

MONACO 2014 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. Multi-party elections for the National Council in 2012 were considered free and fair. Authorities maintained effective control over the security forces.

The electoral system allows citizens to change many aspects of their government, but they cannot change the hereditary monarchy, which plays a substantial role in governing the country. The country's detention center lacked hot meals and an exercise area, and authorities had in service three small "box" cells 10 square feet in size. Prisoners also lacked sunlight for most of the day.

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 the government or its agents committed arbitrary or unlawful killings.

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 government officials employed them.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards. Authorities usually sent non-Monegasques sentenced to long prison terms to France to serve their terms.

Physical Conditions: As of September there were 23 prisoners and detainees in the country. Of these, two were juveniles and four were women. The prison had a capacity of 81 persons, and the detention center had a capacity of six persons. The prisoners had access to potable water in the detention center and the prison. The food was adequate, and there were no shortages.

In December 2013 the Council of Europe's Committee for the Prevention of Torture (CPT) published a report of the visit of a delegation to the country's prison and mental hospital in 2012. The report noted the lack of outdoor exercise space in the jail for persons detained longer than 24 hours. It found the diet in the center, consisting of sandwiches and beverages, inadequate and recommended the menu include hot meals. The CPT noted authorities had in service three "box" cells of approximately 10 square feet in size. In the prison the CPT noted prisoners' continuing lack of access to sunlight for most of the day. Prisoners also had limited ability to receive and possess personal property.

Administration: Recordkeeping on prisoners was adequate. Authorities used alternatives to sentencing for nonviolent offenders. Prison ombudsmen were available to respond to complaints. Prisoners and detainees had access to visitors. Prisoners could observe their religious practices and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhuman conditions.

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

Improvements: The country's sole detention center developed sports activities for the detainees and created an end-of-year-gratuity for each detainee.

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 Ministry of Interior and the Ministry of Justice have responsibility in law and practice for law enforcement and maintenance of order within the country. Both ministries report to their own ministers, who in turn report to the minister of state.

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

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 for additional two-month periods. 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.

Trial Procedures

The law provides 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. 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 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 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: 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 the government monitored private online communications without appropriate legal authority. According to statistics from the International Telecommunication Union, approximately 91 percent of the population used the internet in 2013.

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.

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 ability 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 in February 2013 to be free and fair.

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 minister was a woman. No members of minorities were 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. 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. The Police Department and the Department of Justice are responsible for combating corruption. Both collaborated with civil society, operated effectively and independently, and were sufficiently resourced.

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 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 during the year.

Government Human Rights Bodies: The government's mediation service is available to residents seeking redress against administrative decisions. In a report issued March 19, the European Commission against Racism and Intolerance noted that in October 2013 a sovereign order created the Office of the High Commissioner for the Protection of the Rights and Freedoms and Mediation (Office of the High Commissioner). The high commissioner's competencies include the protection of human rights and the fight against discrimination. The order also shifted responsibility for mediation to the new institution. The office acted independently, had adequate resources, and was considered effective.

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

The constitution and the law prohibit discrimination based on race, sex, disability, language, sexual orientation and/or gender identity, or social status, and the government effectively enforced these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense with penalties of five, 10, and up to 20 years, depending on the type of 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.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports of FGM/C during the year.

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 attain the highest standard of reproductive health, 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. The law requires equal

pay for equal work. Women were well represented in the professions but less well in business and finance. While no data was available, observers believed 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.

Early and Forced 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.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports of FGM/C during the year.

Sexual Exploitation of Children: Child prostitution is illegal. Child pornography 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 country-specific information see the Department of State's report at travel.state.gov/content/childabduction/english/country/Monaco.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 the country 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, 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.

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

The country has no law against discrimination 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. Stigma or intimidation was not a factor in preventing incidents of abuse from being reported. There were no reports of acts against persons based on their sexual orientation or gender identity.

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. 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. 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 generally respected freedom of association and the right to bargain collectively, and employer organizations and trade unions negotiated agreements on working conditions.

b. Prohibition of Forced or Compulsory Labor

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

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. The government effectively enforced the child labor law.

There were no reports of child labor during the year.

Government resources, inspections, and remediation efforts were adequate. Penalties for those employing children under 16 may be subject to a fine under the law. There were no government actions during the year to prevent or remove children from such labor.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations.

e. Acceptable Conditions of Work

The legal minimum wage for fulltime work is the French minimum wage, 9.53 euros (\$11.91) 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 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 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 can remove themselves from situations endangering health or safety without jeopardy to their employment, and authorities effectively protected this right.