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**STATUS OF HUMAN RIGHTS IN THE PRINCIPALITY OF MONACO  
FOR THE 45<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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**Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Principality of Monaco (Monaco) for the 45th session of the Universal Periodic Review (UPR).

**Background**

2. Monaco is located on the southern coast of France and has a population of 31,597 people.<sup>1</sup> The country is predominately Christian with approximately 90% of the population identifying as Roman Catholic and 10% as other.<sup>2</sup>

3. Monaco's previous review was held on November 12, 2018.<sup>3</sup> As a result of the review, Monaco received 113 recommendations, 72 of which Monaco accepted.<sup>4</sup> One recommendation that was made by Canada, and noted by Monaco, was that the government "[o]pen discussions with civil society groups and stakeholders on the sexual and reproductive rights of women and girls, repeal discriminatory legislation and decriminalize elective abortion."<sup>5</sup> There were no recommendations made regarding religious freedom.

**Legal Framework**

4. Article 9 of the Constitution of Monaco establishes that the "[t]he Catholic, Apostolic and Roman religion is the religion of the State."<sup>6</sup>

5. Moreover, paragraph 2270 of the Catechism of the Catholic Church states that:

Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person—among which is the inviolable right of every innocent being to life.<sup>7</sup>

6. Prior to 2009, abortion was illegal in Monaco under all circumstances, except to save the life of the mother.<sup>8</sup> Then in 2009, Monaco amended its Penal Code to expand access to abortion in cases of rape, fetal deformity, fetal illness, or life endangerment.<sup>9</sup> In the case of rape, the abortion must be carried out during the first twelve weeks of pregnancy.<sup>10</sup>

7. As a party to the Convention on the Rights of the Child (CRC),<sup>11</sup> Monaco is required to protect all human life, recognizing that "every child has the inherent right to life" and, as such, is also required to "ensure to the maximum extent possible the survival and development of the child."<sup>12</sup>

8. Additionally, Monaco is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>13</sup> Under Article 6 of the ICCPR, “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>14</sup> Further, the Convention on the Rights of Persons with Disabilities (CRPD), to which Monaco is also a party,<sup>15</sup> requires that “States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.”<sup>16</sup>

9. Monaco also holds a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the 1994 Cairo Conference on Population and Development.

## **Abortion**

10. As stated above, Monaco’s Constitution establishes Catholicism as the religion of the country.<sup>17</sup> The Catholic Church has affirmed the evils of abortion since the first century.<sup>18</sup> In September 2021, Pope Francis, the head of the Catholic Church, stated that “[a]bortion is murder . . . Those who carry out abortions kill.”<sup>19</sup> He elaborated by saying that “[s]cientifically, it is a human life” and that “[a]t the third week after conception, often even before the mother is aware [of being pregnant], all the organs are already [starting to develop]. It is a human life. Period. And this human life has to be respected. It is very clear.”<sup>20</sup>

11. For the majority of Monaco’s history, Monaco has upheld protections for the preborn and affirmed the position of the Catholic Church that abortion is one of the gravest of all offenses against human life because it entails the deliberate killing of an innocent human being. However, in 2009, Monaco expanded access to abortion in cases involving rape, fetal deformity, fetal illness, or life endangerment.<sup>21</sup>

12. While much of Monaco’s laws on abortion uphold protections for the life of the preborn child and the mother, we are concerned about Monaco’s exception in cases of fetal abnormalities and illness. The Pope has even expressed concerns over abortions because the baby may be born ill or with a pathological disorder and has called this “inhuman eugenics.”<sup>22</sup> He further stated that “[h]uman life is sacred and inviolable, and the use of prenatal diagnosis for selective purposes should be discouraged with strength.”<sup>23</sup> Babies born with abnormalities or disabilities, such as Down syndrome, are no less deserving of life than otherwise completely healthy babies. Medical advances have allowed babies born with physical abnormalities to live long and healthy lives. For example, in 1983, the average life expectancy of a person born with Down syndrome was twenty-five years old.<sup>24</sup> Today, that life expectancy is nearly sixty years and continues to increase.<sup>25</sup> The decision of whether a preborn child is allowed to live or be killed should not be based on prenatal tests that have been proven to be unreliable.<sup>26</sup>

13. Despite Monaco’s receiving a recommendation to legalize abortion, the fact is that Monaco’s laws are in line with a majority of U.N. Member States protecting life. Currently, out of the 193 U.N. Member States, a majority (109) of them have strict limits on abortion.<sup>27</sup> Even in the sixty-seven countries that have varying gestational limits for on demand abortions, the majority of these (fifty-two) have a gestational limit of twelve weeks or less, while some allow only up to fourteen weeks, or somewhere in between.<sup>28</sup>

14. Additionally, Monaco’s laws are in line with numerous international documents. In fact, since the 1994 Cairo Conference on Population and Development, U.N. Members States have had an affirmative commitment to “reduce the recourse to abortion”<sup>29</sup> and to take appropriate steps to help women avoid abortion, which “*in no case should abortion be promoted as a method of family planning.*”<sup>30</sup> Additionally, the UDHR requires “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family [as] the foundation of freedom, justice and peace in the world,” and provides that “[e]veryone has the right to life . . . .”<sup>31</sup> Similarly, the preamble to the United Nations Charter states that “the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person . . . .”<sup>32</sup> Clearly, Monaco’s laws on abortion fulfill its obligations under these international documents as its laws recognize the dignity of the human life of both the mother and the preborn child.

15. Monaco’s laws are also critical in protecting the life of the mother. Health complications resulting from abortion, such as the perforation of the uterus or the laceration of the cervix, have been well-documented.<sup>33</sup> Further, abortion also deprives women of the health benefits that come from continuing pregnancy, such as the elimination of the protective effect a full-term pregnancy has against breast cancer.<sup>34</sup> Abortion can also mask other dangerous symptoms like an undiagnosed ectopic pregnancy.<sup>35</sup> Complications arising from abortion have even been noted by the World Health Organization in its 2022 Abortion Care Guideline.<sup>36</sup>

## Recommendations

16. We want to commend Monaco for its strong human rights position of upholding protections for the life of the mother and the life of the preborn child. However, Monaco can still do more to ensure that preborn children are protected. Therefore, we ask that Monaco reform its laws to remove provisions that permit abortion in cases of fetal abnormalities and illness. Monaco must do this in order to protect life at all stages. At the very least, Monaco should not feel any pressure from recommendations to further liberalize abortion. Monaco has no legal or moral obligation to do so. Instead, it has both a legal obligation, under the several international documents mentioned above, and a moral responsibility to reject such recommendations.

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<sup>1</sup> Monaco, The World Factbook, <https://www.cia.gov/the-world-factbook/countries/monaco/> (June 13, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Universal Periodic Review – Monaco*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/mc-index> (last visited June 19, 2023).

<sup>4</sup> *Monaco Infographic 31st*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MC/MONACO\\_Infographic\\_31st.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MC/MONACO_Infographic_31st.pdf) (last visited June 19, 2023).

<sup>5</sup> OHCHR, UPR of Monaco (3<sup>rd</sup> Cycle – 31<sup>st</sup> Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/MC/MatriceRecommendationsMonaco.docx> (last visited June 19, 2023).

<sup>6</sup> CONSTITUTION DE LA PRINCIPAUTE DE MONACO, Dec. 17, 1962, art. 9, [https://www.constituteproject.org/constitution/Monaco\\_2002.pdf?lang=en](https://www.constituteproject.org/constitution/Monaco_2002.pdf?lang=en).

<sup>7</sup> CATECHISM OF THE CATHOLIC CHURCH para. 2270, <https://www.usccb.org/sites/default/files/flipbooks/catechism/548/>.

<sup>8</sup> Anna Wilkowska-Landowska, *Abortion Law Liberalized in Catholic Monaco*, REWIRE NEWS GROUP (June 5, 2009), <https://rewirenewsgroup.com/2009/06/05/abortion-law-liberalized-catholic-monaco/>.

<sup>9</sup> *Id.*

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- <sup>10</sup> CODE PÉNAL [PENAL CODE] [PENAL CODE OF THE PRINCIPALITY OF MONACO] art. 248, <https://abortion-policies.srhr.org/documents/countries/01-Monaco-Penal-Code.pdf>.
- <sup>11</sup> *Ratification Status for Monaco*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=114&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=114&Lang=EN) (last visited June 19, 2023).
- <sup>12</sup> Convention on the Rights of the Child art. 6, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
- <sup>13</sup> *Ratification Status for Monaco*, *supra* note 11.
- <sup>14</sup> International Covenant on Civil and Political Rights art. 6, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].
- <sup>15</sup> *Ratification Status for Monaco*, *supra* note 11.
- <sup>16</sup> Convention on the Rights of Persons with Disabilities art. 10, *adopted* Dec. 13, 2006, 2515 U.N.T.S. 3, [https://www.un.org/disabilities/documents/convention/convention\\_accessible\\_pdf.pdf](https://www.un.org/disabilities/documents/convention/convention_accessible_pdf.pdf).
- <sup>17</sup> CONSTITUTION DE LA PRINCIPAUTÉ DE MONACO art. 9, *supra* note 6.
- <sup>18</sup> *Respect for Unborn Human Life: The Church’s Constant Teaching*, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, <https://www.usccb.org/issues-and-action/human-life-and-dignity/abortion/respect-for-unborn-human-life> (last visited June 19, 2023).
- <sup>19</sup> Philip Pullella, *Pope Says Abortion is “Murder” but U.S. Bishops Should Not Be Political*, REUTERS (Sep. 15, 2021), <https://www.reuters.com/world/europe/pope-says-abortion-is-murder-us-bishops-should-not-be-political-2021-09-15/>.
- <sup>20</sup> *Id.*
- <sup>21</sup> Wilkowska-Landowska, *supra* note 8.
- <sup>22</sup> Jason Horowitz, *Pope Says Abortion, Even of a Sick Fetus, is Like Hiring a “Hitman”*, NEW YORK TIMES (May 26, 2019), <https://bdnews24.com/world/europe/pope-says-abortion-even-of-a-sick-fetus-is-like-hiring-a-hitman>.
- <sup>23</sup> *Id.*
- <sup>24</sup> *Down Syndrome Life Expectancy is Higher, but not for Everyone*, NATIONWIDE CHILDREN’S (Jul. 21, 2021).
- <sup>25</sup> *Id.*
- <sup>26</sup> Dashiell Young-Saver, *The Misleading Math of Prenatal Tests*, NEW YORK TIMES (Feb. 10, 2022), <https://www.nytimes.com/2022/02/10/learning/lesson-plans/the-misleading-math-of-prenatal-tests.html>.
- <sup>27</sup> *The World’s Abortion Laws*, CENTER FOR REPRODUCTIVE RIGHTS (Sep. 27, 2022), [https://reproductiverights.org/wp-content/uploads/2022/09/WALM\\_20220927\\_V1.pdf](https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf).
- <sup>28</sup> *Id.*
- <sup>29</sup> International Conference on Population and Development, *Report of the International Conference on Population and Development*, para. 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1, [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd\\_en.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf).
- <sup>30</sup> *Id.* para. 7.24 (emphasis added).
- <sup>31</sup> G.A. Res. 217 (III) A, Universal Declaration of Human Rights, pmbl., art. 3 (Dec. 10, 1948) (emphasis added).
- <sup>32</sup> U.N. Charter pmbl.
- <sup>33</sup> *Women’s Right to Know: Abortion & Pregnancy Risks*, LA. DEP’T OF HEALTH, <https://ldh.la.gov/page/915> (last visited June 19, 2023).
- <sup>34</sup> See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1288-89, 1290 n.119 (2005).
- <sup>35</sup> See generally Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More, THE UNCHOICE, [www.theunchoice.com/physical.htm](http://www.theunchoice.com/physical.htm) (listing sequelae and referencing sources).
- <sup>36</sup> *Abortion Care Guideline*, WORLD HEALTH ORGANIZATION & HUMAN REPRODUCTION PROGRAMME 79 (Mar. 8, 2022), <https://www.who.int/publications/i/item/9789240039483>.