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U.S. Department of State

Monaco Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are Counselors for the Interior (who is usually French), for Public Works and Social Affairs, and for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. There are in addition three consultative bodies, whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Both forces are controlled by government officials.

The principal economic activities are services and banking, light manufacturing, and tourism.

Individual human rights are provided for in the Constitution and respected in practice. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 5,000 who hold Monegasque nationality. The latter enjoy free education, financial assistance in case of unemployment or illness, and the right to vote and hold elective office. Women traditionally have played a less active role than men in public life, but this is changing; women currently hold both elective and appointive offices.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities respect this prohibition. There were no reports of violations.

Prison conditions meet or exceed minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution bars arbitrary arrest. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect might either flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. Detainees have the right to counsel, at public expense if necessary. The magistrate may permit family members to see detainees.

The Government does not forcibly exile its own nationals. However, it does sometimes expel non-Monegasque nationals who are in violation of residency laws or who have committed minor offenses, such as disorderly conduct.

e. Denial of Fair Public Trial

Under the 1962 Constitution, the Prince delegated his judicial powers to an independent judiciary. The law provides for a fair, public trial, and the authorities respect these provisions. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for the individual's right of privacy in personal and family life, at home, and in correspondence, and the Government respects these rights in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of expression is provided for by the Constitution, and the authorities respect this right in practice. The Monegasque Penal Code, however, prohibits public denunciations of the ruling family, a regulation the media respect in practice. Several periodicals are published. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides citizens with the rights of peaceful assembly and association. Outdoor meetings require police authorization, which is not withheld for political or arbitrary reasons. Formal associations must be registered and authorized by the Government.

c. Freedom of Religion

Roman Catholicism is the state religion. The law provides for the free practice of all religions, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Residents move freely within the country and across its open borders with France. Monegasque nationals enjoy the rights of emigration and repatriation. They can be deprived of their nationality only for specified acts, including naturalization in a foreign state. Only the Prince can grant or restore Monegasque nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

The Government implements the 1951 United Nations Convention Relating to the Status of Refugees. In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of cases is very small. There were no reports of forced expulsion of those having a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the Government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He names as well the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the government. Each is responsible to the Prince.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. Both political parties are currently represented on the Council. There is one independent

member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The 12-member Council of State advises the Prince on proposed legislation and regulations. The 30-member Economic Council advises the government on social, financial, and economic questions. One-third of its members come from the trade union movement, and one-third from the employers' federation.

Women are active in public service. The Mayor of Monaco, one member of the Crown Council, a member of the National Council, and three members of the Economic Council are women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposes no impediments to the establishment or operation of local groups devoted to monitoring human rights, there is none. There have been no requests from outside groups to investigate human rights conditions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all Monegasque nationals are equal before the law. It differentiates between rights that are accorded nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded all residents (e.g., freedom of religion, inviolability of the home).

Women

Reported instances of violence against women are rare. Marital violence is strictly prohibited, and any woman who is a victim of it may bring criminal charges against her husband. Women are fairly well represented in the professions. Women are less well represented in the business world. The law governing transmission of citizenship provides for equality of treatment between men and women who are Monegasque by birth. However, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children

The Government is fully committed to the protection of children's rights and welfare and has well-funded public education and health care programs. There is no societal pattern of abuse of children.

People With Disabilities

The Government has mandated that public buildings provide access for the disabled, and this has been largely accomplished.

Section 6 Worker Rights

a. The Right of Association

Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few

of these reside in the Principality. Unions are independent of both the government and the Monegasque political parties. The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

The Constitution provides for the right to strike in conformity with relevant legislation. Government workers, however, may not strike. Strikes are rare. The first strike in several years occurred in 1996, when the Monegasque Confederation of Unions organized a 1-day work stoppage by bank, transportation, and factory employees.

b. The Right to Organize and Bargain Collectively

The law provides for the free exercise of union activity. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee has been fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Such practices, involving either adults or children, are prohibited by the Constitution, and they are not known to occur among adults or children.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, worktimes, and other conditions of workers 16 to 18 years old. The Constitution prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The legal minimum wage for full-time work is the French minimum wage plus 5 percent, i.e., currently approximately \$7.00 (Fr 41.80) per hour. The 5 percent adjustment is intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France into the Principality. The minimum wage is adequate to provide a decent living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector.

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