

MONACO 2016 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. Multiparty elections for the National Council in 2013 were considered free and fair.

Civilian authorities maintained effective control over the security forces.

There were no egregious human rights abuses.

Among other problems, prisoners had insufficient access to sunlight and outdoor exercise. Citizens cannot change the hereditary monarchy, which plays a substantial role in governing the country. The lack of a requirement for government officials to file financial disclosure reports hindered the oversight against official corruption. Foreign women did not enjoy equal access to social benefits. There is no explicit law against direct and indirect discrimination.

There were no reports of abuses committed by government officials.

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

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 politically motivated disappearances.

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

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

Physical Conditions: In 2013 the Council of Europe's Committee for the Prevention of Torture (CPT) reported that persons detained in jail for longer than 24 hours lacked outdoor exercise space and that prisoners lacked access to sunlight for most of the day. Prisoners also had limited ability to receive and possess personal property.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers such as regularly scheduled visits by the CPT.

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

The national police are responsible for maintaining public order and the security of persons and property. The Palace Guard is responsible for the security of the prince, the royal family, and property. Both report to the Ministry of Interior.

Civilian authorities maintained effective control over the national police and the Palace Guards, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Arrest warrants are required. A detainee must appear before an investigating magistrate within 24 hours of arrest to be informed of the charges against him and of his rights under the law, and authorities generally respected this requirement. 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. Monaco and France worked cooperatively to return any fugitive who fled from Monaco into France. Detainees generally had prompt access to a lawyer, and the government provided one to indigent defendants. The investigating magistrate may extend indefinitely the initial two-month detention period in additional two-month increments. The investigating magistrate customarily permitted family members to see detainees.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: At any point a detainee may challenge the nature of his detention and appeal for release. The law provides guidelines for proper compensation for a detention deemed unlawful.

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 law provides for the right to a fair trial, and an independent 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. There were no undue delays. A single judge decides most cases, but, 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 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 have the right to be present at their trials, 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. The law extends these rights to all defendants.

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. 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, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally 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 and Expression: The law prohibits public “denunciations” of the ruling family and provides for punishment of six months’ to five years’ imprisonment for violations. Authorities did not charge anyone with violating these statutes during the year.

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. According to the latest statistics available from the International Telecommunication Union, 47 percent of the population had a fixed broadband subscription to the internet, and 93 percent used the internet in 2015.

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 the freedoms of 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 www.state.gov/religiousfreedomreport/.

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.

Durable Solutions: During the year the Ministry of External Relations and Cooperation and the Office of the UN High Commissioner for Refugees resettled two Syrian brothers in the country.

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 2013 to be free and fair.

Participation of Women and Minorities: No laws limit the participation of women and minorities 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. Officials sometimes engaged in corrupt practices with impunity.

Corruption: There were sporadic allegations of governmental corruption during the year but no formal proceedings against government officials for corrupt practices.

Financial Disclosure: Appointed and elected officials are not subject to financial disclosure laws.

Public Access to Information: The law provides for public access to government information, and the government effectively implemented the law.

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.

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 (Office of the High Commissioner) protects human rights and fights discrimination. The office acted independently, had adequate resources, and was considered effective.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense with penalties of five, 10, and up to 20 years in prison, depending on the type of offense. One case of rape involving a Monegasque citizen was filed during the year but was transferred to French courts since the crime occurred on French territory. The law prohibits spousal abuse, and victims may bring criminal charges against abusive spouses. Reports of violence against women were rare.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence.

Discrimination: The law provides for the equality of men and women. Women were well represented in the professions but less well in business and finance.

Children

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

Early and Forced Marriage: The legal minimum age of marriage in the country is 18 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 prostitution and child pornography are illegal, and authorities enforced the law. The minimum legal age for consensual sex is 15.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

There were no confirmed reports that Monaco was a source, destination, or transit country for victims of human trafficking.

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, the judicial system, 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.

National/Racial/Ethnic Minorities

In a report published on March 1, the European Commission on Racism and Intolerance (ECRI) noted that the country's law does not clearly define and does not expressly prohibit direct and indirect discrimination based on national, racial, or ethnic identity. It also lacks certain key components of effective legislation against discrimination, such as the sharing of the burden of proof.

Police and judicial statistics on hate crimes and hate speech were not published. ECRI observed reluctance on the part of victims to file complaints.

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

The law prohibits discrimination including in employment based on sexual orientation or gender identity. The law provides for punishment of up to five years in prison and/or a fine for persons who provoke hatred or violence against a person or group due to their sexual orientation, real or supposed.

According to ECRI, between 2010 and 2014 there were seven homophobic incidents in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law and supporting regulations provide for the right of workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes. Employer discrimination, firing, or sanctioning for union activity is illegal and therefore void according to the law. According to ECRI's report published in March, the law requires the majority of members of a trade union's bureau to be of Monegasque or French nationality. 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. Antiunion discrimination is prohibited. The government generally respected these rights, although government workers do not have the right to strike.

The government generally enforced the law. Resources, inspections, and remediation efforts were adequate. Violations were punishable by a fine or imprisonment for three months to a year, penalties generally sufficient to deter violations. 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.

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.

b. Prohibition of Forced or Compulsory Labor

The constitution and law prohibit all forms of forced or compulsory labor. Information regarding the adequacy of resources, remediation effort, inspection sufficiency, and penalties for violations was not available. There were no reports of forced labor.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. Employment between the ages of 16 and 18 is subject to severely restricted conditions. Youths under 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 effectively enforced the child labor law.

Government resources, inspections, and remediation efforts were adequate. Persons employing children under 16 may be subject to a fine under the law.

d. Discrimination with Respect to Employment and Occupation

The labor law and regulations prohibit discrimination based on sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, race, or religion. The law requires equal pay for equal work. While no data were available, observers believed there was a small and gradually diminishing gender pay discrepancy.

The law allows the firing of foreign employees without justification. In March, ECRI reported that foreign women do not enjoy the same entitlement to social benefits as their male counterparts.

The government effectively enforced these laws and regulations, and violations seldom occurred.

e. Acceptable Conditions of Work

The legal minimum wage for fulltime work is the French minimum wage, 9.67 euros (\$10.64) per hour, plus a 5-percent adjustment to compensate for the travel costs for the three-quarters of the workforce who commute to work daily from outside the country. Most workers received more than the minimum wage. The official estimate for the poverty level income is 803 euros (\$883) per person per month.

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. Employers must pay an indemnity to employees, determined on a case-by-case basis, as a penalty for violating working hours limitations. The penalties have been sufficiently high generally to deter violations. There is a ceiling of nine hours of overtime per week or 46 hours of overtime over 12 consecutive weeks.

Law and government decree establish health and safety standards, which workplace health and safety committees and government labor inspectors enforced.

The Department of Employment in the Ministry of Health and Social Affairs had several 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, as well as health and safety standards. They arbitrated, mediated, and reconciled labor-management disputes. When possible, they carried out onsite inspections to ensure employers respected all requirements of the law. Workers could remove themselves from situations endangering health or safety without jeopardy to their employment, and authorities effectively protected this right. Data was not available on enforcement of occupational safety and health standards in the informal economy.