



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 3115th meeting

Held at the Palais Wilson, Geneva, on Thursday, 28 November 2024, at 3 p.m.

Chair: Mr. Balcerzak

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined seventh to ninth periodic reports of Monaco ([CERD/C/MCO/7-9](#); [CERD/C/MCO/Q/7-9](#); [CERD/C/MCO/QPR/7-9](#))

1. *At the invitation of the Chair, the delegation of Monaco joined the meeting.*
2. **A representative of Monaco** said that her Government reaffirmed its strong commitment to the fight against all forms of discrimination, especially on the grounds of race, skin colour or descent. Monaco was a land of tolerance: people of 140 nationalities coexisted peacefully on a territory measuring 2 km², with Monegasques accounting for only a quarter of the population. It was a peaceful, outward-facing State that was deeply attached to multilateralism, sustainable development and human rights.
3. Monaco was a State governed by the rule of law. Monegasque laws prohibited and punished all forms of racial discrimination in various spheres of life and covered the grounds of discrimination set forth in article 1 (1) of the Convention. Fundamental rights and freedoms were guaranteed by the Constitution, including the rights to privacy, freedom of worship and the assistance of the State in the event of destitution, unemployment, sickness, handicap, old age or maternity. The State granted certain rights or advantages on the basis of nationality or residence, but it did not do so on the basis of race or ethnicity.
4. International treaties, including the Convention, had a higher status than domestic laws and regulations. One important legislative development in recent years had been the amendment in 2022 of Act No. 975 on the Status of Civil Servants, which introduced the principle of non-discrimination among civil servants. Act No. 1.299 of 15 July 2005 on Freedom of Expression established the criminal liability of those who incited hatred or violence against a person or group of persons based on their origin or their actual or perceived membership of a particular ethnic group, nation, race or religion. Act No. 1.478 of 12 November 2019 introduced an aggravating circumstance of racist motive in cases where violence had been committed on account of the victim's origin or actual or perceived membership or non-membership of a particular ethnic group, nation or race. Racist motive also constituted an aggravating circumstance for the offence of school bullying, introduced by Act No. 1.513 of 3 December 2021, and for several other offences.
5. Complaints and prosecutions in cases involving acts of racial discrimination were rare in Monaco – a situation that could not be attributed to victims having insufficient information about their rights or being afraid to report. Access to justice was free of charge, and the police enjoyed the trust of citizens, residents and non-residents alike. Legal aid was available to natural persons of limited means, which allowed them to assert their rights before the courts.
6. In October 2024, the mandate of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation had been expanded so that it could act on behalf of natural or legal persons who considered themselves the victims of unjustified discrimination. The Commissioner could refer complaints to the Public Prosecutor for prosecution. The Monegasque Institute for Training in the Legal Professions, established in 2021, provided continuous training for judges and prosecutors, including on human dignity and the protection of fundamental rights.
7. Government services were provided in accordance with the principle of non-discrimination. The public health system, for example, provided high quality healthcare to about 130,000 people, including citizens, residents and cross-border workers. The Code of Medical Ethics required medical professionals to provide care for all, regardless of origin or membership of a particular ethnic group, nation or religion. In education, no distinction was made between pupils, and free schooling was accessible to all. Access to a range of social services and benefits was also provided without discrimination, although only citizens and residents had the right to social welfare services, social assistance and social benefits.
8. **Ms. Esseneme** (Country Rapporteur) said that the State party had strengthened its legal and institutional framework since the consideration of its previous report. She

particularly welcomed the adoption of Act No. 1.478, which abolished the penalty of banishment, and the introduction of racist motive as an aggravating circumstance.

9. The information provided by the State party on the composition of the population was not disaggregated by ethnic origin, and it was regrettable that more information had not been provided on socioeconomic indicators, as such indicators would allow the Committee to assess the living standards of different groups in areas such as education, employment, housing and health. She would be interested to know what steps had been taken to strengthen the data collection system by including variables related to ethnic and national origin and by applying the principle of self-identification in order to gather more detailed information on the difficulties faced by certain groups.

10. Under article 14 of the Constitution, Monaco had a dualist legal system, under which a legislative act was required in order to incorporate international treaties into domestic law, as had been done in respect of the Convention. She would be interested to know how often the Convention had been invoked and directly applied by the courts or by other dispute settlement mechanisms, such as the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation. She wondered how many initial and continuous training sessions on the application of international human rights treaties had been organized by the Monegasque Institute for Training in the Legal Professions and what other measures had been taken to improve knowledge of the Convention among rights holders, human rights defenders and law enforcement officials. The delegation might indicate whether the State party had taken any steps to withdraw its reservations to article 2 (1) and 4 of the Convention.

11. As acknowledged in the periodic report, racial discrimination was not defined in Monegasque law. Therefore, the State party did not have a specific law on racial discrimination that was in conformity with article 1 of the Convention. She wished to know what legal basis was applied by the courts and other authorities when dealing with cases of racial discrimination. It would be interesting to know whether the State party planned to adopt a comprehensive anti-discrimination law that contained a clear definition of racial discrimination, including its direct, indirect, multiple and intersecting forms, and referring to the grounds set forth under article 1 of the Convention. She would appreciate an explanation of the concept of “unjustified discrimination”, which was mentioned in the periodic report. The Committee would be interested to receive details about the 15 incidents of racism that had been reported between 2008 and 2017 and the four cases that had been reported since then, including the nature of the cases, the perpetrators, the victims and the remedies awarded.

12. The Committee welcomed the amendment of the Act on the Status of Civil Servants to prohibit any distinction between civil servants on the grounds of political, philosophical, religious or trade union-related opinions, sexual orientation, health, disability, physical appearance or ethnicity. It would be useful to know whether civil servants who were discriminated against on grounds other than those mentioned could invoke the Act to obtain a remedy. The delegation might also describe other laws with provisions on non-discrimination, including on the grounds of physical appearance, ethnic background, race, colour, national origin or descent. The Committee would be interested to know whether the remedy foreseen under article 1229 of the Civil Code, in respect of compensation for damages, was effective.

13. In relation to trafficking, the Committee would be grateful for further information on the application of article 27 of Act No. 1.398 of 24 June 2013 on the Administration and Organization of Justice. That law stipulated that the Secretary of Justice could issue instructions to public prosecutors to prosecute, but under no circumstances could instruct them to refrain from prosecution, which did not seem to take into account the principle of discretionary prosecution. The Committee would be interested to know whether, in the absence of instructions from their superiors, prosecutors could decide to dismiss a case.

14. The Committee noted that, in racial discrimination cases, the High Commissioner for the Protection of Rights and Freedoms and for Mediation had investigatory powers and could refer complaints to the authorities or to the relevant parties. Further information on the nature of the Commissioner’s cooperation with the justice system would be welcome. She would be interested to know how the State party ensured that its laws on discrimination, hate speech

and hate crimes – notably the amended Act on Freedom of Expression – covered the grounds of discrimination set forth under article 1 of the Convention.

15. She wondered whether the State party had implemented the recommendation, contained in the Committee's previous concluding observations ([CERD/C/MCO/CO/6](#)), to include a specific provision in its new Criminal Code to give full effect to article 4 of the Convention. Article 239 of the new Criminal Code provided for an aggravating circumstance when violent offences were committed on the basis of the victim's origin or actual or perceived membership or non-membership of a particular ethnic group, nation or race, or actual or perceived affiliation with a certain religion. She would be interested to know whether that provision applied only to offences that involved physical attacks on the person, or whether it extended to offences that harmed, for example, the victim's psychological integrity. The Committee would like to know what specific steps had been taken, in accordance with article 4 (c) of the Convention, to prevent and punish acts of racial discrimination and racist hate speech committed or pronounced by public officials. She would be interested to know the status of bill No. 818, which addressed offences involving information systems and reportedly would provide for an aggravating circumstance when threats made via telecommunications networks were motivated by race or religion, and the status of the sports bill, which was inter alia aimed at combating expressions of intolerance at sporting events. It would also be useful to know what powers were wielded by the justice system to combat online hatred. For example, could the courts order the removal of content or the blocking of websites? How many cases of hate speech and hate crime had been handled by the courts? Did the State party have a data collection system for reporting and monitoring racist hate speech and other hate crimes?

16. As the Committee had received no alternative reports from civil society in the framework of the current review, it would like to learn whether Monaco had any associations that worked on the issue of racial discrimination and whether the State had a political and legislative framework conducive to the work of civil society organizations in the area of human rights. It would be interested to find out whether any non-governmental organizations had contributed to the preparation of the periodic report or to the implementation of the Committee's previous recommendations.

17. The Committee had previously noted that freedom of religion was protected under article 23 of the Constitution and recommended that the State party consider the official recognition of all religions in order to encourage and promote understanding, tolerance and friendship among different religious groups. The Committee had learned that the Government had decided to ban an association of Jehovah's Witnesses and that, although the decision had been quashed by the Supreme Court, the association had not yet been able to carry out activities. The Committee would therefore appreciate an explanation of the reason for the ban and an update on the current state of affairs.

18. **A representative of Monaco** said that the Government currently had no plans to withdraw its reservations to articles 2 (1) and 4 of the Convention.

19. **A representative of Monaco** said that the Monegasque Institute of Statistics and Economic Studies was responsible for the collection, analysis and dissemination of statistics in Monaco. Most of the data it collected were disaggregated by sex; others, such as those on the resident population or the workforce, were also disaggregated by nationality. Indicators of gender, sexual orientation and ethnic origin were not used, and nor was the principle of self-identification applied. Given the small size of the population, the compilation of statistics was not a particularly effective approach. Difficulties specific to certain persons or groups were more likely to be identified by the social services and health services on a case-by-case basis.

20. **A representative of Monaco** said that, while Monegasque law did not contain a definition of racial discrimination, discriminatory practices were punishable under a number of instruments. Act No. 1.299 of 15 July 2005, for instance, provided for the prosecution of parties involved in the written publication of hate speech or speech inciting racial discrimination. The order in which those parties were prosecuted as principals in the first degree was set out in paragraphs 82 and 83 of the report. Provisions on the civil or criminal liability of Internet service providers in cases involving illegal online speech were contained

in Act No. 1.383 of 2 August 2011. The principle of non-discrimination among civil servants had been introduced under Act No. 1.527 of 7 July 2022 amending Act No. 975 of 12 July 1975 on the Status of Civil Servants. Article 13 of the latter specified that civil servants' individual administrative records should contain no mention of their political views, religious or philosophical beliefs, trade union activities, sexual orientation or racial or ethnic origin. The Government was required to protect all current and former civil servants from any threats, abuse, insults, defamation or attacks that they might face in the exercise of their duties, including those linked to their racial or ethnic origin.

21. Labour rights were enjoyed by all workers, without distinction. Nonetheless, priority of access to employment continued to be accorded to Monegasque nationals, in view of their small number. That measure was not considered to be discriminatory, as it was consistent with article 1 (2) of the Convention. The principle of equal pay for work of equal value had been introduced in Act No. 739 of 16 March 1963, which meant that any distinction in remuneration based on an individual's actual or perceived membership of a particular ethnic group, nation or race was prohibited. That principle had been applied by the Employment Tribunal in a ruling of May 2023, in which it had ordered a company to ensure that its employees received salaries on an equal basis. In November 2019, a sovereign ordinance had been issued to establish the professional obligation of midwives to treat all patients, regardless of their perceived membership of a given ethnic group, nation or race, on an equal basis.

22. Act No. 1.355 of 23 December 2008 set out the conditions to be met to allow for the operation of associations. Such conditions included guaranteeing respect for freedom of opinion, prohibiting all forms of discrimination and complying with any applicable ethical rules. Attendees at sporting events who displayed signs or symbols representing a racist or xenophobic ideology or who attempted to do so were liable to a fine and to imprisonment for a term of between 6 months and 1 year.

23. Requests for international mutual legal assistance could be refused in the event that the Monegasque authorities had serious reason to believe that the requesting State was seeking to prosecute or punish people on grounds of their race, religion or nationality. With regard to data protection, Act No. 1.165 of 23 December 1993 prohibited the use of data processing methods that directly or indirectly revealed an individual's political views, racial or ethnic origin, religious or philosophical beliefs or trade union activities. The handling of data relating to a person's health, sexual activities or social situation was also banned.

24. **A representative of Monaco** said that the Constitution had primacy over all other legislation. International treaties occupied second place in the hierarchy of legal norms and were integrated into the domestic legal order through sovereign ordinances. While there were no examples of cases in which the Convention had been directly invoked and applied by the courts, activities had been organized to raise awareness of it. The Monegasque Institute for Training in the Legal Professions provided judges with ongoing training on topics such as human dignity, the defence of fundamental rights and the prevention of discrimination on the basis of race, skin colour and racial or ethnic origin. Guidance on the protection of human rights in all legal proceedings had been published in January 2024. Since 2023, French judges who were seconded to the Monegasque courts had been required to participate in a training session on the international human rights obligations assumed by the Monegasque Government. Those judges were also able to enrol in any relevant courses organized by the Human Resources and Civil Service Training Department.

25. Although the Constitution established Roman Catholicism as the State religion, it also recognized the freedom of individuals to choose and publicly practise their own religion. In addition to Catholic churches, Monaco was home to two Protestant churches, a Greek Orthodox church and a synagogue. While the absence of mosques in the Principality meant that Muslims were required to worship in private prayer rooms, that situation had not yet appeared to pose any problems.

26. An association of Jehovah's Witnesses had been formed in 2015 and had submitted its registration application to the Ministry of State the following year. The Ministry had decided to reject that application owing to its serious and legitimate doubts concerning the sectarian nature of that religion and the threat its activities might pose to public order. The

case had then been heard by the Supreme Court, which had rejected the Ministry's decision based on the absence of evidence to suggest that Jehovah's Witnesses presented a risk to society, thereby paving the way for the association to be officially recognized by the Government in November 2022.

27. **A representative of Monaco** said that the number of racist acts investigated by the police in recent years stood at three in 2022, one in 2023 and two so far in 2024.

28. **Ms. Esseneme** said that, in view of the restrictions on the use of personal data, she would like to know whether mechanisms had been established to help the health and employment services identify and address the challenges faced by certain groups of the population. With regard to the racist acts investigated by the police, it would be helpful to learn what those acts had entailed, what the outcomes of the investigations had been and whether the perpetrators had been prosecuted.

29. **Ms. Shepherd** said that the Committee would appreciate a detailed explanation of the reasons behind the State party's refusal to withdraw its reservations to the Convention.

30. **Mr. Kut** said that he wished to know whether the State party had begun its review of Sovereign Ordinance No. 4.524 of 30 October 2013 establishing the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation and what that review process involved.

31. **Mr. Yeung Sik Yuen** said that he would be interested to hear the delegation's comments regarding the compatibility of the obligations established under article 4 of the Convention with Monegasque law.

32. **Ms. Boker-Wilson** said that the delegation might explain the meaning of the term "unjustified discrimination". Did it suggest that some forms of discrimination might be justifiable?

33. **A representative of Monaco** said that international law took precedence over national law. The Government took time to ratify international agreements because it was first required to study them very closely in order to ensure that it was able to comply with their provisions. The distinctive characteristics of the Principality meant that the Government sometimes had to take its own, unique measures to achieve the same goals as those sought by a given international agreement. There were no plans to withdraw the reservation to article 2 (1) of the Convention, owing to the fact that Monegasque nationals would continue to be given priority in certain areas. There was no racist or discriminatory intent behind that measure, which simply reflected the fact that such nationals were a minority in their own country.

34. **A representative of Monaco** said that the Government had not established any specific mechanisms that allowed for the identification of issues faced by specific groups. Nonetheless, thanks to the country's small size, there was close cooperation and a constant exchange of information among the social, employment and health services. They were thus able to identify any critical situations, including cases of discrimination, that needed to be referred to the Government for further action.

35. **A representative of Monaco** said that the status of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation had been reformed through Sovereign Ordinance No. 10.845, which had been adopted on 1 October 2024 and was thus already in effect. The delegation would subsequently provide further information on the reform.

36. **A representative of Monaco** said that, with regard to the compatibility of Monegasque law with article 4 of the Convention, article 209 of the Criminal Code established that any association set up for the purposes of promoting, preparing or committing crimes that were punishable by at least 4 years' imprisonment would be classified as a criminal group. Such crimes included racially motivated intentional crimes against life, violence and threats. Monegasque law did not contain any provisions in line with article 4 (c) of the Convention that would specifically prohibit the promotion or incitement of racial discrimination by public authorities or institutions. Nonetheless, any natural or legal persons who considered themselves to be a direct or indirect victim of discrimination by those

authorities were entitled to file a complaint with the newly reformed Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation. The General Inspectorate of Police could be called on by the judicial authorities to investigate potential breaches of police ethics by members of the public security services. Article 72 of the Criminal Code provided for the punishment of public officials who ordered or committed arbitrary acts or acts that violated individual freedoms or the laws and institutions of the Principality.

37. So far in 2024, the Public Prosecution Service had received just one complaint on the use of racial insults, and no further action had been taken in that case. The Director of Judicial Services was due to issue a circular instructing the Public Prosecution Service to generate half-yearly statistics on the cases it handled. In the future, that would enable the Government to provide the Committee with more specific details of the offences committed and the follow-up measures introduced.

The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.

38. **Mr. Guan** (Country Task Force) said that, while the Committee welcomed the fact that no cases of racial discrimination had been registered, it remained necessary to make improvements to national legislation and organize activities to combat discrimination. The State party might consider setting measurable goals and ensuring effective coordination among the institutions responsible for attaining them. He would be interested to know if the Government had any plans to align the country's legal system more closely with the Convention. He would welcome information on any measures planned or taken with the aim of adopting a national action plan to combat racism, as well as on the programme of activities organized in the framework of the International Decade for People of African Descent.

39. He was curious to know how the State party had determined that there was no need to take action to bring the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee would welcome an account of any measures that had been taken to strengthen the Office's mandate, as well as details of any complaints of racial discrimination that it had received and a description of how it had followed up on them. He would also like to know what steps the Government had taken, or planned to take, to adopt legislation designed to prevent racial discrimination and better protect its victims, and to ensure that the Office was able to handle complaints of such discrimination in an effective manner.

40. The Committee was concerned that, in the absence of legislation criminalizing all forms of racial discrimination and of statistics on hate speech, law enforcement officials might not be aware that such speech constituted a crime. It was possible that victims thus found it difficult to bring criminal cases. The delegation might provide additional information on the administrative and judicial channels through which cases of racial discrimination and related offences could be reported. The Committee would be interested to hear about any measures aimed at raising awareness among nationals and non-nationals of the rights enshrined in the Convention and about measures aimed at ensuring access to justice, in particular in connection with the filing of complaints and the provision of legal aid. The delegation might also comment on plans to reverse the burden of proof so that it no longer rested with the victim in cases of discrimination.

41. He would like to receive details of any cases of racial discrimination or related offences that had been filed before the courts or any national institution, including the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation, and of the outcome of any investigations launched, including the penalties imposed and the compensation granted to the victims.

42. The Committee had received reports that racial profiling had been used in the State party in the context of large-scale events and that persons of African or Asian origin had been subjected to racist language and refused entry to clubs and restaurants. He wished to know whether the Government planned to take legislative or other measures to expressly prohibit the use of racial profiling by law enforcement officers, to investigate cases of racial profiling and to punish the perpetrators.

43. **A representative of Monaco** said that, in October 2024, the statute and regulations concerning the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation had been completely overhauled in a new sovereign ordinance. A number of changes had been made to bring the Office more closely into line with the Paris Principles, and the reference to unjustified discrimination had been removed. The High Commissioner served a four-year term, renewable once, and acted with complete neutrality, impartiality and independence in three main areas, namely the amicable settlement of disputes, interventions made at the request of the public authorities and the promotion of rights and freedoms. The High Commissioner had the authority to request any necessary information or assistance from public bodies, as appropriate, but was not competent to intervene in disputes that arose between public bodies and their officials or in cases brought before the courts. The rulings of the High Commissioner could be made public, subject to agreement between the Office and the authority that had requested the ruling. The Office could undertake studies or issue recommendations on the High Commissioner's initiative and could engage in consultations with social or humanitarian non-profit organizations. It participated alongside the national authorities in dialogues with international human rights bodies and issued a public annual report.

44. **A representative of Monaco** said that victims of hate speech or incitement to hate speech could bring a private prosecution pursuant to article 75 of the Code of Criminal Procedure. Under article 64 of the Code, anyone with knowledge of an offence could report it. Under article 67, complaints of defamation could be made only by the direct victim, although under Act No. 1299 of 15 July 2005, the Public Prosecution Department could launch proceedings ex officio in cases of defamation motivated by certain grounds, including race. Under the same law, associations could bring cases with the aim of defending the memory or honour of a group of people. Article 61 of the Code of Criminal Procedure set out the obligation for public authorities or officials to report to the Public Prosecutor any information concerning offences, including those of a racist nature, committed in the exercise of public functions.

45. When victims reported offences, they were provided with a document that described victims' rights. The document, which had been produced by the victims' association, was available in French, English, Italian and Russian and could be translated into other languages if necessary. An interpreter was provided during court hearings if a victim required one. The victims' association offered a range of support and guidance, with additional services available from the social welfare services or the Princess Charlene Home for Children, if appropriate. Free legal aid was provided to persons who could not afford legal services, including anyone with an annual income below €20,000.

46. In 2022, two complaints of offences of a racist nature had been received: one had been dismissed and the other remained under investigation. In 2024, one such complaint had been received and had been dismissed owing to a lack of evidence.

47. The use of racial profiling, including by law enforcement officers, was prohibited under the data protection legislation. The legislation specified that the use of personal information pertaining directly or indirectly to inter alia race or ethnicity was not permitted, except in cases where the person concerned consented to its use or had already made the information public. Personal information intended for the sole use of specific authorities, including on an individual's race, was protected. Anyone who collected, recorded or kept, or caused others to collect, record or keep, such information risked a prison sentence of between 3 and 12 months and a fine of between €18,000 and €19,000.

48. **A representative of Monaco** said that a Code of Ethics had been issued for the Department of Public Security. It applied to all police officers, as well as to cadets during their initial training, and it enshrined the principle of impartiality in the work of the police. The General Inspectorate of Police was responsible for conducting internal affairs investigations, which could be ordered by the Minister of State or the Public Prosecutor. No complaints of acts of racial discrimination committed by, or racist statements made by, police officers had been registered with the General Inspectorate.

49. **Mr. Guan** said that he would welcome more detailed information on the staffing and budget of the reformed Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation.

50. **Ms. Esseneme** said that she noted that Act No. 1.378 of 18 May 2011 provided for legal aid during judicial proceedings, she wondered whether such aid continued after a judgment had been handed down, for example to ensure the enforcement of a ruling when a settlement was not the subject of an amicable execution. The Committee would welcome an explanation of the civil remedies for discrimination outlined in article 1229 of the Civil Code and information on cases where the civil courts had awarded compensation for discrimination. Given the challenges inherent in proving discrimination, especially structural discrimination, she wished to know if the burden of proof was reversed in such cases. Lastly, she would appreciate clarification of the role of the High Commissioner in triggering legal action when cases were brought to the Public Prosecutor for potential criminal offences.

51. **Ms. Shepherd** said that she wished to know whether law enforcement personnel had received training on the Committee's general recommendation No. 36 on preventing and combating racial profiling by law enforcement officials.

52. **Mr. Kut** said that he wondered whether the restructured Office of the High Commissioner complied with the Paris Principles.

53. **A representative of Monaco** said that, while the restructured Office of the High Commissioner might not fully align with the strict framework of the Paris Principles, it would likely join the Global Alliance of National Human Rights Institutions in 2025.

54. **A representative of Monaco** said that, according to article 1229 of the Civil Code, any act causing harm to another person obligated the person responsible to repair the damage done. However, the article applied to offences such as acts of negligence, and not to criminal acts. If a discriminatory act qualified as a criminal offence, criminal proceedings were opened. In such cases, article 74 of the Code of Criminal Procedure allowed the victim to apply for civil damages as part of the criminal proceedings and thus, at the judge's discretion, to be awarded compensation in the event of a conviction. Legal aid was provided throughout the entire criminal process, but once the criminal case concluded, the aid was no longer required. The law did not currently provide for the reversal of the burden of proof in cases of racial discrimination. Under article 34 of the ordinance of 1 October 2024 reforming the Office of the High Commissioner, if the High Commissioner was notified of an act that a priori constituted racial discrimination, the matter could be referred directly to the Public Prosecutor if it appeared to have potential criminal implications. The Public Prosecutor then decided whether to initiate an investigation to determine if the facts warranted criminal charges, which could potentially lead to an inquiry, prosecution and conviction.

55. **A representative of Monaco** said that no complaints of racist actions or statements by public security personnel had been registered by the General Inspectorate of Police. Public safety personnel in direct contact with the public were closely supervised by their immediate supervisors. That direct oversight helped to limit potential misconduct by police officers. Additionally, citizens had several channels through which they could report concerns about police behaviour. Beyond the formal option of filing a complaint, there were informal avenues such as electronic communication via online government platforms and social media.

56. **A representative of Monaco** said that the budget of the Office of the High Commissioner was approved by the National Council, the national representative assembly. The High Commissioner was currently assessing staffing needs based on the responsibilities mandated under the new sovereign ordinance. Regarding incidents reported during major events, special security measures were implemented at events to prevent acts of terrorism. Those measures could include searches and bag checks, which some individuals might perceive as racial profiling. Such security practices were standard in Monaco, although they might be unsettling to some, particularly tourists.

57. **A representative of Monaco** said that there might have been a misunderstanding on the part of the individual who had communicated concerns about profiling to the Committee. During major events in Monaco, the local law enforcement resources were insufficient and

the State had to call on auxiliary support, including private security companies, whose staff sometimes also wore uniforms. That might have led to confusion or the misattribution of actions.

58. **Mr. Yeung Sik Yuen** said that he wished to know what happened in cases where the prosecuting authorities decided that there was an insufficient basis to pursue criminal charges in relation to a complaint of discrimination. Was the person who filed the complaint still able to initiate a civil lawsuit?

59. **Ms. Esseneme** said that she noted that even after court decisions were issued, people were often faced with legal fees, for example for the enforcement of civil rulings. In many countries, enforcement was the responsibility of a bailiff. She would welcome clarification regarding the system in Monaco and would like to find out about the availability of legal aid for persons subject to the enforcement of court decisions. She would also be grateful for clarification as to whether the Director of Judicial Services had the discretion to overturn a decision by the Public Prosecutor to close a case. The fact that the Committee had not received any reports from civil society organizations in Monaco suggested either that there were none or that they faced obstacles preventing their participation.

60. **A representative of Monaco** said that police training included activities aimed at familiarizing officers with human rights and police ethics, as outlined in the Code of Police Ethics, which all officers were required to learn. Practical training was also provided, focusing on interactions with individuals, including role-playing exercises, to help officers develop the neutrality and impartiality expected of them.

61. **A representative of Monaco** said that Monaco had a dense network of associations with which the Government collaborated on both international and domestic matters. Some associations, such as Fight AIDS Monaco, received State financial support. Recently, an association for the rights of LGBTQI+ persons had been established. Associations representing various groups were often in contact with bodies of the Council of Europe that issued reports on the situation in the country and had never mentioned problems of racial discrimination.

62. **A representative of Monaco** said that when a person claimed to have been subjected to discrimination by a public official, if an investigation revealed a criminal act, criminal proceedings were always initiated. If it was found that no criminal act had been committed but a lesser offence had taken place, a civil suit could still be pursued. It was not possible for the Director of Judicial Services to intervene in a decision not to proceed with prosecution, as judges were independent. Regarding legal aid, under article 10 of the Act of 18 May 2011, all costs were covered, including the costs associated with sentence enforcement, following which the legal aid ceased.

The meeting rose at 5.55 p.m.