
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Monaco

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A. Executive summary

1. In general there is very little information about LGBT issues and people in Monaco. The subject has only been discussed occasionally. However, a debate on same-sex cohabitation in Parliament in 2008 and a case on homophobic insult judged in July 2010 have led to many public debates about this issue. To some extent, the level of media report about LGBT people and homophobia has reflected this.
2. Apart from these two incidents, there are no reports about homophobia or transphobia, at least not as open and direct manifestations. However, some interviewees mentioned that more subtle and indirect homophobia and transphobia does exist, for example, in jokes and insinuations.
3. There is no LGBT community in Monaco. Any kind of formal assembly or association takes place outside Monaco. No Gay Pride has been arranged or held.
4. Same-sex couples are affected by Monaco law as they do not enjoy the same rights as opposite-sex couples in family and social issues. Apart from the right to same-sex registered partnerships this dilemma has not been disputed in practice.
5. There is no practice regarding refugee issues in Monaco as these are handled directly by France.
6. The educational system relies on assistance from civil society in terms of providing sexual education. No reports were found pertaining to bullying or harassment in upper secondary schools where this system is used.
7. There are no reports about discrimination in the labour market nor examples of good practices for relevant anti-discrimination policies or activities in employment.
8. Interviewees provide different stances as to whether it is more difficult for LGBT people to get the right to public housing.
9. There is no particular attention to LGB issues and needs in the field of health care. This is also the case for transgender people.
10. There are different opinions amongst governmental employees and civil society representatives about the role of the Catholic Church in the discussion about homophobia and the particular needs of the LGBT group.

B. Data Collection

11. For this report data have been collected through:
12. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on the grounds of sexual orientation and gender identity in Monaco.
13. Data collection interviews were made through five direct interviews in Monte Carlo on 14 – 16 June 2010 and five more telephone interviews with the following stakeholders:
14. Authorities
 - Département des Relations Extérieures
 - Département des Affaires Sociales et de la Santé
 - Direction de la Sûreté Publique
 - Département de l'Intérieur
 - Direction des Affaires Juridiques
 - Direction des Services Judiciaires
15. Parliament
 - 2 Members of Parliament
16. Civil society
 - Fight Aids (NGO)
 - 1 journalist from Monaco Hebdo
 - 1 journalist from Têtu, Paris

C. Findings

C.1. Public opinion and attitudes towards LGBT people

17. Monaco is a small country of two kilometres square with a permanent population of approximately 31,000 inhabitants, around 22% of which being native of Monaco.
18. From interviews conducted on 14 – 16 June 2010, and from desk studies, it appears that Monaco brands itself as a state with a high level of discretion and respect for private life. A few interviewees from the civil society stated that this may also be the case in issues related to discrimination, including against LGBT persons. It has been stated many times by interviewees from all sectors that this is because “Monte Carlo is a small city where everyone knows one another”. The public debate about LGBT issues in the media and elsewhere is also extremely limited according to the collected data.
19. There are no international or national surveys or studies available on public general opinion and behaviour towards LGBT issues in Monaco. However, in a survey made in 2007 by the UPM party of Monaco before the 2007 general elections, 51% of the respondents (only native Monaco inhabitants asked) agreed that living in registered partnership should be accepted.¹ People native of Monaco being a minority in their own country, the survey is not representative of the entire population’s opinion.
20. All people interviewed during the visit to Monaco² stressed that direct and open homophobia and transphobia is non-existent in Monaco apart from the one or two single incidents mentioned. On the other hand a few interviewees stated that they believe that LGBT issues are deliberately ignored in legislative and policy matters. This group of interviewees felt that the tolerance and broadmindedness in relation to LGBT issues differs with age and that broadmindedness increases slightly with younger generations coming into public office. For example, some gay interviewees mentioned that they are invited for galas and cocktail parties together with their companion and thus accepted as a couple.
21. Individuals interviewed for this report, who have a LG orientation³, stressed that jokes sometimes centre on gay issues and that this may sometimes be felt insulting depending on the situation. No official complaints in this regard are reported, but some non-LGB interviewees stated that they find this practice humiliating.
22. There are no specific practices that could be highlighted as best practices in relation to guiding attitudes towards LGBT people specifically.

C.2. Freedom of assembly and association

23. Monaco has no formalised LGBT community. Gatherings take place in the private sphere or in neighbouring France where a community does exist, for example, in Nice.

1 *Union pour Monaco*, www.unionpourmonaco.com/consultation.php (slide 39), accessed 23 September 2010.

2 See list of interviewees above.

3 These individuals did not want referencing to be made to them.

24. No Pride event has been held in Monaco. Several persons interviewed stated that the initiative for such an event would have to come from outside Monaco as the LGBT community in the state is neither organised nor pushing for it itself.
25. There are no official gay places in Monaco. There are, however, some places that are more tolerant than others to gay or lesbian couples who show signs of affection as long as it remains 'decent'. One restaurant owner told a journalist who was investigating on treatment of LGBT people in Monaco that he would not mind having a rainbow flag on his door, he just never thought about it before.⁴
26. There are no data available on problems concerning LGBT people or organisations regarding freedom of assembly and association.

C.3. Freedom of expression

27. There are no accounts of limitations regarding freedom of expression of LGBT people.

C.4. Hate crime - hate speech

28. There are no reported incidents of hate crime.
29. The only case recorded is the one described below judged according to the statute of 15 July 2005 on freedom of expression.
30. In July 2010 the first case ever on homophobic insult was judged in court (*Tribunal Correctionnelle*) in Monaco. The plaintiff had told to the police about episodes where he was insulted by a guest in a privately owned building where the plaintiff worked as a caretaker and where he lived in a flat with his same-sex partner. The guest used homophobic speech to talk about the plaintiff. As a result of the harassment the plaintiff lost his job as a caretaker and he therefore also lost his flat. He lost his job due to the fact that doctors declared him unable to work in any building where the defendant was staying or just passing by. The case has led to more discussion on homophobia and the situation of LGBT people than ever before in Monaco - in the media as well as in public debate in general⁵. Amongst others, it has accelerated the public demand for legal provisions on hate crime and in particular on the absence of homophobia being described as an aggravating factor.
31. The person who was insulted in the July homophobia case did not report any particular specifications in relation to the way public authorities handled his case.
32. The July-case has not led to any mention of transphobia being an issue in relation to hate speech.

C.5. Family issues

33. As an effect of Monaco law same-sex couples do not have the same legal status as opposite-sex couples in relation to, for example, marriage and adoption. However, this has been very little disputed in public. The parliamentary debate of April 2008 in relation to the law on domestic violence was an exception in the proposal to extend the notion of "concubinage", which was included in law, to same-sex couples.

⁴ Meeting with a journalist from Têtu, Paris on 15 June 2010.

⁵ Information received from correspondence and meetings with the two journalists interviewed for this report as well as from meeting on 18 July 2010 with the victim himself.

34. In relation to the debate in Parliament the notion of "concubinage" was discussed as part of the draft law. The head of the government of Monaco, the former Minister of State, stated that the notion of "concubinage", two people living together, should not be extended to same-sex couples.⁶ "It is not cohabitation which bothers me. It is homosexuality in the name of the principles of the government," said the Minister of State. The statement was made contrary to the recommendation made by the Committee on Women's Rights and Family⁷ which proposed to extend the notion to same-sex couples. The proposition of the Committee was followed by the majority of the National Council. The final version of the law includes the terminology 'couples or persons living together living under the same roof'⁸. The debate in Parliament was commented by the weekly Monaco Hebdo⁹ which presented the statements made by the government as homophobic. According to an interview with a Member of Parliament a draft law on registered partnership, including for same-sex couples, will be proposed by some Parliament members in the foreseeable future.¹⁰
35. No cases of gender reassignment processes are known or registered and there is no practice in relation to transgender people and family issues.

C.6. Asylum and refugee issues

36. All asylum and refugee issues are directly handled by France before requests can be made by the people whose claim to reside in Monaco has been turned down. There are no data available on the conditions for LGBT asylum seekers in Monaco.

C.7. Social security, social care and insurance

37. There are no data on this issue. However, lack of legal recognition of same-sex partnerships does entail a lack of access to social services and privileges in practice whenever the answer depends on partnership status. This has not been discussed or disputed in Monaco in practice.
38. No cases relating to transgender persons are known of and thus specific ways or means of handling this group's particular needs are not discussed in practice.

C.8. Education

39. Education is mandatory for all children in Monaco aged 6 - 16. The curriculum for this part of the educational system does not include a specific sexual education programme, but rather biology at large. The NGO Fight Aids has an agreement with the Ministry of Education to provide sexual education in upper secondary education in Monaco. Beyond matters on prevention, this education takes into consideration general non-discrimination principles and thus addresses choice of sexuality and tolerance of such choices. The teaching includes different methods and media and attracts the attention of the target

6 E-Ilico, *Monaco: le chef du gouvernement opposé au concubinage homosexuel*, 11 June 2009, <http://v2.e-ilico.com/rubrique.htm?rubrique=telex&articleID=17825>, accessed 5 November 2009.

7 La Commission des Droits de la femme et de la famille.

8 *Draft law no. 190 on the fight against domestic violence*, www.conseilnational.mc, accessed 23 September 2010.

9 *Monaco Hebdo*, no. 605, 1 May 2008.

10 According to *Proposal 52 of the Programme of the Union Pour Monaco*. The proposal reads: "Reconnaître l'union libre, pour ouvrir à ces couples les mêmes droits vis-à-vis de l'Administration, sur le modèle de ce que nous avons obtenu pour les logements domaniaux", www.unionpourmonaco.com/programme.php, accessed 23 September 2010.

group as considered. Some intolerance is encountered in this group of the youth, but there are no reports about bullying or harassment.¹¹

40. On 4-5 April 2006 the Council of Europe launched the Triennial programme 'All different – all equal' in Monaco. This anti-discrimination programme targets children in primary and secondary school across Europe. The government of Monaco has implemented the programme focussing on the following anti-discrimination areas: difference due to disability, difference in ethnicity, difference in culture, difference based on gender, difference in religion and crimes against humanity. During a meeting with the authorities, they indicated that the programme does not include specific mention of LGBT issues.
41. There are no reports on homophobia in the educational system and there are no data on the situation for LGBT people in the educational system in Monaco neither in statistics or elsewhere else.

C.9. Employment

42. There is no legislation in force protecting individuals against discrimination in the labour market. There is also no data regarding discrimination on grounds of sexual orientation and gender identity in this field. Also, there are no examples of particular good practices of relevant anti-discrimination policies and initiatives.

C.10. Housing

43. Different information was conveyed by interviewees regarding housing. Some same-sex couples were reported to be indirectly discriminated against when applying for the so-called 'apartments domaniaux' (publicly owned apartments for rent). Other couples had not encountered any problems in getting such a flat.¹²

C.11. Health care

44. There is no official information about health care related to LGBT people and also no specific protection of LGBT groups regarding health care. In practice this implies, for example, that there is no transgender-specific health care centres and any person needing medical assistance in this regard will have to go to medical institutions outside Monaco. No cases of such kind were reported or known of.
45. Same-sex partners are not considered 'next of kin' in relation to accessing information from each other's patient files when necessary.
46. Health staff is educated on HIV/AIDS issues, but not LGBT issues specifically. There are no reports about negative attitudes from medical staff towards LGBT people.

C.12. Media

47. The media generally abstain from reporting LGBT issues and thus this group is not very visible through the media. Very few reports have been made in this regard and all of them

¹¹ Meeting with Fight Aids, 30 June 2010.

¹² Meetings with journalists interviewed and from meeting with Monegasque parliamentarian, 15 June 2010.

focus on why homosexuality is a taboo in Monaco. No homophobic or transphobic statements in the media have been reported.

48. Interviewed journalists stressed that interviews on LGBT topics for research purposes are very difficult to conduct. They stated that people are very shy to show their LGBT belonging for reasons of discretion and/or from fear of being recognised and thus ridiculed.

C.13. Transgender issues

49. If the topic of homosexuality enjoys minimal attention in Monaco, transgender issues enjoy even less. There are no available data on this issue.

C.14. Other areas of concern

50. Article 9 of Monaco Constitution asserts that Monaco is a catholic state. Some non-governmental interviewees¹³ stated that they see signs of the church expressing views related to notions in draft laws (for example, in relation to abortion) and that such statements affect the deliberations of the government. This could be speculation, but it was mentioned by several interviewees in independent interviews. The interviewees stated that they suspect that the Church indirectly plays a role in screening draft laws and thereby indirectly influences the public debate on LGBT issues. On the other hand, government interviewees stressed that the church has no influence on Monaco law making.
51. In 2009 a law permitting abortion for medical reasons was adopted in Monaco. The latter met resistance from the Church which claimed that this was opening the way to a general acceptance of abortion which it strongly condemns.
52. The interviewer asked for an interview with the Archbishop, but his office declined the invitation. Therefore the interviewer did not get a reaction from the Church in relation to the statements above. Nor was it possible to ask about the Church's perception of moral and public order in relation to protection of LGBT people in Monaco.

C.15. Data availability

53. There are limited or no data available regarding all areas of the report.

¹³ The interviewees did not want their identity disclosed.