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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-fifth session**  
22 January–2 February 2024

## **Summary of stakeholders' submissions on Monaco\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of six stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>3</sup> and cooperation with human rights mechanisms**

2. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) noted that the Monegasque authorities had indicated that they were considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and that an impact assessment had been carried out. In this connection, the idea of designating the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation as the national torture prevention mechanism had been raised on several occasions. CoE-CPT encouraged the authorities to ratify OPCAT and to establish or designate a national preventive mechanism.<sup>4</sup>

3. The International Campaign to Abolish Nuclear Weapons (ICAN) noted that Monaco had not yet signed the Treaty on the Prohibition of Nuclear Weapons and called upon the Government to sign and ratify the treaty as a matter of urgency.<sup>5</sup>

##### **B. National human rights framework**

###### **Institutional infrastructure and policy measures**

4. CoE-CPT noted that Monaco had established a national human rights protection mechanism, created by sovereign ordinance, known as the Office of the High Commissioner

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\* The present document is being issued without formal editing.



for the Protection of Rights and Freedoms and for Mediation. While it did not have a specific mandate to prevent torture, the Office of the High Commissioner regularly dealt with complaints from persons deprived of their liberty and complaints concerning issues relating to detention, including in prisons.<sup>6</sup>

5. The European Commission against Racism and Intolerance (CoE-ECRI) noted that the institution of the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation and its functions and powers were provided for in a sovereign ordinance and not in a constitutional or parliamentary instrument.<sup>7</sup> CoE-ECRI noted that the main role of the High Commissioner was to assist anyone who believed that their rights or freedoms had been infringed by the authorities (except in relation to employment disputes within the civil service), or that they had suffered “unjustified” discrimination in the public or private sector.<sup>8</sup>

6. CoE-ECRI observed that the High Commissioner had no power to conduct inquiries, publish studies or issue opinions on proposed legislation of its own accord.<sup>9</sup> CoE-ECRI recommended that the Monegasque authorities strengthen the High Commissioner’s powers of inquiry as a matter of priority to enable the institution to obtain the information it needed for its inquiries – including information not in the public domain – within a set time frame.<sup>10</sup>

## C. Promotion and protection of human rights

### 1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### *Equality and non-discrimination*

7. CoE-ECRI noted that foreign residents far outnumbered Monegasque nationals in Monaco: on 31 December 2020, the country had approximately 38,350 inhabitants, of whom only about 9,050 were Monegasque.<sup>11</sup> Monaco was in the unusual situation of having a population where its own citizens were in the minority and where a system was set up to give priority firstly to Monegasque nationals and secondly to foreign nationals with closer ties to the country, for example those who were born there and/or had lived there continuously for a long time (*les enfants du pays*), over other residents of the Principality and residents of neighbouring areas and cross-border workers. This system thereby created different legal categories of people with different rights and protections depending on their citizenship and their ties with the country. It relies on legislation that drastically limits access to Monegasque nationality and ensures that people with Monegasque citizenship remain in the minority.<sup>12</sup>

8. CoE-ECRI noted that, due to the system of national priority that existed in certain sectors in Monaco, including employment and housing, differences in treatment that favoured Monegasque nationals, who formed a minority in the country, were not regarded as “unjustified” discrimination under domestic law.<sup>13</sup>

9. CoE-ECRI noted with regret that, in the absence of any organic law concerning discrimination, the High Commissioner’s powers in relation to promotion and prevention were still very limited, because any action to raise awareness of equality and promote it could only be based on the few provisions that existed.<sup>14</sup> CoE-ECRI strongly recommended that appropriate legislation be passed in order to provide a framework for combating all forms of discrimination.<sup>15</sup>

10. Noting allegations of identity checks being performed on the basis of ethnic profiling at large-scale events, CoE-ECRI stated that the lack of publicly available data on hate speech and hate crime was a problem and encouraged the Monegasque authorities to resume data collection and make the data publicly available.<sup>16</sup> The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) observed that Monaco had not reported statistics on hate crimes to the organization since 2013. OSCE/ODIHR indicated, in addition, that Monaco would benefit from reviewing its existing legal framework to ensure that bias motivations could be effectively acknowledged,

and appropriate penalties imposed on the perpetrators. OSCE/ODIHR observed that victims of hate crimes did not have a special status under Monegasque legislation.<sup>17</sup>

11. CoE-ECRI noted information which indicated that victims of hate speech appeared to be reluctant to lodge complaints and that some were unaware of their rights. CoE-ECRI recommended that the Monegasque authorities, in cooperation with the Office of the High Commissioner for the Protection of Rights and Freedoms and for Mediation and relevant civil society actors, carry out an information campaign for all sectors of Monegasque society to raise awareness of racist and lesbian, gay, bisexual, transgender and intersex (LGBTI)-phobic hate speech, the legal provisions and rights which existed in this field and the procedures for reporting or lodging complaints against instances of such speech.<sup>18</sup>

12. CoE-ECRI observed that, since 2015, the High Commissioner for the Protection of Rights and Freedoms and for Mediation had been in regular contact with civil society associations and groups working on behalf of vulnerable groups in Monaco. The High Commissioner, however, struggled to find relevant partners, particularly with regard to LGBTI issues and those related to discrimination on grounds of ethnicity. CoE-ECRI considered that it would be helpful to encourage the creation of spaces where people affected by discrimination of this kind could go to talk and be heard, notably within the framework of associations.<sup>19</sup>

13. CoE-ECRI observed that hate speech provisions also applied to online communications as no distinction was made based on the type of media used. However, it was problematic that, under the provisions of Act No. 1.383 on the digital Principality, it was not judges but the Minister of State (i.e. the head of government) who, through an administrative procedure, could order the deletion of hate speech.<sup>20</sup> CoE-ECRI recommended, as a matter of priority, that the authorities step up their efforts to combat online hate speech by giving the judicial authorities the power to authorize, approve and order the deletion of hate speech or the blocking of sites that used it.<sup>21</sup>

*Right to life, liberty and security of person, and freedom from torture*

14. CoE-CPT noted that Monegasque law dealt with the concept of torture at various levels, including as an aggravating circumstance for certain offences and acts of torture committed abroad. It also noted that the Monegasque authorities and the Monegasque courts considered international law, in particular the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to be directly applicable in national law. However, CoE-CPT noted that the Monegasque Criminal Code still did not contain specific provisions defining the crime of torture or prescribing the applicable penalties and invited the Monegasque authorities to adopt specific criminal law provisions explicitly criminalizing torture.<sup>22</sup>

15. CoE-CPT noted with satisfaction that the fundamental safeguards against ill-treatment were recognized by Monegasque law and, in general, effectively applied.<sup>23</sup> Persons in police custody were informed of their rights orally when they were first detained, and then in writing. On the whole, this information was imparted in an appropriate manner. However, the delegation took note of allegations that the information transmitted was often incomplete and sometimes provided belatedly to persons in police custody. CoE-CPT recommended that the authorities take the steps necessary to ensure that a leaflet spelling out in plain language the rights of the persons concerned was systematically handed out and that those persons should be allowed to keep it in their possession for the duration of their deprivation of liberty.<sup>24</sup>

16. CoE-CPT noted with satisfaction that the authorities had followed its recommendations and reduced the maximum duration of disciplinary segregation to 14 days for adults and three days for minors over 16 years of age. Referring to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) as a whole, which stipulated that solitary confinement was not to be imposed on minors, CoE-CPT invited the Monegasque authorities to outlaw the disciplinary segregation of minors.<sup>25</sup>

17. CoE-CPT noted that the prison's internal regulations also provided for the possibility of being placed in administrative segregation by decision of the prison governor for security reasons or at the request of the person concerned. This form of segregation was rarely used

and, when it was applied, it was generally only for relatively short periods. CoE-CPT recommended that the law governing the administrative segregation procedure should be revised without delay to require substantial justification to be provided for any such decision and require any such decision to be subject to frequent review, and to introduce the possibility of appeal before an independent authority. That procedure was not a substitute for disciplinary action.<sup>26</sup>

18. CoE-CPT found it regrettable that no steps had been taken to enlarge the waiting cells in the *Palais de Justice* (law courts), which measured less than 1 m<sup>2</sup>, and called on the authorities to decommission them and to build larger ones.<sup>27</sup>

19. CoE-CPT noted that the prison population was made up mainly of foreign nationals in pretrial detention. Under a bilateral treaty with a neighbouring country, “persons sentenced to imprisonment for crimes under ordinary law shall be held in penal institutions” in this neighbouring country. As a result, only Monegasque nationals or persons with family or personal ties to Monaco served their sentences in the prison.<sup>28</sup>

20. In addition, CoE-CPT noted that, despite regular investment, it considered the prison to be unsuitable for prolonged deprivation of liberty and that upgrading the current building did not seem feasible owing, in particular, to limited access to natural light, recurring humidity and seepage problems and the lack of space for activities, including outdoor ones. CoE-CPT again recommended transferring the facility to a more suitable penal institution. Pending such a transfer, immediate steps should be taken to improve access to natural light, particularly in the juvenile section, and to enlarge visitor areas and outdoor exercise facilities.<sup>29</sup>

*Administration of justice, including impunity, and the rule of law*

21. The Group of States against Corruption (CoE-GRECO) noted that the amendments to the law on judicial service regulations strengthened the ability of the High Council of the Judiciary (HCJ) to safeguard judicial independence and that it could now initiate disciplinary proceedings. It regretted, however, that the composition of the HCJ had not been adjusted to increase the number of members elected by their peers, that its activity report was not made public and that it had not been given a greater role in the appointment of judges and prosecutors and their career management.<sup>30</sup>

22. CoE-GRECO welcomed the adoption of a compendium of ethical and deontological principles for judges and prosecutors, and the legislation on the organization of the Supreme Court and an ethical charter for its members.<sup>31</sup>

23. CoE-GRECO noted that, although a legal framework on the appointment of members of the Supreme Court existed, it was not able to ensure that these appointments were based on a transparent procedure, particularly with regard to the Prince’s power of appointment. CoE-GRECO stated that this power should be further legally regulated in order to guarantee the transparency and independence of appointments not only in practice, but also in law. CoE-GRECO also noted that the rules on incompatibility were still unclear and that there were no rules relating specifically to conflicts of interest and to other requirements related to the integrity of these judges.<sup>32</sup>

24. CoE-GRECO noted that neither the procedures for the appointment of members of the judiciary, including the secondment of members from a neighbouring country, nor the procedures for the renewal or early termination of secondments of judges and prosecutors from the neighbouring country had been set out clearly in law. Although pragmatic measures were taken to hold competitive entry examinations and train candidates, the transparency needed for the appointment of members of the judiciary and their career development could only be fully secured through appropriate legislative measures.<sup>33</sup>

*Fundamental freedoms and the right to participate in public and political life*

25. CoE-ECRI noted information that indicated that, in 2019, the authorities had refused to issue an acknowledgement of the request for formal recognition submitted by the Monegasque Association for the Worship of Jehovah’s Witnesses for the third time, despite the Supreme Court’s decisions in favour of the religious group, including a ruling dated

18 February 2019 which annulled the Government's two previous decisions. Noting with satisfaction the information provided by the authorities, according to which the situation was being resolved, CoE-ECRI strongly encouraged the Monegasque authorities to act on the judicial decisions in favour of the Association of Jehovah's Witnesses.<sup>34</sup>

26. In December 2022, OSCE/ODIHR undertook a Needs Assessment Mission regarding the 2023 parliamentary elections which concluded that there was a high level of confidence in the electoral process. OSCE/ODIHR, however, reiterated that many of its previous recommendations remained unaddressed, such as: (i) eligibility of candidates, (ii) criminalized defamation, (iii) proxy voting, and (iv) election dispute resolution.<sup>35</sup>

27. CoE-ECRI regretted to note that, under article 79 of the Constitution, the right to vote and stand for election in Monaco was granted only to Monegasque nationals, as this resulted in three quarters of the population living in Monaco unable to vote, including in municipal elections. CoE-ECRI encouraged the authorities to provide more opportunities for foreign residents to participate in public life.<sup>36</sup>

*Prohibition of all forms of slavery, including trafficking in persons*

28. The Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) noted that, in Monegasque law, human trafficking was criminalized by Sovereign Ordinance No. 605 of 1 August 2006.<sup>37</sup> There was currently no national action plan or other policy document to combat human trafficking in Monaco. However, the Monegasque authorities had indicated that they had set up a working group comprising representatives of all the departments concerned by this issue.<sup>38</sup>

29. CoE-GRETA noted that, on account of the Principality's particular geographical location and the size of its population, there was no specialized anti-trafficking entity or any formal procedure or established indicators for identifying victims of human trafficking.<sup>39</sup>

30. CoE-GRETA noted that no victims of human trafficking had been identified in Monaco to date.<sup>40</sup> However, CoE-GRETA noted that certain groups could be more exposed to the risk of trafficking, especially domestic workers employed abroad and persons working on yachts.<sup>41</sup> Moreover, it had been reported that some annual events in the Principality, attended by visitors, were a magnet for "escort girls" staying in neighbouring towns. The authorities had not identified any victims of exploitation for the purpose of forced prostitution. However, the large number of visitors arriving to attend these events could make it more difficult to identify potential victims of trafficking among persons engaged in prostitution, thus requiring law enforcement agencies to take a proactive approach.<sup>42</sup>

31. Given the possible link between the absence of training and the identification of victims of human trafficking, CoE-GRETA considered that the Monegasque authorities should ensure that training on the identification and care of victims of trafficking was provided to all relevant professionals (law enforcement officers, magistrates, labour inspectors, social workers, childcare professionals, medical staff, lawyers and other relevant groups).<sup>43</sup>

32. CoE-GRETA also urged the Monegasque authorities to make operational tools (such as indicators, checklists and risk assessment tools) available to all professionals likely to come into contact with potential victims of trafficking, and to develop procedures for identifying trafficked children and referring them to support services, including a clear procedure (national referral mechanism) for the identification of child trafficking victims.<sup>44</sup>

*Right to work and to just and favourable conditions of work*

33. CoE-ECRI noted that article 25 of the Constitution granted Monegasque nationals priority access to public and private employment. Nevertheless, notwithstanding existing legal limitations, because there were few Monegasque nationals, the number of foreign employees remained high. CoE-ECRI noted information which indicated that the rules on giving priority to nationals, which were supposed to apply exclusively in the event of equivalence of skills, could often be misapplied in a way that might amount to "national preference" practices that resulted, for example, in foreign workers' facing job insecurity.<sup>45</sup>

34. CoE-ECRI recommended that the Monegasque authorities adopt provisions prohibiting dismissals without prior and valid reason to afford employees greater protection against any unjustified difference in treatment and consequently any discrimination or harassment on grounds such as citizenship or national or ethnic origin, colour, language, religion, sexual orientation, gender identity and sex characteristics.<sup>46</sup>

*Right to an adequate standard of living*

35. CoE-ECRI noted that the housing sphere was characterized by the limited number of properties and very high rents in the private sector, which was the only sector accessible to everyone, regardless of citizenship. In contrast, low-cost housing in the “rent-controlled” segment of the regulated sector was reserved firstly for Monegasque nationals and secondly for *enfants du pays* and foreign nationals with close ties to Monaco. In view of the continuing pressure on the Monegasque property market, CoE-ECRI considered that the authorities should intensify their action in this field, taking care not to create unjustified reasons for differentiating between different groups of foreigners, and analyse the extent to which foreigners forced, in practice, to live outside Monaco could also benefit from such arrangements.<sup>47</sup>

*Right to health*

36. The European Centre for Law and Justice (ECLJ) noted that, prior to 2009, abortion was illegal in all circumstances, except to save the life of the mother. In 2009, Monaco had amended its Criminal Code to expand access to abortion in cases of rape, fetal deformity, fetal illness, or endangerment of life.<sup>48</sup> ECLJ raised concerns about abortion.<sup>49</sup>

*Right to education*

37. CoE-ECRI welcomed the adoption of Act No. 1.513 of 3 December 2021 on combating bullying and violence in schools. CoE-ECRI noted that the law also addressed cyberbullying, with increased penalties, “mobbing” and “cybermob attacks”. School bullying was defined in the new article 236-1-1 of the Criminal Code, and aggravated penalties were provided for when such acts were committed “against a person or group of persons on the grounds of their physical appearance, sex, disability, origin, sexual orientation, actual or assumed belonging or not to a particular ethnic group, nation, race or religion”.<sup>50</sup>

38. CoE-ECRI also welcomed the fact that human rights education formed an integral part of school curricula in Monaco from elementary education to the end of upper secondary education.<sup>51</sup>

39. The Stichting Broken Chalk (Broken Chalk) noted that article 11 of Act No. 1.334 of 12 July 2007, on education, required that children and adolescents with disabilities or incapacitating health conditions be educated within the normal school environment or, failing that, receive special education tailored to their particular needs. However, Monaco did not seem to have any openly available programmes or policies that made clear what measures were being taken to ensure that children with disabilities benefited equally from education in all schools and that possible special needs were being met.<sup>52</sup>

40. Broken Chalk urged Monaco to monitor and report on the situation of children and adolescents with disabilities in educational institutions nationwide and to provide openly accessible policies and guidelines on how these children were included within the education system and how their needs were being addressed.<sup>53</sup>

41. Broken Chalk also indicated that, despite a positive display of diversity, it was unclear whether the Monegasque education system was adapted to aiding, supporting, and integrating students from disadvantaged groups.<sup>54</sup> Broken Chalk stated that the education system must be better equipped and prepared to support disadvantaged children, migrants, and refugees, guarantee them access to education, and prevent them from becoming marginalized and discriminated against.<sup>55</sup>

## 2. Rights of specific persons or groups

### *Women*

42. The Committee of the Parties to the Istanbul Convention (CoE-CoP) welcomed the measures taken and progress achieved by Monaco in the implementation of recommendations for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), noting in particular: the launching by the Committee for the Promotion and Protection of Women's Rights of a public tender in 2021 allowing civil society to compete for funding, which allowed the principal non-governmental organizations working in the area of violence against women to benefit from such funds; the data collection and inventory carried out by the Monegasque Institute of Statistics and Economic Studies in relation to different forms of violence against women from various institutional sources and associations; the selection of staff for the national telephone helpline to ensure in-person advice in relation to domestic violence between 7 a.m. and 10 p.m.; and the introduction of the crime of sexual blackmail.<sup>56</sup>

43. CoE-CoP encouraged Monaco to take further measures to implement the recommendations addressed to its authorities, in particular by: ensuring that data collection on violence against women was carried out systematically and that the data was also broken down by sex of the victim and the perpetrator, as well as the relationship between the victim and the perpetrator; conducting regular victim prevalence surveys in Monaco so as to, inter alia, shed light on victims' experiences of violence, the adequacy of the support they have received from support services or their reasons for not reporting; and ensuring that the telephone helpline provided in-person advice to callers beyond 10 p.m. and around the clock in relation to all forms of violence against women covered under the Convention.<sup>57</sup>

44. Broken Chalk noted that, over three years, approximately 12,000 legal texts had been reviewed and updated to remove any obsolete provisions and promote gender equality. However, there was still room for improvement on this subject as, for instance, in 2019, the median gender wage gap in the private sector was 5.9 per cent, to the detriment of women.<sup>58</sup>

### *Children*

45. The Global Partnership to End Violence against Children (End Violence) stated that, while there was no defence for the use of corporal punishment enshrined in legislation in Monaco, there was also no explicit prohibition.<sup>59</sup>

46. Concerning recommendations from the previous cycle of the universal periodic review,<sup>60</sup> End Violence observed that, following the review, no legislation to explicitly prohibit corporal punishment of children in all settings seemed to have been adopted. In 2019, article 238-1 of the Criminal Code was amended to include being a minor and having a close family relationship (e.g. parent to child) as an aggravating circumstance in cases of assault. However, the Criminal Code did not explicitly prohibit corporal punishment, however light.<sup>61</sup>

47. End Violence expressed the hope that States would raise the issue during the review and make a recommendation that Monaco accelerate its efforts to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.<sup>62</sup>

48. The Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CoE-Lanzarote Committee) required that Monaco put training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.<sup>63</sup> The CoE-Lanzarote Committee also invited Monaco to set up specialized units, services or persons in charge of the prosecution of sexual offences against children facilitated by information and communication technologies.<sup>64</sup>

### *Persons with disabilities*

49. CoE-CPT indicated that the procedure for involuntary hospitalization appeared, on the whole, to be accompanied by the safeguards necessary to prevent possible abuses.<sup>65</sup> CoE-CPT invited the Monegasque authorities to incorporate into national law the obligation

to review the necessity of that measure at least twice a year, and to ensure that the patient could be heard and be assisted by counsel.<sup>66</sup>

*Lesbian, gay, bisexual, transgender and intersex persons*

50. CoE-ECRI noted information indicating that Monaco was a relatively safe and tolerant environment for LGBTI persons but stated that the legislative framework had not kept pace with changes in Monegasque society in this respect.<sup>67</sup>

51. CoE-ECRI observed that, since 2011, same-sex couples had been protected by provisions concerning prevention of domestic violence. In addition, a law which entered into force in June 2020 allowed all couples, whether of the same sex or different sexes, to enter into civil union contracts.<sup>68</sup> Such contracts, however, did not confer statutory “heir” status or parental authority or guardianship, nor did they allow family rights to be exercised. In addition, Monaco did not recognize same-sex marriages legally contracted abroad or the legal rights of same-sex couples who had married abroad. Noting information that, in November 2021, government agencies had confirmed that same-sex couples who had married abroad could enter into a civil union contract in Monaco, CoE-ECRI observed that there were still outstanding issues for the couples concerned, in particular with regard to possible unjustified differences between the status afforded by marriage and the status afforded under the civil union contract.<sup>69</sup>

52. CoE-ECRI recommended that the Monegasque authorities review existing legislation with a view to offering new arrangements to same-sex couples. In this context, the authorities should reconsider whether there was an objective and reasonable justification for any differences in the regulation of same-sex couples and opposite-sex couples.<sup>70</sup>

*Migrants, refugees and asylum-seekers*

53. CoE-ECRI noted that, while the number of migrants in an irregular situation present in Monaco appeared to be very limited, civil society reported that a large number of foreign nationals lived in a neighbouring country and worked in Monaco without their employment being declared. Although there was no consensus as to the existence or scale of this situation, some information provided indicated that it could apply to between 5 and 7 per cent of foreign workers, many of whom were employed as domestic workers.<sup>71</sup> CoE-ECRI recommended that the authorities carry out studies jointly with the authorities of a neighbouring country and the foreign communities concerned by the issue of undeclared work in order to identify any measures that could make it easier to help persons who suffered racist or discriminatory treatment.<sup>72</sup>

54. CoE-ECRI noted information provided by the authorities that refugees enjoyed the rights provided for in the 1951 Geneva Convention relating to the Status of Refugees and that, in accordance with the reservations entered by Monaco when it ratified that instrument, their rights had been brought into line with those of foreign residents rather than those of nationals in terms of education, public assistance, work and social assistance.<sup>73</sup>

55. CoE-ECRI also noted, however, that, at present, no text adopted at the national level provided a framework for processing asylum applications, and that all applications, of which there were very few, were processed by officials working for the Minister of State. The authorities could consult the independent body of a neighbouring country responsible for the application of texts relating to the recognition of refugee and stateless person status and the granting of subsidiary protection, or seek an opinion, but it appeared that this did not take place systematically and that this body’s opinion, when sought, was not binding.<sup>74</sup> CoE-ECRI recommended that the authorities incorporate into domestic law a procedure for processing asylum applications, specifying in particular the arrangements made by the State for receiving asylum-seekers while they awaited the decision on their application, and the relevant criteria on which the State based its decision to accept or reject an application, in the light of the applicable international agreements.<sup>75</sup>



## Notes

<sup>1</sup> A/HRC/40/13 and A/HRC/40/13/Corr.1, A/HRC/40/13/Add.1, and A/HRC/40/2.

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society**Individual submissions:*

Broken Chalk	The Stichting Broken Chalk, Amsterdam (Netherlands);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
End Violence	The Global Partnership to End Violence Against Children, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland).

*Regional intergovernmental organizations:*

CoE	The Council of Europe, Strasbourg (France); Attachments: (CoE-CPT) Le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants, Rapport au Gouvernement de la Principauté de Monaco relatif à la visite effectuée à Monaco par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 15 au 18 septembre 2020, Strasbourg, le 18 mai 2021, CPT/Inf (2021) 12 ; (CoE-ECRI) The European Commission against Racism and Intolerance, Report on Monaco (sixth monitoring cycle), adopted on 29 March 2022, published on 9 June 2022; (CoE-GRECO) The Group of States against Corruption, Corruption prevention in respect of members of parliament, judges and prosecutors, Second Compliance Report Monaco, Fourth Round Evaluation, Adopted by GRECO at its 93rd Plenary Meeting (Strasbourg, 20–24 March 2023), Publication: 30 March 2023, GrecoRC4(2023)5; (CoE-GRETA) Groupe d’experts sur la lutte contre la traite de êtres humains, Rapport concernant la mise en œuvre de la Convention du Conseil de l’Europe sur la lutte contre la traite des êtres humains par Monaco, Adopté le 22 novembre 2019, Publié le 12 février 2020, GRETA (2020)02; (CoE-CoP) The Committee of the Parties to the Istanbul Convention, Conclusions on the implementation of recommendations in respect of Monaco adopted by the Committee of the Parties to the Istanbul Convention, Adopted on 7 December 2021, Published on 9 December 2021, IC-CP/Inf (2021)7; (CoE-Lanzarote Committee) The Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse, Implementation report, The Protection of Children Against Sexual Exploitation and Sexual Abuse Facilitated by Information and Communication Technologies (ICTs), Addressing the Challenges Raised by Child Self-Generated Sexual Images and/or Videos, T-ES(2022)02_en final, 10 March 2022;
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

<sup>3</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
OP-ICESCR	Optional Protocol to ICESCR.
ICCPR	International Covenant on Civil and Political Rights.
ICCPR-OP 1	Optional Protocol to ICCPR.

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty.
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women.
OP-CEDAW	Optional Protocol to CEDAW.
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
OP-CAT	Optional Protocol to CAT.
CRC	Convention on the Rights of the Child.
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict.
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography.
OP-CRC-IC	Optional Protocol to CRC on a communications procedure.
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD.
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- 4 CoE-CPT, para. 5.
- 5 ICAN, p. 1.
- 6 CoE-CPT, para. 5.
- 7 CoE-ECRI, para. 1.
- 8 CoE-ECRI, para. 2.
- 9 CoE-ECRI, para. 3.
- 10 CoE-ECRI, para. 7.
- 11 CoE-ECRI, para. 43.
- 12 CoE-ECRI, para. 44.
- 13 CoE-ECRI, para. 2.
- 14 CoE-ECRI, para. 3.
- 15 CoE-ECRI, para. 6.
- 16 CoE-ECRI, para. 27.
- 17 OSCE/ODIHR, paras.8–9.
- 18 CoE-ECRI, paras. 29–30.
- 19 CoE-ECRI, para. 32.
- 20 CoE-ECRI, para. 36.
- 21 CoE-ECRI, para. 37.
- 22 CoE-CPT, para. 6.
- 23 CoE-CPT, p. 4.
- 24 CoE-CPT, para. 12.
- 25 CoE-CPT, para. 60.
- 26 CoE-CPT, para. 61.
- 27 CoE-CPT, para 20.
- 28 CoE-CPT, para. 22.
- 29 CoE-CPT, p. 4 and para. 31.
- 30 CoE-GRECO, para. 17.
- 31 CoE-GRECO, para. 34.
- 32 CoE-GRECO, para. 24.
- 33 CoE-GRECO, para. 29.
- 34 CoE-ECRI, para. 71.
- 35 OSCE/ODIHR, paras. 5–6.
- 36 CoE-ECRI, para. 55.
- 37 CoE-GRETA, para. 15.
- 38 CoE-GRETA, para. 17.
- 39 CoE-GRETA, p. 7.
- 40 CoE-GRETA, p. 7.
- 41 CoE-GRETA, p. 7.
- 42 CoE-GRETA, para. 13.
- 43 CoE-GRETA, para. 49.
- 44 CoE-GRETA, p. 7.
- 45 CoE-ECRI, paras. 56–58.
- 46 CoE-ECRI, para. 59.

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- <sup>47</sup> CoE-ECRI, paras. 67–69.
- <sup>48</sup> ECLJ, para. 6.
- <sup>49</sup> ECLJ, paras. 7–16.
- <sup>50</sup> CoE-ECRI, para. 13. See also Broken Chalk, para. 6.
- <sup>51</sup> CoE-ECRI, para. 10. See also Broken Chalk, para. 5.
- <sup>52</sup> Broken Chalk, para. 9.
- <sup>53</sup> Broken Chalk, para. 15.
- <sup>54</sup> Broken Chalk, para. 10.
- <sup>55</sup> Broken Chalk, para. 16.
- <sup>56</sup> CoE-CoP, para. A.
- <sup>57</sup> CoE-CoP, para. B.
- <sup>58</sup> Broken Chalk, para. 8.
- <sup>59</sup> End Violence, para. 2.
- <sup>60</sup> For the relevant recommendations, see [A/HRC/40/13](#), paras. 76.63 (Brazil), 76.64 (Madagascar), 76.65 (Portugal) and 76.66 (Uruguay).
- <sup>61</sup> End Violence, para. 1.2.
- <sup>62</sup> End Violence, para. 1.3.
- <sup>63</sup> CoE-Lanzarote Committee, p. 67, Recommendation III-15.
- <sup>64</sup> CoE-Lanzarote Committee, p. 56, Recommendation III-6.
- <sup>65</sup> CoE-CPT, p. 4.
- <sup>66</sup> CoE-CPT, para. 80.
- <sup>67</sup> CoE-ECRI, para. 21.
- <sup>68</sup> CoE-ECRI, para. 22.
- <sup>69</sup> CoE-ECRI, para. 23.
- <sup>70</sup> CoE-ECRI, para. 24.
- <sup>71</sup> CoE-ECRI, para. 18.
- <sup>72</sup> CoE-ECRI, para. 19.
- <sup>73</sup> CoE-ECRI, para. 46.
- <sup>74</sup> CoE-ECRI, para. 47.
- <sup>75</sup> CoE-ECRI, para. 48.
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