

# MONACO 2022 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, which consists of a minister of state and five ministers. The Prince shares the country's legislative power with the popularly elected National Council, which is elected every five years. Multiparty elections for the National Council in 2018 were considered free and fair.

The national police maintain public order and the security of persons and property. The Palace Guard maintain the security of the Prince, the royal family, and their property. Both report to the Ministry of Interior. Civilian authorities maintained effective control over the security forces. There were no reports security forces committed abuses.

Significant human rights issues included the enforcement of laws criminalizing libel and offending the Prince.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in official corruption.

## Section 1. Respect for the Integrity of the Person

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

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

### b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

## **Punishment, and Other Related Abuses**

The constitution and law prohibit such practices, and there were no reports that government officials employed them. Impunity was not a significant problem in the security forces.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Authorities usually sent noncitizens sentenced to long prison terms to France to serve their terms.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers such as regularly scheduled visits by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

An arrest warrant is required. A detainee must appear before an investigating magistrate within 24 hours of arrest to be informed of the charges and the detainee's rights under the law, and authorities generally respected this requirement. There is a functioning bail system. Authorities released most detainees without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. Detainees generally had prompt access to a lawyer, and the government provided one to indigent defendants.

## **e. Denial of Fair Public Trial**

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

### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Except for cases involving minors, trials were conducted in public, usually before a judge or tribunal of judges.

### **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, human rights violations. Plaintiffs regularly used available administrative remedies to seek redress for alleged wrongs. Persons may appeal court decisions involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights after they exhaust all avenues of appeal in national courts.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this

right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Freedom of Expression:** Although rarely enforced, the law prohibits offending the Prince and provides for punishment of from six months to five years in prison per offense. If not committed publicly, the act may be punished with imprisonment from six months to three years. The law also prohibits offending the family of the Prince and provides for punishment of from six months to three years in prison. If not committed publicly, the act is punishable with imprisonment from three months to one year. Authorities did not charge anyone with violating these statutes during the year.

**Libel/Slander Laws:** The law prohibits defamation or insult, particularly against citizens responsible for a public service or office, and it provides for imprisonment of up to two years depending on the severity of the case. There were four libel cases during the year and authorities enforced these laws effectively.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **b. Freedoms of Peaceful Assembly and Association**

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

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

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

## **e. 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. Given its very small size (0.78 square miles) and extremely tight housing market, Monaco is not normally a refugee-receiving country, and France handles immigration matters. Nonetheless, due to the war in Ukraine, Monaco resettled 260 displaced Ukrainians by July, hosted almost exclusively by family or friends living in the country. The government can grant temporary protection (like in France), guaranteeing assistance measures and residence rights to live and work in the country. The beneficiaries do not have the status of asylum seeker or refugee as defined by the United Nations Convention of July 28, 1951 on the Status of Refugees.

## **Section 3. Freedom to Participate in the Political Process**

The authority to change the government and to initiate legislation 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 ability to choose the National Council in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** Observers considered the National Council elections in 2018 to be free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of historically marginalized groups in the political process, and they did participate.

## **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. There were no reports of

government corruption during the year.

## **Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses 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. International human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. In general, government officials were responsive to the views of international organizations.

**Government Human Rights Bodies:** The government's mediation service is available to residents seeking redress against administrative decisions. The Office of the High Commissioner for the Protection of the Rights and Freedoms and Mediation protects human rights and fights discrimination. While the office acted independently, had adequate resources, and was considered effective, the government does not allow the high commissioner to initiate investigations on her own.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is a criminal offense with penalties of five to 20 years in prison, depending on the type of offense. The law prohibits domestic violence, and survivors may bring criminal charges against abusive spouses. Domestic violence that leads to a significant injury carries a potential sentence of 10 to 20 years in prison. The government enforced the law effectively.

In April a stabbing suspect charged with attempted murder of his wife in the country was imprisoned in France as he awaited extradition.

The country increased training during the year for professionals handling survivors of gender-based violence, raised awareness through a domestic violence prevention

program, and cooperated with France to enroll perpetrators in remediation courses. The Department of Social Welfare and Social Services also provides for emergency accommodation and has agreements with various hotels to take in women who are forced to leave their homes.

**Sexual Harassment:** Sexual harassment is a criminal offense with penalties of three months to three years in prison, depending on the type of offense. The government enforced the law efficiently. There were no reports of sexual harassment during the year.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Through the Victims of Criminal Offences Help Association program, the government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape.

**Discrimination:** The law provides for the equality of men and women. The government enforced the law effectively.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law does not clearly define discrimination, but it does prohibit any defamation, call to violence, or public expression of hate against anyone based upon gender, real or presumed race or ethnic origin, handicap, sexual orientation, or religion. Penalties for violations can include fines or up to six months in prison; violations can also be aggravating factors that lead to harsher sentences for other related crimes. The authorities enforced the law effectively.

Civil servant regulations were reformed July 2, with changes to be implemented in 2023. Article 17, amended, states there can be made no distinction between civil servants based on gender, political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance, or ethnicity.

## **Children**

**Birth Registration:** Citizenship may be transmitted by a citizen parent. The government registered births immediately.

**Child Abuse:** There are robust laws against child abuse, with punishments ranging from restraining orders to 20 years in prison based up on the severity of the case. The law provides for physical, medical, and legal aid for any child victim.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage in the country is 18 for women and men. Children younger than 18 need parental authorization to marry.

**Sexual Exploitation of Children:** Child commercial sexual exploitation and child pornography are illegal, and authorities enforced the law. The minimum legal age for consensual sex is 15.

## **Antisemitism**

According to the European Jewish Congress, the Jewish community numbered approximately 1,000 persons, most of whom were not citizens of the country but foreign residents. According to the Monaco-based Association Culturelle Israelite, there were no known reports of antisemitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in Monaco or that traffickers exploited victims from Monaco abroad.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** Consensual same-sex conduct between adults is legal for both men and women.

**Violence against LGBTQI+ Persons:** There were no reports of police or other

government agents inciting, condoning, tolerating, or perpetrating violence against lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) persons or those reporting such abuses. There were no known cases of nonstate actor violence targeting LGBTQI+ individuals.

**Discrimination:** The law provides for fines, imprisonment, or both for persons who provoke hatred or violence against a person or group due to their sexual orientation, real or perceived. The government enforced these laws. There were no known instances of discrimination against LGBTQI+ persons with respect to employment, housing, nationality, and access to government services.

**Availability of Legal Gender Recognition:** There is no law on legal gender recognition, creating a case-by-case situation in the courts. In July, a court allowed for the first time an individual to change gender on their civil status records, after the petitioner had undergone gender reassignment surgery in France and changed their French legal documents.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There were no known cases of involuntary or coercive medical and psychological practices specifically targeting LGBTQI+ individuals. Such practices are not illegal.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no known cases of restrictions against freedom of expression, association, or peaceful assembly imposed on members of the LGBTQI+ community.

## **Persons with Disabilities**

The constitution and the law prohibit discrimination against persons with disabilities in education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services. The government effectively implemented these laws. There were no known cases of discrimination against persons with disabilities in education, employment, health services, information, communications, buildings, transportation, the judicial system, and other state services.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes; government workers do not have the right to strike. Antiunion discrimination is prohibited. The law requires the majority of members of a trade union's bureau to be citizens of Monaco or France. 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 government and employers generally respected freedom of association and the right to bargain collectively, and employer organizations and trade unions negotiated agreements on working conditions that were largely respected.

The government generally enforced the law. Penalties were commensurate with those for other laws involving denials of civil rights. Penalties were regularly applied against violators. 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 and criminalize all forms of forced or compulsory labor. Information regarding the adequacy of resources, remediation effort, inspection sufficiency, and penalties for violations was not available. No cases alleging forced labor were filed during the year. The government effectively enforced the law. It was impossible for authorities to know whether unreported cases of forced domestic labor took place in homes or on yachts, because the labor law prohibits inspectors from entering private residences unannounced without a warrant.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The minimum age for employment is 16. Employment opportunities for individuals between the ages of

16 and 18 are severely restricted: individuals younger than 18 are allowed to work eight hours per day to a maximum of 39 hours per week and are barred from night work. The government enforced the law effectively. Penalties were commensurate with those for similar crimes. There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination with Respect to Employment and Occupation**

The law requires equal pay for equal work. No data were available to substantiate any gender-based pay discrepancy. A 2019 agreement signed by representatives of seven labor-based industries and organizations in the country formalized employers' commitments to promote workplace equality and covers 99 percent of employers in the country. The law allows the firing of employees without justification (except for French members of trade unions described in section 7.a.).

The government sufficiently enforced the laws, and penalties for violations were commensurate with other laws related to civil rights. Penalties were regularly applied against violators.

In July the Monegasque Institute of Statistics and Economic Studies published the first-ever gender wage gap study for the country, based on 2019 figures to avoid a COVID-19-crisis bias. The study indicated that the public sector narrows the gap by enforcing transparent pay practices. Pay scales are not mandatory in the private sector, where women earn a median salary 5.9 percent lower on average than that of men.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** There is a minimum wage, which exceeded the official estimate of the poverty level.

**Occupational Safety and Health:** The laws and government decree establishing occupational safety and health (OSH) standards were appropriate for the main industries of the country. The same inspectors that cover wage and hour laws are responsible for enforcing occupational safety and health laws.

**Wage, Hour, and OSH Enforcement:** Workplace health and safety committees

and government labor inspectors effectively enforced the minimum wage, overtime, and OSH laws. Penalties were commensurate with those for similar violations, and inspection was sufficient to enforce compliance. Penalties were regularly applied against violators.

The Department of Employment in the Ministry of Health and Social Affairs is responsible for enforcing wage and hour laws. The inspectorate had an adequate number of labor inspectors. The chief inspector answered directly to the director of the Department of Employment. Labor inspectors informed employers and employees on all matters related to labor laws and arbitrated, mediated, and reconciled labor/management disputes. They carried out regular on-site inspections, including unannounced visits, to ensure employers respected all requirements of the law.

**Informal Sector:** Data were not available on enforcement of occupational safety and health standards in the small informal economy.