

Activity Report 2017-2019

Summary



HIGH COMMISSIONER

FOR THE PROTECTION OF RIGHTS,
LIBERTIES AND FOR MEDIATION
PRINCIPALITY OF MONACO

Remit

As a national institution charged with protecting the rights of citizens, the High Commissioner...

At a glance...

The High Commissioner is an **independent, public** institutional mediation body created at the behest of H.S.H. Prince Albert II.

It offers a flexible, non-confrontational service to help ensure that Monaco's public services respect people's rights.

The High Commissioner is committed to the values of independence, impartiality, transparency, and fairness that underpin everything it does.

It seeks to listen to people's needs and build close relationships in all aspects of its work. Its staff are required to show the highest standards of integrity, diligence, clarity, and empathy.

The High Commissioner's **charter of ethics and code of conduct** can be found at the end of this document.

As mediator, the High Commissioner...

... handles individual cases

It works to :

> **PROTECT the rights of citizens**, by striving to prevent and correct mistakes, injustices, inaction or failings of public services.

> **COMBAT discrimination** in all areas (employment, housing, and access to goods and services), while respecting the specific features of Monaco's applicable priority schemes.

How ?

It favours **amicable resolution** as the quickest and easiest way to settle a dispute.

Where necessary, it issues individual or general **recommendations** to address specific problems or suggest changes to the law or practices – all in the common interest.

... issues opinions

8

... to the national authorities

Draft legislative bills

- Cohabitation contracts
- Decriminalisation of abortion
 - Workplace bullying
- Assistance for Monegasque families
 - Cybercrime
- Changes to the status of civil servants
- Publication of court judgments (withdrawn)

Draft Sovereign Ordinance

- Creation of the Committee for the Promotion and Protection of Women's Rights

8

... to international organisations

Council of Europe



- GRECO (anti-corruption)
- GREVIO (violence against women)
- GRETA (human trafficking)
- Congress of Local and Regional Authorities
 - Venice Commission
- Commissioner for Human Rights
- ECRI (against racism and intolerance)

United Nations



- Universal Periodic Review

... cooperates through international networks

Francophone network (AOMF)

7 meetings

November 2018

10th congress and general meeting
Brussels and Namur (Belgium)

High Commissioner elected to the Board of the AOMF

October 2019

Joint conference with the Assemblée Parlementaire de la Francophonie (APF) to mark the 30th anniversary of the UN Convention on the Rights of the Child

Rabat (Morocco)

High Commissioner chaired work on gender equality of children

Mediterranean network (AOM)

2 meetings

May 2018

10th congress and general meeting
Skopje (Macedonia)

Discussions on best practices for the protection of social, cultural, and environmental rights

December 2019

Conference in conjunction with the Council of Europe on the Venice Principles
Nicosia (Cyprus)

Discussions on new principles on the protection and promotion of the Ombudsman institution

Key dates

Key figures

MAJOR TRENDS



Rise in number of **grievances** referred since the High Commissioner's creation



100

Around a **hundred** cases handled each year

40%

of claimants on average are **Monegasques**



70%

of claimants on average are **residents** of Monaco

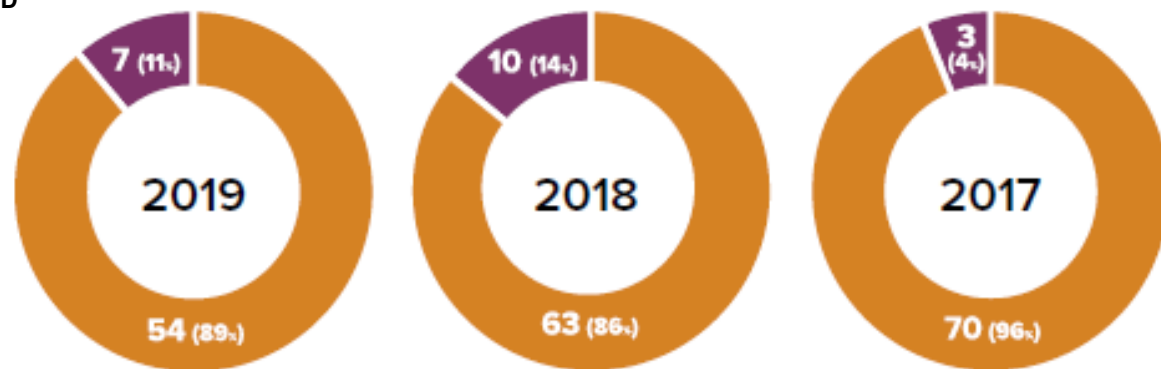
HANDLING OF CASES

2017 to 2019

BREAKDOWN OF CASES

Protecting citizens' rights Combating discrimination

ACCEPTED



REJECTED*

29

23

26

*Handled as part of the High Commissioner's role of informing and guiding the public

WHAT DO CASES CONCERN ?

PROTECTING THE RIGHTS OF CITIZENS

Six main areas

	Economic activities	Foreign residents	Housing	Employment	Social protection	Detention	
2019	9	7	9	7	5	4	out of 54 cases accepted
2018	8	15	7	6	5	9	out of 63 cases accepted
2017	17	13	10	9	5	4	out of 70 cases accepted

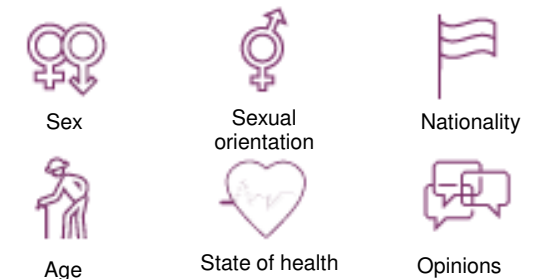
COMBATING DISCRIMINATION

2 areas



2019	5	2	out of 7 cases accepted
2018	6	4	out of 10 cases accepted
2017	1	2	out of 3 cases accepted

6 criteria



HOW ARE THEY RESOLVED ?

Individually



Generally



› Progress in public service and good governance

Notice of administrative police decisions

Previously, citizens were only notified of administrative police decisions (refusal or withdrawal of residency permits, expulsion) verbally. The individuals concerned were summoned to attend the Police Department, and left with neither a copy of the decision nor any official document providing proof. This contravened their most basic rights. Now, citizens affected by administrative police decisions are systematically provided by the police officer with an official notice, along with a copy of the decision itself. This ensures they are able to understand the decision, and to challenge it more easily if necessary.

Non-discriminatory access to family benefits and health insurance

The discriminatory “head of household” concept, which gives the father priority when accessing family benefits, has not been completely abandoned. However, a general process of reform has begun, aimed at gradually re-establishing equality between men and women in this area. After initial moves were made in 2019 concerning the regime applicable to civil servants, allowing mothers resident in Monaco to obtain family benefits for their children, access to these benefits is now based on neutral criteria (parents’ place of residence and professional activity) for self-employed workers. Bilateral talks are under way on plans to introduce the same measures for salaried employees.

Shelving of applications for residency permits

When processing applications for residency permits, the Police Department sometimes took the liberty of shelving them, setting them aside with no formal outcome, in cases where the individual concerned was unable to produce certain additional documents deemed necessary. This meant that the processing of the application was suspended, and in practice effectively amounted to it being dismissed. Yet the applicant received no notice that their application had been denied, and was therefore unable to challenge the decision. This practice has now been abandoned, and the authorities are careful to issue an official decision on applications after a certain period of time has passed, as they are in principle required to do in all matters.

Professional activities at State-owned properties

It is established practice for the tenant of a State-owned property to be able to carry on a professional activity at that address, provided the activity requires no employees, no clients visit the property, and no goods are stored there. However, this required an express permit from the State Property Authority, which charged additional rent in the form of an “annual supplementary fee”. In June 2020, the National Council passed legislation abolishing these paid permits, thus providing a definitive solution to the issues posed by the State Property Authority’s practice, for which there was no governing framework and which had previously deprived tenants of contractual forward visibility. A new general principle is now applied, whereby a maximum of three such activities may be carried on at a State-owned property, free of charge and for an indefinite period of time.

Civil servants: appeals against decisions taken on the basis of opinions by medical commissions

Traditionally, civil servants declared invalid based on the opinion of the Medical Commission had no written access to the reasons for the decision. They are now able to obtain a copy of the medical and administrative report by the medical officer at the State Medical Benefits Office, along with the relevant transcript of the Commission’s own report. To enable civil servants to appeal against decisions of this kind more easily without breaching medical secrecy, the documents they produce in support of their request for a review of their situation can now be sent under seal to the Monegasque Human Resources and Training Department. From there, they are forwarded directly to the Higher Medical Commission for a second opinion.

Vehicle registration

Until recently, users were unable to obtain approval for an individual vehicle, which in certain cases was required in order to register it, as the Vehicle Testing Centre lacked the necessary technical and human resources to issue the “single vehicle type approval” document. A bilateral agreement has now been signed to remedy this administrative problem, and Monegasque residents are able to obtain single-vehicle type approval in France (Toulon). Once they have done so, they may then register their vehicle in Monaco.

› Recommendations implemented or ongoing

Disputing a traffic ticket

The High Commissioner found that although instructions for disputing traffic tickets issued for driving offences appeared on the reverse side of the ticket itself (disputes to be lodged within eight days, with an obligation to pay the fixed fine in order to be able to challenge it), these instructions were based on customary practice only. There was no official procedure. To address this, the High Commissioner recommended that a formal procedure for disputing traffic tickets be enshrined in legislation or regulation, to ensure it is both legitimate and is properly legally binding. The Government referred the matter to its legal services, with a view to drafting the necessary legal instruments.

Study grants

The High Commissioner previously worked alongside the National Council to obtain a substantial increase (now in effect) in the State’s contribution to the academic fees of students studying high-quality courses abroad. The High Commissioner has now also recommended reforming the method used to calculate the “family quotient”, which determines the size of the grant awarded. The “family quotient” is currently based on the total resources of all individuals living in the same household, which potentially includes any brothers and sisters of the student who are already in work, grandparents receiving a pension, or non-family members living under the same roof. However, given the grant’s purpose, this calculation should be based solely on the income of parents who have a duty to contribute to their child’s upkeep and education. This change, which the Government has indicated it is now considering, would ensure that study grants are calculated in a fairer way that better reflects the student’s true circumstances.

Unemployment benefit

In Monaco, unemployment benefit is paid by the French employment agency Pôle Emploi, to which employers and employees both pay contributions. However, under the conditions for accessing these benefits and the bilateral agreements with Italy, which only apply to Italian nationals, cross-border workers resident in Italy but who do not have Italian nationality are ineligible for unemployment benefit from Pôle Emploi if they lose their job. After the High Commissioner alerted them to this discriminatory issue, the Monegasque authorities, who were already aware of the problem, indicated their intention to find a solution in their current discussions with the European Union.

Prison conditions

Having received a number of claims from prisoners held at Monaco’s remand prison, the High Commissioner issued a number of general recommendations that led to significant advances in the rights of prisoners, by:

- **Improving the formal supervision and remuneration of work carried out in prison**
- **Expanding the previously very limited access to weekly telephone calls**
- **Providing easier access to consultations with a psychologist for prisoners who speak a foreign language**
- **Guaranteeing improvements to medical supervision with the introduction of a computer-based medical file**
- **Requiring the prison to acquire new lighting technology in order to enable prisoners to sleep during night patrols.**

However, two of the points flagged by the High Commissioner for the attention of the authorities continue to pose problems. These concern **breaches of medical secrecy where prisoners are hospitalised** at the CHPG, and the systematic use of **full body searches**, which appear to breach ECHR case law in this area. It is the High Commissioner’s view that the authorities must urgently look at these two issues as a priority, in order to ensure that the practices employed protect the dignity and basic rights of prisoners.

Finally, the wider issue of the **state of the prison building itself and its unfitnes for purpose** should, at the very least, lead the authorities to consider reviewing the layout of the different quarters, in order to improve the conditions in which minors are detained, while allowing better treatment of new prisoners and those placed in solitary confinement.

> Recommendations not taken up but which should be treated as a priority**Administrative right to be forgotten**

As part of background checks conducted by the Police Department before issuing work permits, the Administration takes into account offences committed before the age of majority, and these may frequently lead to work permit applications being rejected. Under Monegasque law, however, the resulting convictions should not appear in the criminal record transcript to which administrative authorities are granted access (bulletin no. 2). This measure is designed to ensure that young adults' chances of finding a job and integrating society are not affected. The High Commissioner believes it is absolutely vital that the "right to be forgotten" continues to apply to offences committed by individuals during a period of their life in which they, by definition, lacked the maturity needed for their actions to meaningfully reflect their moral character.

Policy on operating licences in sectors deemed to be "sufficiently represented"

Where the State takes the view that there are sufficient operators in a sector of the economy to satisfy requirements, it generally no longer issues licences for new overseas-registered companies to operate in Monaco. This is designed to ensure that all operators in the sector concerned have satisfactory markets for their goods and services. By extension, the State also considers that new shareholders or partners who are foreign nationals should be prevented from entering companies less than ten years old operating in the sector concerned, to prevent speculation after the market close. This second objective cannot be met by a rule that unduly penalises existing operators, by imposing a general restriction on the ability of shareholders or partners to sell their shares, and by limiting these companies' possibilities for expanding or restructuring. The High Commissioner believes that this second practice constitutes disproportionate interference in the business of companies, and that it should no longer be applied systematically.

Changes to categories of residency permits on renewal

When a resident changes address, occupation or civil status and applies for an update of their residency permit ("duplicata"), the authorities do not restrict themselves merely to considering whether the permit should be maintained. They also review the category of permit originally granted (from "privilege" to "ordinary", or from "ordinary" to "temporary"). The High Commissioner considers that such changes to the category of residency permits, which are applied outside any legal framework and cannot, by definition, be justified by the fact that the holder no longer meets the requirements for residence in Monaco, are both incompatible with the principle of legal certainty and infringe the rights of citizens. They may also pose difficulties for the State in the event of legal action. The High Commissioner believes it is vital to ensure that such practices are governed by a proper legal framework, and to restrict the possibilities of such changes to residency permit categories.

> Proposals**Occupancy of State-owned property: bringing the law into line with practice**

Alongside the recommendations made, inviting the State Property Authority to grant commercial leases to all traders occupying private State property and to respect the principle that such traders should be free to transfer or sell their businesses, for this Report the High Commissioner looked at the issue of "business sales" or "leasehold rights sales" authorised by the State on its public land on a case-by-case basis. Given the rising number of cases brought to its attention, the High Commissioner proposes that legislation should be introduced to ensure legal recognition for businesses operated on State-owned property. This measure would also provide a proper framework to govern these practices, for the benefit of all concerned. Currently, they are conducted in a legal vacuum, since they apply to premises that by definition exclude any commercial ownership or transferable occupancy rights for traders with temporary occupancy agreements.

Examples of cases settled amicably**< Operating licence refused owing to lack of guarantees of good character >**

Mr D. was refused a licence to carry on a regulated profession in the Principality, on the grounds that he supposedly failed to provide all of the required guarantees of good character. The Administration based its refusal on the claim that he had been accused of bankruptcy fraud by misappropriation of assets, but Mr D. produced a court judgment that definitively cleared him of any liability for the insolvency of the company he managed. The High Commissioner intervened on the basis of this information, pointing out that the legal action for repayment of company assets filed against Mr D., owing to his previous position as executive manager, was a purely civil law matter, and that the court found no evidence of any mismanagement on his part. In view of these clarifications, the Administration agreed to reconsider its original decision and issue the licence.

< Delays in processing of permanent residency application >

Ms E., who was already a regular visitor to the Principality for short stays, was keen to take up permanent residence with her Monegasque daughter. From France, she was able to obtain a long-stay visa valid for three months, which is an essential prerequisite for non-EU nationals applying for permanent residency in Monaco. She then applied for her first residency card. Despite repeated verbal assurances from the police that her case would be resolved quickly and that she could therefore safely remain in Monaco while awaiting her permit, Ms E. was ultimately informed that her application for residency had been turned down, but not until after her visa had expired. Forced to return to her home country late, the administrative incident which had arisen with the French border police meant that she was effectively unable to return to France - and therefore also to Monaco - for five years. The matter was referred to the High Commissioner, who successfully obtained a certificate from the Monaco Police Department allowing the claimant to prove to the French authorities that she had overstayed her visa owing to a delay in the processing of her case by the Monegasque authorities. This removed all obstacles preventing her from obtaining a short-stay visa in the future.

< Refusal to issue a certificate of registration with the Special Register of Non-Trading Companies showing the record of changes to an SCI's registered office >

Ms K. was owed money by a Monegasque-registered SCI (non-trading property company), but had been unable to collect it for some years. She had previously gone to court to obtain a ruling ordering the Register Service to disclose the identities of the SCI's executive managers, in order to be able to have them served with formal notice to pay. Unfortunately, this did not result in payment. Having succeeded in identifying one of the properties owned by the company in France, Ms K. then attempted to have a mortgage charge registered on the property. However, the French Land Registry Service (*Service de la Publicité Foncière*) demanded a full certificate showing all of the Monegasque SCI's previous registered offices, in order to establish the identity of the company that owned the property beyond any doubt. Ms K. therefore contacted the Register Service in Monaco once again to ask for the document in question, but was refused on the grounds that the Service does not issue certificates of this kind. Facing an impasse, Ms K. referred the matter to the High Commissioner, which intervened immediately to indicate that it was surprised by the Register Service's reply, since third parties are entitled by law to obtain information about a Monegasque SCI's registered office. The Service could not refuse the request on the grounds that it was simply not standard practice, since changes to registered office addresses are not usually recorded on registration certificates, only the current address. The High Commissioner succeeded in having the Business Development Agency issue a certificate containing the necessary information, ultimately enabling the claimant to register a mortgage charge against the property concerned.

For this Report, the High Commissioner has produced a table of “**Good Administrative Conduct**”, based on information received within its remit and concerning the protection of citizens’ rights.

The aim of this new reference text is to summarise the principles that must guide the public authorities’ actions for the benefit of citizens, while also identifying more clearly the nature of the difficulties encountered by members of the public, and ensuring that the way in which grievances are assessed by the High Commissioner is made clearer and more transparent for the Administration.

Although it is currently only for internal use, the High Commissioner hopes that the work it has begun will lead to further discussions with the Government, and contribute to its own ideas on the creation of a “Charter of Good Administrative Conduct”, a generally accepted reference document setting standards of quality to be met by the services provided to users and guiding the actions of civil servants in their everyday work.

Principles most frequently ignored, based on grievances judged to be well-founded between 2017 and 2019

PRINCIPLES OF GOOD ADMINISTRATIVE CONDUCT	NUMBER OF CASES CONCERNED *
Prudent governance	24
Application in line with the rules of law	17
Reasonable deadlines	15
Proportionality	10

(* based on 79 cases judged to be well founded and closed between 2017 and 2019)

These four criteria represent areas for progress in which the High Commissioner would like to see the Administration concentrate its efforts, in order to improve the quality of its action and the responses provided to citizens, thereby preventing some claims in the future.

> Application in line with statutory rules

The Administration acts in accordance with legal and regulatory provisions and with respect for the fundamental rights of individuals. Where a rule is unclear, the Administration is careful to apply it in a way that is true to the spirit of the law and to its interpretation by the Monegasque courts. The Administration also has a duty to abide by its own administrative instructions, circulars, and directives, provided they do not contravene any higher standards applicable.

> Legal certainty

Legal certainty implies that citizens are aware of and able to understand the substantive law that applies to them. Citizens must be in a position to anticipate and evaluate the legal consequences of their actions and behaviours. Legal certainty implies that legal or regulatory provisions cannot be applied retroactively.

> Legitimate expectation

The Administration has a duty to honour the expectations raised for citizens by its consistent approach, promises, and previous decisions. Unless otherwise specified, legitimate expectation cannot be assumed from the Administration’s silence on any given matter. The Administration must act in good faith and demonstrate fairness in its dealings with third parties at all times.

> Reasonable deadlines

The Administration had a duty to deal with any claims, applications or queries made within a reasonable period of time. In practice, what constitutes a reasonable period of time will depend on the exact circumstances, specifically whether the claim, application or query is urgent, how complex it is, and whether the citizen is likely to suffer any adverse consequences if the matter is not dealt with in a timely fashion. As a result, in certain situations the “reasonable deadlines” principle will require the Administration to take a decision earlier than the absolute time limit provided by applicable laws of regulations.

> Prudent governance

The Administration has a duty to act and take decisions prudently. It must acknowledge receipt of claims, applications and queries, unless it is able to respond very quickly. It must keep citizens informed about the progress of their case, and listen to their explanations whenever necessary. It has duty to ensure it has all of the relevant information needed before making a decision. It must ensure that its procedures for dealing with claims, applications and queries are consistent and appropriate.

> Efficient coordination

The Administration’s different departments must collaborate efficiently with one another. Within a given department, communication must be smooth and proactive, to ensure that information is shared optimally and that citizens receive advice appropriate for their situations. Where different administrative authorities are required to work together, information must be shared with proper respect for citizens’ privacy. A department which receives a claim or query that does not fall within its remit must automatically pass it on to the relevant department and inform the party concerned. No department may claim another department’s silence as justification for failing to act, and all must make every effort to enlist the cooperation of other departments whose intervention is required in order for the case to move forward.

> Equality of treatment

The Administration has a duty to ensure that citizens are treated equally. Persons in similar or comparable situations must be treated in the same way, unless there is some objective and reasonable justification for them to be treated differently, notably under applicable laws and priority arrangements.

> Impartiality and objectivity

The Administration must process cases in an objective and impartial manner. It must not take any arbitrary action which may harm the interests of citizens, or grant any preferential treatment for any reason whatsoever. The actions of civil servants must not be guided by private, personal or family interests or by religious, philosophical or political beliefs. When taking decisions, the Administration has a duty to take into account only relevant factors and to give appropriate weight to them, disregarding any non-relevant considerations.

> Proportionality

The Administration has a duty to ensure that its decisions are proportionate. It must accord sufficient weight to the interests of claimants or applicants, and take steps that appear to best respect both the interests of the citizens and the wide public interest. Where it deprives a citizen of a right or imposes a penalty, it must ensure that its decision is proportionate to the nature and seriousness of the offence or fault committed, the time elapsed and the purpose of the action taken. The same applies where the Administration is called upon to decide whether a right, permit or licence should be granted.

> Adequate justification

All administrative actions must be taken on legitimate and relevant grounds, in law as in fact. Full justification must be provided to the citizen, except in the cases provided for by Act no. 1,312 of 29 June 2006 on the obligation to justify administrative decisions. This justification must be comprehensible, clear, and appropriate to the person’s circumstances.

> Information and transparency

The Administration has a duty to show transparency and clarity in its relations with the public. It must provide relevant and comprehensive information in a timely manner to citizens who request information or ask to be notified of their rights. It must also strive to inform the public - without being asked to do so - about legal and regulatory provisions, as well as administrative practices. This information should be made available as widely as possible and in a clear and comprehensible manner, ensuring that citizens’ dealings with the Administrative are as straightforward as possible.

> Courtesy

Civil servants have a duty to show courtesy and consideration in their relations with the public. They must adopt a personalised approach that is respectful of the person, whilst always keeping in mind their role as public servants. Where a civil servant or administrative authority makes a mistake, they must make efforts to restore the citizen’s trust, by apologising and taking steps to remedy any adverse consequences caused in the most appropriate way.

CHARTER OF ETHICS AND GOOD CONDUCT OF THE HIGH COMMISSIONER FOR THE PROTECTION OF RIGHTS

Adopted on publication of the Annual Report 2017-2019

PREAMBLE

Having regard to the “Principles on the Protection and Promotion of the Ombudsman Institution” adopted by the Venice Commission at its 118th plenary session on 15 and 16 March 2019;

Having regard to the Guide to the Deontological Principles and Values of the Mediator/Ombudsman and its Staff, laid down and adopted by the members of the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF) on 7 November 2018;

Having regard to Sovereign Ordinance No. 4,524 of 30 October 2013 establishing a High Commissioner for the Protection of Rights, Liberties and for Mediation;

Whereas pursuant to this Ordinance, the High Commissioner is appointed by H.S.H. the Sovereign Prince before whom he or she swears an oath, and in carrying out his or her tasks, receives no orders, instructions or directives of any kind whatsoever;

Whereas this Ordinance guarantees the High Commissioner the neutrality, independence, and impartiality required to carry out his or her duties;

Whereas the High Commissioner places his or her expertise at the service of the wider public interest and respect for the fair and equal treatment of individual and legal entities;

Whereas, owing to the Principality’s small size and specific features, the risks of prejudice and conflicts of interest are particularly significant;

Whereas the role entrusted to the High Commissioner implies that he or she must in all circumstances demonstrate exemplary behaviour to particularly high values and ethical standards;

Whereas individuals who contribute to the High Commissioner’s work, under the authority of the High Commissioner, must be required to demonstrate the same exemplary behaviour, in order to ensure public confidence in the institution;

The High Commissioner has adopted this Charter of Ethics and Good Conduct.

PURPOSE

In light of the obligations imposed by Sovereign Ordinance no. 4,524 of 30 October 2013, this Charter sets out the values and principles that must guide the conduct of the High Commissioner and his or her staff in all circumstances.

DEFINITIONS

Ethics refers to the moral standards identified by the ombudsman in its professional practices, taking into consideration the values of transparency, justice, fairness, impartiality, independence, integrity, confidentiality, rigour, and respect that govern its activities.

Good conduct refers to the behaviour resulting from the adoption of ethical principles.

The expression “High Commissioner’s personnel” encompasses both the High Commissioner and his or her members of staff. “*Staff*” refers to any personnel working under the authority of and reporting to the High Commissioner, regardless of the nature of their employment (temporary, permanent, trainee).

GUIDING PRINCIPLES AND VALUES

Upon taking up their roles, as required by Article 6 of Sovereign Ordinance no. 4,524, the High Commissioner’s personnel undertake to abide by the values and principles described below.

INDEPENDENCE

The High Commissioner’s personnel carry out their tasks in an entirely independent manner at the direction of the High Commissioner. They neither receive nor accept any external instructions or orders of any kind, from anyone whatsoever.

They handle cases without being subject to any form of influence, whether political, economic, social, or media-related.

IMPARTIALITY

The High Commissioner’s personnel strive to prevent any real or perceived conflicts of interest. If the High Commissioner believes that personal interests or current or past links might actually influence their judgment, or give the appearance of influencing their judgment, the member of staff concerned must hand the case on to one of the colleagues. If a staff member is affected by a real or perceived conflict of interest, he or she must immediately inform the High Commissioner, who will take appropriate steps to ensure that the case is handled in a properly impartial manner.

NEUTRALITY

The High Commissioner’s personnel must ensure that all parties are treated fairly, without prejudice or preconceptions. They must act responsibly and with due discernment in looking for balanced and lasting solutions, taking into account the rights and interests of all parties.

PUBLIC SERVICE

In carrying out their duties, the High Commissioner’s personnel must always keep in mind that they are acting in the wider public interest, and that their role is to seek to resolve conflicts in a peaceful manner.

The High Commissioner and his or her staff must show empathy and kindness, and always treat others with respect and courtesy.

They must be prepared to listen to all those with whom they come into contact, and demonstrated thoroughness, open-mindedness and creativity in looking for solutions that respect the rights of individuals and the wider public interest.

They must strive to process the cases submitted to them within a reasonable period of time.

COMPETENCE

The High Commissioner’s personnel have a duty to develop and update their knowledge and skills, for example through courses of training appropriate for their needs and the for the requirements of their work.

They must keep abreast of social and cultural developments.

DUTY OF RESTRAINT

Notwithstanding their guaranteed freedom of conscience, the High Commissioner’s personnel have a duty not to show their philosophical, political or religious beliefs in the course of their functions.

The High Commissioner’s personnel enjoy freedom of association. However, they must exercise discernment before accepting any office or responsibility within an organised group, and if they do accept such roles, they must perform them with proper restraint and conscience, while refraining from adopting any position that might compromise their neutrality.

DISCRETION

The High Commissioner’s personnel have a duty to treat all confidential information that comes into their possession in the course of their functions with the strictest discretion. This duty, which particularly concerns the privacy of individuals who call upon the institution, continues to apply to personnel even after they have left the service of the High Commissioner.

DIGNITY

In the course of their activities, including away from the workplace, the High Commissioner’s personnel must at all times behave in an appropriate manner in public, and avoid any situations which could harm the institution’s image.

INTEGRITY

In the course of their functions, the High Commissioner’s personnel may not seek or accept any advantage, whether directly or through an intermediary, with the exception of purely symbolic gifts of low value, given as a courtesy.

The High Commissioner keeps a special register containing details of all gifts given or received - including from suppliers - and indicating the names of the recipient and the donor, the circumstances in which the gift was given, and how it was used or disposed of.

WORKING PRINCIPLES

CONFIDENTIALITY

Procedures before the High Commissioner are confidential. Persons who refer claims to the Institution receive a guarantee that the only information which will be used and disclosed is that needed to obtain explanations from the party against the whom the grievance is raised. Information will be shared or used only where strictly necessary in order to investigate their grievance, in consultation with both parties, and only with their prior consent.

The High Commissioner never discloses written information received from either party in the course of mediation. He or she may broadly indicate the content and meaning of such information, in an objective manner, but only in order to ensure that each party clearly understands the other’s viewpoint, and the considerations that form the basis for the opinion issued by the High Commissioner at the end of the mediation procedure.

PUBLICATIONS

The High Commissioner provides the public with general information about its activities, in the form of an annual report and via the Institution’s own official website.

The High Commissioner also or she takes part in public debate by appearing and speaking publicly, and issuing opinions to authorities which request them under Article 33 of Sovereign Ordinance no. 4,524 of 30 October 2013.

ACCESSIBILITY

The High Commissioner is committed to ensuring that it can be approached and contacted easily by parties involved in mediation cases, and by members of the general public. Where users have specific requirements in the course of their dealings with the High Commissioner, the Institution makes every effort to provide them with adequate resources.

The High Commissioner’s personnel take care to ensure that they communicate in a clear and intelligible manner appropriate for the audience concerned.

Feedback...

"The High Commissioner's intervention clearly enabled me to obtain an impartial view of my case and get the Administration to review its decision."

"While the fault in a dispute is often shared, the individual, isolated and weakened in principle, quickly comes to feel abandoned by all and broken by the vast, overbearing administrative machine. Your organisation succeeds in creating a balance of powers, and above all restores humanity to the relations between us."

"The High Commissioner showed concern, attentiveness, and kindness. We came to understand the difficulties it can encounter, and the institutional limitations that it comes up against."

"The quality of the way in which the High Commissioner deals with users, the advice it provides, and the speed at which it works, are invaluable."

"An excellent willingness to listen and a good verbal discussion with sound arguments based on similar past cases."

How to refer a case to the High Commissioner



Using the online referral form
www.hautcommissariat.mc



By post
24, boulevard Princesse Charlotte
98000 Monaco

All cases must be referred to the High Commissioner in writing. In your referral, you must explain your situation and the reasons for your grievance. Please contact the organisation in question to try to resolve the matter yourself before referring it to the High Commissioner.

Referral to the High Commissioner does not affect appeal deadlines. Where necessary, you will be asked to submit a parallel application for reconsideration or legal appeal to protect your rights.

The High Commissioner provides a free, amicable and confidential service.

For information:



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