U.S. DEPARTMENT of STATE

Monaco

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

The Principality of Monaco, with a population of some 35,000, 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 from a list of candidates proposed by France. The other members are the counselor for the interior, the counselor for public works and social affairs, and the counselor for finance and the economy. Legislative power is shared between the prince and the popularly elected 24-member National Council. The most recent National Council election was conducted in 2003 and was considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, citizens did not have the right to change their government. During the year one person was convicted and fined for satirizing government officials on the Internet. Naturalized women could not transmit citizenship to their children.

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 officials employed them.

Prison and Detention Center Conditions

Prison conditions generally met international standards. The government permitted visits by human rights monitors. In March 2006 a delegation from the Council of Europe's Committee for the Prevention of Torture visited the country's detention facilities. The committee's report was issued in June 2007 and showed no claims of torture or mistreatment.

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 Carabiniers du Prince, and 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 and Detention

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 flee or interfere with the investigation of the case. The magistrate may extend the initial two-month detention for additional two-month periods indefinitely. The magistrate may permit family members to see detainees, and it is customary for magistrates to do so.

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 the prosecuting and defense attorneys. 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 prisoners receive a definitive sentence, they 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 there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies are available for alleged wrongs, and are regularly used by plaintiffs.

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. The Penal Code, however, prohibits public denunciations of the ruling family, a provision that the media respected in practice.

The independent media were active and expressed a wide variety of views without restriction.

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 electronic mail. Internet use is widespread, supported by an advanced and robust telecommunications infrastructure.

In August Monegasque citizen Marc Giacone satirized Prince Albert II and government officials on his Web site. He was convicted of defamation of the archbishop and minister of justice, and fined $2,920 (2,000 euros).

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 association, and the government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the government, and there were no reports that the government withheld registration for political or arbitrary reasons.

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. The government denies permission to operate to religious organizations it regards as "sects."

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State. There were no reports of religious organizations being denied registration 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 was extremely small, and there were no reports of anti-Semitic acts.

For a more detailed discussion see the *2007 International Religious Freedom Report*.

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. Residents moved freely across the country's open borders with France. Nationals can lose their citizenship for specified acts, including naturalization in a foreign country. Only the prince can grant or restore nationality, but he is obliged by the constitution to consult the Crown Council on each case before doing so.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of refugee and asylum status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Monaco depends on bilateral arrangements with France to provide refugee protection. There were no reported cases of the government granting refugee status or political asylum during the year.

The government was committed to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

The sole authority to change the government and to initiate laws rests with the prince. The 1962 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 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 also names the three counselors of government (of whom the one responsible for the interior is usually a French national). Together the four constitute the government. The law prohibits public denunciations of the ruling family.

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 Council's assent. Elections for National Council members are held every five years and are based on universal adult suffrage and secret balloting. The 2003 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 five women in the 24-member National Council, two women in the seven-member Crown Council, and five women in the 30-member Economic Council.

There were no members of minorities in the government.

Government Corruption and Transparency

The law provides criminal penalties for official corruption and the government generally implemented these laws effectively. There were isolated reports of government corruption 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 provides access in practice for citizens and noncitizens, including the foreign media.

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

While the government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed, nor did foreign groups seek to investigate human rights conditions in the country.

Section 5 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. However, some legal discrimination against women remained.

Women

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. There were no such prosecutions during the year.

Reported instances of violence against women were rare. Spousal abuse is prohibited by law, and victims may bring criminal charges against their spouses.

Prostitution is illegal, and overt prostitution was uncommon, although it existed to an extent in a well-hidden form.

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

Although the country has legislated the equality of men and women in the civil code, 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 who are nationals by birth; however, women who acquire citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

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

Children

The government was committed fully to the protection of children's rights and welfare and had well-funded public education and health care programs. The government provided compulsory, free, and universal education for children up to the age of 16. Health care for both boys and girls is of high quality and readily available to all citizens.

There were isolated incidents, but no societal pattern of abuse of children.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

There was no reported governmental or societal discrimination against persons with disabilities. The law requires that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

Other Societal Abuses and Discrimination

There were no reports of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

By law, workers are free to form unions, but fewer than 5 percent of workers were unionized. Relatively few workers, unionized or nonunionized, resided in the principality. Unions were independent of both the government and political parties.

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 was fired for union activity may be brought before the labor court, which can order redress, such as the payment of damages with interest.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

b. The Right to Organize and Bargain Collectively

The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it is used rarely. There are no export processing zones.

The constitution and law provide for the right to strike; government workers, however, may not strike.

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 can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. 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, currently approximately $12.07 per hour (8.27 euros), plus a 5 percent adjustment to compensate for the travel costs of the three-quarters of the workforce that commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal work week was 39 hours. The government allows companies to reduce the work week to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards 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 the authorities effectively enforced this right.

BACK TO TOP

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