



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

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Committee against Torture

Concluding observations on the seventh periodic report of Monaco*

1. The Committee considered the seventh periodic report of Monaco¹ at its 2174th and 2177th meetings,² held on 8 and 9 April 2025, and adopted the present concluding observations at its 2198th meeting, held on 28 April 2025.

A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its seventh periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the delegation of the State Party and welcomes the oral responses to the questions and concerns raised during the consideration of the periodic report.

B. Positive aspects

4. The Committee notes with satisfaction that the State Party has ratified or acceded to the following international instruments since the consideration of its previous periodic report:

(a) Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), on 2 October 2024;

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

(c) The Council of Europe Convention on Cybercrime and the Additional Protocol thereto, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, on 17 March 2017.

5. The Committee also welcomes the measures taken by the State Party to amend laws or legislate in areas of relevance to the Convention, including the adoption of the following:

(a) Act No. 1.555 of 14 December 2023 on compensation for victims of sexual offences, serious and ordinary offences against children, domestic violence, and other offences against the person, which is intended to ensure prompt and effective compensation in cases where the perpetrators are insolvent;

(b) Sovereign Ordinance No. 9.966 of 30 June 2023 amending Sovereign Ordinance No. 605 of 1 August 2006 implementing the United Nations Convention against

* Adopted by the Committee at its eighty-second session (7 April–2 May 2025).

¹ CAT/C/MCO/7.

² See CAT/C/SR.2174 and CAT/C/SR.2177.



Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted in New York on 15 November 2000, as amended;

(c) Act No. 1.523 of 16 May 2022 on the promotion and protection of women's rights, which amended and repealed obsolete and discriminatory provisions;

(d) Act No. 1.517 of 23 December 2021 amending the provisions on the criminalization of sexual assault;

(e) Act No. 1.513 of 3 December 2021 on combating bullying and violence in schools, which expressly prohibits the corporal punishment of children in public and private schools;

(f) Order No. 2020-20 of 9 September 2020 of the Secretary of Justice and Director of the Department of Justice amending Order No. 2012-8 of 4 June 2012 establishing the conditions for the implementation of Sovereign Ordinance No. 3.782 of 16 May 2012 on the organization of the prison and detention system, which facilitates contact with the outside world, including by increasing the length of authorized telephone communications and allowing prisoners who have been placed in punishment cells to receive visits;

(g) Act No. 1.478 of 12 November 2019 amending certain provisions relating to sentencing, which, in addition to providing for stronger punishment of acts of violence or injury to others and classifying domestic violence and racially motivated hate crimes as aggravating circumstances, introduces alternatives to imprisonment;

(h) Act No. 1.477 of 11 November 2019 decriminalizing abortion for pregnant women.

6. The Committee commends the State Party's initiatives to amend its policies and procedures in order to afford greater human rights protections and to apply the Convention, in particular the creation, under Sovereign Order No. 7.178 of 25 October 2018, of a committee for the promotion and protection of women's rights.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations,³ the Committee asked the State Party to provide information on the action it had taken in follow-up to its recommendations concerning non-refoulement and the monitoring of the conditions of transferred detainees.⁴ In view of the information received from the State Party on 7 December 2017 on the follow-up to these concluding observations,⁵ the information contained in the State Party's seventh periodic report, the additional information provided by the delegation during the dialogue and the letter dated 20 August 2018 from the Rapporteur for follow-up to concluding observations to the Permanent Representative of Monaco to the United Nations Office and Other International Organizations in Geneva,⁶ the Committee is of the view that the recommendations made in paragraphs 13 and 19 of its previous concluding observations have not yet been implemented. These issues are covered in paragraphs 19 and 23 of the present concluding observations.

Legal status and domestic application of the Convention

8. The Committee notes that international treaties ratified by the State Party take precedence over national laws and that the Convention has been enforceable in Monaco since the adoption of Sovereign Order No. 10.542 of 14 May 1992. However, it notes with concern that the State Party has not yet fully incorporated the provisions of the Convention into its

³ CAT/C/MCO/CO/6, para. 24.

⁴ Ibid., paras. 13 and 19.

⁵ CAT/C/MCO/CO/6/Add.1.

⁶ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FMCO%2F32214&Lang=en.

domestic legal system. Furthermore, it notes the lack of cases in which provisions of the Convention have been invoked before or applied by domestic courts (art. 2).⁷

9. The State Party should ensure that the provisions of the Convention are fully incorporated into its domestic legal system and that domestic laws are interpreted and applied in conformity with its obligations under the Convention. It should also intensify its efforts to provide judges, prosecutors and lawyers with regular training on the Convention and on means for asserting the rights established under it before the courts. Lastly, the State Party should include information about cases in which the Convention has been applied by or invoked before the domestic courts in its next periodic report.

Definition and criminalization of torture

10. While noting that article 20 of the Constitution expressly prohibits cruel, inhuman or degrading treatment and that, under the Criminal Code, torture constitutes an aggravating circumstance for certain offences, the Committee is concerned that torture has not yet been included in domestic legislation as a separate offence that is subject to no statute of limitations, is defined in a manner consistent with article 1 of the Convention and is punishable by appropriate penalties which take into account the grave nature of the offence, in accordance with article 4 (2) of the Convention. In this regard, the Committee draws the attention of the State Party to its general comment No. 2 (2007), in which the Committee stated that by establishing and defining the offence of torture in accordance with the terms of the Convention, as a separate offence, States Parties would directly advance the Convention's overarching aim of preventing torture by, inter alia, alerting everyone, including perpetrators, victims and the public, to the special gravity of the crime of torture and by strengthening the deterrent effect of the prohibition itself. The Committee therefore welcomes the legislative initiative being prepared to remedy the absence of a specific provision defining and criminalizing torture (arts. 1 and 4).

11. The State Party should amend its Criminal Code to explicitly define torture as a separate offence and ensure that the definition is fully in line with article 1 of the Convention. It should also extend the scope of the definition to anyone who attempts to commit torture or who is complicit or participates in torture, as stipulated in article 4 (1) of the Convention. In addition, it should ensure that all acts of torture are punishable by appropriate penalties which take into account the grave nature of such acts, in accordance with article 4 (2) of the Convention. Furthermore, the State Party should ensure that the offence of torture is not subject to any statute of limitations, with a view to precluding any risk of impunity and ensuring that acts of torture are investigated and that perpetrators are prosecuted and punished.

Absolute prohibition of torture and command responsibility

12. The Committee remains concerned about the absence of a clear provision in the State Party's legislation ensuring that the prohibition against torture is absolute and non-derogable, in accordance with article 2 (2) of the Convention, and that an order from a superior officer or public authority may in no case be invoked as a justification of torture, in accordance with article 2 (3) of the Convention. The Committee regrets the lack of information on whether any mechanisms or procedures are in place to protect subordinates from reprisals and enable them, in practice, to refuse to obey illegal orders. Furthermore, the Committee notes with concern that the principle of command responsibility, according to which superior officers are held to account for acts of torture and ill-treatment committed by their subordinates, is not explicitly recognized in national legislation (art. 2).

13. The State Party should ensure that the principle of absolute prohibition of torture is incorporated into its legislation and strictly applied, in accordance with article 2 (2) of the Convention. It should also ensure that, in accordance with article 2 (3) of the Convention, in no case may an order from a superior officer or public authority be invoked as a justification of torture. To this end, the State Party should establish mechanisms for the protection of subordinates who refuse to obey such orders

⁷ CERD/C/MCO/CO/7-9, paras. 7 and 8; and CEDAW/C/MCO/CO/1-3, paras. 11 and 12.

and ensure that all law enforcement officers are informed of the prohibition against obeying unlawful orders and are aware of the protective mechanisms in place. Furthermore, the State Party should amend its Criminal Code to incorporate the principle of command or superior responsibility for the offences of torture and ill-treatment, according to which superior officers are held criminally responsible for the conduct of their subordinates where they are or should have been aware of acts that their subordinates have committed or were likely to commit and failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.

Universal jurisdiction

14. The Committee is concerned about the lack of clarity regarding the application of the legal provisions enabling the State Party to establish universal jurisdiction over the crime of torture. The Committee regrets the lack of information on how the State Party has exercised, in practice, its universal jurisdiction over perpetrators of torture present in its territory, in compliance with article 5 of the Convention (arts. 5, 7 and 8).

15. **The State Party should take all necessary steps to effectively exercise universal jurisdiction over any persons allegedly responsible for acts of torture who are present in its territory if it does not extradite them to another country, in accordance with articles 7 and 8 of the Convention. It should also provide information to the Committee on instances in which the Convention has been invoked in judicial decisions regarding extradition and universal jurisdiction, in compliance with article 5 of the Convention.**

Fundamental legal safeguards

16. The Committee takes note of the procedural safeguards to prevent torture and ill-treatment that are set out in the Code of Criminal Procedure. It is concerned, however, that the exercise by persons taken into police custody of their right to notify a relative or a person of their choice may be postponed if the criminal investigation officer considers that such communication would be detrimental to the investigation, in which case he or she refers the matter to the Public Prosecutor or investigating judge for a decision. The Committee is also concerned that police custody may be extended for up to four days by the liberties and detention judge on the basis of a reasoned request from the Public Prosecutor or investigating judge for certain specific offenses, including those relating to organized crime and terrorism and offences against State security (arts. 2, 11 and 16).

17. **The State Party should ensure that, from the outset of their deprivation of liberty and regardless of the reasons for their detention, all detained persons are guaranteed, in law and in practice, all fundamental legal safeguards for the prevention of torture, in particular the right to inform a family member or any other person of their choice of their detention. The State Party should also amend the Code of Criminal Procedure to ensure that the duration of police custody does not exceed 24 hours and is renewable once in exceptional circumstances duly demonstrated by tangible evidence. Furthermore, the State Party should provide adequate and regular training on fundamental legal safeguards to those involved in detention activities, monitor compliance with those safeguards and penalize any failure on the part of officials to comply.**

Asylum and non-refoulement

18. While taking note of the information provided by the State Party that the Monegasque authorities themselves ensure administrative and legal protection for refugees living in Monaco, while the French Office for the Protection of Refugees and Stateless Persons examines cases and issues advisory opinions, the Committee remains concerned about the absence of an adequate legislative and institutional framework that guarantees the right of asylum and the protection of all asylum-seekers entering the country against refoulement. It also remains concerned about the uncertainty surrounding the procedure for cooperation between the State Party and the French Office for the Protection of Refugees and Stateless Persons, which consists merely of an exchange of letters between the authorities of France and of Monaco. Furthermore, it reiterates its concern regarding the lack of a mechanism for

following up on the cases of asylum-seekers dealt with by the French Office. In addition, it is concerned that an appeal to the Supreme Court against a decision of expulsion, return or extradition does not have automatic suspensive effect. Lastly, it is concerned about the lack of a national mechanism for identifying vulnerable asylum-seekers, such as victims of torture, trafficking and gender-based violence, upon their arrival in the country, for recording any evidence supporting their claims and for providing them with support services (art. 3).⁸

19. The State Party should uphold the principle of non-refoulement by ensuring that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. To this end, it should adopt asylum legislation that provides for procedural safeguards against refoulement, a refugee status determination procedure in line with international standards and effective and accessible remedies in any removal proceedings. It should also take the necessary measures, pending the adoption of a national legal and institutional framework on asylum, to enable all asylum-seekers and other persons in need of international protection who enter or attempt to enter the State Party, regardless of their legal status or mode of arrival, to benefit from an individualized case assessment, irrespective of their country of origin. Furthermore, the State Party should formalize the framework for cooperation with the French Office for the Protection of Refugees and Stateless Persons so that it is clearer, more transparent and more effective, and establish a mechanism for following up on the cases of asylum-seekers dealt with by the French Office. In addition, the State Party should ensure that appeals against decisions of expulsion, return, surrender or extradition have automatic suspensive effect. Lastly, it should establish effective national mechanisms for promptly identifying and referring vulnerable asylum-seekers, including victims of torture, to the appropriate services to ensure that their specific needs are taken into consideration and addressed in a timely manner.

Detention conditions at the short-stay prison (*maison d'arrêt*) of Monaco

20. The Committee takes note of the information provided by the delegation on the measures taken by the State Party to improve conditions of detention in general, including the renovation of cells, which has allowed for more natural light, the installation of a new exercise yard and an activity room containing sports equipment and games, the enhancement of visiting arrangements, the reduction of the maximum duration of solitary confinement for adults to 14 days and the introduction of a body scanner to limit the use of body searches. However, it remains concerned about the reports regarding the structural incompatibility of the short-stay prison of Monaco and its facilities with its current purpose, as the facility remains unsuitable for prolonged deprivation of liberty. In addition, the Committee regrets that pretrial detainees are still not allowed visits or telephone calls without specific authorization from the judicial authorities (arts. 2, 11 and 16).

21. The State Party should continue its efforts to improve living conditions at the short-stay prison of Monaco. In this regard, the Committee draws the State Party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State Party should also ensure that pretrial detainees are allowed visits and telephone calls without specific authorization from the judicial authorities. While it is aware of the State Party's land-use constraints, the Committee is of the view that the State Party should consider the possibility of a move to a new prison facility more in line with international standards on deprivation of liberty and the prevention of ill-treatment.

⁸ [CERD/C/MCO/CO/7-9](https://www.refworld.org/docid/5a2a2a2a4.html), paras. 23 and 24.

Extraterritorial incarceration and monitoring of the conditions of transferred detainees

22. The Committee notes that requests for transfers to France are granted only in cases of persons sentenced to imprisonment for serious or ordinary offences and that, most of the time, it is the detainees themselves who seek to expedite their transfer to France in order to be closer to their families. However, the Committee remains concerned that the requirement that a person convicted in Monaco expressly consent to his or her transfer to France is still not formally enshrined in law. While it notes that the judge in Monaco responsible for sentence enforcement is also responsible for monitoring detainees transferred to France, the Committee regrets that no visit has been made to date. Furthermore, it is concerned that the practice may lead to legal uncertainties regarding the State Party's obligations under the Convention (arts. 2, 11 and 16).

23. The State Party should ensure that persons who have been sentenced to imprisonment by the courts of Monaco and are serving their sentences in France enjoy all fundamental legal safeguards against torture and ill-treatment under all circumstances by, inter alia, taking steps to enable Monegasque enforcement judges to conduct monitoring visits with prisoners serving their sentences in France and to ensure that such persons have unimpeded access to independent lawyers of their choice. The State Party should also formally establish by law the need to obtain the explicit consent of a person convicted in Monaco to his or her transfer to France. Furthermore, the State Party should take all necessary steps to clarify the legal uncertainties regarding its obligations under the Convention in respect of detainees held in France, including in terms of receiving complaints, investigating allegations of torture or ill-treatment, ensuring redress and responding to individual communications under article 22 of the Convention.

Office of the High Commissioner for the Protection of Rights and for Mediation and monitoring of detention facilities

24. The Committee takes note of the reform of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation under Sovereign Order No. 10.845 of 1 October 2024 instituting an office of a high commissioner for the protection of rights and for mediation. The reform broadens the scope of the Office's powers, including with respect to its ability to take action on its own initiative, and allows detainees, including those in punishment cells, to contact the Office directly in the event of a violation of their rights. However, the Committee regrets the lack of information on the steps that the State Party plans to take to strengthen the Office and bring it into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It is also concerned about the lack of information on the measures taken by the State Party to ensure the effective implementation of the Office's recommendations, in particular with regard to follow-up to investigations and prosecutions and the outcome of cases concerning potential allegations of ill-treatment referred by the Office to the Public Prosecution Department. Furthermore, while noting the information provided by the State Party's delegation that regular inspections of the short-stay prison of Monaco are conducted by national and international monitoring bodies, such as the Office of the Public Prosecutor, the Directorate of Judicial Services and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee is concerned about the lack of information on the measures taken to implement the recommendations put forward by these bodies and to establish an effective independent national system for the monitoring and inspection of all places of deprivation of liberty (arts. 2, 11 and 16).⁹

25. The State Party should take the necessary legislative measures to ensure that the Office of the High Commissioner for the Protection of Rights and for Mediation has broad powers in the field of human rights and the financial and human resources to allow it to carry out its mandate effectively and independently, in accordance with the Paris Principles. It should also encourage the Office to seek accreditation from the Subcommittee on Accreditation of the Global Alliance of National Human Rights

⁹ Ibid., paras. 11 and 12; [CCPR/C/MCO/CO/3](#), para. 9; and [CEDAW/C/MCO/QPR/4](#), para. 8.

Institutions. Furthermore, it should establish an effective independent national mechanism to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring. In addition, it should ensure that monitoring bodies with a mandate to visit places of deprivation of liberty are able to carry out regular, independent and unannounced visits to all places of deprivation of liberty and to communicate confidentially with any persons deprived of their liberty during these visits. It should also take all measures necessary to ensure the effective implementation of the Office's recommendations and, in particular, follow up on complaints of ill-treatment referred to it, undertake effective investigations into the incidents reported, prosecute the perpetrators and provide redress to the victims. Lastly, it should consider acceding to the Optional Protocol to the Convention.

Psychiatric institutions

26. The Committee is concerned about reports that the laws in force allow for involuntary hospitalization, including for long periods, and compulsory treatment on the basis of impairment. In addition, the Committee regrets the lack of information on: (a) the number of persons with disabilities deprived of their liberty, their legal status and their living conditions; (b) the work of the mechanisms responsible for inspecting and monitoring psychiatric institutions; and (c) effective legal remedies for challenging involuntary psychiatric hospitalization and treatment (arts. 2, 11 and 16).¹⁰

27. **The State Party should consider repealing any legislation that allows deprivation of liberty on the basis of impairment and that allows forced medical interventions on persons with disabilities, in particular persons with intellectual or psychosocial disabilities. It should also provide medical and non-medical professionals in psychiatric establishments with training on the rights of persons with disabilities, including the right to free and informed consent, and on non-violent and non-coercive methods of intervention. Finally, it should ensure that psychiatric hospitals are adequately monitored and that effective safeguards are in place to prevent any ill-treatment of persons in such facilities.**

Independence of the judiciary

28. While noting the measures taken to strengthen the independence of the judiciary, in particular the adoption of Act No. 1.495 of 8 July 2020 amending Act No. 1.364 of 16 November 2009 on the regulations governing the judiciary, which bolsters the role of the High Council of the Judiciary as guarantor of the independence of the justice system, the Committee expresses its concern about reports that the judiciary continues to lack independence owing to undue interference by the executive branch in its functioning, which could contribute to impunity, including in cases of torture or ill-treatment. In particular, it is concerned that judicial power is concentrated in the hands of the Prince, although its exercise has been delegated to the courts in accordance with article 88 of the Constitution. It also notes with concern the imbalance in the composition of the Council, in which the elected members of the judiciary constitute a minority, and its lack of binding authority with respect to the appointment, promotion, suspension, transfer and removal of judges and prosecutors and disciplinary measures against them. Furthermore, the Committee is concerned that the Secretary of Justice retains the ability to issue circulars on criminal policy to the Public Prosecutor, which could have an impact on prosecutions (arts. 2, 12, 13 and 16).

29. **The State Party should take all measures necessary to safeguard, in law and in practice, the full independence, impartiality and effectiveness of the judiciary, ensuring that it is free from any kind of pressure or undue interference, particularly from the executive branch. In doing so, it should review the composition of the High Council of the Judiciary to ensure that judges and prosecutors elected by their peers constitute a majority of its members and strengthen its powers with respect to appointments, promotions, suspensions, transfers and removals of judges and prosecutors and disciplinary measures against them. It should also provide a strict framework for written instructions from the Secretary of Justice to prosecutors. Lastly, it should**

¹⁰ CRPD/C/MCO/Q/1, paras. 11, 12 and 15.

consider reforming the constitutional principle of delegated justice according to which judicial power is vested in the Prince, who delegates its full exercise to the courts and tribunals.

Inadmissibility of evidence

30. The Committee is concerned about the absence of legislation explicitly prohibiting the use of confessions and other statements obtained through torture as evidence in judicial proceedings (arts. 2, 15 and 16).

31. **The State Party should take the legislative measures necessary to ensure that the use of confessions or any other statements obtained through torture as evidence in judicial proceedings is prohibited, except against a person accused of torture as evidence that the statement was made. It should also ensure that all members of the security forces, judges and prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the judiciary's obligation to declare confessions made under torture inadmissible, drawing, in that regard, on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

Juvenile justice

32. While noting that the detention of children is exceptional in Monaco and that the minimum age of criminal responsibility continues to be 13 in the State Party, the Committee is concerned that its laws provide for the possibility of placing a child under 13 in police custody for the purposes of an investigation when there are reasonable grounds to suspect that the child has committed or attempted to commit an offence punishable by at least 5 years' imprisonment. Furthermore, the Committee notes with concern that children between 16 and 18 years of age who are deprived of their liberty may be placed in disciplinary isolation for up to three days (arts. 2, 11–14 and 16).¹¹

33. **The State Party should bring its juvenile justice system fully into line with international standards, including the Convention on the Rights of the Child, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). In particular, it should:**

- (a) Consider the possibility of raising the age of criminal responsibility;¹²
- (b) Consider repealing the provisions of the Code of Criminal Procedure that allow children under the age of 13 to be placed in police custody for the purposes of an investigation, in line with the Committee's previous recommendations;¹³
- (c) Consider explicitly prohibiting the use of disciplinary isolation for children between 16 and 18 years of age, in line with international standards on the protection of children's rights;
- (d) Continue to ensure that children are deprived of their liberty only as a last resort and for the shortest possible time, in particular by increasing the use of non-judicial measures such as diversion, mediation and counselling for children accused of criminal offences and, wherever possible, the use of non-custodial sentences such as probation or community service;
- (e) Ensure, in cases where detention is unavoidable, that the conditions of the child's detention comply with international standards, including with regard to access to education and health services.

¹¹ CRC/C/MCO/CO/2-3, paras. 47 and 48.

¹² Ibid., para. 48.

¹³ CAT/C/MCO/CO/6, para. 15.

Corporal punishment

34. Although the State Party's criminal legislation prohibits different forms of violence against children, the Committee regrets that the State Party has still not adopted a law expressly prohibiting corporal punishment in all settings, including in the home, in day-care and alternative care settings and in detention centres (arts. 2 and 16).¹⁴

35. The State Party should prohibit and criminalize corporal punishment in all settings, including in the home, in day-care and alternative care settings and in detention centres, and enforce the prohibition. It should also strengthen awareness-raising programmes for parents and professionals working with and for children to promote positive, non-violent and participatory forms of child-rearing.

Gender-based violence

36. While noting the various measures taken by the State Party to combat gender-based violence, including its efforts to provide victims and their families with protection, assistance and means of redress, the Committee is concerned about the persistence of violence against women in the State Party, particularly spousal abuse and sexual violence. It is especially concerned about reports that cases of violence against women are underreported and that only a small percentage of them lead to prosecutions and convictions, resulting in impunity for the perpetrators. It is also concerned about the lack of a national strategy on preventing and combating all forms of violence against women. Furthermore, it notes with concern the reports that many women, in particular foreign nationals, who are victims of violence are highly financially dependent on their violent spouses (arts. 2, 12–14 and 16).¹⁵

37. The State Party should:

(a) **Ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State Party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if found guilty, punished appropriately and that the victims or their families obtain redress, including adequate compensation;**

(b) **Adopt a national strategy on preventing and combating all forms of violence against women, ensuring that it includes specific measures to assist women, in particular foreign nationals, who are victims of domestic violence and highly financially dependent on their spouses;**

(c) **Ensure the strict application of the relevant criminal provisions and, to this end, provide systematic training to judges, prosecutors, law enforcement officers and lawyers on all of these legal provisions;**

(d) **Take the measures necessary to encourage and facilitate the lodging of complaints by victims and to effectively address the barriers that may prevent women from reporting acts of violence against them.**

Trafficking in persons

38. The Committee is concerned that trafficking in persons has not been made a separate offence under the Criminal Code, a lacuna that could prevent prosecutions, convictions and the imposition of commensurate penalties in cases involving this crime. It is particularly concerned about reports that the State Party continues to be a destination country for women, men and children trafficked from abroad for the purposes of forced labour and sexual exploitation. It also regrets the lack of a national strategy on preventing and combating trafficking in persons and the failure to yet finalize and adopt the draft circular on the identification and care of victims of trafficking (arts. 2, 12–14 and 16).¹⁶

¹⁴ [CRC/C/MCO/CO/2-3](#), paras. 28 and 29.

¹⁵ [CEDAW/C/MCO/CO/1-3](#), paras. 25 and 26; and [CEDAW/C/MCO/QPR/4](#), paras. 11 and 12.

¹⁶ [CEDAW/C/MCO/CO/1-3](#), paras. 27 and 28; [CERD/C/MCO/CO/7-9](#), paras. 21 and 22; and [CEDAW/C/MCO/QPR/4](#), para. 13.

39. **The State Party should:**

- (a) Strengthen its legislative framework and public policies against trafficking in persons, in particular by making trafficking in persons a separate offence under the Criminal Code and adopting a national strategy on preventing and combating trafficking in persons;
- (b) Promptly, thoroughly and effectively investigate cases of trafficking in persons and related practices, bring prosecutions, duly punish those found guilty and ensure victims' access to effective remedies;
- (c) Expedite the adoption and implementation of the circular on the interdepartmental coordination plan for the identification and care of victims of trafficking in persons;
- (d) Ensure that victims of trafficking are provided with satisfactory protection and support, including by establishing separate, well-equipped shelters with trained staff to address their specific needs and concerns, strengthen long-term reintegration measures for such victims and ensure that they obtain redress, including adequate compensation, regardless of their nationality or residency status.

Migrant workers, including domestic workers

40. While noting the measures taken by the State Party to improve the situation with respect to the rights of migrant workers, the Committee is concerned about reports that working conditions are precarious for many female migrant domestic workers and undeclared migrant workers, particularly in the construction and hospitality industries and on private yachts. It is also concerned about the provisions of Sovereign Ordinance No. 3.153 of 19 March 1964 on the conditions of entry and residence of foreigners in the Principality that criminalize irregular migration (arts. 2, 11, 12 and 16).¹⁷

41. **The State Party should strengthen the capacity and resources of the labour inspectorate so that it can more effectively monitor the situation of migrant workers, in particular female domestic workers, including with respect to their recruitment and working conditions. It should also redouble efforts to make migrant workers, including undeclared workers, aware of their rights and of complaints mechanisms and to facilitate their access to them. It should, furthermore, repeal the provisions of Sovereign Ordinance No. 3.153 that criminalize irregular migration. Lastly, it should consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Redress

42. Although the common redress scheme applies to victims of torture, the Committee remains concerned that such victims still reportedly do not have access to a specific redress mechanism encompassing relevant forms of reparation such as rehabilitation, satisfaction and non-repetition. It also regrets the lack of information on whether specific rehabilitation programmes have been established for these victims. The Committee draws the attention of the State Party to general comment No. 3 (2012), in which the Committee explains the content and scope of the obligations of States Parties to provide full redress to victims of torture (art. 14).

43. **The State Party should ensure, in law and in practice, that anyone who is a victim of torture or ill-treatment obtains redress, including the right to fair and adequate compensation and the means for as full a rehabilitation as possible, and guarantees of non-repetition, including in cases where the civil liability of the State Party is involved. To this end, it should establish a specific redress mechanism encompassing relevant forms of reparation such as rehabilitation, satisfaction and non-repetition.**

¹⁷ CEDAW/C/MCO/CO/1-3, paras. 35, 36, 39 and 40; CERD/C/MCO/CO/7-9, paras. 21 and 22; and CEDAW/C/MCO/QPR/4, para. 19.

Training

44. While noting the information provided by the State Party that general human rights training is regularly delivered by the Monegasque Institute for Training in the Legal Professions, in collaboration with the French National School for the Judiciary and other specialized institutions, for the public security forces and judicial officials, the Committee regrets that it has received little information on specific training relating to the provisions of the Convention, including for prison staff, immigration officers and employees of private security companies. It is also concerned about the lack of training on the content of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, for forensic doctors and medical personnel dealing with detainees to enable them to detect and document the physical and psychological sequelae of torture. Furthermore, the Committee regrets that no system for evaluating the effectiveness of training programmes has been put in place (art. 10).

45. **The State Party should:**

- (a) Reinforce initial and in-service training programmes to ensure that all State agents, in particular members of the security forces, judicial officials, prison staff, immigration officers, employees of private security companies and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the Convention, especially the absolute prohibition of torture, and that they are aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, if convicted, appropriately punished;
- (b) Ensure that all relevant staff, including judges, prosecutors and medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol, as revised;
- (c) Develop and apply methods of assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts and the prosecution of those responsible.

Follow-up procedure

46. The Committee requests the State Party to provide, by 2 May 2026, information on follow-up to the Committee's recommendations on the definition and criminalization of torture, extraterritorial incarceration and the monitoring of the conditions of transferred detainees, and the Office of the High Commissioner for the Protection of Rights and for Mediation and the monitoring of detention facilities (see paras. 11, 23 and 25 above). The State Party is also invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.

Other issues

47. The Committee encourages the State Party to consider withdrawing its reservation to article 30 (1) of the Convention.

48. The Committee invites the State Party to consider ratifying the core United Nations human rights treaties to which it is not yet party, including the International Convention for the Protection of All Persons from Enforced Disappearance.

49. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

50. The Committee requests the State Party to submit its next periodic report, which will be its eighth, by 2 May 2029. To that end, and in view of the fact that the State Party

has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The State Party's replies to that list of issues will constitute its eighth periodic report under article 19 of the Convention.
