



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 2177th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 April 2025, at 3 p.m.

Chair: Mr. Heller

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

Consideration of reports submitted by States Parties under article 19 of the Convention *(continued)*

Seventh periodic report of Monaco (continued) ([CAT/C/MCO/7](#);
[CAT/C/MCO/QPR/7](#))

1. *At the invitation of the Chair, the delegation of Monaco joined the meeting.*
2. **The Chair** invited the delegation of Monaco to continue replying to the questions posed by Committee members the previous day ([CAT/C/SR.2174](#)).
3. **A representative of Monaco** said that, while there was an active civil society sector in Monaco, there were no non-governmental organizations whose work focused specifically on torture as there had been no reported cases for many decades. The Association for the Support of Victims of Crime would provide assistance if any cases did arise. The Office of the High Commissioner for the Protection of Rights and for Mediation had recently been reorganized and was engaged in recruitment processes for the new positions that had been created. It would participate in future dialogues with the human rights treaty bodies.
4. The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was not a priority for the Government. Approximately 60,000 cross-border workers entered Monaco from France every day; that number was high in comparison to the country's population of 40,000. Such workers were protected by local labour laws and entitled to social security benefits. Monaco had signed the International Convention for the Protection of All Persons from Enforced Disappearance and was in the process of aligning its legislation with that instrument with a view to ratifying it. As there had been no cases of enforced disappearance in Monaco, the ratification process was not considered a priority.
5. The authorities had conducted an impact study on the possibility of ratifying the Optional Protocol to the Convention against Torture and were considering the form that a national preventive mechanism might take. The conditions of detention in the only prison in Monaco, the *maison d'arrêt*, were already subject to scrutiny by the Committee and the relevant mechanism within the Council of Europe. No complaints of ill-treatment or unsuitable conditions had been received.
6. While the Government had previously made voluntary contributions to the Office of the United Nations High Commissioner for Human Rights, it had no plans to contribute to the United Nations Voluntary Fund for Victims of Torture.
7. **A representative of Monaco** said that refugees who met the applicable conditions were entitled to a 10-year residence permit. There were currently 23 individuals with refugee status. While the principle of non-refoulement was not enshrined in law, asylum-seekers whose applications were rejected were not automatically deported. Removal orders were issued in cases where a person was deemed to pose a risk to public order or security. In 2024, 93 per cent of such orders had been issued in respect of citizens of European Union countries. Although the French Office for the Protection of Refugees and Stateless Persons provided assistance in the processing of asylum claims, the final decision rested with the Monegasque Minister of State. If a claim was refused, a reasoned order was issued and could be appealed.
8. **A representative of Monaco** said that the French Office for the Protection of Refugees and Stateless Persons provided the Government with assistance in countries in which Monaco had no diplomatic representation.
9. **A representative of Monaco** said that, since the outbreak of the conflict in Ukraine in February 2022, 274 Ukrainian nationals with family ties to a resident of Monaco had been granted temporary protection, entitling them to psychological and employment support, language classes and subsidized healthcare. Of those arrivals, 194 had subsequently left Monaco, while 25 had applied for and been granted long-term residence permits. There were 46 Ukrainian children enrolled in the education system.
10. **A representative of Monaco** said that no new extradition treaties had been concluded since 2020, nor had any requests been received from the International Criminal Court for

judicial assistance. The Directorate of Judicial Services had refused one extradition request relating to military and political offences. In 2024, the Court of Appeal sitting in chambers had denied an extradition request on the grounds that the person's fundamental rights could not be guaranteed in the requesting State owing to the application of martial law there.

11. With regard to prison transfers, there had been one in 2020, none in 2021, one in 2022, none in 2023 and one in 2024. A further two were currently being processed. As all those requests had been for transfers to prisons in France, there were no concerns with respect to the safeguarding of basic rights. Transfers were generally requested so that prisoners could serve their sentences closer to their families. In one case, a prisoner had requested a transfer to his home country of Germany; that transfer had been delayed until the victim had received the full compensation owed. Requests were submitted in writing by prisoners themselves to the Directorate of Judicial Services; their consent to the transfer was therefore implicit. Nevertheless, efforts would be made to formalize the procedure.

12. **A representative of Monaco** said that the absence of complaints of torture did not indicate that the complaints procedure was too complex or that victims were not aware of their rights. Detainees could submit written complaints to the Office of the High Commissioner for the Protection of Rights and for Mediation; if there were grounds to suspect that a criminal offence had been committed, the Office would refer the complaint to the public prosecution service.

13. Pursuant to the Code of Criminal Procedure, victims of torture could bring a private prosecution or sue for damages in the context of criminal proceedings. If a complaint of torture was lodged with the public prosecution service, proceedings would automatically be launched. Any public official or police officer who became aware of the commission of a criminal offence must report it to the public prosecution service.

14. Initial police training included information on the topics of respect and dignity, which were also covered by the Code of Ethics. The Inspectorate General of Police was responsible for internal investigations into potential violations of the Code. If a case of torture was detected, it would be referred to the judicial authorities.

15. Under article 1 (2) of Act No. 1.378 of 18 May 2011 on legal aid and lawyers' fees, legal aid could be provided for any type of proceedings; however, in criminal proceedings, it could be granted only to the injured party. Where the victim sued for damages in the context of criminal proceedings, the criminal judge was able to rule on both criminal responsibility and damages, obviating the need for separate proceedings.

16. The aim of Act No. 1.555 of 14 December 2023 was to establish a mechanism to award compensation to victims of serious offences, including all forms of offence against the person. To be eligible for the compensation fund, victims had to be the subject of an enforceable judicial decision awarding damages, including by a foreign court in the case of Monegasque victims, and had to demonstrate that they had attempted, in vain, to obtain those damages. If those criteria were met, victims could file an application with the Directorate of Judicial Services within 30 days of the decision or, in the case of foreign court decisions, three months. The compensation covered the amount of the damages awarded and the fees incurred by the victim. Act No. 1.343 of 26 December 2007 provided for compensation in cases where a person placed in pretrial detention was subsequently acquitted.

17. **A representative of Monaco** said that, since the submission of the seventh periodic report (CAT/C/MCO/7), the penalties for violence against minors, including corporal punishment, had been further increased with the adoption of Act No. 1.513 of 3 December 2021 and now also applied to persons who committed such acts against a pupil, either at or in the vicinity of a public or private school or in the context of school transportation, or against a person whose vulnerability or dependency was apparent or known to the perpetrator.

18. In addition, the Act had introduced into education legislation a section on combating bullying and violence in public and private schools, which included preventive measures such as annual training for educators, social workers, healthcare professionals, chaplains and catechists in preventing, detecting and addressing bullying and violence, as well as the obligation for all schools to adopt a bullying and violence prevention plan and to provide information and training to students on non-violent communication, conflict management,

empathy and self-esteem. Furthermore, every school head was required to designate, among the teaching staff, one or more focal points responsible for prevention at the school. Focal points counselled students facing bullying or violence and advised the school head on implementing the prevention plan and on educational and other measures to resolve situations of bullying and violence. The Directorate of National Education, Youth and Sport had designated a lead official for the prevention of bullying and violence in schools and held information workshops in schools in partnership with various organizations, including the Department of Social Welfare and Social Services and the Association for the Support of Victims of Crime.

19. **A representative of Monaco** said that criminal procedure for juveniles in Monaco was based on the principle of the best interests of the child. The minimum age of criminal responsibility was 13 years. When a minor over that age committed an offence other than a felony, the public prosecutor ordered a character report, containing information on the minor's background and material and family situation, for the purpose of determining the best course for his or her rehabilitation. The report might lead to a police investigation, a social inquiry report and a medical examination. Once the character report had been drawn up, the public prosecutor could decide to close the case with a strong oral reprimand to the minor. In some circumstances, however, closing the case could require the imposition of alternative measures provided for in Act No. 1.533 of 9 December 2022, including the obligation to demonstrate attendance at a school or vocational training programme, a ban on leaving the home at specific times, except when accompanied by a legal representative or for the purpose of a permissible activity, the provision of reparation to the victim or the performance of community service.

20. Where a judicial investigation was nonetheless initiated, the case was taken over by the guardianship judge, who could issue a dismissal order and impose alternative measures, such as release under supervision or the completion of classes run by a healthcare, social or vocational institution. Naturally, some cases ultimately went to trial, but even then, the goal was to avoid pretrial detention. In the judgment, the guardianship judge could order the minor's placement in the Princess Charlene Home for Children, which was an open facility where children received support from specialized educators until they reached the age of majority, or beyond, where necessary. Where the judge chose to impose a criminal penalty, minors benefited from milder forms of the applicable penalties.

21. In 2020, five minors had been charged with offences. Neither pretrial detention nor imprisonment had been ordered in any of the cases, only judicial supervision. One minor had been placed in the Princess Charlene Home for Children, while two had been banned from having contact with their co-accused and had been required to undergo medical tests and treatment. In 2021, only one of the seven minors charged had been placed in pretrial detention and three had been placed under judicial supervision; the pretrial detention had lasted less than two months. Of the 15 minors charged in 2022, two had been placed in pretrial detention and the remainder under judicial supervision.

22. **A representative of Monaco** said that there was currently no discussion on raising the minimum age of criminal responsibility in Monaco, which was the same as in a number of countries and considerably higher than in several others. Moreover, the minors who were charged with offences were overwhelmingly between the ages of 16 and 18 years. Nevertheless, the matter might be raised in the context of the discussions on the situation of minors in general, including issues concerning the rights of the child, at-risk children, juvenile delinquents and child protection, recently launched by the Ministry of Health and Social Affairs and the Ministry of Justice.

23. **A representative of Monaco** said that persons held in the *maison d'arrêt* who required mental healthcare could be seen on site by a psychologist, whose presence at the facility had been increased in 2020 from three to seven hours per week, or by a psychiatrist, who came for a half-day per week. Where necessary, prisoners were transferred to the psychiatry department of the Princess Grace Hospital, which had a cell that complied with the relevant recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as an outdoor space for prisoners. The psychiatry department also had a specialized unit for adolescents, where, in coordination with the paediatrics department, adolescents experiencing difficulties could receive

comprehensive care. Once the work on the extension of the Hospital had been completed, the psychiatry department would have a second cell, a visiting room and an outdoor courtyard. Addiction programmes had been rolled out at the *maison d'arrêt*, and staff had received training in suicide prevention.

24. The Department of Social Welfare and Social Services was responsible for providing appropriate, comprehensive support to victims of domestic violence, which could be extended to any children who might also be affected. More recently, a protocol on victim care had been developed to coordinate the relevant actions of the Department and the Association for the Support of Victims of Crime. Furthermore, focal points had been designated at the Princess Grace Hospital to help victims of domestic violence navigate the various departments and ensure they had the most comfortable experience possible. Healthcare professionals received training in handling cases of domestic violence, from the standpoint of the victim but also of the alleged perpetrator, as some victims were accompanied by their assailant.

25. In emergency situations in which victims were unable to stay with relatives or friends, which was often the case given the many foreign nationals resident in Monaco who lacked a local support network, they could be provided with free overnight accommodation in a hotel in Monaco or an apartment hotel in a neighbouring French commune. Social housing apartments could be made available to persons who were able to demonstrate that they were victims of domestic violence. Victims had the right to receive medical assistance and psychological support, which was of variable duration and adapted to their needs and might include, for example, post-trauma care. They also had the right to receive legal aid, which a social worker could assist them in obtaining. A helpline had been established with a view to ensuring that all victims had a contact person who could provide them with guidance in an emergency. Support was provided to all victims regardless of their nationality, sex or origin.

26. Since 2020, significant improvements had been made at the *maison d'arrêt*, in line with the recommendations of the Committee and the European Committee for the Prevention of Torture. In addition to renovations and enhancements to physical infrastructure, there had been changes to the detention regime. For example, it was no longer obligatory for prisoners to take part in walks, get up at 7.30 a.m., make their beds when they woke up or fold their laundry, and they could now watch television after midnight if they so wished. Terminals had been installed that prisoners could use to order items they wished to purchase, and the range of available food and hygiene products had been expanded. Shops selling newspapers and tobacco products on weekdays and cakes for birthdays and religious festivals had been opened. Supervised relaxation therapy, art therapy and crochet sessions had been introduced, and a hairdressing workshop had been set up for the women prisoners. Courses in road safety and first aid had been launched.

27. Prisoners were now permitted three contact visits of 90 minutes each per week in addition to two daily contact visits of 45 minutes each. They could also telephone their families for 15 minutes each day, and calls were no longer automatically monitored. Prisoners on hunger strike, who, until 2020, had been allowed to keep their personal belongings and links with the outside world but had been transferred to the punishment cell to separate them from other prisoners, were now permitted to remain in their own cells under enhanced monitoring by prison and medical personnel. It was possible to arrange for prisoners of different sexes and ages to participate in the same supervised activities with a view to preventing prisoners who happened to be alone in their part of the prison from experiencing excessively long periods of isolation. The prison could arrange for minor prisoners to participate in activities with specially selected adult prisoners, with the authorization of the guardianship judge and after obtaining an opinion from the Directorate of Judicial Services. Body searches involving the partial removal of clothing were still carried out, in some cases because prisoners did not wish to enter the body scanner. In ordinary situations, 7 night patrols were now conducted instead of the previous 13; if an alert had been received, 13 patrols were now conducted instead of the previous 25.

28. **A representative of Monaco** said that foreign nationals had to obtain a permit in order to work in the private sector. When reviewing work permit applications, the Employment Service and the Labour Inspectorate reviewed the working conditions described in the hiring requests that were submitted in conjunction with those applications. Once work

permits had been issued, the Labour Inspectorate carried out a number of checks on working conditions at the places of work concerned, either on its own initiative or in response to reports, including complaints received from workers, with a view to ensuring that the rights of all employees were upheld regardless of nationality. Workers could also visit the Labour Inspectorate to receive information about their rights and the remedies that they could seek before the Employment Tribunal if their rights were violated.

29. Domestic employees, who lived at their employers' homes in the majority of cases, had to apply to the police for a residence permit, which needed to be renewed regularly. As part of that process, law enforcement officers conducted individual interviews with applicants in order to obtain an update on their situations. Such officers were trained in recognizing any signs that applicants were at risk of becoming victims of trafficking in persons. As hotels and resorts now offered serviced apartments, persons who might previously have brought their domestic employees with them to Monaco were now doing so increasingly rarely.

30. **A representative of Monaco** said that judges and prosecutors were entitled, and indeed obligated, under Act No. 1.364 of 16 November 2009 establishing the regulations governing the judiciary to undertake at least five days of training per year, which they could receive at the French National School for the Judiciary or the Monegasque Institute for Training in the Legal Professions, established in 2021. Both institutions offered such training to all persons who worked in the field of justice, including judges, prosecutors, police officers, prison personnel, doctors and lawyers.

31. The in-service training offered by the Monegasque Institute for Training in the Legal Professions covered subjects such as criminal investigation law, human rights, amendments to criminal procedure law and protection of fundamental rights. The Institute also offered initial training for prospective judges, prosecutors and lawyers that covered subjects such as European law, human rights and data protection law. Since 2022, training provided by the French National School for the Judiciary had included courses on judges, prosecutors and human rights; discrimination and racial hatred; the European Court of Human Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights); judges and the Charter of Fundamental Rights of the European Union; and the applicability of the Charter of Fundamental Rights in domestic proceedings. Such courses, each of which lasted approximately five working days, also permitted Monegasque officials to exchange knowledge with their French counterparts. A Monegasque judge who had spent three months at the European Court of Human Rights in 2023 had passed on what he had learned there to other judges in Monaco before recently being appointed the country's new judge at the Court.

32. Bills were being drafted for the purpose of enabling decisions of the European Court of Human Rights to be applied in domestic law as quickly as possible, including in ongoing proceedings.

33. **A representative of Monaco** said that, during their 10 months of initial training, both trainee police constables and trainee police inspectors were taught that persons held by the police had the right to decent treatment and to respect for their physical and mental integrity. Trainees had to familiarize themselves with the Code of Ethics that all personnel of the Directorate of Public Security were required to follow. Article 3.14 of that Code provided that persons held by the police had to be protected from all forms of violence and inhuman or degrading treatment. Article 4.1 provided that Directorate of Public Security personnel were public servants and had to treat individuals with courtesy and respect for their dignity. Trainees also completed a module on the means of restraint that police officers could use in the line of duty while ensuring respect for human dignity. The same module covered frisking, handcuffing of persons who presented a risk to themselves or others, the use of only strictly necessary force and the conduct of body searches at the request or in the presence of criminal investigation officers. Cells were discussed in that context as secure and discreet locations for carrying out the necessary procedures.

34. In-service training was conducted with a strong emphasis on the European Convention on Human Rights, and in particular article 3 thereof, which provided that no one was to be

subjected to torture or to inhuman or degrading treatment or punishment, in the context of the reception and treatment of persons who had been placed in police custody.

35. A total of 96 Directorate of Public Security personnel thus far had attended training on the reception and care of victims of trafficking in persons, pursuant to Sovereign Order No. 9.966 of 30 June 2023. Such training was provided not only to police officers, but also to personnel of all services whose responsibilities included the reception of members of the public. In 2023, eight criminal investigation officers had attending training on combating trafficking in persons, while two investigators from specialist units had taken part in placements offered by the Central Office for the Repression of Human Trafficking of the French National Police. Criminal investigation officers had been provided with a guide to raise their awareness of signs of trafficking in persons and an evaluation grid to facilitate their recognition of high-risk situations. Those resources were also provided to officials responsible for the reception of arriving foreign nationals and applicants for residence.

36. **Mr. Rouwane** (Country Rapporteur) said that the absence of any reported cases of torture was not an argument against ratification of the Optional Protocol to the Convention. International instruments were intended not only to address widespread violations, but also to prevent even a single case. The Optional Protocol, moreover, was intended to prevent ill-treatment, as well as torture, and covered all places of deprivation of liberty, not merely prisons.

37. He would be grateful for further information on cross-border workers in Monaco, including their nationalities. He wondered whether they included migrant workers from countries other than France. He would also like to learn more about the transfer of prisoners from Monaco to France, in particular whether Monegasque nationals could be transferred. Further clarification regarding the availability of legal aid for victims in criminal proceedings would also be welcome. Lastly, he wondered whether the Government envisaged further strengthening the independence of the High Council of the Judiciary.

38. **Mr. Iscan** (Country Rapporteur) said that, even if there was limited scope for implementing the Optional Protocol to the Convention in Monaco, its ratification by the State Party would set a positive example. He would welcome an update on the State Party's position on its reservation to article 30 of the Convention and its support for the United Nations human rights treaty body system in the light of the financial challenges faced by the United Nations system.

39. **Mr. Tuzmukhamedov** said that he wished to know whether the State Party had addressed or planned to address, including through legislative measures, the issue of the trade in tools of torture, as defined by the Group of Governmental Experts on torture-free trade.

40. **A representative of Monaco** said that consideration continued to be given to the ratification of the Optional Protocol to the Convention, which was not completely off the cards, and the International Convention for the Protection of All Persons from Enforced Disappearance. There were around 60,000 cross-border workers active in Monaco, hailing from neighbouring France and Italy. They were subject to Monegasque employment law and, if they were neither French nor Italian, had residence permits allowing them to live in those countries.

41. **A representative of Monaco** said that, since the Convention had been made enforceable by sovereign ordinance shortly after accession, the definition of torture contained in the Convention was already part of the domestic legal order and, in accordance with the hierarchy of norms, had precedence over norms of a legislative nature. At the current stage, no definitive position could be taken on the introduction of a definition of torture in Monegasque legislation.

42. **A representative of Monaco** said that, according to Act No. 1.378 of 18 May 2011 on legal aid and lawyers' fees, legal aid was available to persons who sued for damages in criminal proceedings, from the start of the proceedings to their conclusion.

43. **A representative of Monaco** said that Monegasque nationals were never transferred abroad to serve prison sentences; they served their time in Monaco if convicted. Like many other countries, Monaco reserved the right to refuse to extradite its nationals, even if they were wanted in another jurisdiction. Transfers applied only to foreign nationals and had only

ever been carried out for nationals of France, at the prisoners' own request, typically for humanitarian reasons such as proximity to family.

44. The High Council of the Judiciary was in fact a relatively recent institution in Monaco and had been modelled on the equivalent institution in France. Other models existed, for example that of Spain, where the equivalent body had a higher degree of independence. However, the Spanish model embodied so much independent power that, depending on its composition, it could oppose the Government on certain matters. The Council had recently gained the ability to initiate disciplinary proceedings on its own initiative, marking progress in judicial independence. However, it did not have the authority to propose judicial promotions, a power that still lay with the Secretary of State for Justice. That limitation was largely due to the fact that two-thirds of judges in Monaco were seconded from France, with only one-third being Monegasque, making full autonomy difficult in practice.

45. **The Chair** expressed appreciation for the frank and fruitful dialogue with the delegation.

46. **A representative of Monaco** said that the Committee's advice was always welcome. While Monaco lacked the organizational and human resources of its larger neighbours, his Government would do its best to implement the recommendations it received. The delegation hoped to be able to report further progress at the next dialogue with the Committee.

The meeting rose at 5.20 p.m.