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[Home](#) > Monaco

Monaco

Country:

Monaco

Year:

2018

Freedom Status:

Free

Political Rights:

3

Civil Liberties:

1

Aggregate Score:

82

Freedom Rating:

2.0

Overview:

The Principality of Monaco is a hereditary constitutional monarchy headed by Prince Albert II. The prince appoints the government, which is responsible only to the monarch. Legislative power is exercised jointly by the prince and the National Council, Monaco's parliament. Human rights and civil liberties are generally respected.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 25 / 40 (-2)

A. ELECTORAL PROCESS: 7 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Monaco has one of the most politically powerful monarchs in Europe. Only the prince, who serves as head of state, may initiate legislation and change the government, though all legislation and the budget require parliamentary approval. Prince Albert II took the throne after his father's death in 2005. No constitutional provisions allow citizens to change the monarchical structure of government. The head of government, known as the minister of

state, is traditionally appointed by the monarch from a candidate list of three French nationals submitted by the French government. Serge Telle, the current minister of state, took office in 2016.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 24 members of the unicameral National Council are elected for five-year terms; 16 are chosen through a majority electoral system and 8 by proportional representation. The last parliamentary elections in 2013 were evaluated as credible by international observers. The Horizon Monaco coalition, which included the conservative Rally & Issues party, won 20 out of 24 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

While the legal framework provides an adequate basis for credible elections, there are a number of restrictions on voting rights, including the denial of the right to vote for citizens in pretrial detention. City Hall administers elections and observers view their conduct to be credible. However, technical meetings in preparation for the election are not open to the public, limiting the body's transparency.

B. POLITICAL PLURALISM AND PARTICIPATION: 10 / 16 (-1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4

Political associations, groupings of people who hold similar political viewpoints, compete in Monaco, rather than traditional parties. There are no undue restrictions on the formation of new political associations. However, office seekers are prohibited from running as individual independent candidates: independents must instead form a list of at least 13 candidates to compete in elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 2 / 4 (-1)

Opposition political associations can gain seats in parliament. In 2013, Horizon Monaco gained 15 seats to capture parliament, while the Union Monégasque lost 11 seats. However, there are significant limits on the extent to which the opposition can gain power in the executive branch. Executive power is wielded by the prince, and the appointed cabinet is not responsible to parliament.

Score change: The score declined from 3 to 2 because the prince wields executive power and appoints the cabinet, which is not accountable to the parliament, leaving few meaningful opportunities for an opposition movement to gain power.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 2 / 4

Since the head of government is a French national appointed from a list submitted by the French government, and the head of state is an unelected monarch, people's political choices are limited in choosing leaders in the executive branch. The electoral process for parliamentary representatives is largely free from domination by any democratically unaccountable groups.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Most of Monaco's residents are noncitizens, so approximately 7,000 of the principality's 38,000 residents meet the citizenship requirements to vote or run for office. Women and minority groups are free to participate in elections, both as voters and candidates. Women's issues were not discussed frequently during the 2013 election campaign. Only 8 out of the 24 members of parliament are women.

C. FUNCTIONING OF GOVERNMENT: 8 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 2 / 4

The prince has significant political powers, including initiating legislation, conducting foreign policy, and approving changes to the constitution, with no electoral mandate. Government ministers appointed by the prince cannot be held accountable by parliament. Parliament is generally free from interference by unelected groups.

C2. Are safeguards against official corruption strong and effective? 3 / 4 (-1)

Despite recent improvements in the anticorruption legal framework, several loopholes remain. Parliament lacks a code of conduct on accepting gifts or potential conflicts of interest. High-level corruption is a problem, and officials sometimes act with impunity. In September 2017, Secretary of Justice Philippe Narmino resigned after it was revealed that Russian oligarch Dmitry Rybolovlev allegedly gave him gifts in exchange for pursuing fraud charges against an art dealer. At the end of 2017, Narmino had not faced criminal charges for his role in the scandal.

Score change: The score declined from 4 to 3 due to new evidence of high-level corruption, including a case in which the secretary of justice was implicated in an art fraud scandal, as well as weak anticorruption mechanisms.

C3. Does the government operate with openness and transparency? 3 / 4

The law provides for access to government information, including draft laws and proposed legislation. However, a July 2017 report by GRECO highlighted insufficient mechanisms in place to ensure transparency in parliamentary work, including a lack of consultation with

the public on proposed legislation and the confidentiality of committee meetings. There are no financial disclosure laws in place for parliamentarians or officials appointed by the prince.

CIVIL LIBERTIES: 57 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

The constitution provides for a free press, which is generally respected in practice. Monaco has a weekly government newspaper, an English-language monthly, and several online publications. In addition, there is one public television channel (Monaco Info) and one privately owned channel (Téle Monte Carlo).

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Freedom of religion is largely respected, although Roman Catholicism is the official state religion.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

There are no undue restrictions on academic freedom.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

People are generally free to express their personal views without fear of retribution, although insulting the ruling family is illegal, and can result in prison sentences of between six months and five years. No persons were charged with this crime in 2017.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, which is generally respected in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

No restrictions are imposed on the formation of nongovernmental organizations (NGOs), but no human rights organization is active in the country. International NGOs operate without restrictions.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law grants workers the right to establish unions, and antiunion discrimination is prohibited. Trade unions operate in the country. All workers except government employees have the right to strike.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 3 / 4

The constitution provides for an independent judiciary. The prince names five full members and two judicial assistants to the Supreme Court based on nominations by the National Council and other government bodies. The recruitment process for judges lacks transparency, which contributes to a perception that they may lack independence. The Judicial Service Commission (HCM) is ostensibly responsible for ensuring the independence of the judiciary, but in practice it lacks enforcement power. Approximately one-half of the judges in Monaco are Monegasque nationals, and the other half are French nationals.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Due process rights are generally respected. Defendants are presumed innocent until proven guilty and are informed of the charges against them promptly. Defendants have access to attorneys and sufficient time to prepare a defense.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

Illegitimate or excessive use of force is rare in Monaco.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

Monaco lacks a law that prohibits discrimination based on race or ethnicity. In the absence of such a law, Article 14 of the European Convention on Human Rights (ECHR) is used to prevent and punish discrimination. The government established the Office of the High Commissioner for the Protection of Rights, Liberties, and for Mediation in 2013 to address discrimination. The government does not publish statistics on hate crimes.

The law prohibits discrimination based on gender and women's rights are generally respected. The rights of lesbian, gay, bisexual, and transgender (LGBT) people are legally protected, and incidents of discrimination are rare.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

There are no legal or de facto restrictions that limit freedom of movement internally or externally.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Property rights are respected, and noncitizens holding a residence permit may purchase property and establish businesses. However, obtaining government approval to start a business is often a lengthy and complex process, and startup costs can be prohibitively expensive.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Personal social freedoms are generally respected. However, abortion is legal only under special circumstances, including rape and medical necessity. Monaco does not recognize same-sex unions or marriages. Domestic violence is outlawed in Monaco and there are few reported incidents. The government and NGOs provide a network of support services for victims of domestic violence.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4

Laws protecting against economic exploitation are adequately enforced. However, employers can fire foreign employees without cause. Workers' rights are generally respected. There were no reports of human trafficking in 2017.

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