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## 2010 Human Rights Reports: Monaco

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

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The Principality of Monaco has an estimated 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 and five counselors responsible for finance and economy, internal affairs, 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 2008 the country held multiparty elections for the National Council that 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 has seven members, three chosen directly by the prince and four chosen by the prince from nominees put forward by the National Council. Security forces reported to civilian authorities.

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

The country has one detention center/penitentiary, which generally met international standards, and the government permitted monitoring by independent human rights observers. Non-Monegasque convicted persons sentenced to long prison terms are generally sent to France to serve their term while citizens of Monaco remain incarcerated in Monaco.

#### 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 and the Carbiniers du Prince, the ceremonial military unit which 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. The 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. Monaco and France work cooperatively to return any fugitive who flees Monaco into France. The investigating magistrate may extend the initial two-month detention for additional two-month periods indefinitely. Detainees generally have prompt access to a lawyer. The investigating magistrate customarily permits family members to see detainees.

#### 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 constitution and the law provide the right to a fair, public trial, and an independent judiciary generally enforced this right. The defendant enjoys a presumption of innocence. Trials are public, unless one of the following conditions exists: the trial involves a person less than 18 years of age, either the prosecutor or defendant requests a closed trial, publicity would cause public unrest, or the public trial would be morally prejudicial. 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 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. Defendants enjoy the right of appeal. After being found guilty and receiving a definitive sentence, foreign convicts are transferred to a French prison to serve out their terms. All citizens enjoy these rights.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Regional Human Rights Court Decisions

The country is subject to the European Court of Human Rights. During the year the court issued no judgments or decisions in which the country was involved.

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#### Civil Judicial Procedures and Remedies

The country has an independent and impartial judiciary in 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 in practice. However, 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 punishment of six months' to five years' imprisonment for violation of articles 58 and 60. No one was charged with violating 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 2009, approximately 70 percent of the country'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 freedoms of assembly and association, and the government generally respected these rights in practice.

##### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/rls/hrrpt/2010/eur/154440.htm](http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154440.htm).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The country is a party to the 1951 Convention relating to the Status of Refugees, and on June 16 signed the 1967 Protocol relating to the Status of Refugees. On June 18, the government also signed a cooperation agreement with the Office of the UN High Commissioner for Refugees.

### Protection of Refugees

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 country 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. Illegal residents are referred to the French authorities and taken out of the country. The government refers refugee requests to the French government.

### 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 2008 National Council elections 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

While the government did not restrict the establishment or operation of groups devoted to monitoring human rights, none existed in the country during the year, nor did the country have an ombudsman for human rights problems. The country's legislature (the National Council) did not have a committee charged with oversight of human rights. The government is committed to 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.

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

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, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

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

#### Children

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

Child abuse was generally believed not to be a serious problem. The government sponsors public service programs against child abuse, and the country's helpline service provides a means of reporting and addressing child abuse.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

There were no reports of societal violence, harassment, or discrimination against members of any religious group. The Jewish community numbered approximately 1,000 persons. There were no reports of anti-Semitic incidents or attacks.

#### Trafficking in Persons

In 2009 there were no confirmed reports that persons were trafficked to, from, or within the country.

#### Persons with Disabilities

The constitution and the law prohibit discrimination against persons with physical, sensory, intellectual, 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 through the Ministry of Health and Social Affairs has largely fulfilled the legal requirement to provide access to public buildings for persons with disabilities. According to government statistics, approximately 2 percent of minors (persons under 18) were considered either to have disabilities or to be in danger and therefore in need of assistance from the Social Welfare Services.

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

No specific laws protect lesbians, gays, bisexual, or transgender persons from discrimination. The law imposes a punishment of five years' imprisonment "for those who harbor hatred or violence towards a person or group of persons ... based on their sexual orientation, real or supposed." However, under the law, a racial or sexual discrimination infraction is not seen as an aggravating circumstance, as it is in France. In July the first-ever case of gay discrimination was reported to the court.

#### 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 5 percent of workers were unionized. Non-Monegasque workers, who constitute approximately 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. The law protects the right of workers to belong to a trade union. Failure to respect this right is punishable by a fine or 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. Labor contracts are negotiated between employers and each worker individually and are subject to work law and regulations.

Antiunion discrimination is prohibited. Union representatives may be fired only with the agreement of a 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 old; those employing children under that age may be subject to a fine under criminal law. Workers between the ages of 16 and 18 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, 8.86 euros per hour (\$11.87) 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 health and safety committees in the workplace and the government labor inspector enforced.

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

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