

MONACO 2013 HUMAN RIGHTS REPORT

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 ministers. The prince shares the country's legislative power with the popularly elected National Council. Multiparty elections for the National Council in 2012 were considered free and fair. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

There were no reports of serious human rights abuses.

The electoral system allows citizens to change many aspects of their government, but there is no constitutional provision to allow them 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. If a killing were to occur, the Department of Interior and the Department of Justice would investigate it.

b. Disappearance

There were no reports of politically motivated disappearances or kidnappings.

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. Authorities generally sent non-Monegasques sentenced to long prison terms to France to serve their terms.

Physical Conditions: As of September there were 29 prisoners and detainees in the country. Of these, three were juveniles, and five 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.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing for nonviolent offenders, and prison ombudsmen were available to respond to complaints. Prisoners and detainees had access to visitors. There is no mechanism with France to ensure visitation rights for prisoners convicted by a Monegasque court and imprisoned in France. Prisoners could observe their religious practices and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhumane conditions.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. On November 27-30, a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country's prison and mental hospital. As of year's end the CPT had not published its report on the visit.

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. The government has effective mechanisms to investigate and punish abuse and corruption. The General Inspectorate of Police worked under the instructions of the Directorate General of Public Safety but 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 of Detainees

Arrest warrants are required. 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, and authorities generally respected this requirement. 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. Detainees generally had prompt access to a lawyer, and the government provided one to indigent defendants. The investigating magistrate customarily permitted family members to see detainees. The investigating magistrate may extend the initial two-month detention for additional two-month periods indefinitely.

e. Denial of Fair Public Trial

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

Trial Procedures

The laws provide for the right to a fair trial, and the judiciary generally enforced this right. Defendants enjoy a presumption of innocence, are generally informed promptly and in detail of the charges against them, and have access to free interpretation if necessary. Except for cases involving minors, trials are conducted in public, usually 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 and their counsel have adequate time and facilities to prepare a defense and access to government-held evidence relevant to their cases. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. They cannot be compelled to testify or confess guilt. Defendants have a right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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 regularly used available administrative remedies to seek redress for alleged wrongs. The government respected court decisions pertaining to human rights.

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the European Court for Human Rights (ECHR), and plaintiffs may appeal decisions involving alleged human rights violations to the ECHR after they exhaust remedies in domestic courts.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government mostly respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech: The law prohibits public “denunciations” of the ruling family and provides for punishment of six months’ to five years’ imprisonment. The media followed the law. Authorities did not charge anyone 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 without appropriate legal authority. According to statistics from the International Telecommunication Union, approximately 87 percent of the population used the internet in 2012.

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.

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 internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. Monaco is not normally a refugee-receiving country. The government vets applications for asylum with the French Office for the Protection of Refugees and Stateless Persons. As of the end of 2012 there were 37 persons with refugee status in the 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. The constitution and law provide citizens the right to change the National Council peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Observers considered the National Council elections on February 10 to be free and fair. The Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) noted, however, that detainees awaiting trial were not allowed to vote, contrary to OSCE principles. It also noted that both the five-year citizenship requirement for candidates to run for election and the inability of an individual to run as an independent candidate hinder the right of citizens to run for public office without discrimination. For the first time, the law set limits on the amount of personal funds a candidate could spend in the election and a disclosure requirement, although campaign finance contributions were unregulated.

Participation of Women and Minorities: There were five 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. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively.

Corruption: There were sporadic allegations of governmental corruption during the year but no formal proceedings against government officials for corruption. The Law Enforcement Agency and the Department of Justice are responsible for combating corruption. Both collaborated with civil society, operated effectively and independently, and were sufficiently resourced.

Whistleblower Protection: The law provides for whistleblower protection. It provides for protection for government officials and employees, and any individual who denounces irregularities, fraud, or crime. The law states that it is the individual's obligation and duty to report any irregularity, fraud, or crime and that it is the government's obligation and duty to protect whistleblowers against any kind of retaliation (such as threats, attacks, insults, and harassment). If applicable, the government must ensure that "any damage" to the whistleblower is repaired and it may, in certain instances, act as the whistleblower's representative in court.

Nongovernmental officials and employees are protected under the law by means of several measures including anonymous testimony and witness protection.

There were no reports of whistleblowing during the year.

Financial Disclosure: Public officials are not subject to financial disclosure laws.

Public Access to Information: The law provides for public access to government information, and the government provided access 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 during the year.

Government Human Rights Bodies: The government's mediation service is available to residents seeking redress against administrative decisions.

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 and Domestic Violence: 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: 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.

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: Observers generally did not consider child abuse 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.

Forced and Early Marriage: The legal minimum age of marriage in the country is 18 years for women and men. Women and men under the age of 18 need parental authorization to marry. There were no data available on the number of underage marriages.

Sexual Exploitation of Children: Child pornography is illegal; the court system determines penalties. Child prostitution is also illegal.

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 country-specific information at http://travel.state.gov/abduction/country/country_6194.html.

Anti-Semitism

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

Trafficking in Persons

There were no confirmed reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, and the provision of other government services. The government effectively enforced these provisions. The government enacted and effectively implemented laws ensuring access to public buildings for persons with disabilities, and the country had a beach that was accessible to persons with disabilities. The Social Welfare Services assisted minors less than 18 years of age with disabilities. Children with disabilities had access to all levels of education. There were no reports of abuse or patterns of abuse, degrading treatment or other abusive conditions in educational or mental health facilities.

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

The country has no law against discrimination in employment based on sexual orientation or gender identity. There were no reports of acts against persons based on their sexual orientation or gender identity. The law provides that persons will be punished for provoking hatred, or violence against a person or group due to their sexual orientation, real or supposed. Punishment is up to five years in prison and/or a fine. Stigma or intimidation is not a likely factor in preventing reports of abuse.

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

The law provides for the right of workers 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. The constitution and law provide for the right to strike, although government workers may not strike. Failure to respect this right is punishable by a fine or imprisonment of from three months to a year.

The law provides for collective bargaining. 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. Employer organizations and trade unions negotiated agreements on working conditions.

There were two trade unions in the country: Union des Syndicats de Monaco (USM) and Federation des Syndicats des Salaries de Monaco (F2SM), consisting of some 40 sub-trade union groups.

During the year USM union members founded F2SM, because, they stated, USM was not actively defending pension benefits. A one-day strike was reported during the year by Hotel de Paris employees who claimed that Societe des Bains de Mer, owner of the hotel, had announced it would close the hotel temporarily in 2014 for renovation.

The government provides the assistance of mediators for private or professional conflicts, to avoid long and costly court procedures, and to find a solution acceptable to all parties to the dispute.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor, 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 16 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, 9.43 euros (\$12.73) per hour, plus a 5-percent adjustment to compensate for the travel costs of the three-quarters of the workforce who daily commuted from outside the country. Most workers received more than the minimum wage. The law requires equal pay for equal work.

The legal workweek is 39 hours. The government allowed companies to reduce the workweek to 35 hours, but companies rarely did so. Regulations provide for a minimum number of rest periods and premium pay for overtime. There is a ceiling of nine hours of overtime per week or 46 hours of overtime over 12 consecutive weeks.

Law and government decree fix health and safety standards, which workplace health and safety committees and government labor inspectors enforced. There were no reports of labor law violations. The Department of Employment in the Ministry for Health and Social Affairs had several labor inspectors. The chief inspector answered directly to the director of the Labor Department. Labor inspectors informed employers and employees on all matters related to labor laws, and health and safety standards. They arbitrated, mediated, and reconciled labor-management disputes. When possible, they carried out onsite inspections to ensure that employers respected all requirements of the law.