



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the combined seventh to ninth periodic reports of Monaco*

General information

1. With reference to the Committee's previous concluding observations (CERD/C/MCO/CO/6), please provide information on the ethnic composition of the population of the State party, including non-citizens, such as asylum-seekers, refugees, stateless persons and migrants, as well as statistical data on the socioeconomic situation of the different groups and the level of protection of their rights. Please specify which, if any, groups are officially recognized as national, ethnic or other minorities in the State party, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999) concerning article 1 of the Convention, in particular with regard to identification with a particular racial or ethnic group and the inclusion in the State party's reports of information on persons belonging to different races and national or ethnic groups.
2. In light of the Committee's previous concluding observations and its follow-up letter of 2 September 2011, please indicate whether the State party is considering withdrawing its reservations to articles 2 (1) and 4 of the Convention, given the developments in its legislation since it acceded to the Convention.

Article 1

3. Please indicate whether the definition of racial discrimination in domestic law encompasses: (a) discrimination on the grounds of race, colour, descent and national or ethnic origin, or whether measures are being taken to ensure that it does; and (b) includes direct and indirect forms of discrimination. Please indicate whether the State party's legal system allows or provides for differential treatment based on citizenship or immigration status and, if this is the case, the compliance of any such differentiation with article 1 (2) and (3) of the Convention. Please provide information on the principle of "national priority" set forth in the Constitution to protect the Monegasque population.

Article 2

4. Please provide information on the legal framework, policies adopted and other measures in place to eliminate racial discrimination, including de facto discrimination by persons, groups or organizations, and to give effect to the provisions of article 2 of the Convention.
5. Please provide information on the implementation of Sovereign Order No. 4.524 of 30 October 2013 establishing the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation, in particular on that body's mandate, composition

* Adopted by the Committee at its 102nd session (16–24 November 2020).



and independence and the human and financial resources allocated to its effective functioning. Please indicate whether its mandate covers the fight against racial discrimination, particularly whether it can receive and examine complaints from individuals on grounds of racial discrimination, what assistance it provides to victims and whether it has the power to take action on its own initiative in this regard. Please also indicate the steps taken to bring the Office of the High Commissioner into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Article 3

6. Please indicate the measures taken to prevent, prohibit and eliminate segregation of persons and groups protected by the Convention, including non-citizens, in all areas, including work, housing and access to social services.

Article 4

7. With reference to the Committee's previous concluding observations and its follow-up letter of 2 September 2011, please provide information on the adoption of criminal legislation that fully implements the provisions of article 4 of the Convention, in particular by criminalizing:

(a) The dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons on the grounds of race, colour, descent, or national or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations that carry out organized propaganda activities or spread any other type of propaganda and which promote or incite racial discrimination, and recognizing participation in such organizations or activities as an offence punishable by law;

(e) Incitement to or encouragement of racial discrimination by public authorities or public institutions, whether national or local.

8. Please indicate whether racial motives are considered an aggravating circumstance under domestic criminal legislation.

9. Please provide any information on decisions taken by national courts and other public institutions regarding acts of racial discrimination, in particular the offences referred to in article 4 of the Convention. Please also provide statistical data on complaints filed, prosecutions launched and sentences imposed for acts of racial discrimination prohibited under article 4 of the Convention, as well as the reparation provided to the victims of such acts.

Article 5

10. Please provide information on measures taken to ensure that non-citizens, refugees and asylum-seekers fully enjoy the rights referred to in article 5 of the Convention, in particular economic, social and cultural rights. Please include information on:

(a) The provisions put in place to ensure that persons who have become Monegasque can transmit their Monegasque nationality, including after divorce, regardless of how they acquired it;

(b) The measures taken to enable non-Monegasque nationals who have not yet completed five years' residence and who have low incomes to receive social and medical benefits and to have access to housing without discrimination;

(c) The provisions put in place to ensure that the application of the system giving priority in employment to Monegasque nationals does not lead to cases of discrimination against non-citizens;

(d) Mechanisms in place to strengthen inspection of the working conditions of non-citizens, in particular the situation of migrant domestic workers, and to inform foreign workers of their rights and the remedies available in cases of discrimination in employment.

11. Please provide information on the applicable provisions and procedures for the processing of asylum applications in domestic law and on the relevant criteria on which the State party bases its decision to accept or refuse them, in the light of applicable international agreements.

12. Please provide information on the steps taken by the State party to repeal the criminal law provisions authorizing banishment in the light of the Committee's previous concluding observations and its follow-up letter of 2 September 2011.

13. Please provide information on measures taken to prevent and combat trafficking in persons, in particular with regard to the protection of workers who are not citizens. Please include information on:

(a) Whether the State party has an action plan to combat trafficking in persons and whether existing measures include an approach focused on the protection of victims, including foreign victims;

(b) The protection measures adopted for victims of trafficking, including the provision of shelters, protection against reprisals and measures to facilitate the temporary stay of victims in the territory of the State party;

(c) Action taken to implement education and awareness-raising measures for the general public to promote understanding of the fight against trafficking and training measures for labour inspectors, investigators, prosecutors and judges.

14. Please provide information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-citizens, indicating in particular:

(a) The steps taken to ensure their participation in the design and implementation of the response to the COVID-19 pandemic;

(b) The measures taken to protect them against the effects of the COVID-19 pandemic;

(c) The measures taken to protect them against discriminatory acts and to counter hate speech and stigmatization in connection with the COVID-19 pandemic;

(d) The measures taken to mitigate the socioeconomic impact of the COVID-19 pandemic on such persons and groups.

Article 6

15. Please provide information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 6 of the Convention. In light of the Committee's previous concluding observations, please provide information on the practice and decisions of courts and other judicial and administrative organs relating to cases of racial discrimination as defined under article 1 of the Convention. Please also provide information on measures taken to inform victims of racial discrimination, in particular non-citizens, including asylum-seekers and refugees, of legal remedies and to facilitate their access to them.

16. Please provide information, including examples, on the types of reparation and satisfaction that are considered adequate in domestic law in cases of racial discrimination. Please also provide information on the burden of proof in civil proceedings for cases involving acts of racial discrimination.

Article 7

17. Please provide information on measures taken to combat prejudices that lead to racial discrimination, including general information on the education system. Please also provide information on human rights education in schools, including in relation to the principles underpinning the Convention.

18. Please describe steps taken to provide comprehensive training for law enforcement officials, prosecutors and judges to ensure that, in the performance of their duties, they respect and protect human dignity and uphold and enforce the fundamental rights of all persons without discrimination as to race, colour, or national or ethnic origin.

19. In light of the Committee's previous concluding observations, please provide specific information on action plans and other measures adopted by the State party to implement the Durban Declaration and Programme of Action adopted in September 2001, taking into account the outcome document of the Durban Review Conference held in Geneva in April 2009.
