



International Convention on the Elimination of All Forms of Racial Discrimination

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Item 4 of the provisional agenda

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

List of themes in relation to the combined seventh to ninth periodic reports of Monaco

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

2. Indicators relating to the socioeconomic situation of the population, including non-citizens residing or working in the State party, disaggregated by sex, gender and national and ethnic origin.² Measures taken or envisaged to strengthen the data-collection system, including through the incorporation of variables related to ethnic and national origin and the use of self-identification, with a view to obtaining more detailed information on the difficulties specific to certain groups, especially as regards racial discrimination and socioeconomic inequalities, and assessing the enjoyment of the rights provided for in the Convention.

3. In the light of articles 14 and 68 of the State party's Constitution, information on the status of the Convention in the domestic legal system and the possibility for the provisions of the Convention to be directly invoked before domestic courts. Examples of cases in which provisions of the Convention have been invoked and directly applied by domestic courts. Additional information on measures taken to raise awareness of the Convention among judges, public defenders, law enforcement officials, other public officials, lawyers and members of the public, including non-citizens, and the effects of the measures.³

4. Efforts made to prohibit racial discrimination in the State party's domestic legal system. Measures taken or envisaged to adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, including direct, indirect, multiple and

¹ A/65/18, para. 85.

² CERD/C/MCO/CO/6, para. 6; and CERD/C/MCO/7-9, paras. 1–10.

³ CERD/C/MCO/7-9, paras. 47 and 159–167.



intersecting forms of such discrimination, covering all fields of law and public life and all grounds of discrimination referred to in article 1 (1) of the Convention.⁴

5. Information on measures taken or envisaged with a view to adopting a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.⁵ Information on the measures adopted and the programme of activities organized in the State party to mark the International Decade for People of African Descent.

6. Steps taken recently or envisaged to put in place a national human rights institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Measures taken or envisaged to bolster the mandate and work of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation as they relate to preventing and combating racial discrimination.⁶ Information on complaints of racial discrimination, including that based on national origin, received by the Office of the High Commissioner and their outcomes.

7. Additional information on the measures taken or envisaged to ensure that the Criminal Code and other relevant laws are fully in line with article 4 of the Convention, including the provisions under which organizations that promote and incite racial discrimination are to be declared illegal and prohibited and the promotion of or incitement to racial discrimination by public authorities or institutions is to be made an offence, and that they cover all the grounds of discrimination referred to in article 1 of the Convention, including colour and descent.⁷

8. Additional information on specific measures taken to prevent and combat racist hate speech and hate crimes and incitement to racial hatred and xenophobia, including in the media and on the Internet.⁸ Updated information on the handling of cases relating to racist hate speech and hate crimes and acts of incitement to racial hatred, including in the media and on the Internet, by the State party's civil, administrative and criminal courts, including on the complaints filed, investigations and prosecutions undertaken, convictions secured, penalties imposed and reparation granted to victims.⁹ Steps taken to put in place, as a preventive measure, a data-collection and storage system to enable the reporting and monitoring of racist hate speech and hate crimes.¹⁰

9. Measures taken or envisaged, particularly at the legislative level, to prevent and explicitly prohibit racial profiling by law enforcement officers. Specific disciplinary and criminal measures to ensure that cases of racial profiling are investigated and punished in practice.

Situation of non-citizens, including migrants, refugees and asylum-seekers (art. 5)

10. Additional information on the implementation of articles 17 and 32 of the Constitution, including on case law of the Supreme Court and other judicial bodies aimed at ensuring equality before the law for all persons under the State's jurisdiction, without discrimination on the basis of race, colour, descent or national or ethnic origin.¹¹ Information on any assessments of the impact of laws and policies granting priority or preference based on nationality to either citizens of Monaco or non-citizens in employment, social assistance or housing.¹²

11. Information on measures taken to facilitate the integration of migrants, refugees and asylum-seekers into society, including the relevant plans, programmes or strategies and the steps taken to assess their impact, including on the effective enjoyment of economic, social

⁴ Ibid., para. 12.

⁵ Ibid., paras. 43–53.

⁶ CERD/C/MCO/CO/6, para. 9; and CERD/C/MCO/7-9, paras. 45, 46 and 54–75.

⁷ CERD/C/MCO/CO/6, para. 10; CERD/C/MCO/CO/6/Add.1, paras. 6–16; Committee's follow-up letter dated 2 September 2011, p. 1; and CERD/C/MCO/7-9, paras. 79–107 and 168–180.

⁸ CERD/C/MCO/7-9, paras. 79–92, 168–171 and 178–180.

⁹ Ibid., para. 109.

¹⁰ Ibid., para. 110.

¹¹ Ibid., paras. 43 and 44.

¹² Ibid., paras. 13–42, 78 and 119.

and cultural rights. Information on the legal framework governing family reunification for non-citizens.

12. Additional information on measures taken or envisaged to make social assistance, housing benefits and healthcare services available to non-citizens who have been residing in the country for less than five years and have a low income level.¹³ Further information on measures taken to guarantee, in law and in practice, that non-national children have access to free schooling.¹⁴

13. Additional information on the measures taken 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 and to prohibit dismissals without pre-existing valid grounds.¹⁵ Information on measures taken, in law and in practice, to strengthen the protection of migrant workers and increase the capacity and resources of the labour inspectorate, including with respect to the working conditions of migrant domestic workers and non-documented migrant workers.¹⁶ Measures taken to inform migrant workers about their rights and, in particular, about complaint mechanisms and to facilitate their access to those mechanisms.¹⁷

14. Measures taken to harmonize national legislation, including Sovereign Order No. 3.153 of 19 March 1964 on the conditions for the entry and stay of foreign nationals in the Principality and, in particular, provisions making irregular migration a criminal offence, with the relevant international obligations. Information on measures taken or envisaged to effectively protect migrant women who are victims of violence and whose status as a resident depends on that of the violent partner.

15. Information on the legal framework governing the right of peaceful assembly, including the enjoyment of the right by non-citizens, in the light of article 29 of the State party's Constitution. Information on measures taken to amend the legislation on trade unions, particularly the provisions requiring a majority of the members of the bodies of trade unions and federations of trade unions to be citizens of Monaco or France.

16. Information on the legal framework governing the acquisition of Monegasque nationality and the measures taken or envisaged to facilitate acquisition of Monegasque nationality by foreign nationals living and working in Monaco. Updated information on measures taken or envisaged to ensure that persons who have become Monegasque can transmit their Monegasque nationality after divorce, regardless of how they acquired it.¹⁸

17. Updated information on measures taken to prevent and combat trafficking in persons, including for the purposes of labour exploitation and including of non-citizens, in particular on efforts that are directed towards the adoption of a plan of action on the issue or that seek to improve the identification of victims and provide them with appropriate protection and assistance, regardless of the status of their stay.¹⁹ Measures to ensure that victims of trafficking are not punished for acts that they have committed as a direct result of being a victim of trafficking. Information on complaints, investigations, prosecutions, convictions, penalties and reparation and rehabilitation measures for victims of trafficking.²⁰

18. Measures taken to adopt a legislative framework for the protection of refugees and asylum-seekers that complies with international standards, incorporates the principles of non-refoulement and non-discrimination and provides for a refugee status determination procedure.²¹

¹³ Ibid., paras. 31–39 and 115–118.

¹⁴ Ibid., paras. 40, 41 and 204.

¹⁵ CERD/C/MCO/CO/6, para. 12; and CERD/C/MCO/7-9, paras. 13–29 and 119.

¹⁶ CERD/C/MCO/CO/6, para. 12; and CERD/C/MCO/7-9, paras. 13–29 and 119–122.

¹⁷ CERD/C/MCO/CO/6, para. 12; and CERD/C/MCO/7-9, paras. 120–122 and 147–153.

¹⁸ CERD/C/MCO/7-9, paras. 111–114.

¹⁹ Ibid., paras. 129–136.

²⁰ Ibid., para. 181.

²¹ Ibid., paras. 123–127.

Access to justice (arts. 5 and 6)

19. Additional information on the administrative and judicial remedies available for reporting or filing complaints regarding cases involving racial discrimination and related offences, and on measures to raise awareness among the population of the State party and non-citizens of their rights under the Convention and the remedies available to them.²² Information on measures to guarantee access to justice in cases of racial discrimination, in particular measures taken to make it easier to file complaints and gain access to legal aid, including for non-citizens, and to reverse the burden of proof in favour of the victims.²³

20. Updated information regarding cases involving racial discrimination and related offences brought before the courts or other national institutions, including the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation, and regarding the results of the investigations conducted, the penalties imposed and the reparation granted to the victims.²⁴

Training, education and other measures to combat prejudice and intolerance (art. 7)

21. Further detailed information on the measures taken to promote human rights education, specifically with regard to the Convention and combating racial discrimination, racism and xenophobia, in school curricula and vocational training programmes, and information on the impact of these measures. Information on whether textbooks and curricula at all levels contain representations of migrants and address their contributions to the development and national history of the State party.²⁵ Information on awareness-raising campaigns carried out to further eliminate all discriminatory practices based on race, colour, descent or national or ethnic origin.

²² CERD/C/MCO/CO/6, para. 14; and CERD/C/MCO/7-9, paras. 147–153.

²³ CERD/C/MCO/7-9, paras. 147–155 and 189–202.

²⁴ CERD/C/MCO/CO/6, para. 14; and CERD/C/MCO/7-9, paras. 109 and 147–155.

²⁵ CERD/C/MCO/7-9, paras. 156–158.