

MONACO

EXECUTIVE SUMMARY

The Principality of Monaco is a constitutional monarchy in which the sovereign prince plays the leading governmental role. The prince appoints the government consisting of a minister of state and five counselors. The prince shares the country's legislative power with the popularly elected 24-member National Council. In 2008 the country held multiparty elections for the National Council that were considered free and fair. Security forces reported to civilian authorities.

There were no reports of widespread or systemic human rights abuses.

The electoral system allows citizens to change many aspects of their government, but there is no constitutional provision to allow the citizens to change the monarchical nature of the government.

The government punished officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

The country's one detention center/penitentiary generally met international standards, and the government permitted monitoring by independent human rights

observers. Non-Monegasques sentenced to long prison terms generally were sent to France to serve their terms. As of September 2009, the most recent data available, there were 23 prisoners and detainees in Monaco. Of these, 10 were juveniles, and four were women. The detention center had a capacity of 81 persons. The prisoners had access to potable water in both the detention center and the prison.

Prisoners and detainees had access to visitors. However, the UN Committee against Torture observed that there is no mechanism with France to ensure visitation rights for prisoners convicted by a Monegasque court and imprisoned in France. Prisoners were permitted religious observance and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national police and the Carabiniers du Prince, a ceremonial military unit that guards the prince's palace. The government has effective mechanisms to investigate and punish abuse and corruption. However, in February the European Commission against Racism and Intolerance (ECRI) reported that the General Inspectorate of Police worked under the instructions of the Directorate General of Public Safety and lacked the necessary independence to investigate complaints of human rights violations by police. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Arrest warrants are required, except when a suspect is arrested while committing an offense. The detainee must appear before an investigating magistrate within 24 hours to be informed of the charges against him and of his rights under the law. Most detainees were released without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. Monaco and France worked cooperatively to return any fugitive who fled Monaco into France. The investigating magistrate may extend

the initial two-month detention for additional two-month periods indefinitely. Detainees generally had prompt access to a lawyer, and the state provided one to indigent defendants. The investigating magistrate customarily permitted family members to see detainees.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The laws provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence. Except for those involving minors, trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a panel of professional and lay judges hears the case. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if needed when defendants face serious criminal charges. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have a right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The country is a party to the European Convention on Human Rights and subject to the jurisdiction of the European Court of Human Rights (ECHR). During the year the court made no rulings involving Monaco.

Civil Judicial Procedures and Remedies

The country has an independent and impartial judiciary in civil matters, and residents have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Plaintiffs may appeal rulings to the ECHR. Plaintiffs regularly use available administrative remedies to seek redress for alleged wrongs.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights in practice.

Freedom of Speech: The penal code prohibits public “denunciations” of the ruling family and provides for punishment of six months’ to five years’ imprisonment. The media followed the law in practice. No one was charged with violating these statutes during the year.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

Protection of Refugees

Access to asylum: In June the UN Committee against Torture noted that the granting of refugee status in the country is subject to approval by the French Office for the Protection of Refugees and Stateless Persons. Monaco is not a refugee-receiving country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The authority to change the government and to initiate laws rests solely with the prince. The constitution can be revised by common agreement between the prince and the elected National Council.

Elections and Political Participation

Recent Elections: The 2008 National Council elections were considered free and fair.

Participation of Women and Minorities: There were six women in the 24-member National Council and two women in the seven-member Crown Council. One government counselor was a woman. There were no members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of governmental corruption alleged during the year but no formal proceedings against government officials for corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none existed in the country during the year.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Women

Rape, including spousal rape, is a criminal offense. There were no arrests or prosecutions for any form of rape during the year.

Spousal abuse is prohibited by law, and victims may bring criminal charges against abusive spouses. Reports of violence against women were rare.

Sexual harassment is illegal. There were no reports of sexual harassment during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Easy access to contraception, skilled attendance during childbirth, diagnosis, and treatment for sexually transmitted infections, including HIV, were accessible to both women and men.

Discrimination: Although the law provides for the equality of men and women, no institution has a mandate to monitor gender inequalities. Women were well represented in the professions but less well in business and finance. While no data

was available, observers believed that there was a small and gradually diminishing gender pay discrepancy.

Children

Birth Registration: Citizenship may be transmitted by a Monegasque parent. The government registers births immediately.

Child Abuse: Child abuse was generally not thought to be a serious problem. The government sponsored public service programs against child abuse, and the country's helpline service provided a means of reporting and addressing child abuse.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community numbers approximately 1,000 persons. There were no reports of anti-Semitic societal acts.

Trafficking in Persons

During the year there were no confirmed reports that persons were trafficked to, from, or within Monaco.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions. The government has enacted and effectively implemented laws ensuring access to public buildings for persons with disabilities, and the country has a handicapped-equipped beach. According to government statistics, the Social Welfare Services provided assistance to approximately 2 percent of minors (persons under 18) who were considered either to have disabilities or to be in danger.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of acts against persons based on their sexual orientation or gender identity.

Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

By law workers are free to form and join independent trade unions of their choice. Non-Monegasque workers, who constituted approximately 97 percent of the workforce, have the right to join unions; however, the ECRI noted restrictions on the eligibility of workers who are neither Monegasque nor French to sit in the bureaus of trade union federations. The constitution and law provide for the right to strike. Government workers may not strike. Failure to respect this right is punishable by a fine or imprisonment from three months to a year. Collective bargaining is protected by law. Antiunion discrimination is prohibited. Union representatives may be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. The law provides for the free exercise of union activity.

Workers exercised these rights in practice. Strike actions were infrequent. Employer organizations and trade unions negotiated agreements on working conditions.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit forced or compulsory labor, including by children, and there were no reports that such practices occurred.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years. Those employing children under that age may be subject to a fine under criminal law. Employment between the ages of 16 and 18 is subject to severely restricted conditions. The government effectively enforced the child labor law.

d. Acceptable Conditions of Work

The legal minimum wage for full-time work is the French minimum wage, 9.00 euros per hour (\$11.64), plus a 5-percent adjustment to compensate for the travel costs of the three quarters of the workforce who commute daily. Most workers received more than the minimum wage.

The legal workweek is 39 hours. The government allows companies to reduce the workweek to 35 hours if they so choose, but this option was rarely chosen. Regulations provide for a minimum number of rest periods and premium pay for overtime.

Law and government decree fix health and safety standards, which workplace health and safety committees and the government labor inspectors enforced. There were no reports of labor law violations. The Department of Employment (Ministry for Health and Social Affairs) had several labor inspectors, but the number was unknown. The chief inspector answers directly to the director of the labor department. Labor inspectors inform employers and employees of all matters related to labor laws, and health and safety standards, reconcile--when possible--parties involved in disputes; and carry out onsite inspections to make sure all requirements of the above are respected in practice.