



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the seventh to ninth periodic reports of Monaco\*

1. The Committee considered the seventh to ninth periodic reports of Monaco<sup>1</sup> at its 3115th and 3116th meetings, on 28 and 29 November 2024.<sup>2</sup> At its 3130th meeting, held on 10 December 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the combined nineteenth to twenty-first periodic reports of the State party, notwithstanding the delay of nine years in its submission. It also welcomes the constructive dialogue with the State party's delegation and thanks the delegation for the information provided during the consideration of the report.

#### B. Positive aspects

3. The Committee welcomes the State party's ratification of, or accession to, the following international instruments:

(a) The Convention on the Rights of Persons with Disabilities, on 19 September 2017, and its Optional Protocol, on 27 June 2019;

(b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 3 May 2016;

(c) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 24 September 2014;

(d) The Convention against Discrimination in Education, of the United Nations Educational, Scientific and Cultural Organization, on 28 August 2012;

(e) The Protocol relating to the Status of Refugees, on 16 June 2010.

4. The Committee also welcomes the following legislative and institutional measures taken by the State party:

(a) The reform of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation, created in 2013, by Sovereign Order 10.845 of 1 October 2024 instituting an Office of the High Commissioner for the Protection of Rights and for Mediation;

(b) Act No. 1.513 of 3 December 2021 on combating bullying and violence in schools;

\* Adopted by the Committee at its 114th session (25 November–13 December 2024).

<sup>1</sup> See [CERD/C/SR.3115](#) and [CERD/C/SR.3116](#).

<sup>2</sup> [CERD/C/MCO/7-9](#).



(c) Sovereign Order No. 7.178 of 25 October 2018 creating a committee for the promotion and protection of women's rights;

(d) Act No. 1.387 of 19 December 2011 amending Act No. 1.155 of 18 December 1992 on nationality, allowing naturalized Monegasque men and women to pass on their nationality to their spouses;

(e) Act No. 1.382 of 20 July 2011 on the prevention and repression of specific forms of violence.

## C. Concerns and recommendations

### Statistics

5. The Committee takes note of the data provided by the State party concerning the composition of the population residing in its territory, including the total number of nationals and non-nationals. However, it again regrets the lack of statistics on the ethnic composition of its population and the socioeconomic situation of the various groups that make it up, which limits its ability to analyse the situation of these groups, including any progress made towards the full enjoyment of the rights provided for in the Convention (arts. 1 and 2).

6. **Recalling its previous concluding observations,<sup>3</sup> the Committee recommends that the State party collect anonymous, reliable and up-to-date statistics on socioeconomic indicators, disaggregated by ethnic and national origin, in order to provide an adequate empirical basis for assessing policies and measures aimed at ensuring the enjoyment of all the rights protected under the Convention by all the groups living in its territory, in conditions of equality and without discrimination. It reminds the State party of its general recommendations No. 4 (1973) concerning State party reports, No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention and No. 24 (1999) concerning article 1 of the Convention, as well as paragraphs 10 to 12 of its reporting guidelines for the preparation of reports relating specifically to the Convention.<sup>4</sup>**

### Domestic application of the Convention

7. The Committee notes that in the State party's legal system, ratified international instruments, including the Convention, take precedence over national laws and standards. However, it regrets the lack of detailed information on cases in which the Convention's provisions have been invoked or directly applied by domestic courts. It remains concerned that the State party maintains its reservations to articles 2 (1) and 4 of the Convention (arts. 2 and 4).

8. **The Committee recommends that the State party strengthen its efforts to provide regular training, in particular to judges, prosecutors, law enforcement officials and lawyers, on the provisions of the Convention, to enable them to invoke and apply them in relevant cases. It also recommends that the State party conduct public campaigns, particularly among the groups most vulnerable to racial discrimination, to raise awareness of the provisions of the Convention and available remedies. It requests that the State party include in its next periodic report specific examples of the application of the Convention by national courts. The Committee reiterates its recommendation that the State party should consider withdrawing its reservations to articles 2 (1) and 4 of the Convention.<sup>5</sup>**

### Legislation and public policies against racial discrimination

9. The Committee takes note of the adoption of Act No. 1.527 of 7 July 2022 amending Act No. 975 of 12 July 1975 on the Status of Civil Servants, which introduced into article 17 of the latter the principle of non-discrimination between civil servants on the grounds of, inter

<sup>3</sup> CERD/C/MCO/CO/6, para. 6.

<sup>4</sup> CERD/C/2007/1.

<sup>5</sup> CERD/C/MCO/CO/6, para. 7.

alia, their physical appearance or ethnicity. However, it remains concerned that the national legislative framework does not contain a definition of racial discrimination that is fully aligned with article 1 of the Convention and that expressly covers all prohibited grounds of discrimination, as well as direct and indirect racial discrimination in the public and private spheres (arts. 1 and 2). It also regrets the lack of a national action plan to combat racism, racial discrimination, xenophobia and intolerance (arts. 1 and 2).

**10. In the light of its general recommendation No. 14 concerning article 1 (1) of the Convention, the Committee recommends that the State party adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, which includes direct, indirect, multiple and intersecting forms of discrimination, covering all fields of law in the public and private domains and all prohibited grounds of discrimination addressed by article 1 (1) of the Convention. It also recommends that it adopt a national plan of action against racism, racial discrimination, xenophobia and related intolerance.**

#### **Institutional framework**

11. The Committee welcomes the adoption, on 1 October 2024, of Sovereign Ordinance No. 10.845 establishing an Office of the High Commissioner for the Protection of Rights and for Mediation, which extended the scope of the Office of the High Commission created in 2013, including its capacity for self-referral as part of its mission to combat discrimination and protect the rights of the child. However, it notes with regret that the mandate of the Office of the High Commissioner does not explicitly include the fight against racial discrimination, which could limit its work in this area, all the more so in the absence of specific legislation and public policies against this type of discrimination in the State party. Furthermore, the Committee remains concerned about the absence of a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (arts. 1 and 2).

**12. In the light of its general recommendation No. 17 (1993) on the establishment of national bodies to facilitate the implementation of the Convention, the Committee recommends that the State party adopt the necessary measures, including legislative measures, to ensure that the prevention of and fight against racial discrimination are expressly included in the mandate of the Office of the High Commissioner for the Protection of Rights and for Mediation. It further recommends that the State party allocate adequate human, financial and technical resources to this institution to enable it to carry out its mandates effectively, and to strengthen training for its officials on the Convention and the fight against racial discrimination. Recalling its previous concluding observations,<sup>6</sup> the Committee also recommends that the State party establish an independent national human rights institution, in accordance with the Paris Principles.**

#### **Implementation of article 4 of the Convention**

13. The Committee welcomes the adoption of Act No. 1.478 of 12 November 2019 amending certain provisions relating to sentencing, which, among other amendments, includes racist motivation as an aggravating circumstance in certain criminal offences. However, it remains concerned that the Criminal Code does not fully cover all the grounds of discrimination referred to in article 1 of the Convention, nor all the commitments undertaken by the State party under article 4 of the Convention, including the provisions to outlaw and prohibit organizations that incite and encourage racial discrimination, and to criminalize the incitement or encouragement of racial discrimination by public authorities or institutions (art. 4).

**14. Recalling its previous concluding observations,<sup>7</sup> the Committee recommends that the State party review its legislation, including the Criminal Code, to ensure that all actions described in article 4 of the Convention are prohibited and criminalized. The**

<sup>6</sup> Ibid, para.9.

<sup>7</sup> Ibid, para.10.

**Committee draws the attention of the State party to its general recommendations No. 1 (1972), No. 7 (1985), No. 8 (1990) and No. 15 (1993) on article 4 of the Convention, according to which all the requirements of article 4 are of a mandatory character.**

#### **Racist hate speech and hate crimes**

15. The Committee takes note of the information provided by the State party on existing legislative measures and those drawn up in recent years to prevent and combat racist hate speech and hate crimes, such as Act No. 1.299 of 15 July 2005 on freedom of expression, Act No. 1.383 of 2 August 2011 for a digital Principality and Act No. 1.513 of 3 December 2021 on combating bullying and violence in schools, as well as amendments to the relevant provisions of the Criminal Code. However, it is concerned about the lack of systematic data collection on racist hate speech and hate crimes (arts. 2 and 4).

#### **16. The Committee recommends that the State party:**

- (a) Take the necessary measures to prevent and combat racist hate crimes and hate speech, including on the Internet and social media, facilitate the reporting of racist hate crimes and hate speech and ensure that perpetrators are duly prosecuted and punished and that victims have access to effective remedies and adequate reparation;**
- (b) Strengthen training programmes for police officers, prosecutors, judges and other law enforcement officials, including methods for identifying and recording instances of racist hate speech, investigating such offences and prosecuting perpetrators;**
- (c) Collect and publish reliable and comprehensive statistics based on the ethnic or national origin of victims, reports of racist hate crimes and hate speech, as well as resulting prosecutions and convictions, and reparations awarded to victims.**

#### **Situation of non-citizens**

17. The Committee notes that the principle of equality is enshrined in article 17 of the Constitution, which states that “Monegasques are equal before the law”, and that under article 32 of the Constitution, non-nationals enjoy “all public and private rights in the Principality that are not formally reserved for nationals”. It also takes note of the State party’s explanations concerning the legal framework for national priority or preference, such as article 25 of the Constitution, and according to which the country’s situation is particular owing to the fact that nationals represent only a quarter of the population, and the rules on hiring priority have no negative consequences on the possibility of foreigners gaining access to employment. The Committee regrets, however, the lack of sufficient and detailed information on the impact on the population, in particular on non-citizens, of the legislation and policies on national priority or preference, including in the field of employment. Furthermore, the Committee is concerned about:

- (a) The provisions of Sovereign Ordinance No. 3.153 of 19 March 1964 on the conditions of entry and residence of foreigners in the Principality, which criminalize irregular migration;**
- (b) The absence of a national action plan to facilitate the integration of non-citizens;**
- (c) The absence of legislative provisions guaranteeing family reunification;**
- (d) The qualifying period of at least five years’ residence for non-citizens before they can benefit from social, medical and housing assistance, which leaves some of them on low incomes without adequate protection, while noting the possibility of dispensations granted by the State party;**
- (e) Information according to which the rules on national priority in the field of employment in some cases lead to situations of discrimination in the dismissal of non-citizens, encouraged by the possibility for employers to proceed with dismissals without pre-existing and valid grounds, in application of article 6 of Act No. 729 of 16 March 1963 concerning employment contracts;**

(f) Reports of apparently precarious working conditions for many female migrant domestic workers and undeclared migrant workers;

(g) The discriminatory nature of the trade union legislation, which requires a majority of the members of the bodies of trade unions and their federations to be Monegasque or French nationals (art. 5).

**18. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee, recalling its previous concluding observations,<sup>8</sup> recommends that the State party:**

**(a) Revise Sovereign Ordinance No. 3.153 and ensure that it complies with the State party's international obligations, in particular by repealing the current provisions criminalizing irregular migration;**

**(b) Adopt additional measures to facilitate the integration of non-citizens, including the adoption of a national action plan, and develop a system of indicators to assess the impact of its public policies and other measures, in particular with regard to the effective enjoyment of economic, social and cultural rights;**

**(c) Take the necessary measures, including in the legislative field, to guarantee and facilitate family reunification;**

**(d) Take the necessary measures to guarantee, in law and in practice, access to social, medical and housing assistance for low-income non-citizens who have not yet completed five years of residence, including the reduction or elimination of this residence requirement;**

**(e) Ensure that the application of national priority rules does not in practice lead to abuses of or discrimination against non-citizens in the field of employment, including by conducting research on the impact of the national priority system and by amending Act No. 729 to explicitly prohibit dismissals without pre-existing and valid grounds;**

**(f) Strengthen the skills and resources of the labour inspectorate so that it can more effectively monitor working conditions, particularly in domestic work, ensure that inspections are carried out also in private households, redouble efforts to make migrant workers, including undeclared workers, aware of their rights and complaints mechanisms and facilitate their access to them;**

**(g) Speed up the adoption of amendments to legislation on trade unions to guarantee non-discriminatory access to leadership positions in trade unions and trade union federations.**

#### **Access to nationality**

19. The Committee takes note of the adoption of Act No. 1.387 on nationality, which enables naturalized Monegasque men and women to pass on their nationality to their spouses, on an equal footing. It is concerned, however, that people who become Monegasque by marriage cannot pass on their Monegasque nationality following a divorce. It also regrets the adoption of legislative amendments that in 2011 postponed the transmission of nationality by marriage until 10 years of union had elapsed, and then in 2021 postponed it until 20 years of union had elapsed, compared with 5 years previously (arts. 2 and 5).

**20. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take the necessary measures, including legislative measures, to enable the transmission of nationality by any Monegasque national, regardless of the way the person acquired that nationality. It also recommends that it pay due attention to any obstacles to the naturalization of non-nationals living and working in Monaco, including the periods of residence required to acquire Monegasque nationality, and to facilitate this process.**

<sup>8</sup> Ibid, para.12.

### Combating trafficking in persons

21. While noting the adoption of Sovereign Ordinance No. 9.966 of 30 June 2023 amending Sovereign Ordinance No. 605 of 1 August 2006 implementing the United Nations Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted in New York on 15 November 2000, as amended, the Committee is concerned about the fact that trafficking in persons is not criminalized in the Criminal Code, which could limit prosecution, conviction and adequate punishment in cases of human trafficking. It also regrets the lack of a national plan of action or strategy to combat trafficking in persons. While taking note of the information provided by the State party concerning the preparation of a circular on the identification and care of victims of trafficking, the Committee regrets that the circular has not yet been adopted (art. 5).

**22. The Committee recommends that the State party:**

(a) **Strengthen its legislative framework and public policies against human trafficking, in particular by including the offence of trafficking in the Criminal Code and adopting a national plan or strategy to prevent and combat trafficking in persons;**

(b) **Intensify its efforts to investigate all allegations of trafficking in persons, prosecute the perpetrators of such acts and punish the persons found guilty with appropriate penalties, while ensuring victims' access to effective remedies;**

(c) **Redouble efforts to improve the identification of human trafficking victims and accelerate the adoption and implementation of the circular on the interdepartmental coordination plan for the identification and care of victims of trafficking in persons;**

(d) **Strengthen protection and assistance measures for victims and ensure that they have effective access to appropriate legal, medical and psychological assistance and social services, regardless of their nationality or residency status;**

(e) **Continue its efforts to train police officers, border guards, immigration officers, judges, prosecutors and labour inspectors to ensure the effective application of anti-trafficking legislation.**

### Legal framework for asylum

23. The Committee takes note of the information provided by the State party concerning the administrative and legal protection of refugees resulting from ratification of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. However, it is concerned about the absence of national legislation on the protection of refugees and asylum-seekers that provides for a refugee status determination procedure (arts. 1, 2 and 5).

**24. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party adopt asylum legislation that incorporates the principles of non-refoulement and non-discrimination and provides for a refugee status determination procedure, and that it ensure that it complies with international standards, in particular the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.**

### Complaints concerning racial discrimination and access to justice

25. While noting the information provided by the State party about the scarcity of complaints of racial discrimination, the Committee is concerned about the absence of a system for recording and collecting data on acts of racial discrimination, and it regrets the lack of sufficient and detailed information on complaints of racial discrimination and related offences brought before the courts or other national institutions, as well as on the outcome of investigations, prosecutions, penalties imposed and reparations awarded to victims. The Committee also regrets that the State party does not apply the principle of the reversal of the burden of proof in matters of racial discrimination (arts. 5 and 6).

26. In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee reminds the State party that the absence or small number of complaints and legal actions brought by victims of racial discrimination may reveal a lack of specific relevant legislation, inadequate information of victims concerning their rights, fear of social censure or reprisals or fear on the part of victims of the cost and complexity of the judicial process, a lack of trust in the police and judicial authorities or that the authorities are insufficiently alert to or aware of offences involving racism. Recalling its previous concluding observations,<sup>9</sup> the Committee recommends that the State party:

(a) Ensure that the legislative framework for combating racial discrimination contains appropriate provisions, take the necessary measures to facilitate the reporting of cases and ensure that all victims of racial discrimination have access to effective remedies and adequate redress;

(b) Step up information campaigns on the rights enshrined in the Convention and on the judicial and non-judicial remedies available in respect of these rights;

(c) Strengthen the training of law enforcement officials to enable them to deal effectively with cases of racial discrimination;

(d) Adopt the necessary measures, including legislative measures, to ensure the application of the principle of reversal of the burden of proof in favour of victims of racial discrimination;

(e) Set up a mechanism to collect statistics on complaints of racial discrimination and related offences, disaggregated by ethnic or national origin, as well as on the prosecutions, convictions and sentences to which they have given rise and the reparation awarded to victims.

#### **Human rights education to combat prejudice and intolerance**

27. The Committee welcomes the fact that school curricula in the State party include a section devoted to learning about human rights from kindergarten through to the end of secondary school, specifically as part of the curriculum known as “moral education and civics”, and that, since 2023, the month of November has been dedicated to raising awareness of bullying in school, so as to prevent and combat it. However, the Committee regrets the lack of detailed information on specific training in school curricula and vocational training programmes relating to the Convention’s provisions and the fight against racial discrimination, racism and xenophobia (art. 7).

28. The Committee recommends that the State party continue its efforts in the field of human rights education, ensuring that school curricula and vocational training programmes in this area include systematic and continuous training in the provisions of the Convention and in combating racial discrimination, racism and xenophobia.

### **D. Other recommendations**

#### **Ratification of other instruments**

29. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance for communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the first Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Committee encourages the State party to

<sup>9</sup> Ibid, para. 14.

accede to the Convention relating to the Status of Stateless Persons of 1954 and Convention on the Reduction of Statelessness of 1961.

#### **Amendment to article 8 of the Convention**

30. The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

#### **Follow-up to the Durban Declaration and Programme of Action**

31. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

32. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is drawing to its close, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

33. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

34. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports also be made available to all State bodies entrusted with the implementation of the Convention and published on the website of the Ministry of Foreign Affairs and Cooperation in the official and other commonly used languages, as appropriate.

#### **Paragraphs of particular importance**

35. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 18 (e) (situation of non-citizens) and 24 (legislative framework for asylum), above, and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Follow-up to the concluding observations**

36. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 22 (c) (combating trafficking in persons) and 26 (c) and (e) (complaints concerning racial discrimination and access to justice), above.

37. The Committee commends the State party for the timely submission of the information it had requested on the follow-up to its previous concluding observations.<sup>10</sup>

**Preparation of the next periodic report**

38. The Committee recommends that the State party submit its combined tenth and eleventh periodic reports, as a single document, by 27 October 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>11</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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<sup>10</sup> [CERD/C/MCO/CO/6/Add.1](#); and [CERD/C/MCO/CO/6](#), para. 20.

<sup>11</sup> [CERD/C/2007/1](#).