratification and in pursuance of Article 78, paragraph 2 of the Convention, Monaco entered into reservations to Articles 30, 44 and 59 of the Convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions span far-ranging preventive and protective measures, as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by requiring that the root causes of violence against women (such as gender stereotyping, traditions harmful to women, and general manifestations of gender inequality) are fully addressed.

The Convention sets up a monitoring mechanism to assess the extent to which it is implemented by its Parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the Parties of the Convention.

In accordance with Article 68 of the Convention, GREVIO initiated the baseline evaluation in respect of Monaco by letter and transmission of its questionnaire on 22 March 2016. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification, making Monaco one of the first two Parties to be evaluated, along with Austria. The Monegasque authorities subsequently submitted their state report on 1 September 2016, in accordance with the deadline set by GREVIO. Following a preliminary examination of the Monegasque state report, GREVIO held a state dialogue with representatives of Monaco on 8 November 2016 in Strasbourg. A list of the representatives of Monaco who took part in the dialogue with GREVIO is given in Appendix II. As a second step, GREVIO carried out an evaluation visit to Monaco which took place from 5 to 7 December 2016. The delegation was composed of:

- Françoise Brié, member of GREVIO
- Gemma Gallego, member of GREVIO
- Christiane Roelants, police department head, Belgium
- Johan Friestedt, Administrative Officer at the Secretariat of the monitoring mechanism of the Istanbul Convention
- Christina Olsen, Administrative Officer at the Secretariat of the monitoring mechanism of the Istanbul Convention.

During the evaluation visit, the delegation was received by high-ranking public dignitaries, including Gilles Tonelli, Government Advisor and Minister for Foreign Affairs and Co-operation; Patrice Cellario, Government Advisor and Interior Minister; Philippe Narmino, Director of Judicial Services; Nathalie Amoratti-Blanc, Chair of the National Council's Committee for the Rights of Women and Families; Anne Eastwood, High Commissioner for the Protection of Rights and Liberties and for Mediation; Lionel Galfre, Director of the Monegasque Institute for Statistics and Economic Studies; and Véronique Charlot, Director of the Department of Social Welfare and Social Services. The delegation also met many different representatives of the authorities and professionals working in the area of preventing and combating violence against women, former parliamentarians, representatives of the voluntary sector and civil society, as well as legal practitioners, and journalists. Women having experienced violence were also heard. A list of those met by the delegation is given in Appendix III to this report. GREVIO is grateful for the valuable information provided by all of them.

The state dialogue and evaluation visit were conducted in close co-operation with Elisabeth Lanteri-Minet, Director of the Department of International Relations and contact person for the Convention, Corinne Magail, desk officer in the same Department, and Sylvie Louche-Léandri from the Department of Social Welfare and Social Services, Focal Point for the Convention. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the evaluation procedure, and for the constructive approach adopted by the authorities.

The draft version of the present report was approved by GREVIO on 16 February 2017 and submitted to the Monegasque authorities for comments on 17 March 2017. The authorities' comments were received on 16 May 2017 and have been taken into account by GREVIO in drawing up the final version of the report, which it formally adopted at its 11th meeting (Strasbourg, 26 June - 29 June 2017). A full list of GREVIO's suggestions and proposals to the authorities is given in Appendix I.

For the first general evaluation, GREVIO focused on measures taken by the Monegasque authorities to implement all aspects of the Convention, and reviewed data for the period 2014-15. In the interests of brevity, some provisions of the Convention are given priority over others in this report. Although the report covers all the chapters of the Convention (apart from Chapter VIII), it does not provide a detailed analysis and conclusions for all of the provisions of these chapters.

## **I. Purposes, definitions, equality and non-discrimination, general obligations**

### **A. Purposes and scope of the Convention (Articles 1 and 2)**

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the Convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated in the implementation of the Convention and the evaluation of its impact.

2. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1 the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term “violence against women” used throughout the questionnaire and this report thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the Convention. These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

3. GREVIO welcomes the enactment of Law No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, in other words, as explained in the explanatory report to the draft law, “forms of violence, including domestic violence, which justify a legal response from society that goes beyond the scope of general legal provisions”. Following the enactment of this new law, Monaco now has extensive legislation focusing on not only preventive and protective measures but also law enforcement measures and integrated policies relating to violence against women. Law No. 1.382 of 2011 is a step forward in many respects, in particular because it criminalises new forms of violence such as harassment, forced marriage and female genital mutilation, explicitly recognises marital rape, and enables the domestic nature of the violence to be taken into account in determining sentences in individual cases.

4. GREVIO notes the decision behind Law No. 1.382 on specific forms of violence to regard women victims as vulnerable persons. Nonetheless, in the light of its findings on the ground, it considers that the law has not been totally successful in addressing all the specific aspects of the situation of women victims of violence or in taking account of their particular vulnerability as distinct from that of children and persons with disabilities who are also covered by Law No. 1.382. In this regard, GREVIO points out that when applying the provisions of the Convention to all victims of domestic violence, the authorities must pay particular attention to women victims and differentiate their situation. GREVIO also notes that implementation of the law may sometimes result in preference being given to the search for solutions based above all on maintaining the family unit.

**5. With a view to addressing the structural nature of violence committed against women, including domestic violence, GREVIO urges the authorities to integrate a gender perspective including the prevention of gender inequality and sexist stereotypes when implementing the provisions of the Istanbul Convention at national level.**

## **B. Definitions (Article 3)**

6. In accordance with the definition laid down in Law No. 1.382, domestic violence is described in terms of the relationship between perpetrator and victim, where the latter is the “spouse of the perpetrator or any other person who lives or has lived with him under the same roof on a long-term basis”. GREVIO takes note of the explanations provided by the Monegasque authorities according to which this definition is based on the concept of “living together under the same roof” or “a shared life” irrespective of any legal consideration, whether in terms of the nature of the link between perpetrator and victim or how the place where they share their lives is officially categorised. GREVIO notes, however, that particularly insofar as it requires that perpetrator and victim live together on a long-term basis this definition introduces a condition which is absent from the Convention and which could exclude certain situations, such as couples who do not live together or “romances” among teenagers and young adults. Lastly, GREVIO stresses that the exact scope of this condition depends on how it is applied by the courts and how the latter interpret the requirement of living under the same roof “on a long-term basis”.

**7. GREVIO strongly encourages the authorities to adopt a definition of domestic violence in accordance with the definition given in Article 3.b of the Convention.**

## **C. Fundamental rights, equality and non-discrimination (Article 4)**

8. Bearing in mind the need to tackle violence against women in a general context of promoting gender equality, GREVIO notes with satisfaction the relatively recent legislative developments aimed at reinforcing implementation of the principle of equality between women and men enshrined in Article 17 of the Monegasque Constitution. In particular, it refers to Law No. 1.278 of 29 December 2003 which established equality between women and men within the household by revising the provisions relating to joint upkeep of the family, cohabitation, and joint choice of place of residence, and by replacing the concept of paternal authority with that of parental authority. GREVIO also refers to Law No. 1.387 of 19 December 2011 on nationality, by virtue of which women who have acquired Monegasque nationality by descent or by naturalisation can now pass on their nationality to their spouse in the same way and within the same time limit as that which applies to Monegasque men.

9. GREVIO notes that Draft Law No. 213 was tabled with the National Council on 2 April 2014 with a view to amending the legal definition of head of household so that, like men, women, or at least Monegasque women, may also claim head of household status. At present, the “head of household”, that is the person through whom dependent persons may qualify for family and sickness benefits, is in principle a man, and only if he is not in gainful employment and has no entitlement under any other benefits system, can it be a woman. This amounts to inequality between women and men and discriminates against women, reinforcing any economic violence and acting as a possible impediment to leaving a violent situation.

10. In addition to Monaco’s commitment to incorporate the principle of gender equality in its body of law, GREVIO points out that by virtue of Article 6 of the Convention, Monaco has undertaken to ensure effective implementation of this principle and to bring about the empowerment of women. In this respect, GREVIO appreciates the role played by the High Commissioner for the Protection of Rights and Liberties and for Mediation (hereafter the “High Commissioner”) to promote gender equality. It notes the data published in the High Commissioner’s 2014-2015 Activity Report which attest to the small number of discrimination cases out of the total number of cases handled by this institution, most of which concern relations between citizens and Monegasque administration. Without claiming to be able to explain these data, GREVIO expresses its support for the efforts made by the High Commissioner to improve communication and raise public awareness about the powers of the institution in combating discrimination, including gender-based discrimination. It notes that the work of the High Commissioner in this regard will be all the more incisive once the necessary legislative framework

is in place, in particular a general anti-discrimination law.<sup>2</sup> Moreover, GREVIO is of the opinion that if the authorities were to consider strengthening the terms of reference of the High Commissioner,<sup>3</sup> they would do well to examine what role the institution might play in the introduction and evaluation of policies for combating violence against women, and in promoting the right of women to live without violence. GREVIO points out in this regard that violence against women is both a form of discrimination against women and a human rights violation.

11. GREVIO notes that the underlying aim of the recent proposal to set up a body to promote women's rights and combat violence is to transform equality in law into equality in practice. During the last budgetary debate between the Minister of State, Government Advisors, and members of the National Council, it was proposed that a special body be set up, independently or within the government, with the cross-cutting role of liaising between all government departments on issues relating to women's rights and ensuring their approaches are consistent with each other. According to the proposal initiator, this special body could also act as the government's interface with businesses and help them adopt measures designed to address women's right to equal pay, their access to top managerial posts, and their representation on the boards of directors of major corporations. GREVIO appreciates this initiative, which will help ensure that full weight is given to women's issues in the policies pursued. Such an approach has often been the essential precursor to achieving real progress in this field.

**12. GREVIO strongly encourages the authorities to:**

- a. keep up the momentum started by the reforms mentioned in paragraph 8 of this report and be fully involved in the legislative debate initiated by Draft Law No. 213 on the concept of head of household;**
- b. request opinions or studies from the High Commissioner, such as a study into pay differences or resources, for example, with a view to acquiring a better grasp of the challenges that stand in the way of achieving full and effective gender equality;**
- c. support policies that foster genuine equality between women and men and study any proposals that would serve that purpose.**

13. GREVIO is aware that Monaco is a cosmopolitan country with a population made up of more than 125 nationalities. The various professional categories that come into contact with victims all stated that they knew of cases of violence involving foreign women and were aware of the difficulties to identify them. GREVIO notes that in such cases linguistic and cultural differences can be a barrier preventing victims from receiving the best possible support and follow-up.

14. GREVIO notes with satisfaction that there is no difference in treatment by the Department of Social Welfare and Social Services (DASO) between women with Monegasque nationality and foreign women, who are assisted by DASO and receive the same support. Similarly, the Princess Grace Hospital Centre (CHPG) is open to anyone working or living in Monaco, regardless of nationality. These services indicated that they were able to deal in English with victims speaking little or no French without resorting to the services of an interpreter. The services of the Police Department stated that, where necessary, they had access to a list of approved interpreters. Concerning the information available to victims, the website of GenderHopes, one of the associations most active in combating violence against women is already available in English and currently being translated into Italian. GenderHopes has also produced a bilingual (French/English) leaflet for victims, informing them where they can go to find help.

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<sup>2</sup> See the Recommendation made by the European Commission against Racism and Intolerance of the Council of Europe in paragraph 19 of its Report on Monaco (5th monitoring cycle) adopted on 8 December 2015 and published on 1 March 2016: "ECRI again recommends that the Monegasque authorities adopt complete legislation on equal treatment and non-discrimination in the fields of private and administrative law".

<sup>3</sup> Excerpt taken from the statement by the Council of Europe's Commissioner for Human Rights, Nils Muižnieks, following his visit to Monaco on 18 and 19 January 2017: "the High Commissioner's terms of reference could be extended, in particular by granting her the authority to initiate investigations of her own motion, thereby broadening her field of action and enabling her to foster a deeper awareness of human rights among the population."

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**15. GREVIO encourages the authorities to take further account of the greater difficulties that may be encountered by foreign women who do not master the language of the country, and to do so throughout the various stages of support. GREVIO encourages the authorities to take the necessary steps to ensure language does not constitute a “de facto” ground of discrimination against foreign women who are victims of violence. All of the partners involved, including charities such as the Monegasque Red Cross, should work to improve the detection and referral of cases of violence committed against foreign women.**

16. GREVIO notes that in some cases of domestic violence the victim may be heavily, indeed extremely, dependent financially on the perpetrator of the violence. Such dependency would appear to be due to various factors relating primarily to the victim’s foreign background and the personal and professional choices she has made in order to devote herself to bringing up her children and to further her partner’s career to the detriment of her own. Although these women are from different economic and social groups, a feature they have in common is their dependency on their spouse or partner for their means of subsistence and, in some cases, for their resident status in Monaco. The specific demographic and economic context of Monaco might exacerbate their situation of dependency. These particularly vulnerable women have to overcome major hurdles before they can file a complaint and defend themselves and in the case of divorce proceedings may run the risk of impoverishment, which may be described as a “double punishment” (violence and abandonment).

17. GREVIO notes that the particular circumstances of these women and the imbalance of financial means within their relationship render them particularly dependent. Such economic dependency may be fertile ground for the emergence and/or aggravation of violence, including economic and/or psychological violence. GREVIO considers that in order to provide the best possible response to the specific needs of these victims, the protection and support they are given must take account of economic violence and its consequences, and the emphasis should be placed above all on empowerment, in accordance with the provisions of Article 18, paragraph 3. GREVIO points out that as regards the prevention measures provided for in Chapter III, the Convention also states that Parties must take suitable measures to prevent violence against persons made vulnerable by particular circumstances.

**18. GREVIO encourages the authorities to pay further attention to victims of violence who are financially dependent on the perpetrator and to the consequences of economic violence, in particular by helping these victims to regain their full autonomy.**

## II. Integrated policies and data collection

19. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for State-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

### A. Comprehensive and co-ordinated policies (Article 7); Co-ordinating body (Article 10)

20. Owing to the specific territorial and demographic characteristics of Monaco, the authorities indicated that instead of national action plans they preferred a long-term integrated multi-agency strategy providing a comprehensive response to violence against women. The strategy is based on the measures already in place and the actions of all of the services authorised to intervene in cases of violence against women (namely the departments of the government, the courts, the municipal authorities, the social welfare funds and health services, in conjunction with civil society and the voluntary sector). GREVIO notes the effectiveness and responsiveness of the work carried out in partnership by the relevant services, which is made easier by their geographical proximity.

21. GREVIO welcomes the recent decision taken by the authorities to develop a network of dedicated trained officers within each of the services involved, an initiative which cannot but bolster the inter-institutional co-operation on which this integrated strategy is based. The network of dedicated officers will play an important role in sharing information, monitoring the victims as they navigate through the different services, co-ordinating approaches, and developing a common culture and protocols, with a view to ensuring that victims are dealt with more effectively in a manner better tailored to each individual case. GREVIO notes with satisfaction the authorities' plan to extend the system of dedicated officers and to consolidate it within a permanent structure designed to allow for a steady flow of information between the different actors required to deal with cases of violence against women (social, judicial and health services and law enforcement agencies).

**22. Given that the authorities' multi-agency strategy is confined to a technical and operational level, GREVIO urges the authorities to appoint or set up a body tasked with driving policies for preventing and combating violence against women, and drawing up a national action plan.**

23. GREVIO points out that pursuant to Article 7, paragraph 3 of the Convention, comprehensive and co-ordinated policies must involve all relevant actors, such as government agencies, parliaments, national human rights institutions, and civil society organisations, particularly women's rights organisations.

**24. GREVIO strongly encourages the authorities to ensure that this body involves the dedicated officers of the different services and institutions concerned, the standard-setting bodies of Monaco, the High Commissioner for the Protection of Rights and Liberties and for Mediation, and relevant associations.**

25. With regard to the current co-ordinating body, with its responsibility for psychological and welfare support, emergency accommodation, the awarding of financial assistance, child protection, and vocational support, DASO is at the centre of the network of support being developed to assist women victims of violence. The dedicated psychologist and multidisciplinary social workers employed by DASO are in most cases the first point of contact for victims seeking support, and it is around this initial contact with victims that DASO activates the network, in consultation with the social worker employed by the judicial services, police social workers, the Princess Grace Hospital Centre, the family mediation unit, and associations such as AVIP, GenderHopes, and the Monegasque Red Cross.



26. GREVIO points out that in addition to its responsibilities as regards the co-ordination and implementation of policies and measures, the co-ordinating body is also responsible for their follow-up and evaluation, in accordance with Article 10, paragraph 1 of the Convention. It notes in this respect that follow-up and evaluation may be more effective if specific and measurable objectives along with progress indicators and a reference period, are defined at the outset.

**27. GREVIO strongly encourages the authorities to set up an independent body to monitor and evaluate the integrated policies for combating violence against women.**

**B. Financial resources (Article 8); Non-governmental organisations and civil society (Article 9)**

28. The report submitted by the authorities contains no information about financial resources allocated specifically for the implementation of policies relating to violence against women. The authorities explain that, in view of its size, Monaco's budget is currently broken down by ministry rather than by theme. GREVIO notes, however, that the public services responsible for assisting and supporting victims would appear to have an appropriate level of resources. Regarding the funding of non-governmental organisations and civil society, the associations primarily concerned, namely AVIP and GenderHopes, currently receive no public funding.

**29. GREVIO encourages the authorities to evaluate the cost of violence against women and the resources, including financial resources, allocated to measures to prevent and combat such violence.**

30. GREVIO welcomes the authorities' recognition of the aforementioned associations. Established under Law No. 1.382 on specific forms of violence, the association AVIP was approved by ministerial decree in 2014. It has signed an agreement with DASO which sets out the conditions in which the parties undertake to work together to ensure victims of crime residing in Monaco, including women victims of violence, have access to information and support throughout the procedures relating to them. As for GenderHopes, which works to raise awareness about gender-based discrimination, and in particular domestic violence, the authorities have co-operated with this organisation on numerous occasions. The authorities also co-operate with the Monegasque Red Cross, particularly in connection with help given to persons who do not qualify for the services run by DASO because they do not meet the residence requirements.

31. GREVIO notes, however, the difficulties that prevent civil society actors involved in combating violence against women from working to their full potential. Although provided for by law, AVIP lacks the resources it needs to carry out its statutory remit and would be completely justified in applying for public funding, as would GenderHopes. While it manages to offer victims a listening service and guidance as regards legal action, it nevertheless lacks sufficient resources to provide them with legal assistance throughout the criminal procedure. Similarly, the provision of Law. No 1.382 enabling AVIP, subject to the victim's consent, to exercise the rights of the party claiming damages in connection with cases of violence against women punishable under criminal law has remained a dead letter. As for GenderHopes, its activities are funded exclusively by *ad hoc* private funds, and several areas of its work, such as prevention, victim support and information, could be developed further.

**32. GREVIO urges the authorities to step up their support of NGOs involved in combating violence against women. It refers to the proposal made in paragraph 22 that the authorities ensure that these organisations are closely involved in the network of dedicated officers currently being set up, and in this way forge a partnership with civil society as required by paragraphs 2 and 3 of Article 7 of the Convention.**

### C. Data collection and research (Article 11)

33. GREVIO welcomes the efforts made by the authorities, and in particular the co-ordinating body, thanks to which their report includes a first cross-referenced compilation of the data recorded by the various services concerned.

34. GREVIO notes the tendency to improve tools and methodologies based on existing achievements. It notes with satisfaction that a new digital tool, the “digital table of offences” (“table numérique des infractions” - TAF), is being used in the Public Prosecutor’s Office to register and keep track of judicial proceedings, such that in future it will be possible to generate statistical data broken down by type of offence and therefore type of violence. At present, the judicial services have access to several databases, with different access rules, which can be used to re-construct the entire criminal proceedings chain from when the complaint is filed to delivery of the judgement. A recent proposal by DASO for the setting up of a childhood observatory might be a way of obtaining data about children who are victims of violence or who witness violence. Lastly, the establishment in 2011 of the Monegasque Institute of Statistics and Economic Studies (IMSEE) opens up interesting prospects for data consolidation, integration of the gender dimension, and the development of statistical research into violence against women.

35. At the same time, a joint reflection is under way in all the services concerned about various hurdles that need to be overcome. For the health-care services, the issues being looked at concern the limitations of the World Health Organisation (WHO) International Classification of Diseases (10<sup>th</sup> Revision, ICD-10), the lack of common data and statistics, the difficulties of identifying and dealing appropriately with all kinds of situations, including in the context of prostitution, where the victims, particularly foreign women, refuse follow-up and guidance or are not prepared to admit that their wounds were caused by violence. More generally, there are no tools available to allow general cross-referencing of all violent cases between the various agencies. The judicial and public safety services, for their part, are considering ways of pooling law enforcement and judicial data, with due regard for confidentiality.

**36. GREVIO strongly encourages the authorities to systematise and streamline the collection of data relating to violence against women at all levels using terminology reflecting that of the Istanbul Convention and to make these data publically available these data. GREVIO considers that, as a minimum requirement, such data should be disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim, and geographical location, as well as other factors deemed relevant, such as disability.<sup>4</sup>**

37. The authorities state that so far they have not conducted a victim survey in Monaco. According to Article 11, paragraph 2 of the Convention, population-based surveys supplement the collection of administrative and judicial data which, by themselves, provide only an incomplete account of the prevalence of and trends in violence committed against women. More specifically, the value of prevalence surveys depends on the way in which they reveal the extent, nature, determining factors, and consequences of all forms of violence covered by the Convention. They are also useful for shedding light on victims’ experiences of violence, the reasons for not reporting the violence, the services that have provided them with support, and their opinions of and attitudes towards the violence they experienced. Prevalence surveys can also help raise public awareness.

38. Under the Convention, the methodology chosen to conduct prevalence surveys is left to the discretion of the Parties. GREVIO notes the interest shown by the health-care services in conducting a victim survey. Such a survey carried out by general medical practitioners and other health-care services might be preferable to one conducted over the telephone or door-to-door, on account of the small size of Monaco which would make it difficult to protect respondents’ anonymity.

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<sup>4</sup> See paragraph 76 of the Explanatory Report to the Convention.

**39. GREVIO urges the authorities to conduct regular victim surveys in Monaco, while bearing in mind the requirement of confidentiality. In particular, the authorities should examine the feasibility of a survey to be conducted by all hospital health-care services or other health-care professionals.**

### III. Prevention

40. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

#### A. Awarenessraising (Article 13)

41. With regard to awareness-raising, the report submitted by the authorities refers to a series of actions placing an emphasis on the promotion of family solidarity and the central position of the family mediation system. These include conferences, debates and study days addressing primarily childhood protection-related issues. Furthermore, GREVIO notes the importance placed by the authorities on the International Day for the Elimination of Violence against Women. In this connection, there was a strong commitment from the authorities in 2016 in conjunction with the High Commissioner, and with associations active in promoting this cause, by means of a poster campaign given prominence on government and NGO websites and on social networks. GREVIO welcomes this initiative, which, on the whole, has been seen as a success.

42. In view of the obligation laid down by Article 13 of the Convention, the authorities should ideally pursue and expand their action in this field, in terms of both the target audience, the sustainability of the action, the content and the approach. GREVIO notes that most of the activities referred to in the Monegasque report were aimed either at the professionals concerned, or at women and men as parents within a relationship experiencing difficulties. Children, dependent elderly people and the family as such appear to be the primary categories of persons and groups that these actions are seeking to protect, whereas the rights of victims of violence, in the context of women's rights in general, are not addressed to any great extent. The harmful consequences that violence against women and domestic violence can have on children prior to parents separating and/or regardless of any attempts to reach a solution through family mediation are not given any special attention.<sup>5</sup>

**43. GREVIO strongly encourages the authorities, in co-operation with the relevant associations, to renew their support for the International Days for the Elimination of Violence against Women, and to pursue and further develop their action to raise awareness of violence against women, ensuring that they target the public at large and include the gender equality dimension.**

#### B. Education (Article 14)

44. GREVIO points out that Article 14 of the Convention requires the production of teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity.

45. GREVIO notes with interest that issues relating to these topics are addressed under the action plan introduced by the Department of Education, Youth and Sport (DENJS) to combat bullying at school. It refers in particular to the training module on peer-mediation currently being trialled in lower secondary schools and the information and awareness-raising module for year 8 and year 11 pupils on bullying, violations of privacy, child pornography images, insults and threats, and age of sexual consent. The issues referred to in Article 14 of the Convention may also be

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<sup>5</sup> Practical advice for policymakers and practitioners as regards implementation of Article 13 is given in the publication entitled "Raising awareness of violence against women: Article 13 of the Istanbul Convention".

touched on implicitly in the initiatives undertaken by the DENJS to get schools involved in certain annual events, such as the Universal Children's Day and World AIDS Day.

46. GREVIO also notes that the part of the above action plan relating to the partnership with the association *Action Innocence Monaco* refers to sessions to prevent bullying and cyber-bullying in all classes from year 6 to year 10. The association GenderHopes is also giving thought to prevention activities.

47. GREVIO welcomes the fact that the DENJS expressed interest in highlighting the question of gender equality during the celebration in schools of International Women's Day on 8 March. Noting the willingness of the association *Action Innocence Monaco* to develop actions to spotlight the issues of gender stereotypes, cyber-sexism and violence against women, it draws the authorities' attention to the opportunities to explore these issues in greater detail under their partnership with this association and/or GenderHopes.

48. Lastly GREVIO notes that in accordance with Section 37 of Law No. 1.382 on specific forms of violence, "all schools are to report on an annual basis, pursuant to the legal provisions applying to educational institutions, on measures for the prevention and early detection of violence as provided for in Section 1 and on proposed victim support services. The staff of violence prevention and victim support services, as well as other external actors may attend these briefings".

**49. GREVIO encourages the authorities, in consultation with the relevant associations, to produce suitable teaching material that addresses the subjects listed in Article 14 of the Convention. Furthermore, GREVIO encourages the authorities to highlight the gender dimension and gender equality in their awareness-raising activities in schools, in particular in the information given in schools in pursuance of Section 37 of Law No. 1.382 on specific forms of violence. For the purposes of implementing these proposals, GREVIO invites the authorities to draw on Recommendation CM/Rec(2007)13 of the Committee of Ministers of the Council of Europe to member states on gender mainstreaming in education.**

### **C. Training of professionals (Article 15)**

50. Section 46 of Law No. 1.382 introduced into Monegasque legislation a provision stipulating that "*Regular training for those professionals working in contact with victims of violence, particularly judges, health-care professionals and law enforcement officers, shall be put in place in order to help them to deal with the victims' problems in the best possible way in their respective spheres of competence*". In application of this provision, several training sessions were held between 2011 and 2013 for personnel whose work involved meeting, advising and offering guidance to victims in the DASO – then called the Ministry of Health and Social Affairs – the DENJS, the Police Department and the Department of Justice. Staff from these departments were consequently able to attend training sessions focusing on understanding, communicating with and supporting victims of violence, and in this way were able to consolidate and/or expand the knowledge and skills they may have acquired in their initial training based primarily on foreign systems.<sup>6</sup>

51. Following these initial training sessions, the Civil Service Human Resources and Training Department (DRHFFP) carried out a consultation among the above departments and the Fire Brigade and the Princess Grace Hospital Centre, which led to the creation of a new basic module focusing on understanding the process of victimisation and providing support to victims. The authorities indicated their intention to deploy this module in training sessions for all the various professionals, which will have the added advantage of fostering exchanges and the development of links. It is planned to supplement the basic model with "retraining" sessions and "feedback workshops" and to run additional specific courses on request, depending on the specific requirements of each entity (violence in the workplace, violence in business, children, adolescents, marital violence). In addition, the authorities have indicated that they would like to offer a specific

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<sup>6</sup> This is due to the fact that there are no institutes in Monaco offering such initial training.

training module for dedicated officers appointed by each entity to enable them to ensure intra-agency awareness and carry out their role in this respect with their colleagues and other collaborators .

52. GREVIO welcomes the authorities' manifest willingness to launch a new round of training, tying in precisely with the recommendations contained in Law No. 1.382 on specific forms of violence. It appreciates the method adopted based on broad consultation of the various entities concerned and the particular attention paid to the role of dedicated officers, which will be a means of stimulating co-operation among all relevant institutions as provided for in the Convention. It notes with satisfaction that one of the objectives of the retraining module is to put staff attending the course in a position to understand the specific characteristics of certain categories of victims, which include multicultural families. GREVIO notes, however, that this training does not cover the trauma suffered and the treatment needs which are specific to victims of sexual violence.

53. GREVIO notes several areas where gaps in training are making themselves felt. Certain professionals whose worked involved meeting victims said that they were ill-equipped to identify cases of violence in groups from different backgrounds. Others mentioned a need for guidance in dealing with women victims who had often suffered psychological and economic violence. In addition, it would appear that no training on violence against women and domestic violence had been organised for lawyers.

**54. GREVIO encourages the authorities to:**

- a. include gender equality and gender-based violence against women in the training of professionals. In this connection, the training offered should include a module relating specifically to the Istanbul Convention and the various forms of violence it covers, including sexual, psychological and economic violence;**
- b. introduce training focusing on cultural diversity and, where appropriate, enhancing the language abilities of the players involved;**
- c. provide appropriate training for lawyers;**
- d. when devising such training courses, involve entities, including NGOs, with recognised expertise in support for women victims, taking a gender-based approach to violence**

**D. Preventive intervention and treatment programmes (Article 16)**

55. The state report highlights the new system of treatment orders introduced by Law No. 1.382. Treatment orders are seen as an alternative sentence or additional to a custodial sentence, the application of which is subject to the consent of the perpetrator of the offence in question. Failure or refusal to comply with the obligations laid down in the treatment order may be subject to criminal penalties, depending on the particular circumstances of the case. However, the judicial services point out that the system has its limits, in particular the fact that it is conditional upon a prior medical expert opinion.

56. The Monegasque report also states that a convicted person given a suspended sentence and placed on probation may be subject to certain supervision and support measures to promote their reintegration into society, in particular their family and occupational rehabilitation. These measures include the obligation to undergo treatment or medical care, including hospitalisation for the purposes of detoxification.

57. While the above information relates to measures that apply where the perpetrators of violence are convicted by a court, GREVIO emphasises the value of providing preventive intervention and treatment programmes which the perpetrators themselves could choose to attend independently of any court proceedings. GREVIO finds it regrettable that courses to promote responsible behaviour cannot be imposed, irrespective of the penalties handed down, nor can they be suggested by the prosecution or the law enforcement agencies as soon as the victim files a

complaint. The services likely to be in contact with the perpetrators, such as health-care professionals and social workers could also suggest a referral.<sup>7</sup>

**58. GREVIO urges the authorities to take the necessary measures to encourage or require perpetrators of violence to attend programmes fostering responsible behaviour in order to combat any reoccurrence of acts of psychological, physical, sexual or economic violence, including in the domestic environment. Where necessary, such programmes could be made available through co-operation with other countries.**

#### **E. Participation of the private sector and the media (Article 17)**

59. GREVIO points out that the first paragraph of Article 17 comprises two strands as it sets out an obligation for Parties, with due regard for the independence of private sector actors, to be involved in the framing and implementation of policies and, in addition, to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity. GREVIO emphasises that these obligations remain valid, whatever the applicable legislative framework, and in the case of businesses and other employment providers, irrespective of whether the regulations explicitly target the violence to which women may be subject in their place of work.

60. It should be noted in this regard that Monaco constitutes a labour market in the region where large numbers of cross-border workers converge on a daily basis. GREVIO further notes the difficulty of reflecting in the official statistics available the cases of violence suffered by women working in the private sector in Monaco, but not residing there. Apart from the cases of violence resulting in intervention by the Monegasque law enforcement agencies, judicial or health services, these victims can opt to contact the support services in their country of origin. The report submitted by the authorities states in this connection that the victims in question are referred by Monegasque social workers to the relevant welfare funds or social services in their place of residence. These victims may also decide to take their case to the Labour Inspectorate and the Occupational Health Service, for which, at this time, no statistics are available.

61. GREVIO points out that the media play a leading role in the implementation of this provision. Furthermore, journalists have a role in highlighting and explaining the phenomenon of violence against women, including in the context of investigations, as well as in contributing to the framing and implementation of policies to put an end to such violence. It would appear that much remains to be done in this area.

62. With regard to the matter of developing, in co-operation with the private sector, the abilities of children, parents and educators to cope with information and communication technologies environment giving access to potentially harmful degrading content of a sexual or violent nature, GREVIO notes that the co-operation developed with associations, in particular between the DENJS and *Action Innocence Monaco*, provides an ideal basis for developing these issues in schools.

**63. GREVIO invites the authorities to encourage the private sector, in particular employers and the media, to take part in the framing and implementation of the policies recommended in the Convention, and to lay down guidelines and self-regulatory standards to enhance respect for the dignity of women and in this way help prevent violence against them. In addition, GREVIO invites the authorities, in partnership with accredited associations, to devise programmes which will equip children, parents and educators with the necessary skills to take a critical approach to and protect themselves against harmful images and messages of a sexual or violent nature conveyed by the information and communication technologies.**

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<sup>7</sup> See on this subject the publication "Domestic and Sexual Violence Perpetrator Programmes: Article 16 of the Istanbul Convention" which provides practical advice on the subject for policymakers and practitioners.

## IV. Protection and support

64. Chapter IV of the Istanbul Convention aims at a multi-faceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the Convention. In Monaco, a number of general support services exist in this area and efforts are made by government and other actors to ensure that victims can easily access or be referred to the right one.

### A. General obligations (Article 18)

65. First of all, GREVIO notes that the authorities' plan to network a system of dedicated officers as part of their integrated inter-institutional strategy is consistent with what is called for in Article 18, paragraph 2, of the Convention. This article calls on Parties to establish and/or ensure the appropriate functioning of co-operation mechanisms between all the state agencies involved and NGOs and other relevant entities in protecting and supporting victims and witnesses of all forms of violence covered by the Convention. The Convention does not require the creation of an official body or institution, provided that the structure adopted, whether formal or informal, enables the professionals concerned to co-operate adequately and in a standardised manner. Moreover, the Convention leaves it up to the Parties to decide which are the relevant entities to be involved in this mechanism.

66. GREVIO notes in this connection the role played by the Family Mediation Unit of the Ministry of Health and Social Affairs, in particular in identifying cases of violence between partners and in families. The Family Mediation Unit, which comprises a mediator, is involved in providing information and guidance to victims in line with their needs and wishes. It also has a conflict resolution role, "facilitating" the work of lawyers and judges.

67. With regard to cases of violence dealt with by the Family Mediation Unit, the state report makes a distinction between "situational" or "incidental" violence following a relationship crisis and other cases of violence. In the former, according to the report, there was little risk of serious, escalating violence. First and foremost, GREVIO wishes to point out that this distinction is contrary to the Convention, which has only one definition of violence, given in Article 3.a, whereby the term "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in different kinds of harm or suffering to women, whether occurring in public or in private life.

68. GREVIO believes that the question of how to deal with domestic violence, however it is understood, in a family mediation approach poses a challenge requiring the utmost vigilance in view of the risks in particular for the victim's safety.

69. Be that as it may, GREVIO points out that the actions of the different services in a domestic violence context, including those of the Family Mediation Unit, require not only advanced knowledge about this issue in order to refer victims to the dedicated agencies dealing with cases of domestic violence, but also improved co-ordination with the latter.

**70. GREVIO encourages the authorities to make sure that all the services involved have an understanding of gender-based violence against women, in compliance with the definitions of violence given in Article 3 of the Convention.**



## **B. General support services (Article 20); Specialist support services (Article 22)**

71. GREVIO notes the authorities' decision not to have support and protection services specifically designed to meet the precise needs of the victims, contrary to the provisions of Article 22 regarding specialist support services. In this regard, the authorities explain that rather than scattering their resources, extremely limited because of the size of the country, they preferred to focus their efforts on the multidisciplinary nature of staff assigned to general support services and on a networking approach.

72. The wide range of services available is provided primarily by: the multidisciplinary social workers, the psychologist commissioned to assist victims of violence and the dedicated child protection team within the DASO; the Family Mediation Unit; the departments of the CHPG and out-patient services (*La Roseaie* Psychiatry and Medical Psychology Unit, Medico-psychological Centre for children and adolescents); social workers in the Department of Justice; the social workers in the Police Department; the social workers in the municipal authorities; the Red Cross for those who do not satisfy the residence criteria to qualify for state aid and the AVIP. It should also be noted that in each school in Monaco, multidisciplinary teams comprising psychologists, nurses and specialist social workers can contribute to identify cases of violence against children, such as school bullying or violence at home.

73. GREVIO notes that it is all the more important to train the staff of the above services on the different forms of violence, the specific needs of the victims and the best way of responding to them appropriately, given that at the same time these staff also provide the general and specialist support required by the Convention. GREVIO refers in this connection to the suggestions and proposals made in paragraph 50 of this report concerning the training of professionals.

74. GREVIO believes that in order for the general and multidisciplinary services to best meet the specific needs of victims, they should be able to have recourse, in addition to the training referred to above, to guidelines or protocols clearly setting out the standards to be applied in their respective fields. GREVIO has taken note of several documents of this type. For the health services, this is the protocol, updated in 2016, setting out the clinical, psychological, therapeutic and administrative management of a victim of violence or sexual assault and the protocol defining the steps to be taken by the agencies dealing with minors when the prosecution service receives information of concern, such as a danger or risk of danger relating to a minor. GREVIO also notes with interest the drawing up in the Family Mediation Unit of protocols relating specifically to domestic violence.

75. GREVIO was also informed of the practices, albeit non-formalised, followed to provide support and optimal guidance for victims by law enforcement officers and staff. It noted measures demonstrating a commitment to give priority to the comfort of the victim. These measures included the provision of dedicated reception premises satisfying the requirements of confidentiality, care taken never to leave the victim alone in reception areas, accompanying the victim from district police stations or to hospital, and giving the victim the choice of being heard and assisted by either a male or female member of staff and/or interpreter. However, GREVIO has been informed of cases in which the victim travelled alone from the police station to hospital.

**76. GREVIO encourages the authorities to consider ways in which they could provide or arrange specialist support services in compliance with Article 22 of the Convention. GREVIO encourages the authorities to ensure that staff of the general services are given training and guidelines to meet their needs in the best possible way. Formalised instructions or protocols should be updated and/or drawn up, and implemented in practice. Where relevant, the effectiveness of these protocols should be regularly assessed and monitored in order to make the necessary improvements.**

### **C. Assistance in individual/collective complaints (Article 21)**

77. GREVIO was informed of the measures taken to assist victims in presenting their complaints. It refers in particular to the action of voluntary workers from AVIP, and social workers from the law enforcement agencies and the Department of Justice. However, GREVIO has no evidence that victims are provided with information on the applicable regional and international mechanisms for individual complaints or the conditions of access to those mechanisms.<sup>8</sup> The report submitted by the authorities stipulates that Monegasque law makes no provision for any system of collective complaints.

**78. GREVIO calls on the authorities to ensure that victims are informed that once they have exhausted all domestic remedies, they may apply to the European Court of Human Rights or the Committee on the Elimination of Discrimination against Women (CEDAW Committee) of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).**

### **D. Shelters (Article 23)**

79. In Monaco, there are a number of solutions to provide emergency accommodation for victims, and in particular women and their children: the DASO social housing units such as the Saint Sébastien Home, the Princess Charlene Children's Home, serviced accommodation in Monaco or in nearby municipalities in the neighbouring country pursuant to agreements concluded with the authorities and, for those who do not fulfil the residence criteria, the Monegasque Red Cross. The Red Cross can also provide financial assistance for accommodation. Although these various accommodation possibilities are not specifically for women, they all appear well equipped, in terms of both material and human resources, and able to meet the real needs on the ground. In addition, the DASO social housing units have the advantage of housing in the same building the offices of the dedicated psychologist in addition to those of a social worker and a family budget counsellor.

80. As regards victims' needs, GREVIO points out that shelters are not designed merely to offer safe accommodation. They are also intended to provide support for women and their children, helping them to cope with their traumatic experiences, leave violent relationships, regain their self-esteem and lay the foundations for an independent life of their own choosing.

**81. GREVIO encourages the authorities to include as part of the inter-institutional co-operation those involved in the provision and management of emergency accommodation, including the Monegasque Red Cross.**

### **E. Telephone helplines (Article 24)**

82. GREVIO welcomes the fact that 25 November 2016 saw the launch by the authorities of a new single, anonymous and free telephone helpline (116.919), for victims of domestic violence to be able to talk about their situation and obtain information. Unfortunately, this number generally transfers to an answerphone and is therefore not accessible round the clock (24/7) as required by Article 24. This weakens the added value of this new system.

83. Regarding possible alternative solutions, the delegation was told of the possibility of a pooling of resources and the setting up of a common telephone platform, in co-operation with the authorities and/or NGOs in the neighbouring country.

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<sup>8</sup> These are the mechanisms deriving from Monaco's being a Party to the European Convention on Human Rights and its ratification on 3 May 2016 of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

84. GREVIO reiterates that a helpline with a widely advertised number that provides support and crisis counselling and refers to face-to-face services is the cornerstone of any support and advice service in relation to all the forms of violence covered by the Convention. In Monaco's specific multinational context, it stresses the importance of providing a multilingual telephone service to break the language barrier which some people may encounter when making the call.

**85. GREVIO urges the authorities to ensure a helpline service fulfilling all the criteria of Article 24, including in terms of the hours covered. The possibility of a partnership with the helpline in other countries should continue to be one of the options to consider.**

#### **F. Support for victims of sexual violence (Article 25)**

86. GREVIO notes that there is no forensic medical officer in Monaco. Where necessary, it is possible to request an expert opinion from French forensic examiners. The decision to go down this route is generally taken by the law enforcement agencies or judicial authorities. Consequently, in most cases A&E doctors are the ones required to write the initial medical certificates. However, the training received by A&E doctors does not always make them the best equipped to produce medical certificates which have all the required information that can subsequently be taken into account in court proceedings (missing medical findings which are vital in court proceedings; patients' statements not accurately recorded; absence of conclusions as to whether the findings tally with the victims' account, etc.). In this regard, GREVIO takes note of the practice followed by the A&E services for adults when the injuries observed seem to suggest that the patient has been subject to violence which he or she does not admit to. In such cases, no comment is entered on the certificates indicating a discrepancy between the injuries observed and the statement given by the patient. GREVIO believes that this practice could make interpretation of the certificates difficult for other professionals involved in the care and follow-up of a victim of sexual and other forms of violence, most of whom are not doctors (judges and lawyers, for example).

**87. GREVIO strongly encourages the authorities to ensure wider availability of forensic expert opinions to the relevant departments to avoid the risk of loss of evidence which is essential for any subsequent court proceedings. The authorities should ensure that health-care professionals have specific training and provide them with model medical certificates.**

#### **G. Reporting by professionals (Article 28)**

88. Law No. 1.382 on specific forms of violence changed the legal framework relating to reporting by professionals, invalidating the offence of disclosure of professional secrecy in the two cases provided for in Article 308-1 bis of the Criminal Code. This article introduces a differentiation depending on whether or not the victim is a minor or a person unable to protect himself or herself on account of his or her age or physical or mental incapacity. For this category of vulnerable persons, Article 308-1 bis authorises professionals to inform the competent administrative or judicial authorities of cases which come to their attention of deprivation or abuse in respect of such persons. More particularly, doctors are authorised to inform the Public Prosecutor of instances of which they have become aware in the exercise of their profession which lead them to believe that there have been crimes and offences covered by Book III, Part II, Sections II (non-designated intentional assault, murder and other intentional crimes and offences) and IV (indecent assault). In other cases, the victim must give his or her consent for the matter to be reported. This information is reproduced in the protocol setting out the procedure for dealing with victims of rape or sexual assault and is well-known to doctors for whom the rule applied to women victims of violence is respect for their autonomy. This means that contrary to what applies to children, a report to the police or judicial services, also called "alerts" (*information préoccupante (IP)*) may be made only where there is an immediate danger, ascertained by means of a multidisciplinary evaluation which includes a social, psychological and medical assessment.

89. According to judges, the vulnerable situation in which a woman who is a victim of violence finds herself could cloud her discernment. They therefore have doubts as to the soundness of the approach whereby an adult woman who is a victim of violence can be considered to be fully autonomous.

90. It would appear that the approach adopted results in a disproportionately low number of reports of women victims by the health-care services in comparison with the number of alerts notified for minors. In this regard, GREVIO noted some cases where women who were victims of serious violence had not wished to be taken care of by the competent social, health care and police services.

91. GREVIO reiterates that the purpose of Article 28 is not to impose an obligation on professionals to report, but to ensure that no type of confidentiality rule can stand in the way of reporting serious acts of violence raising fears that they will be followed by subsequent serious acts of violence. The aim of this provision is to make it possible for judicial proceedings to be initiated when such would appear necessary in order to protect the life and limb of victims. The explanatory report to the Convention stipulates that the term “under appropriate conditions” means that Parties may determine the situations or cases to which this provision applies. It gives the following example: “Parties may make the obligation contained in Article 28 contingent on the prior consent of the victim, with the exception of some specific cases such as where the victim is a minor or is unable to protect her or himself due to physical or mental disabilities”.

92. GREVIO notes that while the aforementioned Article 308-1 bis of the Criminal Code takes into account offences which may have been committed in order to justify a report, it fails to mention the risk that these offences may be followed by further serious acts of violence. The concept of immediate danger reported by the health-care professionals enabling them to override the victim’s consent is not specified in the protocol on sexual assault and there is no protocol for reporting cases of women in serious danger, in particular pregnant women, with notification to the victims. The support material produced by the authorities to guide services relates only to children.<sup>9</sup> The reports recorded by the authorities for which figures were provided in the Monaco report relate to assessments of situations of children at risk.

**93. GREVIO encourages the authorities to standardise and/or formalise the circumstances requiring reporting by professionals in cases of serious danger irrespective of the victim’s consent, whether she is an adult or a minor. To that end, the authorities should encourage exchanges between the services concerned, and first and foremost the health care services and prosecution services, so that they can help harmonise the criteria for reporting by professionals, making sure that women victims are informed.**

#### **H. Protection and support for child witnesses (Article 26)**

94. The state report describes all the available protection and support measures in cases of violence within the family and/or exposure to domestic violence affecting children. These measures fall primarily within the remit of the DASO, and within this Department, the specialist child protection team comprising social workers trained in this type of care and a psychiatrist under contract. In the field of child protection, DASO may issue an alert or investigate possible cases of children at risk at the request of the prosecution services. DASO is also responsible for monitoring family situations, with the consent of the family members, and educational support measures ordered by the guardianship judge. These measures may take various forms: in addition to the “Educational outreach measures” or “AEMO”, it may be decided to place the minor in an institution or with a trustworthy third party. The DASO is also responsible for asking the guardianship judge to place the mother and child(ren) in the Children’s home to protect them against violence. GREVIO notes that the broad range of measures for child victims is underpinned by a considerable amount of work in partnership, in particular with the guardianship judge and health-care staff.

<sup>9</sup> A leaflet entitled “*Enfance en danger: le devoir d’alerter*” (Children at risk: a duty to sound the alarm) has been produced by the authorities for staff assessing situations of children at risk.

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95. As part of the evaluation, the authorities supplemented the figures provided in the report in respect of educational support measures for 2014 and 2015 by adding the AEMO.<sup>10</sup> GREVIO appreciates the efforts made to obtain meaningful figures which show that virtually all cases concern multiple instances of violence in the presence of the child witnesses.

96. GREVIO notes with satisfaction that the family mediation process is attentive to the needs of children who have been present in instances of domestic violence. The report states in this connection that the family mediator regards child witnesses of violence as indirect victims.

97. GREVIO refers to its proposals regarding the strengthening of networking under the integrated multi-agency strategy,<sup>11</sup> including with health care services, and stresses how important it is for this work to include recognition of and respect for the victim status of children who witness domestic violence and the consequences of their being exposed to such violence.

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<sup>10</sup> Out of 101 measures in 2014, 92 situations involved issues of domestic violence involving a girl, a woman or a child witness. In 2015, out of 118 measures, 106 situations involved issues of domestic violence involving a girl, a woman or a child witness. The authorities said that these figures cannot be added together as the AEMO measures often last several years and many of the situations in 2014 and 2015 are the same. For both years, there were a total of 119 measures.

<sup>11</sup> See paragraph 21 of this report.

## V. Substantive law

98. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, both in the area of civil and criminal law. Their aim is to help create, in all parties to the Convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the Convention.

99. Law No. 1.382 on specific forms of violence is a considerable addition to Monaco's existing legal instruments for preventing and combating violence against women and domestic violence. As the authorities have pointed out, it was drawn up concurrently with the work on drafting the Istanbul Convention and therefore drew on the latter to a great extent. The law has introduced a range of preventive and protective measures for victims, together with measures punishing the perpetrators of violence. These measures have resulted in a number of changes to civil and criminal law.

### A. Civil lawsuits and remedies (Article 29); Compensation (Article 30)

100. Apart from on restraining orders, which this report considers under Chapter VI of the Convention, the state report contains no information on civil remedies available to victims, whether against the perpetrator, in compliance with Article 29, paragraph 1, or against state authorities that have failed in their duty to take the necessary preventive or protective measures, as provided for in Article 29, paragraph 2.

101. GREVIO here notes that the second paragraph of Article 29 is intended to reiterate the responsibility principle established in Article 5, whereby parties are required to exercise due diligence to prevent, investigate and punish acts of violence covered by the Convention. In the event of failure to exercise such diligence, provision must be made for civil remedies that address this failure.

102. In Monaco, compensation of victims, covered by Article 30 of the Convention, is governed by general legal provisions and the principle of full compensation, reflecting as fairly and appropriately as possible the damages suffered. Compensation is awarded under criminal law, that is, in connection with a criminal penalty, or else, contrary to usual practice, under civil law in the event of an acquittal, as provided for in Article 392 of the Code of Criminal Procedure. Some provisions are particularly favourable to victims, for example allowing an action for damages to be brought by a private individual right until the very end of criminal proceedings<sup>12</sup> and making provision that, in the case of lesser offences, the prosecuting party is deemed to have entered a claim for damages by virtue of having initiated the proceedings.<sup>13</sup>

103. GREVIO finds that, notwithstanding the regulatory provisions, the numbers of for women victims having claimed and obtained compensation in the period covered by the GREVIO questionnaire (2014-15) were low compared with the number of criminal cases, although it should be pointed out that these figures cover only domestic violence rather than all cases of violence against women. One possible explanation put forward by the judicial authorities is women's failure to claim compensation.

104. When ratifying the Convention, Monaco reserved the right not to apply Article 30, paragraph 2, concerning subsidiary compensation by the state if a victim has sustained serious bodily injury or impairment of health. In this field the authorities intend to apply general legal provisions, also noting that Monaco is not a party to the European Convention on the Compensation of Victims of Violent Crimes (ETS No. 116).

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<sup>12</sup> See Article 73 of the Code of Criminal Procedure.

<sup>13</sup> See Article 75 of the Code of Criminal Procedure: this provision applies in the case of a private prosecution, when it is the victim who has initiated the action.

**105. GREVIO encourages the authorities to adopt measures to ensure effective access to and enjoyment of a victim's right to compensation for damages suffered. As for Monaco's reservation with regard to Article 30, paragraph 2, concerning subsidiary compensation by the state, GREVIO notes that under Article 79, paragraph 3, Monaco will be required to provide GREVIO with an explanation of the grounds for this reservation upon expiry of its period of validity and prior to its renewal.**

**B. Custody, visitation rights and safety (Article 31)**

106. In their report the authorities explain that any violence committed by a parent against children is taken into account in the determination of custody and visiting rights as set out in Article 204-7 of the Civil Code through the concept of the "child's best interests", which are assessed by the court. The same article enables the court, when determining these measures, to ensure that proper links are maintained between a child and a parent for whom the right to receive visits has been suspended by providing for a right of access in a meeting place designated for this purpose where all the necessary psychological support and safety measures are in place. During its on-the-spot visit, the GREVIO delegation had the opportunity to visit a meeting place of this sort.

107. As it stands, the aforesaid Article 204-7 of the Civil Code does not authorise a court to stipulate shared custody of children, even though Law No. 1.278 of 29 December 2003 introduced the idea of joint parental authority. Bill No. 922 on shared custody, tabled with the National Council in June 2014, seeks to introduce this option to achieve a more equal distribution of roles within the family unit.

108. GREVIO notes that Article 31, paragraph 1, of the Convention, whilst preserving the idea of a child's best interests, provides that decisions on custody, frequency of visits, and the relationship between parents and children must take into account instances of violence not only against the child but also against the non-abusive parent<sup>14</sup>. Similarly, the safety concerns raised in paragraph 2 of this article relate not only to children but also to parents who have been the victims of violence. Here GREVIO would add that the instances of violence concerned include both proven and presumed violence, such as that suggested by a doctor's certificate, a certificate from a professional, a complaint, or witness statements, and are not simply confined to violence having resulted in a conviction.

109. GREVIO stresses that exposure of children to domestic violence is likely to cause them serious harm, comparable to what they may experience if they are themselves subjected to violence. It makes them fearful, traumatising them and seriously damaging their development. Violence of one parent towards the other therefore requires appropriate decisions that will protect children from these harmful consequences.

110. As things stand, except in cases where courts order mediated access on account of a family background of violence, GREVIO is unable to assess how far considerations relating to violence suffered by the non-abusive parent enter into a court's assessment when custody and visiting rights are being decided. GREVIO further observes that the above-mentioned Bill No. 922 makes no reference to either general violence within the family or individual forms of violence suffered by a parent among the criteria taken into account when deciding on shared custody.

**111. GREVIO strongly encourages the authorities:**

- a. to ensure that when the courts decide on custody and visiting rights, they take account of the principle whereby instances of violence against the mother must be taken into account as well as instances of violence against children;**
- b. to expressly lay down this principle when adopting Bill No. 922 on shared custody.**

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<sup>14</sup> It is specified that the provision of paragraph 1 of Article 31 of the Convention concerns all "judicial orders governing the contact between children and their parents and other persons having family ties with children". See : paragraph 175 of the Explanatory report.

## C. Offences

112. As regards measures taken to punish instances of violence covered by the Convention, this report has already mentioned the fact that the debate on Law No. 1.382 on specific forms of violence took place at the time when the negotiations on the draft Convention were nearing an end, thereby enabling Monaco's lawmakers to draw on them. The authorities acknowledge that the passing of this law before the committee responsible for preparing the draft Convention<sup>15</sup> had finished its work might explain certain variations between the two texts. The similarities and differences noted by GREVIO on the basis of the information supplied in the report, leaving aside any questions regarding court enforcement, may be summed up as follows.

### 1. Psychological violence (Article 33)

113. Monaco's criminal law addresses psychological violence from the point of view of threats, such as threats of assassination, poisoning, murder or other crimes and threats more specifically involving violence. In the definition of psychological violence contained in Article 33, threats are one of the two methods, the other being coercion, that can be used to commit the offence of psychological violence. However, Article 33 refers to a pattern of behaviour that occurs over time, going beyond a single event such as the uttering of a threat. In actual fact the Convention drafters wanted to punish any act causing psychological duress, which can take various forms such as isolation, excessive control and intimidation. In close relationships, psychological violence often precedes or accompanies other types of violence, such as economic, physical or sexual violence.

### 2. Stalking (Article 34)

114. There is no specific reference to stalking or harassment in Monaco's criminal law, although the latter does punish behaviour of this kind in respect of repeated acts or omissions with the purpose or effect of degrading the victim's living conditions entailing a deterioration in his or her physical or mental health. This definition may seem both broader and narrower than the definition of stalking given in the Convention. While on the one hand it does not require the threatening conduct specified in Article 34, on the other it involves a deterioration in the victim's physical and mental health. In comparison, Article 34 merely states that the threatening conduct must be such as to cause fear in the victim, irrespective of any effects on that person's health.

### 3. Physical violence (Article 35)

115. The criminal-law response to acts of physical violence comprises all the Criminal Code provisions relating to assault and battery.<sup>16</sup> The criminal penalties handed down vary depending on whether or not the conduct has led to illness or total incapacity for work, and in the latter case, its duration. During the evaluation procedure, the authorities wished to make clear that the term "minor acts of violence" employed in Monaco's report, was no longer in use since the reform introduced by Law No. 1.382; it has been replaced by "acts of violence not causing total incapacity for work", namely violence without any physical or psychological injury. This clarifies the fact that it was the court's assessment not of the seriousness of the perpetrator's act but rather of the consequences of this act for the victim.

### 4. Sexual violence, including rape (Article 36)

116. The offences listed in Article 36 of the Convention are punished under Monegasque law as the crimes of aggravated indecent assault and rape. Regarding the constituent elements of these offences, rape is characterised by the use of violence, coercion, intimidation or surprise, while indecent assault perpetrated or attempted against an adult requires use of violence. By comparison, the wording employed in Article 36, paragraph 1, does not limit proof of the victim's lack of consent to the above-mentioned elements, since absence of freely given consent can also be inferred from other circumstances. It does not follow from the information provided by the

<sup>15</sup> The Ad hoc Committee for Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) from the Council of Europe.

<sup>16</sup> See Articles 236, 238 and 421 of the Criminal Code.



authorities that the offence of indecent assault includes criminalising the conduct, described in paragraph 1 c of Article 36 of the Convention, of causing another person to engage in non-consensual acts of a sexual nature with a third person. In the case of rape, the relevant provision of Monaco's Criminal Code specifies that it can be committed whatever the relationship between the aggressor and the victim, even if they are married to each other. There does not appear to be a similar provision disregarding existing relations between perpetrator and victim for non-consensual acts of a sexual nature other than rape, contrary to the recommendations of Article 36, paragraph 3, of the Convention. The provision in question places the emphasis on existing relations, whereas Article 36, paragraph 3, establishes the principle of criminalisation irrespective of whether the ties between spouses or partners are past or present.

## **5. Civil consequences of forced marriages (Article 32); Forced marriages (Article 37)**

117. Regarding annulment or dissolution of a forced marriage, Monegasque criminal law provides more protection than the Convention, since the affected spouse or the public prosecutor can bring a civil action for annulment if consent to the marriage is vitiated not only by violence but also by coercion resulting from reverential fear.<sup>17</sup> The offence of forced marriage as defined in Article 274-1 of the Criminal Code does not fully comply with the requirements of the Convention, since it is contingent on annulment of the marriage under civil law, a condition not required by Article 37 of the Convention. Moreover, the time-limit and requirements concerning legal capacity that apply to a civil action for annulment may represent a significant obstacle to criminalising of this offence. The conduct described in Article 37, paragraph 2, of the Convention of luring a person to the territory of a third state for the purpose of forcing that person to marry against his or her will is not a criminal offence in its own right but is an offence under the legal rules governing attempted offences. Monaco's criminal-law provisions include a further criminal penalty for child abduction, with or without deception or use of force, which could be committed for the purpose of carrying out a forced marriage, to the detriment of the child.<sup>18</sup>

## **6. Female genital mutilation (Article 38)**

118. With the entry into force of Law No. 1.382, Monaco's Criminal Code explicitly penalises the actions referred to in paragraph *a* of Article 38 that compromise the genital integrity of a female. It does not follow from the information available to GREVIO that the conduct set out in paragraph *b* (coercing or procuring a woman to undergo any of the acts listed in point *a*) and paragraph *c* (inciting, coercing or procuring a girl to undergo any of the acts listed in point *a*) have also been criminalised.

## **7. Forced abortion and forced sterilisation (Article 39)**

119. Forced abortion is explicitly criminalised in Monaco law, unlike forced sterilisation.

## **8. Sexual harassment (Article 40)**

120. Sexual harassment as such is not addressed by Monaco's criminal law. It is nevertheless covered under repeated acts or omissions with the purpose or effect of degrading the victim's living conditions entailing a deterioration in his or her health. The authorities have therefore opted, as stated in their report, for a single definition of harassment covering both psychological and sexual harassment. However, since it requires an impact on health, this definition does not have as its central focus respect for the victim's dignity. There is no certainty that conduct of a sexual nature that is enough to violate a person's dignity by creating an intimidating, hostile, degrading, humiliating or offensive environment would be enough to produce a deterioration in the victim's physical or mental health.

<sup>17</sup> See Article 148 of the Civil Code.

<sup>18</sup> See Article 290 of the Criminal Code.

121. **GREVIO strongly encourages the authorities to review the criminal offences in their body of law, together with their enforcement by the courts, to determine the extent to which these offences criminalise the various forms of violence covered by the Convention, and particularly forms of violence of relevance to Monaco. In the light of the above comments, GREVIO strongly encourages the authorities to ensure that acts of violence are criminalised in accordance with the definitions of offences given in Articles 33 to 40 of the Convention. Regarding domestic violence, GREVIO invites the authorities to take account of the fact that such violence affects women disproportionately, as stated in Article 2, paragraph 1, of the Convention.**

122. As regards employment, the government tabled Bill No. 908 on harassment and violence in the workplace with the National Council in December 2012. This bill expressly prohibits violence and harassment in the workplace, which is currently covered by the criminal offence of harassment in general. In this way, the authorities are seeking to ensure that all employers and employees are more aware of objectionable conduct in order to help prevent and combat it more effectively.

123. **GREVIO encourages the authorities to expedite consideration of Bill No. 908 on harassment and violence in the workplace. To this end, the authorities should raise awareness among all those concerned, such as the Monaco Employers' Federation and the Union of Monaco Trade Unions, and also, where appropriate, among cross-border interest groups, so that they can back the bill and/or take part in the negotiations needed to see it become law.**

## 9. Other forms of violence

124. Although economic violence is not included in the acts of violence Parties are called upon to criminalise under the Convention, GREVIO notes with satisfaction that in the preamble to Law No. 1.382 on specific forms of violence, the Monegasque lawmakers have shown their determination to combat all the various forms in which domestic violence may occur, including economic violence. GREVIO points out that the Istanbul Convention refers to economic violence in Article 3b which defines domestic violence as all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners.

125. GREVIO notes that there have been several cases of economic violence in Monaco, particularly in circumstances where the woman had found herself, or had been put in a position of economic dependency in relation to the perpetrator. A clear indication of field workers' awareness of the problem is to be found on a special web page of the NGO *GenderHopes*, where the warning signs of economic or financial violence are described as follows: "Economic violence is a form of control in which an abuser prevents a victim from obtaining access to financial resources. A victim may be kept financially dependent, which can result in a complete loss of individual independence and ultimately prevents their ability to make decisions in life. It is one of the most powerful ways a woman can be abused by her partner. This can consist of withdrawing financial support, preventing one's partner from working, monitoring how she spends money or even by putting all the bills or debts in her name".

126. The judicial authorities have stated that it is possible to address the multifaceted nature of economic violence through various criminal offences: psychological violence, theft between spouses of items or documents essential to the daily life of the victim or of the means of payment giving her access to her money,<sup>19</sup> as well as wilful neglect or desertion.<sup>20</sup> They have nevertheless remarked on the limitations of the provision punishing wilful neglect or desertion since this offence criminalises failure to pay maintenance or the contribution to household expenses but not failure to pay compensatory support in the case of divorce proceedings. Regarding such proceedings, the lawyers whom the GREVIO delegation met observed that perpetrators of economic violence could try to perpetuate the victim's state of economic dependency, for example by neglecting to pay compensatory support as a result of tactics designed to conceal their income and/or assets. These

<sup>19</sup> See Section 310 of the Monegasque Criminal Code, paragraph 3 created by Law No. 1.382.

<sup>20</sup> See Section 296 of the Monegasque Criminal Code.

legal practitioners noted that in Monaco there is no offence to penalise the conduct of a debtor who deliberately goes bankrupt. They also mentioned the recent introduction of divorce by mutual consent<sup>21</sup> as one explanation for the excessive length and the high degree of conflict still characteristic of these proceedings.

#### **D. Sanctions and measures (Article 45)**

127. The authorities explain that in Monaco the requirement for effective, proportionate and dissuasive sanctions laid down in Article 45 is ensured by a combination of factors, including sentencing by a bench of judges fully conversant with the file, and tailoring sentences to the individual case. Under the latter principle, sentences are delivered after all parties have been heard and the nature and consequences of the facts at issue have been carefully examined, and also in the light of the defendants' characters.

128. To get a true picture of the statistics for sanctions and measures imposed, the authorities have pointed out that the administrative and judicial data in paragraph V.O. of their report, relating to domestic violence alone, must be taken in conjunction with the sentences delivered by the Criminal Court, which cover all types of violence against women.<sup>22</sup>

129. A number of factors specific to Monaco's legal system could have an impact on sentencing:

- No possible alternatives to or adjustments of prison sentences *ab initio*, which has the effect of limiting the number of custodial sentences handed down. This may also reflect the fact that Monaco has no problems of prison overcrowding, and prison sentences, including short ones, are served in full;
- A lack of alternatives to prosecution;
- The non-existence of a mixed sentencing system, so that it is impossible to ask for a partial suspension (part prison sentence as punishment and part suspension as a deterrent).

These factors may give the impression that, overall, the sentences imposed are lighter than the statutory sentences, including in the case of domestic violence.<sup>23</sup>

**130. GREVIO strongly encourages the authorities to take the necessary measures to ensure that the penalties imposed are effective, proportional and dissuasive as required by Article 45. As regards the question of fines, GREVIO invites the authorities to consider whether providing for and applying this penalty is the most appropriate approach in cases of violence, particularly domestic violence, where it is likely to punish not only the perpetrator but also, directly or indirectly, the victim.**

#### **E. Aggravating circumstances (Article 46)**

131. The approach taken to domestic violence by Law No. 1.382 on specific forms of violence makes the concept of "living in the same household", already considered with respect to Chapter I of the Convention, an aggravating circumstance. It accordingly increases the penalty for the following offences: threats; acts degrading a victim's living conditions and causing a deterioration in her health (considered harassment); and assault and battery. (However, "living in the same household" is not an aggravating circumstance for other forms of violence, such as rape.)

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<sup>21</sup> See Law No. 1.336 of 12 July 2007 amending the provisions of the Civil Code pertaining to divorce and legal separation

<sup>22</sup> This gives the following totals: 19 convictions in 2014, and 18 in 2015. These figures can be broken down as follows for 2014 and 2015 respectively: 6 and 7 prison sentences, 9 and 10 suspended prison sentences, and 5 and 1 fines.

<sup>23</sup> See Committee on Economic, Social and Cultural Rights, *Concluding observations concerning the second and third periodic reports of Monaco*, dated 19 June 2014: "[The Committee] is concerned about [...] the leniency of the penalties handed down to perpetrators of domestic violence, particularly where such penalties take the form of fines or suspended prison sentences."

Moreover, the comments made earlier in this report on the restrictive condition of “living in the same household” also apply, *mutatis mutandis*, to Article 46, since paragraph *a* refers to a former or current spouse or partner irrespective of whether this person is or has been cohabiting with the perpetrator.

132. As regards the particularly serious nature of offences committed against children, referred to in Article 46, paragraph *d*, in Monegasque law this factor is reflected either by an increased sentence, as in the case of assault and battery of a minor under the age of sixteen, or by a differentiated classification of an offence for which violence is not a required element, as in the case of indecent assault, whether perpetrated or attempted, and rape of a child under sixteen. Monaco’s report here specifies that since the enactment of Law No. 1.344 of 26 December 2007 on increased penalties for crimes and offences against children the relevant age of sexual majority has been set at sixteen. The state report makes no reference to aggravating circumstances in the case of offences committed in the presence of a child, although, as stated earlier,<sup>24</sup> exposure of children to domestic violence is likely to cause them serious harm, comparable to what they may experience if they are themselves subjected to such violence.

133. As for the other aggravating circumstances listed in Article 46, the state report shows that some are taken into account, although in a somewhat fragmented way and in connection with one or another of the offences covered by the Convention. These aggravating circumstances are those provided for in:

- paragraph *a*, where reference is made to abuse of authority, and paragraph *e* concerning offences committed by two or more people acting together, which may warrant longer prison sentences for indecent assault and rape;
- paragraph *c* (offence committed against a person made vulnerable by particular circumstances), which Monaco’s criminal law covers through the concept of a “person whose vulnerability or dependency was apparent or known to the perpetrator” and which applies to the same offences as those aggravated by “living in the same household”;
- paragraph *h* (offence resulting in severe physical or psychological harm for the victim), with the sentence depending on whether the offence has caused illness, total incapacity for work (taking into account its duration) or disability for offences constituted by acts degrading the victim’s living conditions and entailing a deterioration in her health (considered harassment), and for assault and battery.

134. Monaco’s criminal law also includes the unacceptable justifications for crimes set out in Article 42 among aggravating circumstances. The heavier sentences applying in the case of living in the same household or if the victim of assault and battery is vulnerable or dependent also apply if the offender has committed an offence with intent to punish or redress misconduct allegedly related to honour. However, Monaco’s report does not make clear how far these unacceptable justifications, as well as those relating to culture, custom, religion or tradition, are inadmissible in the criminal proceedings brought when any of the acts of violence covered by the Convention has been committed.

**135. GREVIO invites the authorities to take the necessary steps to ensure that each of the aggravating circumstances set out in Article 46 of the Convention, insofar as they do not already form part of the constituent elements of the offence, may be taken into consideration in the determination of the sentence in relation to each of the offences provided for in the Convention.**

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<sup>24</sup> See paragraph 109 of the present report.

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**F. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

136. Among the various alternative dispute resolution processes mentioned in the state report, there is one in particular that Monaco uses: family mediation. When intervening in case of separation of couples, helping them to reach agreement on the terms of their separation, the Family Mediation Unit may indeed come across cases of domestic violence.

137. GREVIO considers that in cases of domestic violence characterised by a relationship of domination and control over the victim associated with undue influence and fear, the free consent of the individuals involved cannot be guaranteed. Consequently, the scope of action by the Family Mediation Unit must be clearly defined in the light of the above comments. Professionals who offer guidance to victims, and in particular services that are their first port of call, should inform them that mediation is not mandatory, particularly in situations involving violence.

138. As the law stands in Monaco, mediation can be initiated by the individuals concerned (agreed family mediation) or it may be suggested by a judge (court-ordered family mediation). The relevant clause here states that “to enable parents to reach mutual agreement on the exercise of parental authority, the guardianship judge may suggest or order that they agree to a family mediation measure”.<sup>25</sup> GREVIO notes that Bill No. 922 on shared custody plans to amend this provision, replacing a court order to begin mediation with an order to “receive information on the purpose and content of the mediation process in order to address any hesitation concerning this process [...] so that it can take place with their consent and not on the basis of legal obligation”.<sup>26</sup> This proposed legislative amendment seems at first sight to confirm the mediator’s approach, in that systematic guidance for couples as to the advantages of mediation is preferred to the court order provided for in the second paragraph of Article 303 of Monaco’s Civil Code.

139. GREVIO reiterates that the purpose of Article 48 of the Convention is to prohibit alternative dispute resolution processes in cases of violence when such processes are mandatory and take the place of adversarial court proceedings. This stems from the belief that victims of violence can never engage in these processes on an equal footing with the perpetrator. This is clarified in paragraph 252 of the Convention’s explanatory report: “It is in the nature of such offences that such victims are invariably left with a feeling of shame, helplessness and vulnerability, while the perpetrator exudes a sense of power and dominance.”

**140. GREVIO encourages the authorities to confirm the principle enshrined in Article 48 of the Convention relating to the prohibition of mandatory alternative dispute resolution processes, including family mediation, in all cases involving the forms of violence covered by the Convention. In the meantime the authorities should ensure that the relevant courts do not impose family mediation on couples in situations involving violence.**

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<sup>25</sup> See second paragraph of Article 303 of Monaco’s Civil Code.

<sup>26</sup> See page 16 of the preamble to the Shared Custody Bill (in French).

## **VI. Investigation, prosecution, procedural law and protective measures**

141. Full accountability for all acts of violence against women requires an adequate response from law enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

142. GREVIO noted the efforts by the law enforcement agencies to adopt organisational measures allowing immediate and effective support to victims. The responsiveness of the law enforcement agencies was also apparent from referrals to the prosecution authorities, helping to ensure the prompt and appropriate response required by Article 50 of the Convention. In addition to the training provided by the Human Resources and Training Department, Police Department staff receive in-house training on respect for victims' rights as a key element of their work. Monaco's law enforcement agencies have an additional asset in the form of police social workers specialising in victim reception, response and counselling.

### **A. Risk assessment and risk management (Article 51)**

143. GREVIO has taken note of the relevant authorities' practices for assessing and addressing risks to victims' safety. For the judicial authorities, they consist largely of expert reports on perpetrators (including psychiatric reports) and requisitions to social services. The latter assess risks through welfare investigations lasting several months carried out by multidisciplinary teams comprising a social worker, a specialist educator and a psychologist. However, the judicial authorities and social services have established no written procedures or common criteria for risk assessment, particularly for the women most at risk, and this finding also holds true for the police, although the latter have developed some good practices, such as reviewing the cases reported to them in order to decide whether intervention by social workers would be advisable.

144. GREVIO reiterates that Article 51 requires parties to ensure that all relevant authorities, not limited to the police, assess the risks effectively and devise case-by-case risk management plans for victim safety under a standardised procedure and in co-operation and co-ordination with each other. GREVIO notes that, as they stand, the practices of the authorities concerned fail to meet Convention requirements in terms of concerted and systematic preparation of risk management plans and implementation of any protective measures necessary to protect the victim from subsequent violence. GREVIO is pleased to note that risk assessment is a key element of the prosecution authorities' current project, through partnership policies, of exploring ways to improve existing mechanisms to assist victims.<sup>27</sup>

**145. GREVIO encourages the authorities to develop standardised measures and procedures making co-ordinated risk assessment and management an integral part of victim monitoring by all the relevant authorities. In particular, risk assessment and management should take due account of whether perpetrators of the forms of violence covered by the Convention possess or have access to firearms.<sup>28</sup>**

### **B. Emergency barring orders (Article 52); Restraining or protection orders (Article 53)**

146. GREVIO reiterates the object of emergency barring orders, which is, in situations of immediate danger, to establish a physical distance between the victim of domestic violence and the perpetrator, allowing the victim to remain in the home. In Monegasque law, the power to issue this type of order lies with the public prosecutor as set out in Article 37-1 of the Code of Criminal Procedure. In this capacity, the public prosecutor can prohibit a perpetrator of violence from

<sup>27</sup> According to the information supplied to GREVIO, this project should be finalised in the course of 2017.

<sup>28</sup> See Article 51, paragraph 2, of the Convention.

appearing or residing in certain places or entering into contact with the victim by any means whatsoever, including electronic communication.

147. The prosecution authorities have pointed out that because the maximum duration of barring orders is very short, it makes such measures largely unworkable, particularly owing to the court's organisational constraints. Once an order has been granted, the Public Prosecution Department has only 24 hours to refer the matter to the President of the Court of First Instance, who in turn has only 24 hours to issue a protection order to extend the effect of the barring order. This means that if the president of the court is absent, on public holidays for example, the public prosecutor does not take any barring measures. GREVIO is pleased to note that the recent order dated 14 November 2016 whereby on public holidays and weekends the president of the court will delegate his or her authority in this field to the duty custodial judge enables this shortcoming to be overcome. This measure should enable better use of emergency barring orders by the prosecution authorities in future.

148. In addition to the cases referred by the public prosecutor for the purpose of extending the effect of emergency barring orders, the president of the court deals with protection orders applied for by either the victim or, with the latter's consent, an association defending the victims of violence.<sup>29</sup> In such an order he or she may award occupancy of the dwelling to the victim and, where appropriate, determine the arrangements for exercising parental authority. This procedure therefore meets the requirement laid down in the Convention for such an order to be issued, where necessary, on an *ex parte* basis with immediate effect, that is, upon application from one party only.<sup>30</sup> GREVIO shares the judges' opinion that the ability of the president of the court to assume jurisdiction *ex officio* in some cases could make the procedure more effective.

149. Concerning the offences for which a protection order can be issued, the list given in the relevant provision of the Civil Code does not include indecent assault, forced marriage or female genital mutilation. GREVIO reiterates that Article 53 requires restraining and protection orders to be available to victims of all forms of violence covered by the Convention.

150. As regards the requirement laid down in the third paragraph of this article whereby breaches of restraining or protection orders must be subject to effective, proportionate and dissuasive criminal or other legal sanctions, the penalty in Monegasque law is a prison sentence of one to six months and/or a fine of between €9 000 and €18 000. GREVIO believes that these penalties may not be sufficiently dissuasive.

151. Despite the existence of a generally appropriate legal framework in terms of restraining and protection orders, the data provided in the state report show that these measures are hardly ever applied in practice.<sup>31</sup> The authorities explained that this might be due to the fact that the system was of little extra value, being pointless in most circumstances, as the perpetrator was either taken into police custody immediately after committing the offence or else subject to supervision by an examining judge. GREVIO here notes that the value of restraining and protection orders as provided for in the Convention also lies in the fact that they must be available irrespective of other legal procedures, particularly criminal investigations.<sup>32</sup> Many victims may wish to apply for such orders without necessarily being prepared to press charges.

152. Since this is a relatively recent procedure,<sup>33</sup> GREVIO believes that the low take-up rate for restraining and protection orders might be attributable to the fact that neither legal practitioners nor victims are familiar with them. GREVIO further observes that the information material produced by the AVIP fails to mention banning and protection orders, and in the cases for which these

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<sup>29</sup> See Article 24-1 of the Civil Code, introduced by Law No. 1.382 on specific forms of violence.

<sup>30</sup> See Article 53, paragraph 2, 3rd indent, of the Convention.

<sup>31</sup> During the period covered by the GREVIO questionnaire, namely 2014 and 2015, the president of the court dealt with only two applications on the basis of the relevant provision, Article 24-1 of the Civil Code, and only one of these resulted in a protection order.

<sup>32</sup> See Article 53, paragraph 2, 4th indent, of the Convention.

<sup>33</sup> Banning and protection orders were introduced by Law No. 1.382 on specific forms of violence.

measures are designed victims are told that they can leave the matrimonial home in an emergency.<sup>34</sup>

**153. GREVIO encourages the authorities to take the necessary steps to ensure effective use of banning and protection orders in accordance with the Convention. In addition, GREVIO encourages the authorities to ensure that:**

- a. **training provided to the professionals concerned, including lawyers, includes a module on banning and protection orders;**
- b. **the information received by victims pursuant to Article 19 of the Convention, together with material produced for this purpose, covers the possibility of using such measures.**

### **C. Measures of protection (Article 56)**

154. Under the measures of protection granted to victims at the various stages of investigations and judicial proceedings, the state report describes measures to ensure that victims are informed of action taken in respect of their complaints, the charges and the general progress of the investigation or proceedings, as well as measures enabling victims to be heard, supply evidence and have their views and needs presented.<sup>35</sup> Apart from the option of an emergency barring order or a protection order, Monaco's report does not indicate any specific measures to protect victims, together with their families and witnesses, from intimidation, retaliation and repeat victimisation,<sup>36</sup> or measures ensuring that, wherever possible, contact between victims and perpetrators within court and law enforcement agency premises is avoided.<sup>37</sup>

155. The judges confirmed that victims were not informed if a perpetrator escaped or was temporarily or permanently released. Provision of this information is required by the Convention, at least in cases where victims and their families might be in danger. In this connection, the judges explained that they did not have this information themselves for many prisoners serving their sentences abroad for violence against women in Monaco.

156. Article 56, paragraph 1 *i* of the Convention requires parties to enable victims to testify, according to the rules provided for by their internal law, without being present in the courtroom or at least without the presence of the alleged perpetrator, such as through the use of appropriate communication technologies. GREVIO stresses that this provision is intended to limit the psychological impact on the victim of being in the same room as the alleged perpetrator or being with the latter by videoconference, without necessarily requiring anonymity for the victim. In comparison, the conditions for applying the "anonymous testimony" procedure referred to in the state report, which can be used only if there is a real threat to the life or physical safety of the victim or her close friends and family, may seem somewhat restrictive.

157. In view of the current study of mechanisms to assist victims through the partnership policies of the Public Prosecution Department,<sup>38</sup> GREVIO notes that the authorities might wish to consider how best to incorporate the measures provided for in Article 56 of the Convention within these mechanisms.

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<sup>34</sup> See the AVIP information booklet: *"If you are the victim of violence by your partner and in an emergency you can leave the matrimonial home for your own protection and that of your child or children, where applicable. You are advised to report your departure by making a statement to the Police Department and to apply to the Court of First Instance for authorisation of separate residence."*

<sup>35</sup> In compliance with Article 56, paragraph 1 *c* and *d*.

<sup>36</sup> In compliance with Article 56, paragraph 1 *a*.

<sup>37</sup> In compliance with Article 56, paragraph 1 *g*.

<sup>38</sup> See paragraph 144 of this report which refers to this project.



**158. GREVIO strongly encourages the authorities to improve the various existing measures to protect the rights and interests of women and child victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings and for all the forms of violence covered by the Convention, in compliance with Article 56 of the Convention.**

## VII. Migration and asylum

159. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws must provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution must be interpreted in a gender-sensitive manner. This can only be achieved if, reception procedures and support services for asylum-seekers are equally sensitive to the needs of women victims or at risk of violence (Article 60).

### A. Residence status (Article 59)

160. GREVIO believes that the victims of violence whose residence status depends on that of the perpetrator may, through fear of losing this status, be prompted to endure relationships marked by abuse and violence rather than putting an end to their marriage or relationship with the abusive partner. Article 59 of the Convention seeks to protect these victims by requiring parties to take measures to ensure that women migrants who are victims of violence and whose residence status depends on that of their spouse or partner are granted a separate residence permit in the event of dissolution of the marriage or relationship.

161. It should be recalled that Monaco has reserved the right not to apply, in whole or in part, the provisions of Article 59 of the Convention. In their report, the authorities explain that in accordance with this reservation, they intend to assert the specific nature of residence status as granted in Monaco, whereby having a Monegasque spouse has no direct impact on entitlement to a residence permit, pursuant to Sovereign Order No. 3.153 of 19 March 1965. Under this order, the requirements for foreigners wishing to settle in Monaco vary according to nationality, but in every case a foreigner applying for a residence permit must be able to provide evidence of adequate accommodation in Monaco, sufficient financial resources, and good character, as attested by a police certificate or the equivalent.

162. GREVIO notes that to prove sufficient financial resources to claim an independent right of residence in Monaco, a foreign woman can provide evidence of a salary, income from a business activity, sufficient savings or support from a relative or a spouse or partner with whom she is living as a couple.<sup>39</sup> If she is financially dependent on the latter, her residence status may therefore depend, in practice, on the continuation of her relationship with this spouse or partner, whether or not he is Monegasque. In these circumstances GREVIO believes that foreign women may run the risk, mentioned above, of pressure making them hesitate to leave an abusive partner. This being so, it refers to its earlier comments on how substantial financial dependency can become a breeding ground for violence, particularly economic and psychological violence.<sup>40</sup>

163. GREVIO was informed of several cases of foreign women victims for whom divorce from a violent husband had made it extremely difficult to provide evidence of sufficient financial resources enabling them to remain in Monaco. In one case, the victim's right to continue residing in Monaco was entirely contingent on obtaining social assistance, including social housing. Other victims have had to leave Monaco as their only viable option, a solution that may nevertheless be problematic when custody and visiting rights for both parents have to be arranged.

164. In the light of the observations above, GREVIO understands Monaco's reservation to be justified by the fact that Monaco's legal system makes no provision for a residence permit officially contingent on that of a spouse or partner, since foreign women allowed to reside on Monegasque territory have separate residence permits. GREVIO nevertheless observes that, in practice, if a marriage or a relationship is dissolved, a foreign woman may run the risk of being unable to renew

<sup>39</sup> See information to this effect on Monaco's [Public Services](#) website.

<sup>40</sup> See paragraphs 16 and 17 of this report.

her residence permit if she finds herself without the means to prove sufficient financial resources. GREVIO is concerned about the consequences that this may have for women who are victims of violence in terms of a higher risk of exposure to violence, an obstacle to pressing charges and the problems that they may face in regaining control of their lives, particularly after divorce proceedings.

**165. In cases of violence, GREVIO invites the authorities to ensure that the conditions governing the right of residence in Monaco and renewal of residence permits are enforced so as to take into account the difficulties, particularly financial, that foreign women who are victims of violence may experience when they no longer have the resources of their spouse or partner.**

## **B. Gender-based asylum claims (Article 60)**

166. Through its co-operation with the Office of the United Nations High Commissioner for Refugees, Monaco is involved in the international community's efforts to take in refugees who have been victims of persecution. The state report specifically mentions the humanitarian aid provided, with support from the non-profit-making association *Collectif Réfugiés d'Orient*, to offer accommodation and support for refugees from the Middle East. In contrast, Monaco very seldom receives asylum applications and, to date, has not received any from women fleeing gender-based violence.

167. There is, however, another context in which, in their humanitarian work abroad, Monegasque organisations may come up against the phenomenon of violence against women asylum-seekers. The Monegasque Red Cross mentioned its involvement in the asylum-seekers' camp in Ventimiglia at the time when this border crossing point was experiencing a large flow of migrants. The GREVIO delegation noted that their interest in being familiar with the gender-sensitive procedures provided for in Article 60 of the Convention to receive and support women asylum-seekers.

**168. GREVIO invites the authorities to ensure that people working with women asylum-seekers, including voluntary-sector workers such as Monegasque Red Cross staff, have the necessary knowledge of the gender-sensitive reception procedures and support for women asylum-seekers described in Article 60 of the Convention.**

## Conclusions

169. The enactment of Law No. 1.382 of 20 July 2011 on specific forms of violence showed that even before Monaco became a Party to the Istanbul Convention the Monegasque authorities were keen to tackle the scourge of violence against women. By passing this Law, Monaco also showed that it wished to prevent and combat domestic violence, which, under Monegasque law, is based on the concept of “living together under the same roof”. These positive developments are to be seen against the background of the advancement, in law, of gender equality, with, for example, the abolition in 2003 of the concept of “paternal authority”.

170. The authorities have laid the foundations for comprehensive and co-ordinated policies, thanks to the co-operation that exists between the different services involved (for example the social, judicial and health services and law enforcement agencies). The designated officers in each service who are specially trained to deal with questions of violence against women will ensure such multi-agency co-operation is more efficient in future. This co-operation is supported and promoted by a co-ordination body, the DASO, which carried out the first-ever exercise to compile and analyse all existing administrative and judicial data. Thanks to this work, it was possible for the first time to obtain an overall view of the number of cases of violence to have come to the attention of the authorities in Monaco.

171. The authorities openly recognise the role played by associations committed to preventing and combating violence against women. The creation in 2014 of AVIP, an association specifically entrusted with assisting victims of crime, including victims of violence against women, is largely thanks to the authorities.

172. With regard to prevention, the authorities show that they have understood the importance of equipping the relevant professionals with the knowledge and skills needed to enable them to support, guide and assist victims. This reflects in particular the active role played in this regard by the entities assigned to train Monegasque public officials.

173. The authorities' renewed support for the International Day for the Elimination of Violence against Women is a successful example of their efforts to change mentalities and signal their strong rejection of all forms of violence against women. The 2016 International Day was regarded overall as a success, including by the non-governmental organisations the authorities worked with on this occasion. One of its achievements was the introduction of a new victim support scheme, in the form of a new anonymous free helpline with a single dial-in number (116 119) for victims of domestic violence.

174. Monaco has a very diverse population in terms of nationalities. The high level of accessibility of support services for foreign victims is therefore a real benefit for non-Monegasque women living or working in Monaco.

175. Concerning measures that would enable Monaco to comply fully with its obligations under the Convention, GREVIO identified a number of priority fields of action:

- Having regard to the structural nature of violence against women as gender-based violence by which women are kept in a subordinate position compared with men, it is essential that Parties to the Convention focus their efforts on the need to eradicate one of the primary causes of such violence, namely inequality between women and men. Similarly, for policies and measures aimed at preventing and combating violence against women to be effective, due account must be taken of the gender dimension of such violence. It is therefore of the utmost importance that Monaco adopt this approach and include the prevention of gender inequality and sexist stereotypes when implementing the provisions of the Istanbul Convention at national level.

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- In addition to its technical and operational role, the multi-agency strategy pursued by the authorities must become the driving force for effective, comprehensive and long-term policies which include a national action plan. It is up to the authorities to develop a mechanism which is capable of promoting such policies and which is based on effective co-operation with relevant bodies, such as standard-setting authorities, the High Commissioner for the Protection of Rights and Liberties and for Mediation, and relevant associations.

- The potential of NGOs in Monaco, particularly those which are active in the field of public awareness-raising and victim support, could be extensively developed. The Monegasque authorities have a key role to play to that end, by providing such organisations with the human and/or financial resources they need, and by involving them closely in the framing and implementation of policies and other relevant measures. The establishment of a strong partnership involving civil society representatives in any existing or future form of inter-institutional co-operation will result in a win-win situation for both the NGOs concerned and the authorities.

- Insofar as the Monegasque authorities have not carried out any population surveys, their knowledge of the real situation in Monaco regarding violence against women is incomplete and distinctly limited. For them to be able to target their actions, make efficient use of resources, increase the impact of measures taken, and monitor progress, it is very much in the authorities' interest to conduct population surveys. The contact established with victims at the level of the health-care services and the professionals in this sector is an opportunity the authorities might wish to seize in order to carry out a first-ever victim survey in Monaco.

176. GREVIO invites the Monegasque authorities to keep it regularly informed of developments regarding implementation of the Istanbul Convention and stands ready to continue its positive co-operation with the authorities.

177. GREVIO would also invite the national authorities to ensure that this report is widely disseminated, not only to the relevant State institutions at all levels, in particular to the Government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

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## Appendix I:

### List of proposals and suggestions made by GREVIO

#### I. Purposes, definitions, equality and non-discrimination, general obligations

##### A. Purposes and scope of the Convention (Articles 1 and 2)

1. With a view to addressing the structural nature of violence committed against women, including domestic violence, GREVIO urges the authorities to integrate a gender perspective including the prevention of gender inequality and sexist stereotypes when implementing the provisions of the Istanbul Convention at national level. (Paragraph 5)

##### B. Definitions (Article 3)

2. GREVIO strongly encourages the authorities to adopt a definition of domestic violence in accordance with the definition given in Article 3.b of the Convention. (Paragraph 7)

##### C. Fundamental rights, equality and non-discrimination (Article 4)

3. GREVIO strongly encourages the authorities to:

- a. keep up the momentum started by the reforms mentioned in paragraph 8 of this report and be fully involved in the legislative debate initiated by Draft Law No. 213 on the concept of head of household;
- b. request opinions or studies from the High Commissioner, such as a study into pay differences or resources, for example, with a view to acquiring a better grasp of the challenges that stand in the way of achieving full and effective gender equality;
- c. support policies that foster genuine equality between women and men and study any proposals that would serve that purpose. (Paragraph 12)

4. GREVIO encourages the authorities to take further account of the greater difficulties that may be encountered by foreign women who do not master the language of the country, and to do so throughout the various stages of support. GREVIO encourages the authorities to take the necessary steps to ensure language does not constitute a “de facto” ground of discrimination against foreign women who are victims of violence. All of the partners involved, including charities such as the Monegasque Red Cross, should work to improve the detection and referral of cases of violence committed against foreign women. (Paragraph 15)

5. GREVIO encourages the authorities to pay further attention to victims of violence who are financially dependent on the perpetrator and to the consequences of economic violence, in particular by helping these victims to regain their full autonomy. (Paragraph 18)

## **II. Integrated policies and data collection**

### **A. Comprehensive and co-ordinated policies (Article 7) and Co-ordinating body (Article 10)**

6. Given that the authorities' multi-agency strategy is confined to a technical and operational level, GREVIO urges the authorities to appoint or set up a body tasked with driving policies for preventing and combating violence against women and drawing up a national action plan. (Paragraph 22)

7. GREVIO strongly encourages the authorities to ensure that this body involves the dedicated officers of the different services and institutions concerned, the standard-setting bodies of Monaco, the High Commissioner for the Protection of Rights and Liberties and for Mediation, and relevant associations. (Paragraph 24)

8. GREVIO strongly encourages the authorities to set up an independent body to monitor and evaluate the integrated policies for combating violence against women. (Paragraph 27)

### **B. Financial resources (Article 8) and Non-governmental organisations and civil society (Article 9)**

9. GREVIO encourages the authorities to evaluate the cost of violence against women and the resources, including financial resources, allocated to measures to prevent and combat such violence. (Paragraph 29)

10. GREVIO urges the authorities to step up their support of NGOs involved in combating violence against women. It refers to the proposal made in paragraph 22 that the authorities ensure that these organisations are closely involved in the network of dedicated officers currently being set up, and in this way forge a partnership with civil society as required by paragraphs 2 and 3 of Article 7 of the Convention. (Paragraph 32)

### **C. Data collection and research (Article 11)**

11. GREVIO strongly encourages the authorities to systematise and streamline the collection of data relating to violence against women at all levels and to publish these data using terminology reflecting that of the Istanbul Convention. GREVIO considers that, as a minimum requirement, such data should be disaggregated by sex, age, type of violence, the relationship of the perpetrator to the victim, and geographical location, as well as other factors deemed relevant, such as disability. (Paragraph 36)

12. GREVIO urges the authorities to conduct regular victim surveys in Monaco, while bearing in mind the requirement of confidentiality. In particular, the authorities should examine the feasibility of a survey to be conducted by all hospital health care services or other health-care professionals. (Paragraph 39)

## **III. Prevention**

### **A. Awareness-raising (Article 13)**

13. GREVIO strongly encourages the authorities, in co-operation with the relevant associations, to renew their support for the International Days for the Elimination of Violence against Women, and to pursue and further develop their action to raise awareness of violence against women, ensuring that they target the public at large and include the gender equality dimension. (Paragraph 43)

**B. Education (Article 14)**

14. GREVIO encourages the authorities, in consultation with the relevant associations, to produce suitable teaching material that addresses the subjects listed in Article 14 of the Convention. Furthermore, GREVIO encourages the authorities to highlight the gender dimension and gender equality in their awareness-raising activities in schools, in particular in the information given in schools in pursuance of Section 37 of Law No. 1.382 on specific forms of violence. For the purposes of implementing these proposals, GREVIO invites the authorities to draw on Recommendation CM/Rec(2007)13 of the Committee of Ministers to member states on gender mainstreaming in education. (Paragraph 49)

**C. Training of professionals (Article 15)**

15. GREVIO encourages the authorities to:

- a. include gender equality and gender-based violence against women in the training of professionals. In this connection, the training offered should include a module relating specifically to the Istanbul Convention and the various forms of violence it covers, including sexual, psychological and economic violence;
- b. introduce training focusing on cultural diversity and, where appropriate, enhancing the language abilities of the players involved;
- c. provide appropriate training for lawyers;
- d. when devising such training courses, involve entities, including NGOs, with recognised expertise in support for women victims, taking a gender-based approach to violence (Paragraph 54)

**D. Preventive intervention and treatment programmes (Article 16)**

16. GREVIO urges the authorities to take the necessary measures to encourage or require perpetrators of violence to attend programmes fostering responsible behaviour in order to combat any reoccurrence of acts of psychological, physical, sexual or economic violence, including in the domestic environment. Where necessary, such programmes could be made available through co-operation with other countries. (Paragraph 58)

**E. Participation of the private sector and the media (Article 17)**

17. GREVIO invites the authorities to encourage the private sector, in particular employers and the media, to take part in the framing and implementation of the policies recommended in the Convention, and to lay down guidelines and self-regulatory standards to enhance respect for the dignity of women and in this way help prevent violence against them. In addition, GREVIO invites the authorities, in partnership with accredited associations, to devise programmes which will equip children, parents and educators with the necessary skills to take a critical approach to and protect themselves against harmful images and messages of a sexual or violent nature conveyed by the information and communication technologies. (Paragraph 63)



#### **IV. Protection and support**

##### **A. General obligations (Article 18)**

18. GREVIO encourages the authorities to make sure that all the services involved have an understanding of gender-based violence against women, in compliance with the definitions of violence given in Article 3 of the Convention. (Paragraph 70)

##### **B. General support services (Article 20) and Specialist support services (Article 22)**

19. GREVIO encourages the authorities to consider ways in which they could provide or arrange specialist support services in compliance with Article 22 of the Convention. GREVIO encourages the authorities to ensure that staff of the general services are given training and guidelines to meet their needs in the best possible way. Formalised instructions or protocols should be updated and/or drawn up, and implemented in practice. Where relevant, the effectiveness of these protocols should be regularly assessed and monitored in order to make the necessary improvements. (Paragraph 76)

##### **C. Support in individual/collective complaints (Article 21)**

20. GREVIO calls on the authorities to ensure that victims are informed that once they have exhausted all domestic remedies, they may apply to the European Court of Human Rights or the Committee of the CEDAW. (Paragraph 78)

##### **D. Shelters (Article 23)**

21. GREVIO encourages the authorities to include as part of the inter-institutional co-operation those involved in the provision and management of emergency accommodation, including the Monegasque Red Cross. (Paragraph 81)

##### **E. Telephone helplines**

22. GREVIO urges the authorities to ensure a helpline service fulfilling all the criteria of Article 24, including in terms of the hours covered. The possibility of a partnership with the helpline in other countries should continue to be one of the options to consider. (Paragraph 85)

##### **F. Support for victims of sexual violence (Article 25)**

23. GREVIO strongly encourages the authorities to ensure wider availability of forensic expert opinions to the relevant departments to avoid the risk of loss of evidence which is essential for any subsequent court proceedings. The authorities should ensure that health-care professionals have specific training and provide them with model medical certificates. (Paragraph 87)

##### **G. Reporting by professionals (Article 28)**

24. GREVIO encourages the authorities to standardise and/or formalise the circumstances requiring reporting by professionals in cases of serious danger irrespective of the victim's consent, whether she is an adult or a minor. To that end, the authorities should encourage exchanges between the services concerned, and first and foremost the health care services and prosecution services, so that they can help harmonise the criteria for reporting by professionals, making sure that women victims are informed. (Paragraph 93)

## **V. Material law**

### **A. Civil lawsuits and remedies (Article 29); Compensation (Article 30)**

25. GREVIO encourages the authorities to adopt measures to ensure effective access to and enjoyment of a victim's right to compensation for damages suffered. As for Monaco's reservation with regard to Article 30, paragraph 2, concerning subsidiary compensation by the state, GREVIO notes that under Article 79, paragraph 3, Monaco will be required to provide GREVIO with an explanation of the grounds for this reservation upon expiry of its period of validity and prior to its renewal. (Paragraph 105)

### **B. Custody, visitation rights and safety (Article 31)**

26. GREVIO strongly encourages the authorities:

- a. to ensure that when the courts decide on custody and visiting rights, they take account of the principle whereby instances of violence against the mother must be taken into account as well as instances of violence against children;
- b. to expressly lay down this principle when adopting Bill No. 922 on shared custody. (Paragraph 111)

### **C. Offences**

27. GREVIO strongly encourages the authorities to review the criminal offences in their body of law, together with their enforcement by the courts, to determine the extent to which these offences criminalise the various forms of violence covered by the Convention, and particularly forms of violence of relevance to Monaco. In the light of the above comments, GREVIO strongly encourages the authorities to ensure that acts of violence are criminalised in accordance with the definitions of offences given in Articles 33 to 40 of the Convention. Regarding domestic violence, GREVIO invites the authorities to take account of the fact that such violence affects women disproportionately, as stated in Article 2, paragraph 1, of the Convention. (Paragraph 121)

28. GREVIO encourages the authorities to expedite consideration of Bill No. 908 on harassment and violence in the workplace. To this end, the authorities should raise awareness among all those concerned, such as the Monaco Employers' Federation and the Union of Monaco Trade Unions, and also, where appropriate, among cross-border interest groups, so that they can back the bill and/or take part in the negotiations needed to see it become law. (Paragraph 123)

### **D. Sanctions and measures (Article 45)**

29. GREVIO strongly encourages the authorities to take the necessary measures to ensure that the penalties imposed are effective, proportional and dissuasive as required by Article 45. As regards the question of fines, GREVIO invites the authorities to consider whether providing for and applying this penalty is the most appropriate approach in cases of violence, particularly domestic violence, where it is likely to punish not only the perpetrator but also, directly or indirectly, the victim. (Paragraph 130)

### **E. Aggravating circumstances (Article 46)**

30. GREVIO invites the authorities to take the necessary steps to ensure that each of the aggravating circumstances set out in Article 46 of the Convention, insofar as they do not already form part of the constituent elements of the offence, may be taken into consideration in the determination of the sentence in relation to each of the offences provided for in the Convention. (Paragraph 135)

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**F. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

31. GREVIO encourages the authorities to confirm the principle enshrined in Article 48 of the Convention relating to the prohibition of mandatory alternative dispute resolution processes, including family mediation, in all cases involving the forms of violence covered by the Convention. In the meantime the authorities should ensure that the relevant courts do not impose family mediation on couples in situations involving violence. (Paragraph 140)

**VI. Investigation, prosecution, procedural law and protective measures**

**A. Risk assessment and risk management (Article 51)**

32. GREVIO encourages the authorities to develop standardised measures and procedures making co-ordinated risk assessment and management an integral part of victim monitoring by all the relevant authorities. In particular, risk assessment and management should take due account of whether perpetrators of violence covered by the Convention possess or have access to firearms. (Paragraph 145)

**B. Emergency barring orders (Article 52); restraining or protection orders (Article 53)**

33. GREVIO encourages the authorities to take the necessary steps to ensure effective use of banning and protection orders in accordance with the Convention. In addition, GREVIO encourages the authorities to ensure that:

- a. training provided to the professionals concerned, including lawyers, includes a module on banning and protection orders;
- b. the information received by victims pursuant to Article 19 of the Convention, together with material produced for this purpose, covers the possibility of using such measures. (Paragraph 153)

**C. Measures of protection (Article 56)**

34. GREVIO strongly encourages the authorities to improve the various existing measures to protect the rights and interests of women and child victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings and for all the forms of violence covered by the Convention, in compliance with Article 56 of the Convention. (Paragraph 158)

**VII. Migration and asylum**

**A. Residence status (Article 59)**

35. In cases of violence, GREVIO invites the authorities to ensure that the conditions governing the right of residence in Monaco and renewal of residence permits are enforced so as to take into account the difficulties, particularly financial, that foreign women who are victims of violence may experience when they no longer have the resources of their spouse or partner. (Paragraph 165)

**B. Gender-based asylum claims (Article 60)**

36. GREVIO invites the authorities to ensure that people working with women asylum-seekers, including voluntary-sector workers such as Monegasque Red Cross staff, have the necessary knowledge of the gender-sensitive reception and support procedures for women asylum-seekers described in Article 60 of the Convention. (Paragraph 168)

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## Appendix II

### List of representatives of Monaco who took part in the dialogue with GREVIO

- Rémy Mortier, Ambassador, Permanent Representative of the Principality of Monaco to the Council of Europe, accompanied by Gabriel Revel, Deputy Permanent Representative
- Sylvie Louche, Head of the Division for Children and Families, Focal Point for the Istanbul Convention, Department of Social Welfare and Social Services
- Valérie Viora, Director of the Human Resources and Training Department
- Frédéric Pardo, Principal Administrative Officer, International Law, Human Rights and Fundamental Freedoms Section, Department of Legal Affairs
- Antonelle Sampo-Couma, Principal Administrative Officer, Department of Justice
- Isabelle Castelli, Principal Police Commander, Deputy Head of the Administration and Training Division, Police Department
- Corinne Magail, Desk Officer, Department of International Relations
- Anne Nègre, Inspector General of Administration

## Appendix III

### List of national authorities, other public entities, non-governmental organisations and associations consulted by GREVIO

#### National authorities

- Ministry of Foreign Affairs and Co-operation
  - o Department of International Relations
- Ministry of Health and Social Affairs
  - o Family Mediation Unit
  - o Department of Social Welfare and Social Services
    - Princess Charlène Children's Home
    - St Sébastien Residence
- Ministry of the Interior
  - o Department of Education, Youth and Sport
  - o Police Department
    - Administrative Police Division (Unit for Minors and Welfare Protection)
    - Criminal Investigation Division
    - Administration and Training Division
- Department of Legal Affairs
- General Inspectorate of Administration
- Department of Justice
  - o Public Prosecution Department
  - o Court of First Instance
  - o General Secretariat
  - o Welfare and probation services
- Princess Grace Hospital Centre
  - o Emergency department
  - o Maternity department
  - o Paediatric department
  - o Psychiatric department
  - o Training department
  - o Welfare department
- Human Resources and Training Department
- National Council

#### Public entities

- High Commissioner for the Protection of Rights and Liberties and for Mediation
- Monegasque Institute of Statistics and Economic Studies

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**Non-governmental organisations and associations**

- Association for the Support of Crime Victims (AVIP)
- Monegasque Bar Council
- GenderHopes
- Action Innocence Monaco
- Monegasque Red Cross



GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

[www.coe.int/conventionviolence](http://www.coe.int/conventionviolence)

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union.

All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law.

The European Court of Human Rights oversees the implementation of the Convention in the member states.