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2009 Human Rights Reports: Monaco

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Principality of Monaco has a resident population of 35,000, of whom approximately 7,000 have Monegasque citizenship. It is a constitutional monarchy in which the sovereign prince plays the leading governmental role. The prince appoints the government consisting of a minister of state chosen from a list proposed by the French government and five counselors responsible for finance, interior, health and social affairs, environment and city planning, and external affairs. The prince shares the country's legislative power with the popularly elected 24-member National Council. In February 2008 the principality held multiparty elections for the National Council; they were considered free and fair. The National Council meets at least twice a year to consider bills proposed by the prince's government. The prince may dissolve the National Council at any time provided that new elections are held within three months. The Crown Council must also be consulted before ratification of international treaties or substantive changes in the principality's citizenship laws. The Crown Council has seven members, three chosen directly by the prince and four chosen by the prince from nominees put forward by the National Council.

The electoral system allows citizens to change many aspects of their government, but there is no constitutional provision to allow the citizens to change the monarchical nature of the government.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

Prison and detention centers meet or exceed international standards. The government permits monitoring by human rights observers.

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d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national police force and the Carbiniers du Prince, the ceremonial military unit that guards the prince's palace. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

Arrest warrants are required, except when a suspect is arrested while committing an offense. Police must bring a detainee before an investigating magistrate within 24 hours to inform the detainee of the charges against him and of his rights under the law. Most detainees were released without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. The government works with the French to return any fugitive who flees the principality into France. The investigating magistrate may extend the initial two-month detention for additional two-month periods indefinitely. The investigating magistrate customarily permits family members to see detainees.

On July 16, the European Court of Human Rights upheld in part a complaint against excessive pretrial detention by the defendant in a criminal bank embezzlement case.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice. Under the law, the prince delegates his judicial powers to the judiciary.

Trial Procedures

The law provides the right to a fair, public trial, and an independent judiciary generally enforced this right. As under French law, in criminal cases a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by prosecuting attorney/s and defense attorney/s. Juries are not used. The defendant enjoys a presumption of innocence and the right of appeal. The defendant has the right to be present and the right to counsel, at public expense if necessary. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. After being found guilty and receiving a definitive sentence, convicts are transferred to a French prison to serve out their terms.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The principality has an independent and impartial judiciary for civil matters, and residents have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Plaintiffs regularly use available administrative remedies to seek redress for alleged wrongs.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights. Articles 58 and 60 of the Penal Code prohibit public denunciations of the ruling family, provisions that the media followed in practice. The law provides for imprisonment of between six months to five years for violation of Articles 58 and 60. No one was charged with violation of these statutes during the year.

As limited by the provisions of Articles 58 and 60, an independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 67 percent of the principality's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice. Roman Catholicism is the state religion. Churches serving several Christian denominations and synagogues operate freely. There are no mosques. The government denies permission to operate to religious organizations found on the French Interministerial Monitoring Mission against Sectarian Abuses (MIVILUDES) "cult" list. During the year the government neither received nor denied any registration applications.

There is no law against proselytizing by religious organizations formally registered by the Ministry of State. However, proselytizing in public, which the authorities deem to be detrimental to the public order, is not allowed. There were no such incidents during the year.

Societal Abuses and Discrimination

There were no reports of societal violence, harassment, or discrimination against members of any religious group. The Jewish community is extremely small. There were no reports of anti-Semitic incidents.

For a more detailed discussion, see the 2009 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the principality, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

Protection of Refugees

The principality is party to the 1951 Convention relating to the Status of Refugees, but not to the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of refuge and asylum status. In theory, the government is committed to following international norms regarding protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In practice, the principality depends on bilateral arrangements with France in all matters relating to refugees and asylum. During the year there were no reported cases of the government granting refugee status or political asylum.

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

The authority to change the government and to initiate laws rests solely with the prince. The constitution can be revised by common agreement between the prince and the elected National Council.

Elections and Political Participation

As head of state, the prince names the minister of state, in effect the prime minister, frequently a French citizen chosen in coordination with the government of France. The prince also names the five other counselors who make up the government.

Only the prince may formally initiate legislation, but the 24-member National Council may propose legislation to the government. All legislation and the adoption of the budget require the National Council's assent.

Elections for the National Council are held every five years and are based on universal adult suffrage and a secret ballot. The National Council elections in February 2008 were considered free and fair. Several political parties exist, operate freely, and are active on both the national and municipal level.

There were six women in the 24-member National Council, and two women in the seven-member Crown Council.

There were no members of minorities in the government.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of governmental corruption alleged during the year, but no formal proceedings against government officials for corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none currently exists in the principality, nor does the government have an ombudsman for human rights issues. The government has pledged full cooperation with any UN or other international human rights organization, but no monitoring visits by international human rights organizations took place during the year.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced it.

Women

Rape, including spousal rape, is a criminal offense. There were no arrests or prosecutions for any form of rape during the year.

Instances of violence against women were rarely reported. Spousal abuse is prohibited by law, and victims may bring criminal charges against their spouses.

Prostitution is illegal, and overt prostitution is uncommon, although it exists in a well-hidden form. There were no prosecutions for prostitution during the year.

Sexual harassment is illegal, and the government effectively enforced the law. There were no reports of sexual harassment during the year.

Although the law provides for the equality of men and women, there is no institution with a mandate to monitor gender inequalities. The law governing transmission of citizenship provides for equality of treatment between men and women.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception and skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

Women were represented well in the professions, but less well in business and financial fields. While no data was available, observers believe that there was a small and gradually diminishing gender pay discrepancy.

Children

Citizenship may be transmitted through either parent (*jus sanguinis*). Citizenship is not derived from birth within the territory. The government registers all births immediately.

During the year there were few reports of child abuse. The government sponsors public service programs against child abuse, and the government hotline service provides a means of reporting and addressing child abuse.

Statistics estimate that 2 percent of minors (under 18), either those with disabilities or considered in danger, need assistance from the Social Welfare Services.

Trafficking in Persons

The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the principality. There was no evidence of forced prostitution.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services. The government effectively enforced these provisions. There was no reported governmental or societal discrimination against persons with disabilities. The government has largely fulfilled the legal requirement to provide access to public buildings for persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no specific laws protecting lesbians, gays, bisexual, or transgender (LGBT) persons from discrimination. There were no reports of official or societal discrimination against LGBT persons during the year.

Other Societal Violence or Discrimination

There were no reports of violence or discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

By law, workers are free to form and join independent unions of their choice, but fewer than five percent of workers were unionized. Non-Monegasque workers, about 97 percent of the work force, have the right to join unions. Of the larger foreign work force, nearly 70 percent are French or Italian citizens. Unions were independent of both the government and political parties.

The constitution and law provide for the right to strike, but government workers may not strike. There have been no reported instances of retaliation against strikers.

The law protects workers' rights in terms of trade union membership. Nonrespect of workers' rights related to trade unions can subject employers to a fine or in some cases to imprisonment from three months to a year.

b. The Right to Organize and Bargain Collectively

The law provides for the free exercise of union activity, and workers exercise this right in practice. In reality, strike actions are infrequent. Employer organizations and trade unions negotiate agreements on working conditions. Collective bargaining is protected by law; however, it was rarely used because of the widespread use of individual contracts.

Contracts are individual contracts; they are negotiated between employers and workers and are subject to work law and regulations. The law determines all regulations and specific dispositions related to work contracts and describes both parties' (employer and worker) commitments.

Antiunion discrimination is prohibited. Union representatives may be fired only with the agreement of a national commission that includes two members from the employers' association and two from the labor movement. During the year no cases were brought before this commission. Allegations of dismissal 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

The constitution and law prohibit forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16 years; those employing children under that age may be subject to a fine under criminal law. Workers between the ages of 16 to 18 years old may not perform nighttime work. The counselor of government for the interior is responsible for enforcing the child labor laws and regulations, and they were effectively enforced.

e. Acceptable Conditions of Work

The legal minimum wage for full-time work is the French minimum wage, 8.82 euros per hour (approximately \$12.61), plus a 5 percent adjustment to compensate for the travel costs of the three-quarters of the workforce who commute daily. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum wage.

The legal workweek is 39 hours. The government allows companies to reduce the workweek to 35 hours if they so choose. Regulations provide for a minimum number of rest periods and premium pay for overtime. Law and government decree fix health and safety standards, which were enforced by health and safety committees in the workplace and by the government labor inspector.

Workers have the right to remove themselves from dangerous work situations without jeopardy to their employment, and authorities effectively enforced this right.