

# **Monaco 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Monaco during the year.

Significant human rights issues included the enforcement of laws criminalizing libel and offending the Prince. Authorities did not charge anyone with violating these statutes during the year.

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

## **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, including extrajudicial 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 prohibited 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.

**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 prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

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

An arrest warrant was required. A detainee was required to 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 was a functioning bail system.

Authorities released most detainees without bail, but the investigating magistrate could 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. There were no reported cases of arbitrary or unlawful detention.

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

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

## **Trial Procedures**

The law provided for the right to a fair trial, and an independent judiciary generally enforced this right. Except for cases involving children, 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.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

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

The constitution and law prohibited 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 provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press and an effective judiciary

contributed to freedom of expression.

**Freedom of Expression:** Although rarely enforced, the law prohibited offending the Prince and provided for punishment of from six months to five years in prison per offense. If not committed publicly, the act could be punished with imprisonment from six months to three years. The law also prohibited offending the family of the Prince and provided for punishment of from six months to three years in prison. If not committed publicly, the act was 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 prohibited defamation or insult, particularly against citizens responsible for a public service or office, and it provided for imprisonment of up to two years depending on the severity of the case. There were no libel cases during the year.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content without appropriate legal authority.

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

The constitution and law provided 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 provided 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 did not provide for the granting of asylum or refugee status, and the government had not established a system for providing protection to refugees. Monaco was not normally a refugee-receiving country, and France handled immigration matters. Nonetheless, due to the war in Ukraine, Monaco resettled approximately 1,000 displaced Ukrainians by July.

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

The authority to change the government and to initiate legislation rested

solely with the Prince. The constitution could be revised by common agreement between the Prince and the elected National Council. The constitution and law provided 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**

**Abuses or Irregularities in Recent Elections:** Observers considered the February national elections to be free and fair, although marked by little political competition and no parliamentary debate.

Communal elections held in March were also marked by a lack of political pluralism, with the incumbent mayor of Monaco running unopposed and being reelected to a sixth consecutive term.

## **Section 4. Corruption in Government**

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

**Corruption:** Following the recommendations of the Council of Europe's Second Compliance Group of States against Corruption (GRECO) Report, published in 2022, in July the country adopted an asset and interest disclosure regime, as well as a gift reporting rule, for the members of the executive power. The government also established an independent ethics

committee, including an ethics advisor to confidentially advise members of the executive.

In March, GRECO cited improvements in the transparency of the legislative process but noted that no new steps had been taken to make public parliamentarians' declarations of financial and economic interests. GRECO also stressed the lack of transparency in the appointment process of members of the judiciary, given the absence of specific rules on conflicts of interest.

Moneyval, the Council of Europe's Committee of Experts on the Evaluation of anti-Money Laundering Measures and the Funding of Terrorism, released a report in January citing deficiencies in the country's anti-money laundering and terrorism financing measures. The government expressed full support for Moneyval's recommendations and took steps to address the issues. For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement*, and the Department of State's *International Narcotics Strategy Control Report* which includes information on financial crimes.

## **Section 5. Governmental Posture Toward International and Nongovernmental Monitoring and**



## 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. In general, government officials were responsive to the views of international organizations.

**Government Human Rights Bodies:** The government's mediation service was available to residents seeking redress against administrative decisions. The Office of the High Commissioner for the Protection of the Rights and Freedoms and Mediation protected human rights and fought discrimination. While the office acted independently, had adequate resources, and was considered effective, the government did 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, was a criminal offense with penalties of five to 20 years in prison, depending on the type of offense. The law prohibited domestic violence, and survivors could bring criminal charges against abusive spouses. Domestic violence that led to significant injury carried a potential sentence of 10 to 20 years in prison.

The government enforced the law effectively.

**Discrimination:** The law provided the same legal status and rights for women as for men, and those laws were generally respected.

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

Women could access abortion in the country when pregnancy endangered the mother's life or health, and in cases of fetal deformity and rape. Health professionals were liable to fines, prison, and losing their medical license if they performed unauthorized abortions in the country but were allowed to counsel and refer women to foreign services. No cases of unauthorized abortions were reported during the year. 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 and post exposure prophylaxis were available as part of the clinical management of rape.

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

The law did not clearly define discrimination, but it did prohibit any defamation, call to violence, or public expression of hate against anyone based upon gender, real or presumed race or ethnic origin, disability, sexual orientation, or religion. Penalties for violations could include fines or up to six months in prison; violations could also be aggravating factors that lead to

harsher sentences for other related crimes. Authorities enforced the law effectively.

The law stated that no distinction could be made between civil servants based on gender, political, philosophical, religious or trade union opinions, sexual orientation, state of health, disability, physical appearance, or ethnicity, although it did require that civil servants be nationals of the country.

## Children

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

**Child, Early, and Forced Marriage:** The legal minimum age of marriage in the country was 18 and this was effectively enforced by the government. Children younger than 18 needed parental authorization to marry.

**Sexual Exploitation of Children:** The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking. Child commercial sexual exploitation and child pornography were illegal, and authorities enforced the law. The minimum legal age for consensual sex was 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 reports of antisemitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in the country or that traffickers exploited victims from 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 was not criminalized and seemingly neutral laws were not disproportionately applied to lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

**Violence and Harassment:** There were no reports of police or other government agents inciting, condoning, tolerating, or perpetrating violence against LGBTQI+ persons or those reporting such abuses. There were no known cases of nonstate actor violence targeting LGBTQI+ individuals.

**Discrimination:** The law provided for fines, imprisonment, or both for persons who provoked 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. The law did not recognize same-sex marriages, including same-sex marriages contracted abroad, or adoption by same-sex couples. Same-sex civil partnerships were legal.

**Availability of Legal Gender Recognition:** There was no law on legal gender recognition, creating a case-by-case situation in the courts. In July 2022, 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:** There were no known cases of forced or involuntary so-called conversion therapy practiced on adults or children to try to change a person's sexual orientation or gender identity or expression. So-called conversion therapy practices were not illegal. There were no reports of surgeries performed on nonconsenting intersex adults or children. There were also no reports of efforts by government and medical associations to limit the above practices.

**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 LGBTQI+ persons.

## **Persons with Disabilities**

The constitution and the law prohibited 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 the aforementioned areas.

## **Section 7. Worker Rights**

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

The law provided for the right of workers, including foreign workers, to form and join independent unions, bargain collectively, and conduct legal strikes; government workers did not have the right to strike. Antiunion discrimination was prohibited. The law required the majority of members of a trade union's bureau to be citizens of Monaco or France. Union representatives could be fired only with the agreement of a commission that included 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 provided 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**

See the Department of State's annual *Trafficking in Persons Report* at:  
<https://www.state.gov/trafficking-in-persons-report/>

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

The law prohibited the worst forms of child labor. The minimum age for employment was 16. Employment opportunities for individuals between the ages of 16 and 18 were severely restricted: individuals younger than 18 were allowed to work eight hours per day to a maximum of 39 hours per week and were 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 (see section 6)**

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

**Wage and Hour Laws:** There was a minimum wage, which exceeded the official estimate of the poverty level. The law provided for a standard workweek of 39 hours and restricted overtime to 48 hours per week unless a special exemption was granted.

Infractions of wage, hour, and overtime laws as well as social security benefits linked to undeclared work were most common in the construction and restaurant industries.

**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 covered wage and hour laws were responsible for enforcing occupational safety and health laws. The labor inspectors proactively investigated the sectors prone to unsafe conditions of work.

The law did not provide for the right of workers to remove themselves from situations that endanger health or safety. There were no official statistics regarding specific sectors prone to violations of OSH standards.



**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 was 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.

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