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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

MONACO*

[13 April 2004]

* The information submitted by Monaco in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.118).

In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

1. The Principality of Monaco signed the International Covenant on Economic, Social and Cultural Rights on 26 June 1997 and ratified it on 28 August 1997. The Covenant entered into force for Monaco on 28 November 1997.

2. As a State party to the Covenant, the Principality of Monaco is presenting to the Human Rights Committee for consideration its initial report drawn up in keeping with article 16 of the Covenant, which provides that:

“The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.”

Article 1

3. The Principality of Monaco is an independent and sovereign State (Constitution of 17 December 1962, art. 1). It has been a Member of the United Nations since 1993, and subscribes to the principles and values upheld and promoted by the Organization.

4. The Principality of Monaco recognizes and respects the principle that peoples have the right to self-determination, as well as the right to determine their political status, to pursue their economic, social and cultural development and to freely dispose of their natural resources.

5. The Principality of Monaco does not exercise any responsibilities in administering non-self-governing territories or trust territories.

Article 2

Interpretative declaration

6. When signing and ratifying the Covenant, the Princely Government made the following interpretative declaration in relation to article 2:

“The Princely Government declares that it interprets the principle of non-discrimination on the grounds of national origin, embodied in article 2, paragraph 2, as not necessarily implying an automatic obligation on the part of States to guarantee foreigners the same rights as their nationals.”

7. Article 32 of the Constitution sets forth the principle that “in the Principality aliens shall enjoy all public and private rights which are not strictly reserved for citizens” either by the Constitution or by law.

8. With the exception of national origin, the fundamental freedoms guaranteed by the Constitution allow for no discrimination based on race, colour, sex, wealth, language, religion, political opinion or any other opinion.

9. The Principality is not considered to be a developing country.

10. The Principality of Monaco implements and pursues active measures of assistance and international cooperation to the benefit of the developing countries. For example, four buses, a vacuum tanker and a tanker lorry were recently offered to Senegal.

11. Measures taken to ensure the full exercise of the rights set out in the Covenant are described in detail for each article.

Article 3

12. Subject to restrictions based on nationality, men and women in the Principality of Monaco are equal where economic, social and cultural rights are concerned.

Article 4

13. Title III of the Constitution guarantees various economic and social rights, but confers on parliament competence to determine how they shall be exercised. In Monegasque law, provisions relating to the rights set out in international conventions prevail over the provisions of legislation in the corresponding areas.

14. The Principality of Monaco promotes enjoyment of the rights set out in the Covenant while taking into consideration certain specific factors linked to the size of the Principality and the particular context of its historical and political situation, but with a constant concern to promote harmony in social relations and offer a high level of general welfare, both for those living in the Principality and for those who work there.

Article 5

15. Monaco's Criminal Code sets out penalties for offences against the external security of the State (arts. 50-55), attacks on the internal security of the State (arts. 56-64) and offences likely to disturb the State as a result of civil war, the unlawful use of armed force, devastation and looting (arts. 65-69).

16. There are no constitutional, legislative or regulatory provisions which infringe human rights. However, lack of awareness of the legal norms which protect human rights may constitute an infringement of such rights.

Article 6

17. Both domestic law and treaty law are in keeping with the requirement of article 6 of the Covenant, binding the parties to create appropriate conditions to ensure the exercise of the right to work.

Interpretative declaration

18. When signing and ratifying the Covenant, the Princely Government made the following interpretative declaration in relation to article 6:

“The Princely Government declares that articles 6, 9, 11 and 13 should not be [interpreted as] constituting an impediment to provisions governing access to work by foreigners or fixing conditions of residence for the granting of certain social benefits.”

International instruments relevant to article 6

19. On 27 September 1995 the Principality of Monaco signed the International Convention on the Elimination of All Forms of Racial Discrimination (New York, 7 March 1966), which became enforceable as a result of Sovereign Ordinance No. 11931 of 23 April 1996. Since 23 January 2002 the Principality has also recognized the competence of the Committee on the Elimination of Racial Discrimination. Legal officials are studying the Convention on the Elimination of All Forms of Discrimination against Women with a view to possible accession by the Principality. The Principality of Monaco is not a member of the International Labour Organization (ILO) and is not a party to any convention drawn up under its auspices.

Domestic legal norms relevant to article 6

20. Freedom of employment is guaranteed under article 25 of the Constitution. This article grants priority to Monegasque citizens in recruitment to public and private employment insofar as the person concerned possesses the necessary skills, and subject to the conditions laid down in the law or international conventions. Act No. 188 of 18 July 1934, on the public service, grants priority to Monegasque citizens in recruitment to public employment. Act No. 629 of 17 July 1957 sets priorities for recruitment and lays down conditions relating to recruitment and dismissal in the Principality. A foreigner may occupy a private post in Monaco if he or she holds a work permit, and any offer of employment must be declared to the Employment Service by the employer. Subject to the candidates' suitability for employment, and in the absence of a Monegasque candidate, employers must offer priority in recruitment to:

- The spouse of a Monegasque citizen;
- A non-Monegasque residing in the Principality;
- A person residing in the neighbouring communes;
- A person residing outside Monaco and outside the neighbouring communes.

It should be emphasized that, within these priority categories, no distinction, exclusion, restriction or preference is applied on the basis of race, colour, sex, religion, political opinion or social origin. This formula makes it possible to promote full employment among citizens without depriving non-Monegasques of the opportunity of recruitment in the Principality, since the local working population is by some way too small to take up all vacancies. The order of priority in the case of dismissals follows the same principle. Act No. 729 of 16 March 1963, on labour contracts, sets the period of notice on the basis of the time the person concerned has been working for the same employer. It is stipulated that, during the period of notice, the worker shall be released for 12 hours per week in order to seek another job. Act No. 845 of 27 June 1968 sets the levels of severance payments for employees. Act No. 735 of 16 May 1963, on home working, governs the working conditions of persons who, using no other help than that of their older relatives, spouses or dependent children, perform work on their own against agreed lump-sum payment for one or more industrial, commercial or other establishment, of whatever nature, while freely acquiring incidental supplies, with the exception of all or part of the raw materials used.

21. Technical and vocational guidance and training are governed by the following instruments. Act No. 898 of 15 December 1970, which introduced unpaid leave to encourage workers' education or trade union training, provides that in addition to their annual leave, employees and apprentices may request unpaid leave not exceeding 12 working days per year in order to receive workers' education or trade union training provided by approved public or private institutions. Methodical and comprehensive vocational training, which is regulated under Act No. 734 of 16 March 1963, on apprenticeship contracts, may also be provided by the head of an industrial or commercial establishment, an artisan or a jobbing worker to a person who works for him or her in exchange. Sovereign Ordinance No. 3154 of 28 March 1964 lays down the form of the apprenticeship contract and the certificate recording the end of an apprenticeship.

I. Employment and unemployment

22. Status, level and evolution of employment, unemployment and underemployment in Monaco: The economically active population under the ILO definition (i.e., the employed economically active population plus the unemployed) was estimated at 38,595 on 1 January 2001. Since 1998, as a result of the resumption of sustained growth, the working population has expanded considerably (6,000 additional employees, or 18.4 per cent more than on 31 December 1997). The public sector employs 8.8 per cent of the working population, while the private sector accounts for the remaining nine tenths, with 35,168. The tertiary sector absorbs 82.5 per cent of the labour force, while the secondary sector accounts for 17.4 per cent. With the exception of a few fishermen, the primary sector is almost non-existent, since the territory of Monaco is entirely urbanized apart from 39 hectares of parks and open spaces. The table below indicates the structure of the economically active population:

Sectors		1997	1998	1999	2000	2001
Public service:	number	1 021	1 059	1 086	1 074	1 088
	%	57.30	57.62	58.01	56.17	55.34
Industry:	number	61	60	62	63	61
	%	3.42	3.26	3.31	3.29	3.10
Transport:	number	25	27	27	30	31
	%	1.40	1.47	1.44	1.57	1.58
Commercial sector:	number	45	47	54	60	60
	%	2.53	2.56	2.88	3.14	3.05
Hotel industry (excluding the Société des Bains de Mer):	number	13	12	12	16	16
	%	0.73	0.65	0.64	0.84	0.81
Services:	number	236	235	228	252	270
	%	13.24	12.79	12.18	13.18	13.73
Property management:	number	40	42	45	46	50
	%	2.24	2.29	2.40	2.41	2.54
Société des Bains de Mer (including HBS):	number	333	347	349	362	382
	%	18.69	18.88	18.64	18.93	19.43
Inactive employer:	number	4	5	5	5	5
	%	0.22	0.26	0.27	0.26	0.25
Household personnel:	number	4	4	4	4	3
	%	0.22	0.22	0.21	0.21	0.15
Total		1 782	1 838	1 872	1 912	1 966
Wage earners:		761	779	786	838	878
State employees:		1 021	1 059	1 086	1 074	1 088
Overall total		1 782	1 838	1 872	1 912	1 966

23. Characteristics of certain categories of worker: on 1 January 2001, men constituted 57.5 per cent of employees in the private sector and women 42.5 per cent. In the public service, the imbalance is still more stark, as men make up 63.2 per cent of the administration and women 36.8 per cent. However, there are more women in supervisory functions, accounting for 54.8 per cent of staff in category A (management, design or inspection). The two tables below illustrate the situation.

Public service in Monaco

Numbers in category A (Management, design or inspection), category B (Application), and categories C and D (Implementation), broken down by sex for the departments of the administration (July 2002)

Category	Men	Women	Total
A	330	400	730
B	437	304	741
C	968	225	1 193
D	38	103	141
Total	1 773	1 032	2 805

**Breakdown of workers in the private sector
by sex and nationality (1 January 2001)**

Nationality	Men	Women	Total	Percentage
Monegasques	520	308	828	2.36
French	13 601	10 392	23 993	68.22
Italians	3 122	2 003	5 125	14.57
Other EU nationals	1 418	1 189	2 607	7.41
Miscellaneous	1 490	1 001	2 491	7.08
Undergoing registration	77	47	124	0.35
Total	20 228	14 940	35 168	100.00

Principal cases of differentiation, exclusion or preference which were regarded as non-discriminatory: aside from the legislative provisions laying down an order of priority for recruitment and dismissal (set out above), the only case in which a differentiation or exclusion was applied relates to arduous work. This differentiation is regarded as non-discriminatory insofar as it relates only to women and children, and is designed to protect them from various types of work which are dangerous, arduous or likely to be morally harmful. Similarly, in the case of the public service, article 17 of Act No. 975 of 12 July 1975, on regulations governing State officials, provides that “no distinction is drawn between the two sexes, subject to measures dictated exceptionally by the nature of the tasks”. This is the case for military personnel in the public service (the Prince’s carabineers and the fire brigade), who are governed by regulations under public law, and who are implicitly recruited among men. Young workers aged under 25, according to a study which covers only workers who live in the Principality (the 12,700 members of the economically active population registered in the 2000 general population census), make up 3.6 per cent of the economically active population, whereas workers aged over 60 make up 8.2 per cent.

24. Thus Monaco’s economy is based essentially on services, and more specifically convention tourism, the hotel industry and catering, banking and financial activities, advice and services for enterprises and international trade, which have been the main employers since 1990. The industrial sector (in particular enterprises which specialize in processing of metals, chemicals and plastics) has experienced a slowdown in job creation over the same period.

25. The Principality is a focus of economic activity which is attractive to cross-border workers who come mainly from the neighbouring communes (Beausoleil, Cap d’Ail, La Turbie and Roquebrune-Cap-Martin) in the department of Alpes-Martimes and from Italy (12 kilometres away). Thus the economically active population working in Monaco is four times the size of the economically active population which lives in the Principality. Considering the private sector alone, this imbalance is still more stark, as the table below shows: 19.6 per cent of the 35,168 employees in this sector are resident in Monaco and 80.1 per cent cross the border to work.

**Breakdown of workers in the private sector
by place of residence (1 January 2001)**

Place of residence	Men	Women	Total	Percentage
Monaco	3 845	3 042	6 887	19.58
Outside Monaco	16 306	11 851	28 157	80.06
of which:				
Neighbouring communes	5 097	4 654	9 751	27.73
Other communes in France	9 311	5 896	15 207	43.24
Italy	1 898	1 301	3 199	9.10
Undergoing registration	77	47	124	0.35
Total	20 228	14 940	35 168	100

26. There is also growth in the new forms of employment in the Principality of Monaco: workers holding fixed-term contracts make up between 10 and 15 per cent of the economically active population depending on the time of year (the numbers grow markedly during the tourist season - May to September), and the average number of temporary employees made up 7.10 per cent of employees in the private sector in 2000. There are few people occupying more than one post: this phenomenon does not exist in the public service and is very rare in the private sector. Act No. 1067 of 28 December 1983, on the duration of work, lays down a minimum of 10 consecutive hours of rest between two working days, which in practice makes it impossible to combine two full-time jobs. In addition, employees in the Principality are not prompted to resort to combining several full-time jobs because of the levels of pay they receive, which provide an adequate standard of living for them and their families. As a result, persons occupying more than one job are those who engage in part-time work, which is not regulated under Monaco's legislation. Yet the phenomenon is rare, since the breakdown of jobs into the various occupational categories (within which employees occupying more than one job are recorded in each occupational group in which they are working) shows a total of 35,893 jobs, while the number of individuals working in the Principality is 35,168.

27. The unemployment rate, which has traditionally been low, stood at 2.45 per cent on 1 January 2001, 9 per cent down on the same period the previous year. It was 2.36 per cent in 1990 and 3.94 per cent in 1995. It should be noted that the category of job seekers is composed of those who live in the Principality (64 per cent of the total, 4 per cent of them being Monegasques) plus those who have previously worked in the Principality and live in the communes adjoining the Principality or are "Italian cross-border workers". Where unemployment benefit is concerned, most enterprises in Monaco contribute to the unemployment benefit office (ASSEDIC) in France (except for those appearing on a list included in Ministerial Order No. 69-17 of 28 January 1969, replaced by Ministerial Order No. 85-143 of 21 March 1985, which excluded them from the ASSEDIC system and required them to organize their own internal benefit fund). Their contributions in 1999 totalled 390 million francs, including the contribution to the financing of the Association pour la Structure Financière. The surplus for the ASSEDIC in the Alpes-Maritimes department for the financial year 1999 may be estimated at about 220 million francs.

28. Undeclared work seems not to be widespread, although because of the very nature of this phenomenon, it is impossible to gauge its scale. To date, no case of this kind has been heard by the Labour Court, but the practice is known to exist, particularly in catering, construction and personal services (domestic staff, etc.). The legislation governing this area is strict: article 1 of Act No. 629 of 17 July 1957, on conditions governing recruitment and dismissal, provides that “no foreigner may occupy a post in private employment in Monaco unless he or she holds a work permit”. Work permits are granted after the employer has sought authorization to recruit from the Department of Labour and Social Affairs. It is a criminal offence for either employees or employers to breach these provisions: the law lays down that foreigners who have no work permit “shall be liable to imprisonment for between six days and one month” and a fine of between €750 and €2,250, or both, and Act No. 1144 of 26 July 1991 stipulates, in the case of employers who have failed to declare their employee or employees, fines of between €18,000 and €90,000; the court may also order the permanent closure of the establishment concerned.

II. Principal employment policies and measures

29. Policies and measures designed to ensure employment for all: in view of the very low rate of unemployment in the Principality (2.45 per cent on 1 January 2001), it has not proved necessary to draw up a national plan of action to ensure full employment. The economically active population living in the Principality (12,700 persons according to the 2000 general population census, of whom nearly 10 per cent do not work in the Principality) is by some way too small to take up all the jobs generated by Monaco’s economy. With almost 28,000 cross-border workers working in Monaco, the Principality is contributing to the development of the surrounding economic region.

30. However, certain bilateral agreements concluded with France also apply to Monaco: the new agreements relating to the National Union for Employment in Industry and Commerce (UNEDIC) concluded in France, which set up a Plan for Assistance in Returning to Work and a Personalized Assistance Plan, have been extended geographically to the Principality since 2001, in particular to enable unemployed persons living in Monaco to benefit from training opportunities offered by UNEDIC, together with the training provided by Monaco’s Department of Education. Similarly, various arrangements and measures have been introduced by the Princely Government to encourage the integration of young Monegasques in the job market, and more broadly to enable Monegasque enterprises to benefit from assistance or exemptions designed to foster their growth and consequently stimulate recruitment.

31. The Youth Employment Unit: in 1999, the Department of Labour and Social Affairs and the Employment Service established a Youth Employment Unit. The purpose of this unit is to organize contacts between the Principality’s enterprises and young Monegasques and the country’s children, with the aim of encouraging their integration in the labour market once they have completed their studies, or helping them to find on-the-job training, a contract for an apprenticeship or work-study placement, seasonal work or a first job. In this way the Youth Employment Unit endeavours to provide personalized assistance to young people, whatever their academic qualifications or the type of work they seek. It cooperates with various schools in

Monaco or France, and with enterprises in the Principality, to assess job opportunities and profiles. The contacts with enterprises have focused on all sectors of activity in the Principality: the banking sector (the CFM bank, Paribas and HSBC), but also beauty treatment and hairdressing, and large enterprises such as the Société des Bains de Mer:

- On-the-job training in enterprises: many types of training now include on-the-job training in enterprises. This enables students to apply their theoretical knowledge, while giving them an opportunity to acquire real professional experience. The choice of training is therefore crucial for the students, especially as training carried out at the end of their studies may lead to a first job. In 2001, 100 per cent of the students handled by the Youth Employment Unit were placed fairly quickly (20 days on average). Most requests for training related to office work (accounts, secretarial work and law). It should be noted that all these students wished to continue their studies;
- Contracts for apprenticeships or work-study placement: these contracts date from 1963 in the Principality and cover an average of 50 young people each year, in all sectors of activity. They are increasingly popular with young people. They allow periods of training in enterprises to be alternated with courses of theory, leading to a diploma recognized by the State. A distinction must be drawn between “apprenticeship”, which leads to pre-baccalaureate diplomas, and “work-study”, which leads to university-level and postgraduate diplomas. These options are valuable because they enable young people to gain real professional experience of the area in which they wish to work. Enterprises are able to inculcate their own professional approach while continuously assessing trainees’ progress. It should also be noted that many contracts of this type lead to actual contracts of employment, as the young people are already familiar with the enterprise, its products or its customers, and have therefore proved themselves. The main sectors involved in the apprenticeship contracts are: hairdressing, the hotel industry, bakery products and all occupations which maintain a genuine apprenticeship system. As for work-study and post-baccalaureate diplomas, demand is growing strongly among young people, especially in the commercial sector and in communications. It should be noted that work is under way to update Act No. 734 of 16 March 1963 on apprenticeship contracts so as to cover work-study placements beyond the baccalaureate, which are currently a major growth area;
- First jobs: in addition to offering on-the-job training and contracts for apprenticeships or work-study placements, the Youth Employment Unit gathers offers aimed at young people looking for their first jobs. It should be noted that demand in this area comes mainly from qualified young people (generally between two and five years after the baccalaureate, with very few non-baccalaureate holders). Around three months are required to make a placement. Most recently the Unit has secured employment contracts for young people in office jobs (accounts and secretarial services), in commerce (sales personnel), but also in management (data processing and shipping).

32. Assistance to Monegasques setting up in business: The Princely Government has also introduced arrangements designed to facilitate independent business start-ups. The sectors involved are commerce, industry, the liberal professions and services. Those wishing to benefit from this assistance must be setting up business independently for the first time, engaging in it as a sole activity, and receiving no remuneration of any kind, including allowances as administrators or retirement pensions. The assistance consists of the following:

- Assistance with the payment of rent in the form of a monthly sum to cover rent and service charges, with a ceiling of €500.00;
- Exemption from health insurance and pension contributions for the person setting up the enterprise.

These measures are generally approved for a period of three years. Continued assistance for a fourth year, solely in respect of exemption from health insurance and pension contributions for the person setting up the enterprise, may be granted in order to support enterprises which after three years have been unable to acquire sufficient solidity to enable them to shoulder operating expenses alone.

33. State assistance to enterprises in the Principality: Various types of State aid exist for enterprises established in Monaco, and relate to different stages in the life of the enterprise:

- Aid for enterprise creation: Any enterprise established in the Principality and liable for the profits tax (by generating at least 25 per cent of its turnover outside the Principality) is exempt from this tax for a period of two years;
- Tax credit for research: Any enterprise liable to the profits tax which engages in expenditure on research and development may obtain a tax credit amounting to 50 per cent of the difference between the research expenditure during the year and the average expenditure during the two preceding years, subject to a ceiling on the total allowable expenditure. Such expenditure includes allowances for depreciation of fixed assets assigned to research, personnel and patent registration costs. There is a ceiling of 40 million francs on allowable expenditure for this credit;
- Partial exemption from payment of social security charges: In order to qualify for partial exemption from payment of employers' contributions, employers must:
 - Have created a new post;
 - Recruit a candidate proposed by the Employment Service who has been registered for at least one month;
 - Offer an open-ended contract of employment or a fixed-term contract for at least two years.

The aid is paid directly to the employer, as a reimbursement of the employer's contributions he or she has paid into the Monegasque social welfare funds, i.e. about 23 per cent of gross salary. This benefit is paid for one year, renewable for one further year if the employer allows the employee to benefit from internal training.

- Aid in seeking new markets: On request, enterprises in Monaco may receive assistance in exporting on similar grounds to those used for "Coface" assistance available in France:
 - Trade fair guarantees, which apply to commercial events organized abroad and enable enterprises to assess the competition, meet distributors and make commercial contacts; they cover 65 per cent (75 per cent in the case of Japan) of expenditure incurred by the company on the occasion of the event, subject to a budget ceiling specified in the contract;
 - Market prospecting guarantees, which relate to more substantial export-oriented operations (establishment of a specialist department, travel in search of new markets or for market research purposes).

The principle is that the aid covers part of the market prospecting costs which are incurred by the enterprise for prospecting in foreign markets, but which have not been recouped through an adequate level of sales.

- Assistance for innovation: Enterprises in Monaco can also obtain assistance for innovation. This assistance is similar to that provided by the Agence nationale de valorisation de la recherche (ANVAR) in France: advances of half the cost of a project, at a zero interest rate, reimbursable only in the event of success; assistance in the establishment of technology-based enterprises; subsidies for recruitment of executive staff for innovation and funding of wages for one year. This assistance may apply to all the stages involved in the identification, development, elaboration, or industrial and commercial launching of a technological innovation related to a new or improved product or process, as well as other activities by innovating enterprises. For this purpose, the Princely Government and ANVAR signed a management agreement on 31 July 1998, under which Monaco finances projects for research and development carried out by Monegasque industrial enterprises, from a Monegasque fund for assistance in innovation, and ANVAR is entrusted with responsibility for managing this fund; after making a decision on the viability of the projects submitted, ANVAR will ensure technical follow-up. In addition, it plays an advisory role vis-à-vis enterprises, in the search for partners, in feasibility studies and in the conduct of market research;
- SAUCED: The Government is involved in a venture capital company known as "Société d'aide à la création et au développement d'entreprise", in cooperation with a banking subsidiary. Innovative projects (creation or development stage) may be put forward to the Government, which considers whether to take a share in the capital of a structure to be set up in the Principality, in order to encourage its launch;

- **Guarantee fund:** Together with the local banks, the Government has encouraged the creation of a guarantee fund designed to support the development of economic activities in the Principality. The role of the fund is to underwrite the contribution to be made by the fund's banks in the context of projects for enterprise creation, transfer or development. The banking institution requested to grant a loan may, if it deems the guarantees presented by the requesting company adequate, submit the file for approval by the committee of the guarantee fund, on which the Government is represented;
- **Interest relief:** Enterprises in the Principality can, subject to consideration of an application, be granted interest relief on a business loan contracted with a banking institution in the event of difficulties or activities involving modernization or expansion. The relief consists of a reduction in the interest rate to a minimum of 5 per cent a year for the entire length of the loan, thus lowering the burden on the borrower (it covers, for example, loans for the purchase of a business or equipment, fitting up of premises, or purchase of a vehicle for use by a taxi driver);
- **Industrial subsidy:** Some years ago the Government introduced the "industrial subsidy" for industrial enterprises with the aim of lightening the burden of rental costs for enterprises. This subsidy, paid twice a year at the end of each six-month period, takes into account the level of the rent, the area occupied and the economic and social status of the enterprise. For the year 2003, the floor was set at €88 before tax per square metre per year, and the ceiling at €132.

34. **Flexible working hours:** Aside from the two legislative instruments (Act No. 729 of 16 March 1963 and Act No. 898 of 15 December 1970), there is no legislative framework for or legal definition of vocational training. To date, no mandatory funding arrangements have been made and vocational training is entirely in the hands of private initiative, although a scheme for partial reimbursement has been introduced by the State, which returns 30 per cent before tax of the cost of any training provided. In practice, since 1977, the State has allotted a sum under the budget for vocational training which it distributes among the various professional groupings (the employers' federation, the association of processing industries, the hotel industry association and trade unions recognized by the State). The latter pay enterprises which have introduced training the sum to which they are entitled, provided that the training falls within the framework laid down by the Government. Reimbursement is not available for all disciplines, being limited for the most part to basic training such as standard data processing and languages, with some training of a more specific nature (fire safety, quality certification, food hygiene, etc.). If a new standard form of training is to receive funding from the State, enterprises must make a joint application to the Government, which will accept or reject the request.

35. The Employment Service, in cooperation with the Department of Education and the Department of the Civil Service and Human Resources, has introduced training which in 2000 enabled 191 persons registered as job seekers to train in data processing or foreign languages.

36. Measures to improve labour productivity: The main sectors of Monaco's economy, and particularly the tourism sector, are highly competitive: in this context, several initiatives have been taken by the Government and professionals themselves to safeguard their activities:

- The Monegasque Commerce Charter of Excellence: This initiative, started in 1999 by the Union des Commerçants et Artisans de Monaco and the Association Qualité Monaco and open to all traders in the Principality, is aimed at conveying to consumers the determination of traders to attain high levels of service, quality and availability in terms of opening hours and/or participation in activities on the occasion of major events in the Principality. The aim is to bring the overall supply of commercial products and services more into line with seasonal phenomena and their characteristics in relation to variations in tourist visits;
- Similarly, a growing number of Monegasque enterprises are obtaining ISO 9001 certification, awarded by the Association française pour l'assurance de la qualité. This international certification offers their customers a guarantee of the quality of manufacturing processes, helps in positioning the companies and facilitates their access to international markets.

37. The Economic Development Chamber: The purpose of this association is to promote Monaco's economy and its enterprises abroad and to prospect in the major international markets. The objective is to develop the economy of the Principality by generating new business flows for Monaco's enterprises and encouraging foreign companies to set up business in Monaco. This body reflects its members' shared resolve to work together with the stakeholders in Monaco's economic life: the Economic and Social Council, the Department of Economic Expansion, the Department of Tourism and Conferences, embassies and consulates throughout the world, the Junior Economic Chamber, the employers' federation and professional organizations. Visits to such places as Brazil in 1998 or Tunisia in 1999 were aimed at instituting new economic exchanges; conferences and symposia are organized in cooperation with these foreign partners and with embassies and consulates. The Chamber's head office welcomes and advises entrepreneurs and businessmen who wish to set up business in Monaco. Its role is to inform them of required procedures and direct them to the appropriate departments. Headed by a board elected for three years, which is composed of three representatives of the State appointed by ministerial order and nine members elected by the general assembly, the Chamber is funded from government grants and members' contributions. All heads of enterprises, representatives of professional activities and chairs of economic associations or bodies in the Principality may join. The Chamber has more than 230 members from the main industrial sectors.

Article 7

International instruments relevant to article 7

38. The Principality of Monaco is not a member of the International Labour Organization (ILO) and is not a party to any of the ILO conventions.

I. Remuneration of workers

39. Wages in Monaco are set either individually, upon signature of an employment contract and in accordance with the principle of freedom of contract, or following a collective bargaining process between employers or employers' associations and one or more trade unions. Similarly, employers are under no legal obligation to raise wages regularly, apart from the statutory annual rise in the minimum wage for those who are paid on that basis, and the requirement to align wages with the guaranteed minima prevailing in the neighbouring economic region, in accordance with Act No. 1068 of 28 December 1983. However, wage agreements may provide for periodic pay rises as part of the collective bargaining process between social partners.

1. Right to fair pay

40. The Wages Act, No. 739 of 16 March 1963, as amended by Act No. 1068 of 28 December 1983, defines a wage as "the remuneration contractually due to anyone working under an employer's authority, in return for the work or services carried out for the said employer's benefit" (art. 1). The remuneration includes the wage and all related advantages and benefits, whether direct or indirect, in cash or in kind (art. 2, para. 1).

41. Wages must be paid in legal tender, notwithstanding any stipulation to the contrary (art. 3). They must be paid at regular intervals in the manner established by law (art. 5). Except where provided by law, the employer may not withhold any monies whatsoever from the wages owed (art. 7). Infringements of these provisions are punishable by a contractual penalty.

42. Except where provided by law, the minimum levels of wages, bonuses, allowances of all kinds and supplements other than those established in the legal provisions on working hours may not fall below those prevailing, under the relevant regulations or collective agreements, for identical working conditions in similar occupations, businesses or industries in Nice or, if data for Nice are not available, the French department of Alpes-Maritimes. In addition, the minimum wage levels on all French pay scales are subject to a mandatory special 5 per cent Principality weighting, which was originally introduced in the late 1940s, partly in response to a new pay policy put in place in France at that time, and partly to compensate workers domiciled in the Principality for the property tax exemption the Princely Government had obtained for French residents working in Monaco. In practice, this 5 per cent supplement is applied to all wages paid in the Principality. Minimum wages are set by ministerial order.

43. For unskilled labour, regardless of occupation, Monaco's practice is based on the French guaranteed minimum wage (SMIC). The same rules on annual increases (1 July every year) and index-linking are applied. It should be noted that in principle, "the SMIC applies only to workers with no qualifications or seniority. Other employees are entitled to earn more than the SMIC, which constitutes a wage floor rather than a benchmark for wages generally. The SMIC is reduced for young workers, however: by 20 per cent up to age 17 and by 10 per cent from 17 to 18, although this reduction does not apply to those who can show that they have completed six months in the same line of work". These two cases apart, no employee working in Monaco and legally registered with the Employment Service can receive a wage lower than the French SMIC plus the 5 per cent weighting.

44. As at 1 July 2001, the gross monthly SMIC was €6.66 per hour (4 per cent up compared with 2000; 18.2 per cent up compared with 1995; 39.8 per cent up compared with 1 July 1990) or €1,126.40 per month for 169 hours' work. As at 1 September 2001, there were 1,384 persons in receipt of the SMIC, representing 3.78 per cent of the population employed in the private sector. For the purposes of comparison, the average gross hourly wage for the private sector was €15.35 per hour in 2000/01. The average gross hourly wage rises each year by 3 to 4 per cent.

2. General principle of non-discrimination in respect of pay

45. The Wages Act, No. 739 of 16 March 1963, has a social as well as an economic component, which forms the basis for protective legislation designed to safeguard the principle of equal pay for equal work for all categories of workers.

46. With regard to equal pay for men and women, article 2, paragraph 1, of the Wages Act, No. 739 of 16 March 1963, as amended by Acts Nos. 948 of 19 April 1974 and 1068 of 28 December 1983, establishes the principle of equality; while article 2, paragraph 2, provides that any measure giving rise to discrimination between the sexes in respect of pay shall be null and void. Under article 2, paragraph 3, the above two provisions and the decrees implementing them must be displayed in every establishment where women are employed, in workplaces and wherever the actual hiring takes place. All employees, regardless of sex, should thus receive equal remuneration for similar work or work of equal value, the said remuneration being understood to comprise the wage and all related advantages and benefits, whether direct or indirect, in cash or in kind. This means that the various components of the remuneration must be fixed on the same basis for every employee, without distinction on grounds of sex. Occupational categories and the criteria for classification and promotion, as well as all the other factors used in calculating pay, must be identical for employees of both sexes. Labour inspectors may demand to be shown the various factors applied in establishing wage levels in an enterprise, and in particular the rules, categories, criteria and bases for calculation mentioned in article 2, paragraph 1, of the Wages Act (Sovereign Ordinance No. 5392 of 4 July 1974, on the implementation of Act No. 948 of 19 April 1974, supplementing and amending the Wages Act, No. 739 of 16 March 1963, in respect of equal pay for men and women).

47. The effect of this very strict legislation is to minimize the wage gap between men and women. A difference can nevertheless be seen between the average hourly wage paid to men in 2000/01 (€17.30 per hour) and that paid to women (€12.78 per hour), but this gap is basically due to the differences between the kinds of posts occupied by men and women. The Labour Inspector's Office has found no infringement of these conditions that would indicate any inequality of pay between men and women.

II. Health and safety at work

48. All employees are protected in case of accidents at work, work-related illness, disability and death.

49. *Firstly:* The basis for this protection is the Accidents at Work (Notification, Compensation and Insurance) Act, No. 636 of 11 January 1958, as amended.

1. Employers' obligations

50. Anyone employing workers, employees or servants must insure them against the risk of death or temporary or permanent incapacity, and undertake to pay them compensation, allowances or pensions at least equal to those established in the above-mentioned Act in the event of an accident. The insurance policies must be concluded with firms or companies that have been duly authorized by ministerial order to provide insurance against accidents at work in the Principality. Employers who fail to comply with these regulations are liable to fines.

2. Compensation in case of accident

51. Accidents arising from work or occurring while at work entitle victims or their representatives to compensation, to be paid by the employer, where it is demonstrated by any means that the victim was fulfilling, in any capacity, including as a probationer or apprentice, a contract of employment, whether valid or otherwise. Accidents occurring on the journey between home and work are also considered work-related accidents.

(a) The victim's rights

- Temporary incapacity

Entitlement to a daily allowance, to be paid without regard to working days, Sundays or holidays, and equal to 50 per cent of the weekly wage divided by six (i.e., the daily wage) as from the first day following the accident. The rate rises to 66 per cent of the wage with effect from the 29th day following the accident. This allowance is payable up to the day of the victim's death or of the stabilization of his or her condition, which is to say complete recovery or a finding of permanent incapacity.

- Permanent incapacity

Entitlement to an allowance at a rate commensurate with the degree of incapacity. In the event of total incapacity, the amount is equal to the victim's monthly wage. In cases of permanent and total incapacity necessitating the services of a third person to enable the victim to perform everyday tasks, a 40 per cent supplement is payable. In determining the degree of incapacity, account is taken of the nature of the impairment, in accordance with a minimum scale of disability fixed by order of the Minister of State. The victim also has the right to require his or her employer to provide or renew any prosthetic appliances necessitated by the impairment, or pay compensation in an equivalent amount.

(b) Rights of the victim's representatives, if the accident resulted in the death of the employee

Spouse: 30 per cent of the victim's annual pay; 50 per cent at age 55, or before if the spouse is unable to work.

Legitimate children:

- Only child: allowance of 15 per cent of the victim's annual pay;

- Two children: allowance of 30 per cent of the victim's annual pay;
- More than two children: supplement of 10 per cent for each additional child.

Lastly, however long the absence from work as a result of an accident, the employer must pay all medical, pharmaceutical and hospitalization costs, as well as transport costs within the Principality to the victim's home or to hospital. In the event of death, the employer must also bear the funeral expenses.

52. *Secondly*: Under Act No. 600 of 2 June 1956, which provides for medical insurance for certain beneficiaries of allowances for work-related accidents, any victims of an accident at work who are in receipt of an allowance equal to or greater than 66.66 per cent are entitled, at no cost to themselves, to medical and maternity insurance benefits in kind if they are unable to avail themselves of the provisions of Statutory Order No. 397 of 27 September 1944 establishing a welfare services compensation fund in the Principality of Monaco.

53. *Thirdly*: The legislation on notification, compensation and insurance in respect of accidents at work also covers work-related illnesses, under Act No. 444 of 16 May 1946, extending legislation on accidents at work to cover work-related illness. Employers are held responsible for illnesses which correspond to the nature of the enterprise, where these appear during the period of employment or within a certain time, established by ministerial order, after the employee has ceased to work at the enterprise concerned. Any work-related illness must be notified by the employee within three months of the termination of employment. Work-related illnesses that may affect employees are listed in Ministerial Order No. 59-112 of 13 April 1959, as periodically updated in line with developments in this field in France.

The system of benefits payable to employees in the event of disablement or death is set out in Sovereign Ordinance No. 4739 of 22 June 1971, applying Statutory Order No. 397 of 27 September 1944, establishing a welfare services compensation fund in the Principality of Monaco. The Welfare Services Compensation Fund is responsible for the payment of benefits in the event of accident, illness, maternity or death to Monegasque workers and to foreign workers legally entitled to work in the Principality.

1. Eligibility

The individual must:

- (a) Be under 60 years of age;
- (b) Display a permanent physical incapacity that prevents him or her from earning, in any occupation whatsoever, an amount greater than one third of the remuneration received by employees in the same occupational category in the post occupied prior to:
 - The start of the break in employment and subsequent disability; or
 - The initial medical finding of disability resulting from premature physical deterioration;

(c) Be able to show 12 months' valid membership of the Fund out of the 15 months preceding the month during which the incident that led to the disability occurred.

Incapacity is assessed in terms of the employee's potential for resuming his or her former occupation or embarking on a new one. This potential is analysed in the light of the employee's:

- General state of health, mental and physical capabilities and age;
- Skills, specialist training and ability to adjust to a new work situation.

Labour market conditions are not taken into account, but may be used as a basis for an award of welfare benefit by the Welfare Services Compensation Fund.

2. Procedure

54. The Fund is required to give the person concerned notice of the date on which his or her sickness benefit entitlement lapses. Such notice must specify whether the Fund intends to review the individual's situation with a view to the possible award of a disability pension. In the absence of any action on the part of the Fund, employees may themselves apply for disability benefit.

The degree of disability is determined by the Fund on the basis of:

- A report by the attending physician, specifying and justifying the proposed degree of disability;
- The opinion of the Fund's medical adviser;
- An inquiry into the employee's social situation and employment history.

3. Cash benefits: disability pension

55. The disability pension is determined on the basis of the average monthly wage as calculated from the wages liable to insurance deductions during the 60 months preceding the month in which entitlement begins. The percentages applied are as follows:

- 30 per cent for disabled persons who are able to perform some kind of gainful activity;
- 50 per cent for disabled persons who are absolutely unable to perform any kind of gainful activity.

If the disabled person requires the assistance of a third person to perform everyday tasks, he or she receives a supplementary allowance amounting to 40 per cent of the pension. The minimum levels of both pension and supplementary allowance are established by ministerial order.

The disability pension is always granted on an interim basis and is subject to review in the light of the beneficiary's circumstances. In statutorily prescribed cases, insured persons can challenge decisions on disability taken by Monaco's social welfare funds.

Lastly, all or part of the disability pension continues to be paid beyond the beneficiary's sixtieth birthday depending on the amount of the beneficiary's retirement pension.

4. Non-cash benefits

56. Beneficiaries of disability pensions are entitled to the non-cash benefits available under the health and maternity insurance scheme, for which their children and spouses also qualify, namely a waiver of the beneficiary's contribution, regardless of the medical condition in respect of which the benefit is sought.

5. Death benefit

57. To be eligible for the benefits described below, the employee must, at the date of death, satisfy the conditions stipulated for the allocation of non-cash sickness benefits. Priority entitlement to death benefit is accorded to persons who, at the date of death, were effectively, completely and permanently dependent on the insured person. Death benefit is a lump sum equivalent to 90 times the basic daily wage. The minimum amount was set by ministerial order at €292, and the maximum at €17,520, as at 1 October 2002.

58. Health and safety at work are regulated by Sovereign Ordinance No. 3706 of 5 July 1948. There are also various ministerial decrees which lay down, on the one hand, general measures of health and safety applicable to all establishments covered and, on the other, special health and safety rules for particular occupations or areas of work.

59. Sovereign Ordinance No. 4789 of 8 September 1971 institutes Health and Safety Committees in establishments covered by the provisions of the above-mentioned Sovereign Ordinance No. 3706 of 5 July 1948; the task of these Committees is to adjust the regulations on health and safety at work to individual enterprises, ensure their implementation and the proper maintenance of safety equipment, organize training for the fire and rescue teams, give an opinion on all measures relating to the health and safety regulations and instructions within the enterprise, and promote an awareness of workplace hazards.

60. A Technical Committee to Combat Pollution and Safeguard Public Safety, Hygiene, Health and Order was established under Sovereign Ordinance No. 10505 of 27 March 1992. One of the Committee's tasks is to monitor employees' health and work conditions, and to ensure compliance with the hygiene, safety and health regulations in all establishments open to the public. It also investigates and recommends methods and techniques for eliminating or reducing disorders caused by commercial activities, building and other sites or conversion work.

61. As regards workers in construction, public works and all other jobs in and around buildings, Ministerial Order No. 66009 of 4 January 1966 applies special protection and health measures in establishments employing such workers.

62. Ministerial Order No. 58-168 of 29 May 1958 provides for special workplace health and safety measures for women and children, including a ban on dangerous jobs and limitations on the loads they may carry, pull or push.

63. Lastly, under the Occupational Medicine (Establishment and Organization) Act, No. 637 of 11 January 1958, a public service, the Occupational Medicine Office, was set up with responsibility for preventive medicine in the workplace. The tasks of this office include conducting a thorough medical examination of employees before a work permit is issued; issuing certificates of fitness for work; monitoring employees' health through periodic examinations; and, in cooperation with the Labour Inspector's Office, monitoring overall standards of health and worker safety in companies. All employers are required to register with the Occupational Medicine Office, and every employee must undergo a compulsory medical examination at least once a year.

64. This legislative and regulatory framework means that no waged workers or independent professionals in Monaco are legally excluded from the health and safety regime described above, provided they are legally registered with the Employment Service or in possession of a permit to practise their profession. For independent workers, however, once their premises have been inspected and approved by the Technical Committee to Combat Pollution and Safeguard Public Safety, Hygiene, Health and Order, and a permit issued on that basis, there is no further requirement for medical examinations or a review of qualifications.

65. In statistical terms, the numbers of workplace accidents in Monaco changes little over time, and only in line with the increase in the Principality's working population. The sectors most prone to accidents at work are: construction; woodworking and joinery; hotels and catering; community, social and personal services; health and welfare; the rubber and plastics industry; and the agricultural and foods sector. Employment agencies for temporary workers also report many workplace accidents among the staff they supply to enterprises. The following table shows how rarely fatal accidents occur; in every case they are in fact road accidents (i.e., they occur on the way to or from work):

Workplace accidents	1990	1995	2000
Accidents notified and admitted	3 012	3 135	3 418
Accidents necessitating sick leave	1 987	2 208	2 416
Fatal accidents	0	2	1

III. Promotion at work

66. All workers are guaranteed the same opportunity for promotion to the next applicable grade, based solely on seniority and qualifications. To that end, Sovereign Ordinance No. 3094 of 3 December 1963, on the composition and functioning of the Board of Classification of employees in the various occupational categories, provides that employees may be reclassified in accordance with their actual tasks and responsibilities.

67. The Classification Board, which is chaired by a labour inspector and made up of equal numbers of employers' and workers' representatives, was established under the Wages Act, No. 739 of 16 March 1963. Taking account of the general principle established under this Act, of non-discrimination in the area of pay, particularly in respect of women, and given that all promotions implicitly affect pay, the law establishes a mechanism to ensure that all workers have an equal chance of promotion.

IV. Working hours

1. Working week

68. Statutory Order No. 677 of 2 December 1959, on working hours (as amended by Acts Nos. 836 of 28 December 1967, 844 of 27 June 1968, 950 of 19 April 1974, 993 of 5 January 1977, 1005 of 4 July 1978 and 1067 of 28 December 1983), establishes a legal working week of 39 hours, defines the concept of productive time, establishes a maximum working day of 10 hours and a maximum working week of 48 hours, and sets forth the conditions under which working hours may be extended beyond the limits set. It also establishes a maximum average of 46 hours over 12 weeks and a procedure for derogation, empowers the Labour Inspector's Office to impose overtime restrictions during periods of unemployment, and regulates overtime; it also covers shift work, the special conditions attaching to women's work and the ban on night work for women, and fixes a minimum rest period between two working days of 11 hours for women and 10 hours for men. Lastly, the Act establishes a special regime for the protection of apprentices and employees aged under 18 and establishes criminal penalties for violations.

2. Weekly rest period

69. The weekly rest period is also regulated by law. Thus, under the Weekly Rest Period Act, No. 822 of 23 June 1967 (as amended by Act No. 1005 of 4 July 1978), employees are entitled to a minimum weekly rest period of one full day, to be taken on a Sunday except where otherwise provided. The Act provides for situations in which the employer may exceptionally be obliged to suspend or postpone the weekly rest period, within certain legal limits and in return for a compensatory rest period of the same duration plus a bonus for the hours worked, which are regarded as overtime and remunerated in accordance with the law.

3. Paid leave

70. In addition to the weekly rest period, employees are entitled to a minimum of five weeks' paid leave per year, i.e., 2.5 working days per month worked, in accordance with the conditions set by Act No. 619 of 26 July 1956 (as amended by Statutory Order No. 684 of 19 February 1960 and Acts Nos. 1005 of 4 July 1978 and 1054 of 8 November 1982). Employees whose contracts are terminated before they have been able to take all the leave to which they are entitled should be paid compensation in lieu of the portion of leave outstanding, upon termination of the contract and in accordance with the provisions of the law.

4. Public holidays

71. Pay and conditions of work for official public holidays are also regulated by law, independently of the provisions on working hours and the weekly rest period. Act No. 798 of 18 February 1966 establishes 12 official public holidays in Monaco, to be paid but not worked; the number of public holidays paid but not worked may be increased under a collective agreement or according to custom. Act No. 800 of 18 February 1966 governs pay and conditions of work in respect of statutory public holidays, which are mandatory paid holidays for all employees, however remunerated. They are paid even where they fall on the employee's weekly rest day or on a working day the whole or part of which is usually not worked within the enterprise. Moreover, six of these public holidays must be taken on the following Monday if they fall on a Sunday. Exceptions may be made by the Labour Inspector's Office for certain employers where the nature of their activity prevents them from interrupting their work. In such cases, their employees are entitled, in addition to their regular wage for the work, either to compensation equalling that wage or to a paid holiday in lieu. Compensation rules for paid public holidays are laid down in the regulations or agreements relating to individual sectors.

Article 8

72. The right to organize and the right to strike are recognized and regulated within the Principality by distinct legal provisions.

Interpretative declaration

73. When signing and ratifying the Covenant, the Government made the following interpretative declaration in relation to article 8:

“The Princely Government declares that it considers article 8, paragraph 1, subparagraphs (a), (b) and (c), on the exercise of trade union rights to be compatible with the appropriate legislative provisions regarding the formalities, conditions and procedures designed to ensure effective trade union representation and to promote harmonious labour relations.

“The Princely Government declares that in implementing the provisions of article 8 relating to the exercise of the right to strike, it will take into account the requirements, conditions, limitations and restrictions which are prescribed by law and which are necessary in a democratic society in order to guarantee the rights and freedoms of others or to protect public order (*ordre public*), national security, public health or morals.

“Article 8, paragraph 2, should be interpreted as applying to the members of the police force and agents of the State, the Commune and public enterprises.”

International instruments relevant to article 8

74. The Principality of Monaco signed the International Covenant on Civil and Political Rights (New York, 16 December 1966) on 26 June 1997 and ratified it on 28 August 1997.

The Principality of Monaco is not a member of the International Labour Organization (ILO) and is not a party to any of the conventions drawn up under its auspices.

I. Freedom to form or join a trade union

75. The right of employees to organize themselves in trade unions is recognized in Monaco under article 28 of the Constitution of 17 December 1962: "Every person may defend the rights and interests of his or her occupational group or function through trade union action." Representative unions, operating on a democratic basis that is guaranteed by law and regulation, provide a framework for negotiation within the various occupational sectors.

76. The establishment of workers' unions is governed by Statutory Order No. 399 of 6 October 1944, authorizing the creation of trade unions (as amended by Act No. 541 of 15 May 1951). Under article 1, "Monegasque workers and foreign workers legally authorized to work in the Principality may join trade unions which they have established for the study and defence of their economic or occupational interests and the representation of their occupational group and its members." Under article 2, membership of a union is limited to persons working in the same occupation, similar trades or related occupations.

77. For a trade union to be established, its statutes and rules must be submitted to the Government, which approves the union's constitution after having determined that it complies with the provisions of Statutory Order No. 399 of 6 October 1944, as amended. This approval is given by ministerial order.

78. Unions are managed and administered by a committee elected by members for one year, by simple majority. The committee comprises a chair, a secretary, a treasurer and a number of committee members which varies with the size of the union membership. Unions are represented by the general meeting of all members, who must be notified individually. At least one ordinary general meeting is held annually. It decides on admissions to or exclusions from the union, appoints or removes members of the committee, fixes the amount of members' annual subscriptions, discusses the accounts submitted by the treasurer and considers all the items on the agenda. A report on the committee's activities and a financial report must be submitted to the meeting if it is to be valid. Any motion submitted by a member before the start of the meeting may, if appropriate, be placed on the agenda. Extraordinary general meetings may also be convened at the request of the committee or of one tenth of the union's membership.

79. Unions have corporate status. They have the right to institute legal proceedings and to acquire, without authorization, the movable and immovable property they need in order to function. They have full rights, in all jurisdictions, to claim civil indemnification in respect of acts directly or indirectly prejudicial to the collective interests of the occupational group they

represent. Subject to administrative authorization, they may also set up, administer and fund welfare institutions, training courses and publications of interest to the trade or occupation, cooperative purchasing schemes or similar institutions (Statutory Order No. 399 of 6 October 1944, arts. 8-10).

80. Under article 11, legally constituted unions are free to combine their efforts in the study and defence of their occupational interests and form federations, whose statutes must be approved by the Government. Under article 12, each federation of unions shall be managed and administered by a federation committee elected for one year by a simple majority of representatives of the member unions at a general meeting. Under article 13, trade union federations have the same rights as trade unions themselves.

81. Ordinance No. 2942 of 4 December 1944, regulating the formation and functioning of unions, sets out provisions governing the implementation of the above-mentioned Statutory Order.

82. Civil servants and members of the police may join their respective trade unions, in accordance with article 16 of Act No. 975 of 12 July 1975, on the status of State officials, and with articles 2 to 4, 24, paragraph 3, and 27 of Ordinance No. 6365 of 17 August 1978, regulating implementation of that Act. Members of the armed forces do not have the right to join a union.

83. The formation of employers' associations is governed by law. Article 1 of Act No. 403 of 28 November 1944, authorizing the formation of employers' associations, as amended by Act No. 542 of 15 May 1951, recognizes the right of all natural or corporate persons legally authorized to engage in commercial, industrial or professional activities to become members of any association formed by them for the study and defence of their economic, industrial, commercial or professional interests, and for the representation of their corporate activity. Under article 2, membership of such associations is limited to persons involved in the same or related professions or in similar trades or industries. Persons engaged in different trades or industries may, however, combine in associations if they are sufficient in number to form separate associations for each area of activity. These associations have corporate status, with the right to institute legal proceedings and to acquire the movable and immovable property they need in order to function. They have full rights, in all jurisdictions, to claim civil indemnification in respect of acts directly or indirectly prejudicial to the collective interests of the occupational group they represent. Subject to administrative authorization, they may also set up, administer and fund welfare institutions, training courses and publications of interest to their trade, industry or occupation, cooperative purchasing schemes or similar institutions (arts. 7-9). Such associations are managed and administered by a committee elected for one year by simple majority (art. 3). The statutes and rules of employers' associations must be submitted for approval by the Government (art. 5).

II. Right to form and join national or international trade union federations

84. Under article 10, legally constituted unions are free to combine their efforts in the study and defence of their occupational interests and form federations, whose statutes must be approved by the Government. Under article 11, each federation of unions shall be managed and

administered by a federation committee elected for one year by a simple majority of the member unions at a general meeting. Under article 13, trade union federations have the same rights as trade unions themselves.

85. Employers' associations are governed by Sovereign Ordinance No. 2951 of 29 December 1944, regulating the formation and functioning of trade unions, as amended by Sovereign Ordinance No. 478 of 9 November 1951.

86. About 80 trade unions have been legally formed since 1944, some 30 of which are still active. The most recently established are:

- *Syndicat des personnels de sécurité* (Security Workers Union, 1995);
- *Syndicat des cadres et des employés de jeux Sun Casino-SBM* (Union of Managers and Gaming Staff of the Sun Casino-SBM, 1996);
- *Syndicat des personnels des transports aériens et activités connexes* (Air Transport and Associated Workers Union, 1997);
- *Syndicat des télécommunications* (Telecommunications Union, 1998);
- *Syndicat des personnels de nettoyage et activités connexes de Monaco* (Monaco Cleaners and Associated Workers Union, 2000);
- *Syndicat monégasque du personnel des caisses de la Société des bains de mer* (Monegasque Union of SBM Cashiers, 2001).

87. Fifty employers' associations have been registered since 1944, but only 20 are still active. The most recently established are:

- *Syndicat professionnel monégasque des entreprises de prévention et de sécurité* (Monegasque Association of Prevention and Security Enterprises, 1996);
- *Chambre syndicale monégasque des entreprises de l'informatique et des télécommunications* (Monegasque Chamber of Information Technology and Telecommunications, 1999);
- *Chambre syndicale monégasque du yachting* (Monegasque Chamber of Yachting, 1999).

88. There are two federations in Monaco, the *Union des syndicats de Monaco* (Monaco Trade Union Federation, USM), which defends the interests of workers' unions, and the *Fédération patronale monégasque* (Monaco Employers' Federation, FPM), for the various employers' associations. USM had 32 member unions in 2001, representing some 1,500 union members, which reflects, roughly, a 6 to 7 per cent union membership rate. FPM has 23 member associations, covering 632 companies. Another 58 "corresponding member" enterprises, drawn from a range of sectors not otherwise organized into associations, have affiliated to the employers' federation on an individual basis.

89. Under article 13 of Statutory Order No. 399 of 6 October 1944 and article 12 of Act No. 403 of 28 November 1944, Monegasque trade union federations are prohibited from affiliating to any national body abroad for any purpose whatsoever.

III. Guarantee of the free exercise of trade union rights

90. The freedom to engage in trade union activity is guaranteed under Act No. 417 of 7 June 1945, on the protection of trade union rights, as amended by Act No. 1005 of 4 July 1978. Under article 1 of this Act, "any employer who directly or indirectly hinders or attempts to hinder the collective or individual exercise of workers' trade union rights shall be punished" by a fine as provided by the Criminal Code and, for a repeat offence, three months' to one year's imprisonment. This law also provides detailed definitions of what actions on the part of employers are regarded as hindering workers' freedom to exercise trade union rights: dismissal, denial of promotion or intent to restrict in any way workers' rights under their employment contract, the law or custom and practice; intent to harm a union member who seeks to obtain better working conditions; intent to harm a union member who notifies the authorities of an infringement of the law or the regulations and requests the intervention of the Labour Inspector's Office, or who gives evidence to a judicial body, or in legal proceedings taken against an employer, on failure to observe legal or contractual provisions relating to work; encouraging or preventing membership of a union, by putting pressure on workers when hiring them or during the period of employment; refusal to enter into a collective agreement with official workers' representatives following a regular request for the employer to do so; direct or indirect interference in the organization or administration of a workers' association, or financial or other support for one.

91. Act No. 957 of 18 July 1974, on the exercise of trade union rights in enterprises, also establishes the number of union representatives relative to the size of the enterprise (one representative per union for enterprises with 40 to 150 employees; two per union for enterprises with more than 150 employees) and lays down the election procedure. Representatives are allowed a certain number of hours in which to conduct union activities, which count as working time. By virtue of their responsibilities, union officials enjoy protected status as employees, rendering any attempt to dismiss them exceedingly complex. Dismissal is subject to approval by a board chaired by a labour inspector and comprising two representatives of the employers' association for the employer's sector of activity and two representatives of the trade union representing the union official's occupational group. The same procedure is used where former union representatives are dismissed within six months of the end of their term of office, provided they were in office for at least one year. In practice, it is only in the event of gross negligence or serious misdemeanour that a union representative is likely to be dismissed.

92. The Act also establishes rules for the display and distribution of union communications (a special notice board to be provided for that purpose, where representatives may post such communications as may be required, with a copy for information to the head or deputy head of the enterprise), the provision of union offices in enterprises with more than 100 workers, and the frequency and organization of union meetings; it also lays down similar penalties to those established in Act No. 417 of 7 June 1945 on the protection of trade union rights.

93. Lastly, over and above this very solid legislation, the fact that Monaco has both a national trade union organization and an employers' federation makes it easier to identify the common interests of workers and employers and creates conditions conducive to social dialogue in the Principality.

1. Staff representatives

94. The Status of Staff Representatives (Modifications) Act, No. 459 of 19 July 1947, as amended, institutes staff representatives in all industrial, commercial and agricultural establishments, ministerial offices, the professions, civil-society associations, unions and employers' associations, and any private-law corporation, regardless of their nature or purpose, that normally employ more than 10 people (art. 1).

The role of staff representatives is to:

- Submit to their employers all individual or collective demands that have not been satisfied by direct intervention, relating to pay rates and job classification, or to the law and regulations governing worker protection, health and safety and social insurance;
- Notify the Labour Inspector's Office of all complaints or comments concerning the application of the legal and regulatory provisions the Office is responsible for monitoring.

Employees still have the right to submit their own demands to their employer or the employer's representatives (art. 2). Staff representatives are responsible, jointly with the head of the enterprise, for the functioning of all the establishment's social institutions, of whatever kind or form. Under the Act, the number of staff representatives depends on the number of employees present in the enterprise at the time of the elections:

- 11-25 employees: one regular representative and one deputy;
- 26-50 employees: two regular representatives, two deputies;
- 51-100 employees: three regular representatives, three deputies;
- 101-250 employees: five regular representatives, five deputies;
- 251-500 employees: seven regular representatives, seven deputies;
- 501-1,000 employees: nine regular representatives, nine deputies, plus one regular representative and one deputy for every additional 500 employees (arts. 3-4).

Staff representatives are elected by secret ballot by, on the one hand, manual and office workers and, on the other, engineers, heads of department, technicians, supervisors and similar staff, from lists drawn up by the staff of each establishment for each category of personnel (art. 5). All employees of either sex who are over 16 and have worked in the enterprise for

at least six months are eligible to vote (art. 6). Anyone eligible to vote, of either sex and aged over 21, whether Monegasque or otherwise, who has worked in Monaco for at least five years, is eligible to stand for election (art. 7).

Dismissal of a regular or deputy staff representative is subject to the prior approval of a board (art. 16) whose proceedings are governed by Ordinance No. 2528 of 3 June 1961, on the dismissal of staff representatives. Under article 18, anyone who interferes with, or attempts to interfere with, the free selection of staff representatives or the normal discharge of their duties is liable to a fine or a prison term (six days to one month).

2. Collective agreements

95. The conditions of employment in an enterprise or a profession, or indeed those applicable to the Principality's workers as a whole, may be the subject of collective bargaining under the Collective Labour Agreements Act, No. 416 of 7 June 1945, as amended by Act No. 868 of 11 July 1969. Under article 1, a collective labour agreement is an agreement signed between, on the one hand, either an employer or one or more legally constituted employers' associations, federations or groupings and, on the other, one or more trade unions or a legally constituted trade union federation, for the purpose of establishing conditions of work and the mutual undertakings agreed by the parties in respect of one or more enterprises or industries, a single occupational group or a group of occupations. One purpose of such an agreement may be to provide protection for workers against social risk. In the absence of any provision to the contrary, all those bound by a collective labour agreement are required to observe the conditions of work agreed therein, even when dealing with third parties (art. 2).

96. A collective agreement must be drawn up in writing and, to be valid, it must be signed by the contracting parties or the legal representatives of the contracting associations (art. 4). Collective agreements must scrupulously respect Monegasque law; moreover, the measures provided for in such agreements must in no case be less favourable to workers than those provided for in law and must not conflict with other statutory legal provisions. A collective labour agreement may be signed for an indefinite period, for a fixed term, or for the duration of a particular undertaking or project (art. 13). Any collective agreement may be revised in whole or in part every year, at the request of one of the parties (art. 19). A collective labour agreement may be amended or terminated under the conditions provided by law (art. 21). The provisions of a collective agreement may, by ministerial order, be made mandatory for all employers and workers in those occupational fields covered by the scope of the agreement (art. 22). Any employer bound by a collective labour agreement who pays wages lower than those stipulated under that agreement, or who contravenes the fringe benefit provisions of the agreement, shall be liable to a fine (art. 31).

97. A National Collective Labour Agreement is currently in force, which applies nationwide and covers all occupational groups. The basic text of the National Collective Labour Agreement was signed on 5 November 1945, since when 20 amendments have been made, 14 of which have been extended by ministerial order to cover all employers and workers in the Principality. The amendments relate, among other things, to the supplementary pension regime for managerial and

non-managerial workers; the establishment of a welfare fund in enterprises employing more than 50 people; the introduction of unpaid leave for mothers wishing to raise their children; job security; and the monthly payment of wages. There are also around 40 collective agreements covering a range of occupational groups in Monaco.

3. Labour Court

98. The Labour Court Act, No. 446 of 16 May 1946, establishes a special jurisdiction for settlement through conciliation in individual disputes arising:

- Out of employment contracts between employers and their representatives, on the one hand, and the workers and apprentices they employ, on the other;
- Between employees in the course of their work, with the exception of actions for damages arising out of accidents to an employee.

The Labour Court rules on disputes in which conciliation has been unsuccessful (art. 1).

99. The Labour Court is made up of equal numbers of workers and employers, appointed by the Prince from lists drawn up by employers' associations and trade unions (arts. 3-4). Any person of either sex, aged at least 25 and fluent in French, who has employed one or more workers within the Principality for at least five years, on their own or others' account, or who is employed in the Principality, may be appointed to the Court (art. 5). Members of the Court are appointed for a period of six years; half the Court is renewed every three years, and those leaving office may be reappointed (arts. 6-7).

100. Act No. 446 also defines the structure and competence of the Labour Court. The Court comprises a conciliation committee and a judgements committee (art. 30). The conciliation committee comprises one worker and one employer; its meetings are held weekly and are not open to the public (arts. 31-32). The judgements committee comprises a justice of the peace, who presides, and four assessors, employers and workers. The decisions of the committee are taken by absolute majority of the members present. Its meetings are public, as is the announcement of its verdicts (arts. 33-35). Proceedings in the Court are adversarial.

101. The Court's competence in respect of the work in a given establishment is determined by the location of that establishment; and for work outside a given establishment, by the place where the contract was signed (art. 53).

102. The Court's rulings are final and without appeal, save on grounds of incompetence, where the capital sum sought is not in excess of €1,800. If the sum is higher, Labour Court judgements may be appealed before the civil court. The appeal is considered and judged as a civil case. In addition, final rulings by the Labour Court and appeal rulings by the civil court may be challenged through an application for judicial review on grounds of incompetence, abuse of power or an infringement of the law.

103. As to collective labour disputes, under the Collective Labour Disputes (Conciliation and Arbitration) Act, No. 473 of 4 March 1948, collective labour disputes that cannot be resolved directly, either through amicable settlement or by applying the provisions of collective

agreements, must be submitted to such procedures of conciliation and arbitration as the Act defines (art. 1). This dispute settlement procedure helps find solutions to difficult situations. The arbitration rulings establish precedents and may affect social relations in the Principality as a whole.

IV. Right to strike

104. Article 28, paragraph 2, of the Constitution recognizes the right to strike within the framework of legislation regulating this right. The conditions in which employees' right to strike is exercised are stipulated in Act No. 1025 of 1 July 1980 on exercising the right to strike and ensuring freedom of labour, some provisions of which have been annulled by the Supreme Court.

105. This Act establishes the principle of the unfettered exercise of the right to strike and the principle of respect for non-striking employees' right to work. Nevertheless, the strike must obey certain criteria to stay within the bounds of the law:

- The sole object of the strike must be to protect the occupational interests of the striking employees;
- The strike must be triggered by the social relations obtaining within the Principality;
- The strike must be conducted outside the place of work;
- All striking employees must start and finish the strike at the same hour on the same day (art. 2).

It follows that the decision to resort to or to continue strike action must not have the effect of doing away with or restricting the freedom to work of those employees who do not intend to participate in the strike. Likewise, industrial action characterized by work stoppages, either staggered or in coordinated shifts, that affect various occupational areas or different groups of employees within the same workplace (go-slow strikes), does not constitute a strike and is unlawful.

106. Employees of Government-owned corporations and enterprises licensed to provide a public service or entrusted with a task of public benefit are required to provide a skeleton service (art. 10). Ministerial Order No. 80-392 of 28 August 1980, as amended by Ministerial Order No. 97-242 of 7 May 1997, establishes which enterprises must provide a skeleton service, namely those licensed to distribute or provide:

- Electricity and gas;
- Water;
- Burial service;
- Sanitation;

- Public transport;
- Radio and television broadcasting;
- The public telecommunications service.

Ministerial Order No. 80-393 of 28 August 1980 specifies the conditions in which a skeleton service shall be provided by the enterprises referred to in the said enactment. Employees with responsibility for maintaining safety and essential staff providing a skeleton service are designated by their employer subject to the control of the Labour Inspector.

107. Likewise, law enforcement officials and personnel have the right to strike under article 16, paragraph 2, of Act No. 975 of 12 July 1975, adopted in implementation of article 28 of the Constitution of 17 December 1962. However, law enforcement officers must provide a skeleton service as part of their mission to maintain public order.

108. The Monegasque armed forces comprise the Prince's carabineers and the fire brigade. Sovereign Ordinance No. 8017 of 1 June 1984 containing the general regulations applicable to members of the armed forces does not deal directly with the right to strike, but certain provisions therein imply that members of the armed forces are not permitted to strike. This is because article 10 of the Ordinance states that "military personnel [...] may be called upon to serve at all times and in all places".

109. Moreover, Act No. 553 of 7 February 1952 on the right to strike or to organize lockouts prohibit any form of strike or lockout that would threaten public order or national economic interests (art. 1).

Article 9

110. The Principality of Monaco has social security schemes to protect wage earners, salaried employees and professional people.

Interpretative declaration

111. When signing and ratifying the Covenant, the Princely Government made the following interpretative declaration:

"The Princely Government declares that articles 6, 9, 11 and 13 should not be [interpreted as] constituting an impediment to provisions governing access to work by foreigners or fixing conditions of residence for the granting of certain social benefits."

International instruments relevant to article 9

112. The Principality of Monaco is not a member of the International Labour Organization (ILO) and is not a party to any of the conventions drawn up under its auspices.

I. Social security schemes

113. There are two categories of workers in Monaco, each benefiting from a specific social security scheme, namely employees and self-employed persons. Government employees and municipal workers have special social security and pension schemes which are in all respects at least as favourable as those of private-sector employees (Act No. 583 of 28 December 1953 on the pensions of established staff in the public sector; article 31 of Act No. 975 of 12 July 1975 containing the general regulations applicable to public officials; and Act No. 1049 of 28 July 1982 on the retirement pensions of public officials, judges and certain government employees). The unemployment insurance scheme in force in Monaco is the French joint unemployment insurance scheme which has been statutorily extended to the territory of the Principality.

114. In addition, the French-Monegasque social security convention of 28 February 1952 and the Italian-Monegasque social security convention of 12 February 1982 coordinate the French and Italian social security and pension schemes with those of the Principality so as to enhance social welfare coverage for nationals of either contracting State who work or travel in the territory of the other State.

1. Employees' social security and pensions

(a) Social security

115. Monegasque workers and foreign workers legally entitled to work in the Principality receive dependant care allowances and a range of benefits in connection with illness, maternity, non-occupational accident, premature invalidity and death, as laid down by Statutory Order No. 397 of 27 September 1944 establishing a welfare services compensation fund in the Principality of Monaco. This statute specifies that all employers who normally employ manual or office workers must be affiliated to the Welfare Services Compensation Fund, which pays out the aforementioned benefits and pensions. Exceptionally, under certain conditions established by ordinance, employers who have instituted staff welfare services offering benefits at least equal to those provided for by the aforementioned Statutory Order and its accompanying regulations are exempted from affiliation to the Fund. Employees, together with their spouses and children, qualify for allowances and benefits under the arrangements provided for by statutory order.

116. The terms under which the benefits guaranteed by Statutory Order No. 397 of 27 September 1944 are allocated and disbursed to workers legally entitled to work in Monaco and to their eligible dependants, in cases of non-occupational illness or accident, maternity, disablement and death, are specified by Ordinance No. 92 of 7 November 1949 modifying and codifying the implementing regulations for Statutory Order No. 397 of 27 September 1944 on the establishment of the Welfare Services Compensation Fund, and Ordinance No. 4739 of 22 June 1971 establishing benefit provisions for workers in the event of illness, accident, maternity, disablement and death (pursuant to Statutory Order No. 397 of 27 September 1944). These various texts have subsequently been updated and supplemented on a regular basis.

117. Contributions to the Welfare Services Compensation Fund: The rate of contribution to the Fund was fixed at 15.20 per cent from 1 October 2001 (including 0.25 per cent for the Occupational Medicine Office and 0.05 per cent for the wage claim guarantee fund, which pays workers in the event of a business failure). The contribution is calculated on the basis of gross earnings, including extra pay and fringe benefits, subject to a monthly ceiling reassessed on 1 October every year (thus, the ceiling was fixed at €5,640 a month on 1 October 2001). This contribution is paid entirely by the employer.

118. Benefits paid by the Welfare Services Compensation Fund: Entitlement is subject to the double condition that the employee is able to demonstrate:

- Registration with the compensation fund;
- A minimum number of hours worked during a defined base period (Ordinance No. 4739, art. 4).

Social benefits are paid in one of two ways:

- In kind, by way of contribution to the cost of treatment;
- In cash, as compensation for loss of earnings where a medical reason exists for the costs or loss (Ordinance No. 4739, art. 2).

119. Entitlement to cash and non-cash benefits in the event of non-occupational illness or accident is subject to the conditions governing employment in the Principality. The worker must produce:

- A valid employee registration card;
- Proof of a minimum period of employment, either 200 hours during a calendar quarter or the previous three months, or 120 hours during the preceding calendar month or the previous 30 days.

In addition, after a break in employment of six consecutive months, the continuation of cash benefits is contingent upon longer periods of employment.

120. The following persons are entitled to claim social benefits:

- Workers who satisfy the legal and regulatory conditions;
- A worker's spouse and children, provided the worker qualifies as the head of household according to the terms of legislation on the family benefits scheme.

121. Non-cash benefits:

- Scope of the entitlement: Reimbursements of non-cash benefits cover general and special medical expenses, laboratory tests and analyses, pharmaceutical products, orthopaedic care, hospitalization and treatment in care and curative institutions, stays in convalescent and rest homes, dental care and dental prostheses and any transport necessitated by the patient's treatment;
- Duration of the entitlement: There is no restriction on duration provided the worker satisfies the eligibility requirements described above at the time of the treatment for which reimbursement is requested;
- Amount of the entitlement: The value of the non-cash benefits is determined according to a schedule that establishes the amount to be reimbursed to workers by the Welfare Services Compensation Fund. This schedule, known as the reference schedule, is established by ministerial order. However, the agreements reached between the Monegasque funds and the majority of the health-care professionals in the Principality and the French department of Alpes-Maritimes guarantee a reimbursement amount that greatly exceeds the amount cited in the reference schedule. Except in certain cases, the beneficiary must pay a contribution equivalent to 20 per cent of the allowable costs. Lastly, the maximum fee that can be asked for by the practitioner consulted varies with the resources of the household in question. This system ensures very favourable conditions of reimbursement for insured persons on the lowest incomes.

122. Cash benefits:

- Duration of the entitlement: These benefits take the form of daily allowances payable in the event of a medically justified break in employment. The daily allowance is payable from the fourth day of each break in employment. It is payable for every working or non-working day. It may be paid for a maximum of three years;
- Amount of the entitlement: The daily allowance is equal to half the daily basic wage while not exceeding one sixtieth of the maximum monthly wage used to calculate contributions to the Welfare Services Compensation Fund. It increases to two thirds of the basic daily wage, but shall not exceed one forty-fifth of the maximum monthly wage referred to above, on the thirty-first day after the break in employment, if the worker has three or more dependent children as defined by the law establishing the family benefits scheme. Furthermore, amendment No. 18 of 13 May 1981 to the National Collective Labour Agreement raises this allowance to 90 per cent for persons who have worked in an enterprise for two years, and provides that the payment periods shall be extended by 10 days per block of five years, with the proviso that no one period shall exceed 90 days.

123. Long-term illness: To benefit from the provisions in the case of long illness, the person concerned and his or her family must be registered with the Welfare Services Compensation Fund for one year at least at the start of the calendar quarter in which the illness or accident occurred (Ordinance No. 92 of 7 November 1949, art. 11). Before the end of the third month of illness, the worker must undergo a special examination to determine what treatment he or she should follow, if this is necessary. If the worker is recognized as having a disease that requires long-term treatment, he or she receives benefits immediately. These cover all expenses required to enable the patient to get well again and resume income-generating employment. Insured people with long-term illnesses are exempted from paying the beneficiary's contribution; the cost of their care is reimbursed in full. Cash benefits disbursed by the Fund in connection with long-term illness must provide the worker, but not his or her family members, with a monthly allowance equal to half the base salary up to the ceiling established by ministerial order. The rate of the monthly allowance may be reassessed under certain circumstances. In the event of resumption of work, it may be maintained in an amount and for a duration determined by the Fund (Ordinance No. 92 of 7 November 1949, art. 26).

124. Family benefits: This benefits scheme is explained in connection with article 10 of the Covenant.

125. Maternity benefits: This benefits scheme is explained in connection with article 10 of the Covenant.

126. Disability and death benefits: All workers are protected in the event of accidents at work, occupational illness, disablement and death.

127. Accidents at work: The provisions on notification, compensation and insurance in the event of accidents at work are established by Act No. 636 of 11 January 1958, as amended. This Act defines the obligations upon employers, the compensation due to persons involved in accidents at work and the entitlements of such persons or their representatives in the event of temporary or permanent incapacity or death.

128. All employers must insure their workers, employees or servants against the risk of death or temporary or permanent incapacity and undertake to pay them compensation, allowances or pensions at least equal to those established in the above-mentioned Act in the event of an accident. The insurance policies must be concluded with firms or companies that have been duly authorized by ministerial order to provide insurance against accidents at work in the Principality. Employers who fail to comply with these regulations are liable to fines.

129. Accidents arising from work or occurring while at work entitle the victims or their representatives to compensation, to be paid by the employer, where it is demonstrated by any means that the victim was fulfilling, in any capacity, including as a probationer or apprentice, a contract of employment, whether valid or otherwise. Accidents occurring on the journey between home and work are also considered work-related accidents. Lastly, however long the absence from work as a result of an accident, the employer must pay all medical, pharmaceutical and hospitalization costs, as well as transport costs within the Principality to the victim's home or to hospital. In the event of death, the employer must also bear the funeral expenses.

130. The entitlements of the victim vary with the degree of incapacity certified as resulting from the occupational accident or illness:

- Temporary incapacity: Daily allowance, to be paid without regard to working days, Sundays or holidays, and equal to 50 per cent of the weekly wage divided by six (i.e., the daily wage) as from the first day following the accident. The rate rises to 66 per cent of the wage with effect from the 29th day following the accident. This allowance is payable up to the day of the victim's death or the stabilization of his or her condition, which is to say complete recovery or a finding of permanent incapacity);
- Permanent incapacity: The employee is entitled to an allowance at a rate commensurate with the degree of incapacity. In the event of total incapacity, the amount is equal to the victim's monthly wage;
- Permanent and total incapacity: The victim has to rely on a third party to perform everyday tasks. A 40 per cent supplement is payable. In determining the degree of incapacity, account is taken of the nature of the impairment, in accordance with a minimum scale of disability fixed by order of the Minister of State. The victim also has the right to require his or her employer to provide or renew any prosthetic appliances necessitated by the impairment, or pay compensation in an equivalent amount.

131. The rights of the victim's representatives, if the accident resulted in the death of the employee, vary with the status of the representative: a spouse is entitled to 30 per cent of the victim's annual pay - 50 per cent from age 55, or before if the spouse is unable to work. Legitimate children are entitled to an allowance that varies with the number of children: an only child receives an allowance equivalent to 15 per cent of the victim's annual pay; two children receive an allowance of 30 per cent of the victim's annual pay; in the case of three or more children, the rate increases by 10 per cent for each additional child.

132. Under Act No. 600 of 2 June 1955, which provides for medical insurance for certain beneficiaries of allowances for work-related accidents, any victims of an accident at work who are in receipt of an allowance equal to or greater than 66.66 per cent are entitled, at no cost to themselves, to non-cash medical and maternity insurance benefits if they are unable to avail themselves of the provisions of Statutory Order No. 397 of 27 September 1944 establishing a welfare services compensation fund in the Principality of Monaco.

133. Compensation in the event of disability and death: The system of benefits payable to employees in the event of disablement or death is set out in Ordinance No. 4739 of 22 June 1971 establishing benefit provisions for employees in the event of illness, accident, maternity, disablement and death (pursuant to Statutory Order No. 397 of 27 September 1944).

- Eligibility:
 - The individual must be under 60 years of age;

- The individual must display a permanent physical incapacity that prevents him or her from earning, in any occupation whatsoever, an amount greater than one third of the remuneration received by employees in the same occupational category in the post occupied prior to the break in employment and subsequent disability or prior to the initial medical finding of disability resulting from premature physical deterioration;
- The individual must be able to show 12 months' valid registration during the 15 months preceding the month during which the incident that led to the disability occurred.

Incapacity is assessed in terms of the employee's potential for resuming his or her former occupation or embarking on a new one. This potential is analysed in the light of the employee's general state of health, mental and physical capabilities and age, skills, specialist training and ability to adjust to a new work situation. Labour market conditions are not taken into account, but may be used as a basis for an award of welfare benefit by the Welfare Services Compensation Fund.

- Procedure: The Fund is required to give the person concerned notice of the date on which his or her sickness benefit entitlement lapses. Such notice must specify whether the Fund intends to review the individual's situation with a view to the possible award of a disability pension. In the absence of any action on the part of the Fund, employees may themselves apply for disability benefit. The degree of disability is determined by the Fund on the basis of:
 - A report by the attending physician, specifying and justifying the proposed degree of disability;
 - The opinion of the medical adviser;
 - An inquiry into the employee's social situation and employment history.
- Cash benefits. Disability pension: The disability pension is determined on the basis of the average monthly wage as calculated from the wages liable to insurance deductions during the 60 months preceding the month in which the entitlement begins. The percentages applied are as follows:
 - 30 per cent for disabled persons who are able to perform some form of gainful activity;
 - 50 per cent for disabled persons who are absolutely unable to perform any kind of gainful activity.

If the disabled person has to rely on a third party to perform everyday tasks, he or she receives a supplementary allowance amounting to 40 per cent of the pension. The minimum levels of both pension and supplementary allowance are established by ministerial order. The disability pension is always awarded on an interim basis and is subject to review in the light of

the beneficiary's circumstances. In statutorily prescribed cases, insured persons can challenge decisions on disability taken by Monaco's social welfare funds. Lastly, all or part of the disability pension continues to be paid beyond the beneficiary's 60th birthday depending on the amount of the beneficiary's retirement pension.

- Non-cash benefits: Beneficiaries of disability pensions are entitled to the non-cash benefits available under the health and maternity insurance scheme, for which their children and spouses also qualify, namely a waiver of the beneficiary's contribution, regardless of the medical condition in respect of which the benefit is sought;
- Death benefit: To be eligible for the benefits described below, the employee must, at the date of death, satisfy the conditions stipulated for the allocation of non-cash sickness benefits. Priority entitlement to a death benefit is accorded to persons who, at the date of death, were effectively, completely and permanently dependent on the insured person. Death benefit is a lump sum equivalent to 90 times the basic daily wage. The minimum amount was set by ministerial order at €282 and the maximum at €16,920, as at 1 October 2001.

134. The legislation on notification, compensation and insurance in respect of accidents at work also covers work-related illnesses, under Act No. 444 of 16 May 1946, extending legislation on accidents at work to cover work-related illness. Employers are held responsible for illnesses which correspond to the nature of the enterprise, where these appear during the period of employment or within a certain time, established by ministerial order, after the employee has ceased to work at the enterprise concerned. Any work-related illness must be notified by the employee within three months of the termination of employment. Work-related illnesses that may affect employees are listed in Ministerial Order No. 59-112 of 13 April 1959, as periodically updated in line with developments in this field in France.

(b) Retirement pensions

135. Any person who has been gainfully employed in Monaco in accordance with its laws and regulations is entitled, under the conditions stipulated in Act No. 455 of 27 June 1947 on retirement pensions, as amended, to receive a retirement pension from the independent pension fund. This entitlement starts at age 65 but can be brought forward to age 60 without a reduction in the pension amount. Women who have personally raised at least three children to the age of 16 are entitled to receive this pension from age 55 (art. 1).

136. The basic rate of employers' and employees' contributions is fixed, in both cases, at 6.15 per cent of the earnings relating to the actual periods of employment. An additional variable rate is set for each financial year (on 1 October 2001, 0.86 per cent). The contribution based on the additional rate is payable only by employers. It is intended to pay for entitlements in connection with certified breaks in employment such as periods of unemployment. The monthly ceiling for calculating the contribution was €3,560 on 1 October 2001.

137. The amount of the retirement pension is equal to the number of retirement points accumulated by an individual in the course of his or her employment multiplied by the value of the pension point. The value of the pension point was fixed at €14.83 on 1 October 2001.

It is readjusted annually. The number of pension points accumulated by an employee every month is calculated by dividing the pay that the employer declares to the independent pension fund by an annually adjusted “base pay” amount. Contributions are capped at four times base pay, so that the number of points acquired each month cannot exceed four. Monthly base pay was fixed at €890 on 1 October 2001.

138. A surviving spouse who has a dependent child or meets an age qualification is entitled to a survivor’s pension equal to 60 per cent of the retirement pension, irrespective of the survivor’s own financial situation.

139. Entitlement to a retirement pension is subject to the following double condition:

- Employment, whether continuous or otherwise, should extend over a minimum of 10 years;
- Such periods of employment should comprise at least 60 months of actual work (Act No. 455, art. 2).

It should be noted that, for periods of employment before 1 August 1947, retirement pensioners are entitled to a “uniform” pension. The amount of the uniform retirement pension is equal to as many three hundred and sixtieths of the full pension as the number of months worked in Monaco by the pension beneficiary, while not exceeding this amount. The amount of the full annual pension is specified by ministerial order; on 1 October 2001 it was €5,340.

140. Pursuant to Ordinance No. 3731 of 28 July 1948 establishing the procedures for the implementation of Act No. 455 of 27 June 1947, an employer may institute a private pension scheme, on condition that the benefits are at least as advantageous to employees as those under the standard scheme established by Act No. 455 of 27 June 1947.

141. Monegasque enterprises and their employees must also contribute to a complementary pension fund. The complementary pension scheme established under amendment No. 7 to the National Collective Labour Agreement of 27 November 1963 for managerial and non-managerial staff in the Principality is identical to the scheme established by the social partners in France under the agreement of 8 December 1961. Since 1 January 1999 the minimum rate of contribution has been 7.5 per cent (4.50 per cent from the employer and 3 per cent from the employee) up to a monthly ceiling of €6,837. To this is added, for managers, an extra rate of 20 per cent (12.50 per cent from the employer and 7.50 per cent from the employee) in a band ranging from €2,279 to €9,116.

2. Social security and pensions for the self-employed

(a) Social security for the self-employed

142. Social security benefits for self-employed persons are provided through an independent agency under private law endowed with legal personality, the Sickness, Accident and Maternity Insurance Fund for the Self-employed (CAMTI), set up under Act No. 1048 of 28 July 1982. The purpose of this agency is to provide self-employed persons and their eligible dependants with a range of benefits in return for contributions, in order to offset the expenses they incur.

143. Self-employed persons as defined by Act No. 644 of 17 January 1958 on retirement pensions for the self-employed, or persons residing in Monaco or the neighbouring French department who are also entitled to a pension under the said Act, must join a mandatory scheme against sickness, accident and maternity risks.

144. Membership of CAMTI is via registration in the manner stipulated by the Fund's internal rules and takes effect on the date of commencement of the activity in question. If this activity is interrupted for reasons other than illness, maternity or an accident, the benefits of registration are suspended. Registration continues to have effect 30 days after the insured person has lost the status that justified it. In the event of death, benefits are extended for three months for eligible dependants. The surviving spouse may subsequently join CAMTI for a maximum period of one year.

145. Contributions: The cost of the benefits is absorbed by contributions from those liable to registration. The base for contributions is set in the amount of the upper limit on earnings on which contributions are payable to the Welfare Services Compensation Fund. The rate of contribution, which was 3.4751 per cent or €196 a month in the financial year 2001/02, is the ratio of the total benefits to be provided to the total number of contributors multiplied by the contribution base. The contribution is due for each month of operative registration and is payable quarterly in advance. It is not due for whole months of illness, maternity or accident resulting in a suspension of gainful activity.

146. Benefits: Registered individuals and their spouses and children are eligible for benefits if they are unable to avail themselves of any other entitlement. Sickness and accident benefits are understood to mean reimbursement of the same expenses as those reimbursed to employed workers by the Welfare Services Compensation Fund. Maternity benefits are understood to mean reimbursement of the following expenses:

- Fees in connection with medical, radiological and laboratory examinations;
- Prenatal classes;
- Newborn check-up visits;
- Costs of orthopaedic appliances necessitated by pregnancy;
- Costs connected with a stay in a health facility for up to 12 days.

(b) Retirement pensions for the self-employed

147. Act No. 644 of 17 January 1958 instituted a pension scheme for persons who are or have been occupied in crafts, industry, commerce or the professions in Monaco, under the terms stipulated by the implementing regulations.

148. Contributions: Persons engaged in an activity referred to in the Act must contribute to the Independent Retirement Pension Fund for the Self-employed (CARTI). Contributions are due regardless of age. The contribution is taken into consideration in calculating the retirement

pension, even after the age of 65. The contribution ceases to create pension rights if a self-employed person who continues to work after age 65 requests payment of his or her pension. Contributions are payable quarterly in arrears. The amount of the contribution is determined by the contributor, who is free to choose among various contribution bands specified by sovereign ordinance. The amount of the contribution in each band varies with base pay and is reassessed simultaneously with base pay. The amount of the quarterly contribution in each band was as follows on 1 October 2001:

Band 1 (quarterly):	€352.44
Band 2 (quarterly):	€704.88
Band 3 (quarterly):	€1,057.32
Band 4 (quarterly):	€1,409.76

149. Retirement pensions: The amount of the pension is equal to the total number of points accumulated on the date the pension is paid out multiplied by the value of the pension point. The number of pension points accumulated by the contributor varies between one and four a month according to the chosen contribution band. Pension entitlement commences at age 65; it is deferred when the insured person continues to work and contribute and does not request the payment of the pension. Entitlement is subject to performance of gainful activity that has enabled the contributor to pay in at least 120 monthly contributions. The minimum number of monthly contributions is reduced to 60 when the occupation is seasonal or discontinuous in nature and has been engaged in for 15 years, consecutively or otherwise. Lastly, in the case of work performed before 1958, self-employed persons receive a so-called “uniform” pension.

150. In the financial year 2001/02 the value of the pension point was €11.864.

3. Unemployment insurance scheme

151. France’s joint unemployment insurance scheme has been statutorily extended to the territory of the Principality of Monaco at the request of Monaco’s social partners. These provisions were approved by the French authorities and renewed most recently by the order of 19 June 1997 approving the extension amendment of 4 February 1997 to the UNEDIC agreement of 1 January 1997. Thus, all the rules applicable to unemployment insurance for French employees automatically apply to employees in the Principality, under identical conditions.

II. Social security expenditure

152. Social security expenditure for the financial year 2000/01 amounted to €126,251,993. A decade ago it was just €76,627,762 (financial year 1990/91). This increase of nearly 65 per cent in 10 years is mainly due to the large increase in the number of employees in the Principality (25 per cent up in the same period).

III. Private social security schemes

153. Social security schemes are linked with the concept of salaried status and are open to persons in employment and retirees. Persons not covered by a compulsory social security scheme who are not in a position to take out insurance with private institutions may, under certain conditions, have recourse to free medical assistance dispensed by a public body, the Welfare Assistance Office.

154. The eligibility criteria for welfare benefits provided by this body are set out in Act No. 335 of 12 December 1941, by which the Office was established. The following persons qualify as beneficiaries:

- Monegasque nationals;
- Foreign nationals who have resided in the Principality for at least five years;
- Nationals of States that have a mutual assistance treaty with the Principality (Act No. 335, art. 7);
- Refugees, pursuant to article 23 of the Convention relating to the Status of Refugees of 28 July 1951, to which the Principality acceded on 18 May 1954.

Persons in receipt of this welfare benefit do not have to pay their medical bills; health professionals are reimbursed directly by the Welfare Assistance Office.

155. In addition to free medical care, the Office provides non-cash benefits such as full reimbursement of hospital or accommodation expenses incurred by persons receiving care in specialized institutions. Since July 1982 it has provided assistance and incentives to Monegasque families in the form of an allowance to mothers at home who are not in gainful employment and devote themselves to bringing up a child under the age of 12 (16 in the case of disabled children), or to women family heads who are obliged to work. Since October 1982 the Office has also provided assistance to self-employed persons who lack sufficient resources to pay their contributions to CAMTI.

156. Lastly, the Office disburses a number of cash benefits including unemployment benefits for persons not covered by the scheme administered by the French ASSEDIC system (see comments on article 6), monthly allowances for elderly non-Monegasques, monthly housing allowances for persons in these categories (since 1986), allowances for persons with disabilities (minors, adults unfit for work and adult employees) since 1991, and occasional or temporary assistance. It also reimburses almost half the cost of holiday camps for children, provides home help for the elderly and infirm, and child-minding for children aged 3-6 in delicate health or whose parents' working hours are incompatible with those of collective day-care centres. Since 1998 it has also provided home help for persons aged over 70.

157. To sum up, it should be noted that Monegasque legislative machinery is designed to ensure that the entire population has access to social welfare and that no group is disadvantaged in this respect. It should also be emphasized that women enjoy the same rights as men in the

social sphere. Additionally, because this machinery operates in tandem with a proactive policy in the employment sphere, vulnerable and disadvantaged persons are given the tools they need to maintain their dignity.

Article 10

158. Monegasque law contains a number of provisions affording protection and assistance to families. These provisions are written into the Civil Code and legislation and regulations dealing with employment and social security.

International instruments relevant to article 10

159. The Principality of Monaco has acceded to the following international Conventions:

- International Convention for the Suppression of the White Slave Traffic (Paris, 4 May 1910), given legal effect in the Principality by the Sovereign Ordinance of 29 February 1932;
- Convention on the Rights of the Child (New York, 20 November 1989), given legal effect in the Principality by Sovereign Ordinance No. 11003 of 1 September 1993. The Principality has also signed the two Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;
- Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (The Hague, 29 May 1993), given legal effect in the Principality by Sovereign Ordinance No. 14166 of 5 October 1999;
- International Covenant on Civil and Political Rights (New York, 16 December 1966), given legal effect in the Principality by Sovereign Order No. 13330 of 12 February 1998;
- The Principality of Monaco is not a member of the International Labour Organization (ILO) and is not a party to any of the conventions drawn up under its auspices.

I. Protection of the family

160. Act No. 1278 of 29 December 2003 modifying certain provisions of the Civil Code, the Code of Civil Procedure and the Commercial Code established equal relations between men and women, both in legally constituted families and de facto unions.

Article 182 of the Civil Code now states that spouses shall jointly ensure the moral and material guidance of the family and jointly contribute to supporting it. Children shall be under the authority of their father and mother until majority or emancipation. Until a child possesses full legal capacity, the parents must supervise the child and guarantee its safety, health and moral education. The Civil Code also recognizes the right of grandparents to have personal relations with their grandchildren (art. 300). The spouses shall exercise joint parental authority. In respect of children born out of wedlock, parental authority shall be exercised jointly by the father

and the mother if both have recognized the child (Civil Code, art. 301). When the father or mother alone recognizes a child born out of wedlock, only that parent shall exercise parental authority (Civil Code, art. 302). Where the parents are deceased, unknown or have been deprived of parental authority, articles 333 to 402 of the Civil Code make provision for guardianship, which is conferred on a member of the family (generally the ascendant in the nearest degree) and exercised under the supervision of a “family council” comprising four to six members (relations by blood or marriage or friends of the father or the mother, bearing in mind the nearness of degree, place of residence, age, abilities and interest shown in the child), under the guidance and supervision of the guardianship judge. If there is no one who can be appointed guardian, guardianship devolves upon the State. Finally, in cases where the child’s interests are imperilled, the Civil Code provides for the intervention of the guardianship judge.

161. The age of majority is specified as 18 years by article 410-1 of the Civil Code. At this age, persons have the legal capacity to perform all acts of civil life. Minors are automatically emancipated upon marriage, or their parents may emancipate them at the statutory age. In such cases, as soon as the guardianship judge has granted emancipation, the emancipated minor has the legal capacity of an adult to perform all acts of civil life (Civil Code, art. 410). In order to marry or be adopted, however, the minor must follow the same rules as someone who has not been emancipated.

162. Pursuant to article 116 of the Civil Code, “there is no marriage where there is no consent of the spouses”. The marriage of minors also requires the consent of the father or, failing that, of the mother or, in the circumstances described above, of the ascendant with guardianship over the minor, the family council or the guardianship judge. Failure to consent by either spouse constitutes grounds for annulling the marriage; likewise, if consent is vitiated by fear or misapprehension as to the identity of the spouse, the spouse who has given vitiated consent may request the annulment of the marriage (Civil Code, art. 148).

163. The family is thought of as the primary unit for the future of the nation, so the Monegasque authorities are committed to encouraging the fullest possible development of families through assistance contributing to family well-being. Incentives in this area are mostly financial: Act No. 799 of 18 February 1966 on the provision of assistance to Monegasque families, as amended, sets out the terms of “family credits” that enable young married couples to buy or rent accommodation and/or to equip or fit out an apartment (art. 1). The Act also provides for a childbirth allowance payable upon the birth of a child of Monegasque nationality (art. 10). These benefits are allocated by an administrative board (article 3 of the Act; Sovereign Ordinance No. 3583 of 23 May 1966 establishing the membership of the Monegasque Family Assistance Board; Sovereign Ordinance No. 3733 of 1 February 1967 establishing the procedures of the Monegasque Family Assistance Board). The law provides for other allowances to promote the family (see below on developments in the field of family benefits and maternity care).

164. The family and family events are also taken into account in connection with labour law. Article 5 of amendment No. 18 to the National Collective Labour Agreement stipulates that, subject to justification, employees are entitled to take leave in connection with family events. Some employment agreements have incorporated even more favourable arrangements (additional days off) than those provided for in the national collective agreement.

II. Family benefits

165. Like the Monegasque social welfare funds, the State provides family benefits to public officials and employees without discrimination but according to strict criteria.

166. Act No. 486 of 17 July 1948 on the allocation of family allowances and medical, surgical and pharmaceutical benefits to State and municipal employees contains provisions on family benefits. Article 31 of Act No. 975 of 12 July 1975 containing general regulations on public officials further states that officials are entitled to family and social benefits, for which their eligible dependants also qualify.

167. Provisions relating to family benefits payable to employees who satisfy the legal and regulatory conditions on grading and salaries specific to their occupation are defined under Ordinance No. 92 of 7 November 1949 amending and codifying the implementing regulations for Statutory Order No. 397 of 27 September 1944, which established a welfare services compensation fund (art. 1), and Act No. 595 of 15 July 1954, which established the family benefits scheme. Family benefits include family allowances and allowances for pregnant women. Employees who normally reside in the Principality of Monaco and work there in accordance with the laws and regulations in force receive family benefits, subject to certain conditions, for children whom they support in their capacity as head of household. The same applies to French heads of household who work in the Principality of Monaco but reside in France.

168. Family allowances are paid to a mother upon the birth of her first child. The amount varies with the age of the child. The allowances are paid until the age at which each child finishes compulsory education, and continue for a further year if the child is actively looking for a first job. They are payable to age 21 if, for example, the child continues in education or is medically certified as being unable to continue in education or to perform a gainful activity. Entitlement is subject to the performance of a minimum number of hours worked in a given calendar month, but is not discontinued in the event of accident or illness, whether occupational or otherwise.

169. The amount of family benefit varies with the child's age. On 1 October 2002 the benefit rates were as follows:

For children under 3:

Monthly ceiling €113.60

Hourly rate €0.78

For children aged 3-6:

Monthly ceiling €170.40

Hourly rate €1.18

For children aged 6-10:

Monthly ceiling €204.50

Hourly rate €1.41

For children over 10:

Monthly ceiling €238.60

Hourly rate €1.65

III. Maternity care

1. Maternity care and employment

170. Act No. 870 of 17 July 1969 on the employment of pregnant women and women with young children, as amended and supplemented by Act No. 1001 of 21 December 1977, Act No. 1051 of 28 July 1982 and Act No. 1245 of 21 December 2001, protects all pregnant women against dismissal from the moment their pregnancy is medically certified, and subsequently for the duration of all the suspensions of their employment contract to which they are entitled, regardless of whether they avail themselves of this right, and for four weeks following the expiry of these periods (art. 1).

171. However, in the event of serious misconduct, discontinuation or scaling down of an enterprise's operations, or expiry of the contract of employment, employment may be terminated after consideration by the Lay-offs and Dismissals Board, subject to the conditions provided for by law (art. 1).

172. Under article 2-1, an employer may not cite pregnancy in the event of:

- Refusal to employ a woman;
- Termination of an employment contract during the probationary period;
- Transfer from one post to another.

173. On the other hand, when a pregnant woman's medically certified state of health so requires, she may be temporarily reassigned to other work she is able to perform, with no change in pay, provided she has one year's seniority in the enterprise reckoned from the estimated date of the start of the pregnancy (art. 2-2).

174. An employer may not knowingly ask a woman to perform any kind of work in the six weeks following the date of confinement. A similar ban applies to the two weeks preceding the expected date of delivery, unless it is medically established that the work to which the woman is assigned will not adversely affect her health (art. 4).

175. A woman has the right to stop work for a period starting eight weeks before the expected date of confinement and finishing eight weeks afterwards (art. 5).

176. Maternity leave may be extended or deferred depending on the number of children (at least two) whom the mother or household is responsible for rearing and supporting, in the event of multiple or premature births, a pathology that is medically certified as resulting from pregnancy or childbirth, or hospitalization of the child beyond the sixth week following confinement (art. 5-1).

177. A female employee preserves her seniority rights in the enterprise for the duration of statutory maternity leave. At the end of the period of leave, she must reoccupy her previous post or a similar one with at least an equivalent level of remuneration (art. 6).

178. In addition, upon expiry of statutory maternity leave, a mother may, with a view to bringing up her child, decide not to return to work. In such cases she is not required to give notice and no indemnity is payable for premature breach of contract (art. 7). The mother may ask to be re-employed within one year of terminating her employment. She is then granted priority and, if re-employed, retains all the rights she had acquired at the time of her departure (art. 7).

179. In the event that a mother elects to breastfeed her child, an employer must grant her 30 minutes every four working hours for this purpose for one year after the child's birth (art. 8).

180. Additionally, Statutory Order No. 684 of 19 February 1960 permits working mothers or trainees to receive, for each dependent child, one working day of supplementary leave, provided such leave does not exceed five days (art. 4 bis). Lastly, amendment No. 10 to the National Collective Labour Agreement (para. (c)) states that "employers shall permit pregnant women to leave work, without a reduction in salary, five minutes before the end of fixed working hours". Amendment No. 17 gives working mothers, irrespective of their place of residence, "the necessary time at the start of the school year, not exceeding four hours and remunerated as hours of work, to accompany their children enrolled up to the second year of primary school or the equivalent. This measure also applies to single fathers".

181. Act No. 994 of 5 January 1977 on the suspension or termination of an employment contract in the event of illness of a dependent child permits a working parent to stop work for as long as a physician judges it essential for the parent to nurse the sick child (art. 1). The working parent enjoys re-employment priority (art. 3). Disregard of these provisions is a criminal offence.

182. Finally, Act No. 1271 of 3 July 2003 on adoption leave for employees provides for adoption leave of between 8 and 10 weeks depending on the number of children adopted. Parents are permitted to take adoption leave in staggered form or simultaneously, as a block of time or in several instalments (art. 2). Cessation of work during statutory adoption leave suspends the contract of employment for the period in question and cannot be used as grounds for terminating the contract (art. 4).

2. Maternity benefits

183. With regard to social security benefits, Monegasque workers and foreign workers who are legally entitled to work in the Principality receive the maternity benefits provided for under

Statutory Order No. 397 of 27 September 1944 establishing a welfare services compensation fund in the Principality of Monaco (art. 1). The conditions in which these benefits are granted are defined by Ordinance No. 92 of 7 November 1949 amending and codifying the implementing regulations of Statutory Order No. 397 of 27 September 1944 (art. 9) and Sovereign Ordinance No. 4739 of 22 June 1971 establishing benefit provisions for employees in the event of sickness, accident, maternity, disability or death, pursuant to Statutory Order No. 397 of 27 September 1944.

184. Entitlement: To receive the benefits provided for in the event of maternity, the employee must provide proof of valid registration before the estimated date of the start of the pregnancy and a minimum number of hours worked between the start of the pregnancy and its medical certification. If the regulatory conditions are met, the employee or the employee's dependants are entitled to the benefits (Sovereign Ordinance No. 4739, arts. 51-55).

185. Non-cash benefits are understood as being the reimbursement of:

- Fees relating to certification of the pregnancy, prenatal and post-natal medical, radiological and laboratory examinations;
- Prenatal classes;
- Newborn check-up visits;
- Costs of orthopaedic appliances necessitated by pregnancy;
- Costs connected with a stay in hospital for up to 12 days;
- Where necessary, an additional fixed sum for pharmaceutical costs in the event of home birth (Sovereign Ordinance No. 4739, art. 56).

The amounts reimbursed are calculated on the basis of standard agreed fees and prices negotiated between the Welfare Services Compensation Fund and practitioners or recommended medical fees. The provision of the aforementioned benefits depends on compliance with the regulatory requirements concerning compulsory examinations (Sovereign Ordinance No. 4739, art. 60).

186. Cash benefits are provided in the form of a daily rest allowance for mothers who stop working completely during the prenatal and post-natal periods and for a period of at least eight weeks in total. The daily rest allowance is provided for a period starting eight weeks before and ending eight weeks after the estimated date of delivery. When the woman is already the mother of at least two children who were born viable, or if she or the family is effectively and normally responsible for the education and maintenance of at least two children, the period for which the post-natal allowance is payable is increased to 18 weeks. In the event of multiple births which bring the number of children in the family to three or more, the daily rest allowance is provided for 20 weeks. The daily rest allowance may also be allocated on medical grounds for an

additional period of up to two weeks, in the event of a medical condition caused by the pregnancy. The total amount of the daily rest allowance (covering the prenatal and post-natal periods) is equivalent to 90 per cent of the basic daily wage (Ordinance No. 92, art. 24; Sovereign Ordinance No. 4739, arts. 63-66).

187. When sickness occurs during maternity, the benefits stipulated for each condition are provided under the conditions laid down for each of these types of benefits (Sovereign Ordinance No. 4739, arts. 67-70).

188. Prenatal allowances: entitlement begins on the day when the fund is informed of the pregnancy. The allowances are payable provided that the mother observes the hygiene and preventive measures laid down for her and undergoes compulsory medical examinations and check-ups before and after the birth. As at 1 October 2001 this benefit amounts to €112 per month, paid to the mother (Ordinance No. 92, arts. 2 and 3).

189. Breastfeeding allowance (Ordinance No. 92, art. 10): a female employee or the wife of an employee who breastfeeds her child is entitled to an allowance which is paid after each check-up visit for the newborn child, as stipulated in Sovereign Ordinance No. 4739 of 22 June 1971.

190. A “female head of household” allowance is paid monthly, subject to a means test, to mothers who are bringing up their children alone (single mothers, widows or divorcees) and who are obliged to work to bring up the child (or children), provided that the child or children are of Monegasque nationality.

191. A “mother at home” allowance is paid monthly subject to a means test, to mothers who have no gainful employment and who devote themselves to bringing up one or more children under the age of 12, or 16 in the case of children suffering from a disability preventing them from receiving a normal education.

192. Apart from all these benefits, there are associations which play an important role, such as S.O.S. futures mères (SOS Mothers-to-Be), set up “to promote the specific value of every human life, which must be respected from the moment of conception”. The purpose of this association is to help couples in financial difficulties or single mothers when a child is born. The assistance provided consists of personal support and contributions towards the purchase of the items needed for a newborn child.

IV. Protection and assistance for children and young people

1. Protection of children against any form of economic or social exploitation

193. The age limit below which paid child labour is prohibited is laid down by Act No. 719 of 27 December 1961 concerning the minimum age for admission to employment. Article 1 of the Act states that before the end of compulsory schooling, in other words before the age of 16, children may not be employed, even as apprentices, in any kind of establishment, business, industry or profession. The only exceptions are the establishments, businesses, industries or

professions where family members only are employed under the supervision of the father or the mother or the guardian. Between 1996 and 2000, 24 young persons started their first job at the age of 15 in a family-run business. Such jobs are generally very brief and are subject to very strict supervision.

194. Adolescents are protected by Ministerial Order No. 58-168 of 29 May 1958 concerning special occupational health and safety measures for women and children, as amended and supplemented by Ministerial Order No. 66306 of 15 November 1966. This Ministerial Order prohibits young people under the age of 18 years from engaging in hazardous work and sets limits for the loads they can carry, push or drag; it also prohibits them from work that is incompatible with accepted standards or likely to be morally harmful.

2. Statistics concerning young people aged 18 or under who concluded an employment contract in the Principality of Monaco between 1996 and 2000

195. Between 1996 and 2000, 1,592 young people aged 18 or under were covered by 2,588 employment contracts in the Principality.

Of these 2,588 employment contracts:

- 50 were signed in 1996;
- 222 were signed in 1997;
- 667 were signed in 1998;
- 818 were signed in 1999;
- 831 were signed in 2000.

On the date of the signature of the contract:

- 24 were 15 years of age;
- 343 were 16 years of age;
- 688 were 17 years of age;
- 1,533 were 18 years of age.

Of the 2,588 contracts, 533 were for a period of more than four months.

Of the 533 labour contracts covering a period of more than four months, 92 were signed for an indefinite period, of which:

- 1 was signed in 1996;
- 4 were signed in 1997;

- 14 were signed in 1998;
- 29 were signed in 1999;
- 44 were signed in 2000.

With regard to the occupational sectors, of the 533 contracts covering a period of more than four months, it is worth noting that:

- 100 young people had an apprenticeship contract;
- 164 were working in hotels and restaurants, of whom 78 were “seasonal staff”;
- 143 young people worked in the cleaning sector.

The others were in such jobs as activity leaders/entertainers, sales assistants and office boys.

Lastly, it is worth noting that 47 young people aged between 15 and 17 were footballers hoping to play for Monaco football club, and that most of the contracts concluded cover more than two years.

3. Protection of children in difficulty

196. There are no children or young people in the Principality of Monaco who do not enjoy protection and assistance measures or who are clearly at a disadvantage compared with the majority of their peers.

197. Children deprived of their family environment: Articles 333-402 of the Civil Code govern guardianship of children whose parents are deceased, unknown or have been deprived of parental authority. Guardianship is conferred on a member of the family and exercised under the supervision of a family council composed of relations by blood or marriage or friends of the father or the mother, under the guidance and supervision of the guardianship judge. If there is no one who can be appointed guardian, guardianship devolves upon the State.

198. At present, there are no children in the Principality of Monaco who have been totally abandoned or are deprived of a family. Should this situation arise, the children or young people deprived of their family might, depending on their age, be placed in a family or a residential home. The public institution called “Foyer Sainte Dévote”, which was originally intended to house orphans, is now geared towards taking in children and adolescents whose families cannot fully ensure their upbringing.

199. Assistance to children in difficulty: Social workers from the Office of Health and Social Promotion are responsible for monitoring families in difficulty and particularly for helping them to bring up their children; they also stand ready to supply children with information on their rights and provide them with moral support. The Foyer Sainte Dévote mentioned earlier takes in children and young people who cannot be kept in their family environment.

200. Assistance to schoolchildren in difficulty: Educational establishments make arrangements for schoolchildren in difficulty irrespective of their disability, whether it is caused by the disorders, illnesses or impairments affecting some schoolchildren or gaps in their school career. With a view to facilitating the integration of schoolchildren in difficulty, special classes and mechanisms have been set up as from the primary level onwards with teaching that takes into account the children's specific and individual needs and is focused on basic learning and socialization skills. In order that these schoolchildren should not be perceived as "different", provision has been made to facilitate their movement between traditional, special needs and vocational classes.

201. The development of youth associations is also encouraged, for example through State subsidies. In 1997, approximately 29 per cent of the population under the age of 18 took part in the activities of one of these youth movements. Furthermore, the establishment of the *Jeune J'écoute* (Young person, I hear you) Association was authorized and approved by Ministerial Order No. 81-570 of 9 November 1981. At the outset this group's activities consisted basically of a telephone helpline for young people. Its statutes were amended by Ministerial Order No. 86-071 of 23 January 1986 setting up a welcome unit where a social worker goes to meet young people and receives them in the association's headquarters. The association defines its objectives as threefold:

- To identify and put into practice the most suitable and comprehensive approaches to creating forums for expression, communication, assistance and entertainment;
- To represent the interests of young people;
- To promote and/or undertake social and/or entertainment projects.

In 1994, *Jeune J'écoute* signed an agreement with the Government with the aim of enhancing the effectiveness of the activities it carries out jointly with the State by establishing better cooperation between public and private initiatives.

202. Mentally or physically disabled children may be looked after in specialized facilities (vocational training centres, sheltered workshops). A residential home opened recently provides shelter for mentally disabled adults who cannot be looked after by their families. The State provides a range of financial assistance for disabled children and adults, after a commission has examined their cases (Sovereign Ordinance No. 15091 of 31 October 2001 concerning social welfare measures for disabled persons). Any person residing in Monaco who assumes responsibility for a disabled minor may, if the minor's degree of permanent incapacity is at least 50 per cent, receive a special education allowance (art. 1). An additional allowance is granted for minors affected by disabilities whose nature or seriousness causes particularly heavy expenditure or requires the frequent assistance of a third person. When disabled persons are beyond the age of entitlement to the special education allowance, they receive a disabled adults allowance when they cannot claim an old-age or disability benefit or pension for an accident at work of an amount at least equivalent to the aforementioned allowance (Sovereign Ordinance No. 15091, art. 23). Moreover, Sovereign Ordinance No. 15091 ensures a guaranteed minimum income for all disabled persons who work (art. 19). Disabled adults are

guaranteed a sum equivalent to the statutory minimum wage (SMIC) when they are employed in the production sector where employment is not protected, 90 per cent of the SMIC for persons in protected employment and 80 per cent of the SMIC for those admitted to work-based support centres (Sovereign Ordinance No. 15091, art. 20).

203. In 2002, disability allowances were granted to 25 minors, 76 adults who were unfit to work and 22 working adults.

204. Several Monegasque associations play a notable role in complementing government activities in support of the disabled, including the following:

- *Association monégasque pour l'aide et la protection de l'enfance inadaptée (AMAPEI)* (Monegasque Association for Assistance to and Protection of Disabled Children), whose purpose is: “to aid, provide relief, assist, protect and if necessary defend children and young people with an impairment or physical, mental or intellectual disability that prevents them from leading a normal life; to jointly study, if necessary with appropriate technicians and advisers, problems affecting their education or rehabilitation and appropriate ways of ensuring their normal integration into the community and implementing solutions chosen regarding accommodation, social and professional integration and the organization of leisure activities; to provide information of use to the general public and the authorities, specifically by making suggestions about measures designed to promote or create projects likely to ensure such education or rehabilitation; to facilitate relations between families and administrative services”;
- *Association tutélaire des handicapés mentaux de Monaco* (Guardianship Association for Mentally Disabled Persons in Monaco) whose purpose is: “to take all the necessary steps to be legally appointed as the guardian of persons under disability; to perform the duties relating to this task through the appointed representatives; to encourage the surviving parents of mentally disabled minors to select the Association as legal guardian, by means of a will or a statement before a notary public; in general, to protect the person and safeguard the assets of mentally disabled persons whose parents, whether dead or alive, were or are members of AMAPEI, as well as those of other mentally disabled persons, by special decision of the Board of Directors; to try to meet the concerns of the parents of mentally disabled children so as to guarantee them the protection they deserve if their parents disappear or are unable to act; to organize and participate in the management of common services for mentally disabled children in care”;
- *Association monégasque pour l'enfance - Arc-en-ciel* (Monegasque Association for Children - Rainbow), whose purpose is as follows: “to help all children in difficulty irrespective of their problems, whether physical or psychological. The Association's efforts will focus in particular on the cultural, educational and leisure dimension of these children's lives”;

- *Association monégasque des handicapés moteurs* (Monegasque Association of Persons with Motor Disabilities), whose purpose is: “to take an interest in any initiative whose aim is to improve the material and psychological prospects of persons with motor disabilities; to provide all persons with motor disabilities who are Monegasque or live in the Principality of Monaco with the assistance they need; to encourage mutual assistance between persons with motor disabilities and the parents of children with motor disabilities”;
- *Spécial Olympics Monaco*, whose purpose is: “the promotion of and training in competitive sport for mentally disabled persons, as well as the organization of national and international sporting events and participation in these types of competition”.

4. International cooperation relating to children

205. Apart from the voluntary contributions the Principality of Monaco makes each year to the United Nations funds and programmes for children (UNICEF, Programme on Children Affected by Armed Conflict), three non-governmental organizations (NGOs) dealing with children are particularly active.

206. *Association mondiale des amis de l'enfance* (World Association of Children's Friends): Set up in 1963 and chaired by Princess Caroline, this international association, whose headquarters are in Monaco, has national branch offices in around 20 countries. It is active in the ethical, legal, educational and practical spheres. Its President promoted study of preventive action on the physical and moral health of young children, which gave rise to a resolution on the subject adopted by the UNESCO General Conference in 1993. At the same time, a “life code”, the outcome of consultations between parents, social workers and specialists, was drawn up. In order to mobilize young people to help their less fortunate peers, a “Passport to school” scheme was set up, under which schoolchildren from the developed countries sponsor those from deprived countries. Several humanitarian programmes are under way (Burkina Faso: construction of a training centre for girl street children in Ouagadougou; Burundi: establishment of a children's centre in Bujumbura; Madagascar: construction of a school complex in Talata-Volonondry; Senegal: construction of a multipurpose training centre for young people in Dakar).

207. *Monaco Aide et Présence* (Monaco Assistance and Presence): This association was set up in 1979. In response to a television report on Cambodia, a team of volunteers, doctors and health personnel decided to go to that war-torn country with a view to assisting the civilian population. Since then the association has been implementing activities mainly geared towards assisting children: (Sri Lanka: the Princess Grace orphanage in Kalutara provides accommodation for around 100 children, from newborn to teenagers, and a home for around 20 disabled children has also been set up; India: 200 kilometres from Calcutta a 2,000-square-metre orphanage was completed at the beginning of 1996 which provides accommodation for around 50 children aged between 4 and 12 years, and a dispensary has been set up nearby; Niger: the Prince Albert of Monaco dispensary was inaugurated in 1988 and carries out more than 400 consultations a day; Brazil: in 1997 a programme of family houses was carried out in which families undertook to foster 10 or so children; Madagascar: the Prince Rainier III primary school is attended by 1,700 children).

208. *Mission Enfance* (Mission: Children): Set up in 1991, the aim of Mission Enfance is to study, organize and implement international solidarity programmes for children. Mission Enfance is run by three permanent members of staff in the Principality, 50 employees worldwide, around 100 active members and a pool of 4,500 donors. Since 1996, the State has granted it an annual subsidy of around €91,500 per year. This association operates in sensitive areas. In the field, the programmes are regularly assessed by the association's partners, such as the European Union. It coordinates its humanitarian activity in different geographical areas under the auspices of the United Nations bodies involved (United Nations Iraq Relief Coordination Unit (UNIRCU)/Department of Humanitarian Affairs (DHA)). Since 1991, it has provided humanitarian assistance to 13 States: in Viet Nam 22 primary schools have been built; 38 convoys have been sent to the former Yugoslavia, carrying 1,040 tons of aid offered by the people of Monaco for 30,000 beneficiaries. In northern Iraq, in connection with the return of refugees, 11 drinking water systems, 52 kilometres of roads and 8 schools have been constructed and 18 schools have been rehabilitated. More than 600 families have been resettled under this operation and over 25,000 persons now enjoy normal health standards, while 17,000 pupils are able to study in satisfactory conditions. In Ethiopia, native Afars and those fleeing from neighbouring countries are the target of a two-pronged educational programme, comprising teacher training, a programme implemented with the assistance of UNESCO, and the establishment of mobile schools in the Ethiopian desert. In Armenia, aid missions for the 1,334 orphans from Karabagh regularly take place. In all, around 30,000 children worldwide are helped each year by Mission Enfance.

Article 11

Interpretative declaration

209. When signing and ratifying the Covenant, the Princely Government made the following interpretative declaration in relation to article 11:

“The Princely Government declares that articles 6, 9, 11 and 13 should not be [interpreted as] constituting an impediment to provisions governing access to work by foreigners or fix conditions of residence for the granting of certain social benefits.”

International instruments relevant to article 11

210. The Principality of Monaco has been a member of the Food and Agriculture Organization of the United Nations (FAO) since 2 November 2001.

I. Right to an adequate standard of living

211. According to article 26 of the Constitution of 17 December 1962:

“Monegasques are entitled to State assistance in the event of poverty, unemployment, sickness, disability, old age and maternity, subject to the conditions and in the manner prescribed by law.”

212. In general, the standard of living of people residing in the Principality of Monaco is satisfactory in that it allows individuals and families to live, feed, clothe and house themselves properly. However, persons who are temporarily in difficulty may receive assistance in the form of cash or non-cash benefits from different bodies in the Principality.

1. Right to adequate food

213. The Welfare Assistance Office established by Act No. 335 of 19 December 1941 is responsible for assistance, benevolent services and social welfare (art. 1).

In that connection, it provides:

- Assistance to poor, able-bodied persons (benevolent service);
- Free medical assistance at home or in hospital;
- Assistance to elderly, infirm or incurable persons either in kind or in the form of a monthly allowance;
- Special help with admissions to sanatoria, preventoria and nursing homes;
- Assistance to children who are illegitimate, disabled or orphans.

214. An independent public institution, the Foyer Sainte Dévote, was set up under Statutory Order No. 4681 of 15 February 1960 to provide children's social welfare services and benefits. Admission to the orphanage is possible, subject to a prior medical examination, for children who meet the following conditions, in order of priority:

- They must be Monegasque or born to a Monegasque mother;
- They must have been resident in the Principality for at least one year;
- They must belong to a family in which the parents have worked full-time in the Principality for at least one year and are resident in the Principality or in the neighbouring communes.

Irrespective of the children's place of residence and nationality, they must belong to a low-income family.

215. The social service of the Monegasque Red Cross is in charge of aiding and monitoring persons in difficulty who reside in the Principality or the neighbouring communes. This assistance comes in different forms:

- Assistance to the family (distribution of clothes, furniture, electrical equipment, food vouchers, allowances for rent, relocation, removals and renovating apartments, to pay insurance premiums, for special payments, to settle gas, electricity and water bills);

- Assistance to children (distribution of milk, nappies, toys, allowances for the start of the school term, childcare, boarding fees, remedial teaching, school meals, higher education grants, holiday expenses);
- Assistance to the elderly (rent allowances, distribution of food parcels and boxes of toiletries on the national day and at Christmas);
- Assistance to the sick and disabled (rent allowances, contribution towards costs of home help and holidays).

2. Right to adequate housing

216. The territory of the Principality is 100 per cent urban, consisting of property belonging to public and private entities. The housing stock is composed of recent buildings and older ones, but the older sector is being modernized as a result of urban development. The Government has committed itself to a considerable financial outlay which will enable several hundred units of subsidized housing to be built between 2003 and 2009.

217. The right to housing has long enjoyed protection under Monaco's legislation, which is periodically amended to guarantee housing for Monegasques or residents with limited resources. This special legislation is based on the need to reconcile property rights, as guaranteed by article 24 of the Constitution, and the constraints imposed by the smallness of Monaco's territory (Supreme Court: 1 February 1994, Monaco Landowners' Association; 12 October 2000, Principality of Monaco Tenants' Association; 6 November 2001, Principality of Monaco Tenants' Association, volume corresponding to that date). The legislation in force consists of Act No. 1235 of 28 December 2000 concerning conditions governing the renting of certain dwellings built or completed before 1 September 1947. In the interests of social cohesion, this Act is intended to reconcile the restoration of property rights with the application of guarantees for tenants. In this way the owners enjoy:

- Freedom of action with respect to their property, whether in the form of sale, personal occupation or renting, which means that there is no obligation to rent and that the right of occupancy is suppressed;
- Absence of rent controls, subject to the intervention of an independent arbitration body, if necessary, in the six years following the passing of the Act, in order to avoid any abuses.

Moreover, property owners benefit from greater solvency on the part of tenants, since tenants are entitled, where appropriate, to State housing subsidies, if their social situation so warrants. As for tenants, they are provided with the necessary safeguards, namely:

- Permanent maintenance of an old sector set aside for Monegasques and "protected persons";
- Payment by the State of a differential allowance for persons who have access to the old property sector but whose income is not sufficient to pay the rent;

- Protection against exorbitant rents, with the possibility of referring disputes over rent increases to an independent arbitration body, whose mandate may be renewed at the end of six years;
- Written six-year leases.

The following persons are protected under the Act, in order of priority:

- Persons of Monegasque nationality;
- Persons with a Monegasque parent;
- Widowers or widows of Monegasques with a Monegasque child as a dependant;
- Persons who are not Monegasques divorced from Monegasques with a dependent or non-dependent Monegasque child born from this union;
- Non-Monegasque widowers or widows of Monegasques with a dependant child who is not Monegasque born of this union;
- Persons born in Monaco and resident in Monaco since birth, provided that they were born after one of their parents had been resident in Monaco for at least 20 years.

218. A differential rent allowance is paid to tenants who have insufficient resources when measured against the statutory ceiling (Act No. 1235, article 34, Sovereign Ordinance No. 14712 of 28 December 2000 establishing procedures for the application of Act No. 1235 of 28 December 2000 concerning conditions governing the renting of certain dwellings). In order to be eligible for the differential rent allowance, these persons must be resident in the Principality and be in actual personal occupation, as tenants, of residential premises coming under the scope of Act No. 1235, whose size should not exceed their family's normal requirements. This allowance is intended to lighten the financial burden of persons who are not eligible for the State housing grant.

219. A State housing grant is allocated to persons of Monegasque nationality resident in Monaco who are in actual personal occupation, as tenants or subtenants, or as the spouse of a tenant or subtenant, of residential premises of a size that does not exceed their family's normal requirements.

220. Housing loans for a maximum duration of 25 years are also granted to persons of Monegasque nationality to enable them to purchase property in the private housing sector. The amount of the loan, which may not exceed a ceiling of €762,000, depends on the income and assets of the household, and the monthly repayment must not exceed one third of that sum.

221. Article 38 of Act No. 1235 of 28 December 2000 confers on the State, on social grounds, a pre-emptive right with regard to voluntary disposals of property by private persons at the price set by the transferor.

222. Pursuant to Act No. 502 of 6 April 1949 concerning expropriation in the public interest, the State may demand the transfer of all or part of one or more private properties to carry out work undertaken or authorized by it in the public interest. This legislation has been applied during the construction of housing complexes containing subsidized housing.

223. As appropriate, the legislature intervenes, pursuant to article 33 of the Constitution of 17 December 1962, to reclassify State-owned plots of land so that plots governed by different legal regimes can be consolidated to allow the construction of housing projects.

II. International cooperation in the food sector

224. Since the Principality of Monaco is entirely urbanized, no food production, canning, bottling or distribution operations are carried out there. Likewise, the Principality of Monaco does not participate in the worldwide distribution of food resources. However, it does provide assistance to some developing countries with a view to raising and improving food production.

Article 12

I. Health system

1. Principles of the health system

225. Article 26 of the Constitution of the Principality of Monaco establishes the principle that “Monegasques are entitled to State assistance in the event of poverty, unemployment, sickness, disability, old age and maternity, subject to the conditions and in the manner prescribed by law.”

226. The Principality of Monaco has been a member of the World Health Organization since July 1948, and the Monegasque Red Cross has been a member of the International Red Cross since 3 March 1948.

227. The other basic principles of the health system are based on French codes of practice and professional ethics, in that persons wishing to work in the medical profession in the Principality must have a French medical diploma or an equivalent university qualification: the intrinsic principles of respect for the human person are thus observed with the greatest attention. They include:

- The rule of confidentiality;
- The inviolability of the human body, in other words the rule that the human body is not an object of commerce, as reaffirmed by Act No. 972 of 10 June 1975 on the therapeutic use of human blood, human blood plasma and their derivatives and Act No. 1073 of 27 June 1984 concerning samples which may be taken from the human body for therapeutic purposes, organ removals and their rules of application;
- The rule of consent, which is also referred to in the two Acts, whereby the physical or mental integrity of a human being may not be breached without his or her consent.

2. Health institutions

228. Monaco health sector consists of a public sector which includes hospital medicine and preventive activities carried out in pursuit of health policies, and a private health sector, so that patients are free to choose their doctor.

229. In the Principality of Monaco the health system is under the supervision of the State, whose responsibilities include addressing general public health problems, training health personnel, monitoring standards of quality in health facilities, supervising the running of hospitals and ensuring that the public finances are balanced.

230. The main competent authority on public health matters is the Office of Health and Social Promotion, which is under the supervision of the Department of the Interior. The Office, which is in charge of social and public health, disease prevention and screening, supervises and coordinates social welfare activities. Generally speaking, the Office is responsible for carrying out work in the fields of health and social welfare, but not in the technical field, which is the reserve of medical inspectors and pharmacist inspectors. It receives and reviews the deliberations of the administrative commissions of health and social welfare facilities, before any decision is taken by the supervisory authorities.

231. Its activities are complemented at the municipal level by the Municipal health service, which in general deals with all matters relating to the protection of public health, in particular the general hygiene service; the disinfection service; sanitation control (surveillance of sewers and privately owned bodies of water, elimination of mosquitoes and so on) and the surveillance of water supplies; inspection of markets; and technical and administrative responsibility for Monaco's official analysis laboratory (Ordinance of 10 June 1909 establishing a municipal hygiene service).

232. A Public Health Committee chaired by the Minister of State and composed of the Government Councillor for the Interior, the Director of the Office of Health and Social Promotion, the Mayor, a Councillor of State, the President of the Council of the Medical Association, the President of the College of Dental Surgeons, the President of the Council of the Pharmaceutical Society, a representative of the Department of Public Works and Social Affairs, the Medical Inspector from the Office of Health and Social Promotion, the Inspector of Pharmacies and the Chairman of the Advisory Medical Committee of the Princess Grace Hospital Centre, issues opinions when regulations are being drawn up on public hygiene, the medical and paramedical professions and the organization of health-care facilities and children's and old people's homes. It is also consulted on all issues dealing with public health.

233. A Higher Medical Council, composed of highly qualified doctors who have specialized in teaching the main branches of medicine and surgery, issues opinions on all matters dealt with by the Public Health Committee.

234. A Technical Committee to Combat Pollution and Safeguard Public Safety, Hygiene, Health and Order ensures the observance of hygiene, safety and health rules in all public facilities and monitors employees' health and working conditions.

235. There are also private institutions of general interest working in the field of health in Monaco: the Monegasque Red Cross, founded in 1948, and the Monaco Medico-Legal Commission, founded in 1953.

3. Types of health care available

236. The Principality of Monaco attaches great importance to the quality of its health-care facilities:

- Princess Grace Hospital Centre: Comprises a clinic, a hospital, a maternity unit, medical and paramedical services and a home-care section. Its total capacity is 519 beds, and in 2001 it admitted 17,402 patients, which represents a total of 147,851 patient days (including 139,665 in the hospital/maternity unit and 8,186 in the clinic). It has a state-of-the-art medical equipment (scanners, magnetic resonance imaging, X-ray equipment, and so on); the State's contribution for innovative therapies amounted to €500,000 in 2003;
- The Cardiothoracic Centre, set up in 1987, treats thoracic and cardiovascular disorders. In 2001, the centre carried out 2,629 exploratory examinations (electrocardiograms, minor heart operations, angioplasties and so on) and 797 operations (bypasses), including 594 involving extra-corporeal circulation;
- The Haemodialysis Centre, inaugurated in 1989, treats people suffering from kidney failure in complete safety. In 2001, it held 17,940 sessions.

237. It should be noted that the vast majority of the patients treated in these institutions are not resident in the Principality: thus of the 17,402 patients registered by the Princess Grace Hospital Centre in 2001, 5,304 were residents of the Principality (30.5 per cent); 11,481 came from France (66 per cent, including 5,484 from the neighbouring communes), 409 from Italy (2.4 per cent) and 208 from other countries. Analysis of admissions by nationality shows that patients who are French nationals are very much in the majority (11,849, i.e. 68.1 per cent), whereas Italians accounts for 1,848 admissions (10.6 per cent), Monegasques 1,357 (7.8 per cent) and other nationalities 2,348 (13.5 per cent). The averages are similar for the other two health facilities in the Principality.

238. In 2001, there were 174 doctors in the Principality of Monaco, including 31 private practitioners, 126 hospital doctors and 17 doctors employed by the State (occupational health doctors, school/sports doctors, public health doctors) - in other words, 1 doctor per 184 inhabitants. Among the other private practitioners listed were 21 dental surgeons, 17 physiotherapists, 7 chiropodists, 7 speech therapists, 7 opticians, 2 hearing aid specialists, 1 orthoptist and 18 private nurses.

4. Social welfare provision against illness

239. The Principality of Monaco has an advanced social security system covering both nationals and foreigners who live or work in the Principality. This system is based on social welfare schemes, supplemented over the years by assistance from Government funds (see comments on article 9).

240. It should also be pointed out that in the Principality doctors' or surgeons' fees do not depend on the practitioner's reputation, but on the patient's income.

241. The Principality has concluded two social security agreements: one with France, signed on 28 February 1952, given effect by Sovereign Ordinance No. 937 of 17 March 1954 and amended by an additional clause signed on 10 July 1998; and the other with Italy, signed on 12 February 1982 and given effect by Sovereign Ordinance No. 8416 of 16 October 1985.

II. Health and social statistics for the Monegasque population

1. Health status

242. The figure for life expectancy at birth, the main health indicator, points to a very satisfactory health situation, both in comparison with similar countries and in evolutionary terms. Life expectancy continues to increase, with women always in the lead. In 2000, life expectancy was 76.8 for men and 84.4 for women.

243. Analyses of mortality in Monaco since 1975 show that on average 30 per cent of deaths are due to cancer (205 deaths out of a total of 636 in 2001, i.e. 32.2 per cent); the main cause of death was associated with illnesses of the circulatory system (41.7 per cent in 2001, i.e. 265 deaths out of a total of 636). Deaths due to respiratory illnesses represented 8.2 per cent of the deaths recorded in 2001 in Monaco.

2. Residential facilities for the elderly

244. In 2001, 293 old age pensioners were cared for in community residential facilities for the elderly (of the roughly 7,200 persons over 65 years of age). They are cared for in three institutions: the Résidence du Cap-Fleuri and the Fondation Hector Otto, which comprises two different buildings. These retirement homes are part of the social security system as they offer an alternative to hospitalization. It is worth noting that home nursing care, home help and home day-care services are expanding. The occupancy rate of these institutions is approximately 90 per cent (Résidence du Cap-Fleuri). The average age of the residents is around 87 for the Résidence du Cap-Fleuri and 83 for the Fondation Hector Otto. Women represent around four fifths (78 per cent) of the residents of these institutions.

III. Public health programmes

245. In parallel with the social welfare measures described in connection with article 9, an active policy of health prevention and promotion has been introduced. The Princely Government has undertaken important activities relating to:

- AIDS screening: the AIDS Screening Centre conducts free and anonymous HIV tests and monitors seropositive persons who so wish. Ministerial Order No. 97-205 of 23 April 1997 establishes the regulatory framework applicable to blood safety. Furthermore, a variety of preventive actions are organized each year as part of World AIDS Day. For example, novel awareness-raising sessions based on interactive theatrical sketches were arranged for all fifth-year secondary school pupils;

- Breast cancer screening: the Association for Breast Cancer Screening, composed of government representatives and doctors, has introduced a free breast cancer screening programme for women between the ages of 40 and 70;
- Monitoring persons with alcohol-related or drugs-related problems: the Medical and Social Prevention Unit has a team of medical and social specialists which monitors persons with alcohol-related or drugs-related problems as outpatients. This unit is responsible for dispensing methadone to drug addicts;
- Schoolchildren with behavioural problems: the Medical Psychological Centre caters for children attending school in the Principality who have behavioural problems. Its services are free of charge. Its team is composed of child psychiatrists, paramedical staff (psychologists, psychomotor therapists, a psychotherapist, a nurse, a speech therapist) and a social worker.

246. The preventive measures are taken on several levels: in schools, by the School Medical Inspectorate, in companies by the Occupational Health Office and for sportsmen by the Sports Medicinal Centre.

247. The School Medical Inspectorate, established by Act No. 538 of 12 May 1951, deals with the 6,000 or so children attending public and private educational establishments, reformatories, correctional institutions or vacation centres. Its duties, outlined in articles 23 to 26 of Act No. 826 of 14 August 1967 on education, include:

- Taking decisions on whether a child is medically fit to enter such an institution;
- Monitoring children's health through systematic and periodic examination;
- Assessing and monitoring their overall development and their adjustment to school or communal life;
- Guiding them rationally towards physical and sports activities that are conducive to the harmonious development of their state of health and general well-being;
- Checking the state of health of the educators and persons in permanent contact with them in the above-mentioned institutions, and taking all the necessary steps to prevent the spread of infection;
- Planning and if necessary triggering collective preventive measures so as to avoid the spread of contagious diseases or epidemics;
- Ensuring proper sanitation.

248. The Occupational Medicine Office was established by Act No. 637 of 11 January 1958. The tasks of this office include:

- Conducting a thorough medical examination of employees before a work permit is issued, to ascertain whether they are suffering from any health disorders, in particular diseases which are contagious or dangerous for the community where they are supposed to work, and whether they are medically fit for the work envisaged;
- Issuing certificates of fitness for work;
- Monitoring employees' health through periodic examinations;
- Conducting further thorough examinations of employees following lengthy absence or repeated absences;
- Recording the results of the examinations on medical files or input forms;
- In cooperation with the Labour Inspector's Office, monitoring overall standards of health and worker safety in companies.

249. Ordinance No. 1857 of 3 September 1958 concerning the organization and running of occupational health stipulates that occupational health doctors advise employers and staff representatives on such matters as:

- Monitoring the overall health situation in each enterprise, in particular with regard to cleanliness, heating, lighting, changing rooms, toilets, the canteen, drinks and so on;
- Hygiene in workshops and protection of workers against dust, harmful vapours and accidents: the doctor may require the taking of samples and the conduct of analyses of harmful products by a registered laboratory at the enterprise's expense;
- Monitoring the suitability of employees for their jobs;
- Improving working conditions, specifically new buildings and renovations, adapting working techniques to human physiology, eliminating harmful products, studying work schedules;
- Establishment and content of first aid facilities at every workplace, taking into account the activity engaged in and the number of people working there.

250. The Sports Medical Centre was established by Act No. 538 of 12 May 1951, as amended by Act No. 706 of 5 June 1961. The tasks of this body include:

- Issuing medical certificates of fitness to practise one of the variety of sports on offer in the Principality;
- Periodically monitoring the state of health of persons practising a regulated sporting activity (at least once a year);

- Allowing certain sports to be practised only in authorized groups, and allowing participation in competitions only by persons who can engage in them without any risk to their health.

Article 13

Interpretative declaration

251. When signing and ratifying the Covenant, the Princely Government made the following interpretative declaration in relation to article 13:

“The Princely Government declares that articles 6, 9, 11 and 13 should not be [interpreted as] constituting an impediment to provisions governing access to work by foreigners or fixing conditions of residence for the granting of certain social benefits.”

International instruments relevant to article 13

252. The Principality of Monaco is party to the following treaties:

- The Principality of Monaco has acceded to the Geneva Convention of 11 October 1933 relating to educational films, which was promulgated by Ordinance No. 1646 of 30 September 1934;
- The Principality of Monaco has acceded to the Constitution of the United Nations Educational, Scientific and Cultural Organization of 16 November 1945, which was given effect by Ordinance No. 75 of 14 September 1949;
- The Principality of Monaco has acceded to the International Agreement on the Importation of Educational, Scientific and Cultural Materials, adopted in Geneva by the UNESCO General Conference and given effect in the Principality by Ordinance No. 997 of 2 August 1954;
- The Principality signed with the French Republic on 7 June 1994 an agreement concerning cooperation in the field of teaching, which was given effect by Sovereign Ordinance No. 15455 of 8 August 2002.

I. Ensuring the full enjoyment of the right of everyone to education

253. Article 27 of the Constitution of 17 December 1962 provides that “Monegasques have the right to free primary and secondary education.” In practice, any person of school age residing on the territory has this right, irrespective of his or her nationality.

1. Primary and secondary education

254. The Education Act (No. 826) of 14 August 1967 makes education compulsory for all children between the ages of 6 and 16, irrespective of their sex (art. 8). This primary and secondary education is free of charge in public educational establishments. Pursuant to that Act, all schoolchildren who have reached the age of 6 are provided with schooling in public or private

establishments in the Principality. Thus primary education must be completed and secondary education is compulsory up to the fifth form, i.e., after pupils have obtained their *brevet élémentaire du premier cycle*. In fact, it is rare for young people to leave school without having obtained a diploma. In the context of compulsory schooling and taking into account the potential and aptitudes of every child, general, vocational and technical training at the secondary level is available in the various educational establishments in the Principality of Monaco. The Education Act also provides secondary school pupils with an opportunity for further study of the language of their choice through special language courses, as well as participation in work experience schemes.

255. The Monegasque education system is identical to the French one. For that reason, the timetables, curricula and diplomas are in line with those set by the French national education system. The official language is French. It is taught from nursery school (age 3) onwards, as is English, first with an introductory course (one hour per week for 3-to-4-year olds), then one and half hours per week from age 5 to age 10. For pupils who achieve good results, this introductory course may be replaced by intensive English courses of four hours per week. The Monegasque language is also taught in primary (age 7-8). Lastly, religious education is taught in all schools to all children except where parents stipulate otherwise.

256. Schooling comprises optional nursery education for 3-to-5-year olds. Primary education starts as of the age of 6 and lasts until the age of 10. Schooling is then continued for four years in junior high school (until fourth form). The programme in senior high school includes general, practical or technical studies (for the last three forms). These studies culminate in the baccalaureate examination. For the holding of this examination, Monegasque schools are treated as being part of the Nice education authority and use the same test papers.

2. Higher education

257. Higher education is accessible to all. However, because of the smallness of Monaco's territory, no university has been built. A system of scholarships enables students to follow courses in foreign universities of their choosing. Article 21 of the Franco-Monegasque Convention on Good-neighbourliness, signed in Paris on 18 May 1963, enables young persons who have passed their baccalaureate examination in Monaco to enter French higher education on the same footing as French students. Through a system of equivalence of diplomas and their recognition, these baccalaureate holders may enter foreign universities in other States, for which scholarships are also available. A private higher educational establishment along the lines of the business schools found in English-speaking countries has been opened in the Principality.

258. The school year is composed of three terms of 10 weeks with 2 weeks' break after every 5 working weeks; the summer holidays last from July until the first week of September.

II. Structure of Monaco's education system

259. Nursery and primary schools: Every district of the Principality of Monaco has primary education institutions: seven public schools (three nursery schools for 3-to-5-year olds, three combined nursery and primary schools, one primary school for children in the 6-10 age group), three private establishments (two primary schools and one combined primary and secondary

school) and a bilingual (French/English) international school which also dispenses primary education. All these schools have day-care centres at the nursery stage, school cafeterias, and rooms for after-school study (from 4.30 to 6.45 p.m.) at the primary stage. Some offer courses in French as a foreign language for students who are non-native speakers of French; others run classes in which teaching methods are tailored to the students' level of attainment (with advanced or remedial courses) or classes with a flexible timetable (with options such as music, etc.). Some institutions have a school bus service.

260. Secondary education establishments. The Principality has three secondary schools. From the ages of 11 to 15 years, students pursue their studies at secondary school: two State schools (collège Charles III and lycée Albert Ier) and one private school (the St. François d'Assise-Nicolas Barré institution). Thereafter, from the fifth year (15-16 years) to the final year (17-18 years), the Principality has one public school (the lycée Albert Ier) and one private school (the St. François d'Assise-Nicolas Barré institution). There is also a technical lycée which teaches students who have opted for vocational education (industrial sciences and technology, maintenance of automated mechanical systems, catering, hotel industry).

261. For students nearing the end of their education, the National Education Information Centre is there mainly to provide a very wide range of users with diverse information about higher studies (training, specialist schools, universities, the *grandes écoles*, the criteria for admission to these institutions, diplomas, scholarships, student housing, etc.) and careers (information about different careers, qualification requirements, openings, opportunities for further training, etc.). The Centre arranges one-to-one interviews with its senior staff and has a wide variety of documentation in both paper and electronic form. During the 2000/01 academic year, it received 2,498 requests.

262. Finally, there is a private institute of higher education called the University of Southern Europe which has been teaching business and technology courses (Masters in Business Administration, Masters in Finance) since 1986. Its students come from around 20 different countries.

III. Statistical data on education

263. Since 100 per cent of children of compulsory school age are enrolled in school, and since the majority of the inhabitants who were not educated in Monaco come from families that are well-to-do and cultivated, the literacy rate in Monaco is 100 per cent.

264. In Monaco, as in France, the baccalaureate is the diploma which certifies the end of secondary education, before a person embarks on working life, university studies or other training. Depending on the courses which students take, there are several kinds of baccalaureate: "general" education consists of general subjects (literary, scientific, economic and social) and practical subjects (accountancy/management, secretarial work, business studies), while in "technical" education, vocational baccalaureates certify the completion of studies in the hotel industry, tertiary-sector training (secretarial work, accountancy, business studies) and industrial-sector training (maintenance of automated mechanical systems). Whatever the syllabus or the establishment, the baccalaureate pass rates in Monaco are particularly high.

Pass rates by institution

Lycée Albert Ier: Baccalaureate	1989/90	1994/95	1999/2000
No. of final-year students	219	204	210
Passes	181	190	197
%	82.64	93.13	93.80
Boys	84	98	105
Girls	97	92	92
% boys passed	46.40	51.57	53.29
% girls passed	53.59	48.42	46.70

Lycée Albert Ier: Brevet de technicien supérieur (BTS)	1989/90	1994/95	1999/2000
No. of BTS students (second year)	43	41	36
Passes	38	27	34
%	88.37	65.85	94.44
Boys	11	6	15
Girls	27	21	19
% boys passed	28.94	22.22	44.11
% girls passed	71.05	77.77	55.88

François d'Assise-Nicolas Barré: Baccalaureate	1989/90	1994/95	1999/2000
No. of students	31	64	59
Passes	29	54	55
%	93.54	84.37	93.22
Boys	19	30	27
Girls	10	24	28
% boys passed	65.51	55.55	49.09
% girls passed	34.48	44.44	50.90

IV. Proportion of the national budget allocated to education

265. The education budget accounts for 5.77 per cent of the national budget.

266. There are no plans to build any new schools: the existing number is sufficient for the population of school age. Renovation programmes serve to ensure that there is an available stock of buildings in a good state of repair.

V. Equal access to the different levels of education

267. Equal access to the different levels of education is guaranteed. There is no discrimination among children on grounds of sex, nationality or religion. Owing to the considerable number of foreign communities residing in the Principality, around 60 nationalities are represented in the different educational establishments. Children of families which have recently settled in Monaco and who do not speak French can take special courses to learn the language.

268. Throughout every stage of education, financial assistance is provided to enable all children to pursue their studies under the best possible conditions. Hence, subject to availability of resources, there are school meals allowances, solidarity funds managed by individual schools and municipal benefits for families in difficulty. Other types of benefits are provided to allow students wishing to perfect their knowledge of a foreign language to attend language courses, and a scholarship scheme exists for students in further education. The number of scholarships awarded to students of the Principality wishing to pursue higher studies has doubled in the past 10 years: 247 scholarships were awarded in the 1991/92 university year and 424 in 2002/03. The Government has instituted other grant schemes for study abroad.

269. Moreover, civil servants and public officials are entitled, subject to certain conditions, to an education grant for their dependants under the age of 21 years who are enrolled in a primary, secondary or higher education establishment during the current academic year. The value of the grant ranges from €54 to €344, depending on the educational stage (circular No. 2002-39 of 18 October 2002).

VI. Remuneration of teaching personnel

270. Teachers are employees of the State. Except for the system of holidays, which follows a specific academic calendar, they have the same conditions of pay as other civil servants and receive salary increases under the same conditions as all other State employees. At the request of Monaco's Government, the French Government seconds public schoolteachers to the Principality of Monaco.

VII. Educational establishments not created or administered by the State

271. There are five educational establishments which were not created or are not administered by the State: the International School of Monaco, the Dominican School and the Cours St Maur (primary schools), the private Saint-François d'Assise-Nicolas Barré institution (a combined nursery, primary and secondary establishment) and the private University of Southern Europe. It is necessary to obtain administrative authorization to open an educational institution; the State retains competence for matters concerning teaching personnel, and it may subsidize such institutions. In the case of the Saint-François d'Assise-Nicolas Barré school, subsidies account for almost 80 per cent of the institution's budget.

VIII. Role of international assistance in the field of education

272. In order to give young people in Monaco some sense of the problems and needs of developing countries, the Government endeavours to involve students in projects implemented

by its own agencies or by international and non-governmental humanitarian organizations. For example, a number of schools, colleges, dispensaries and even community centres have been constructed, at the Principality's initiative, in various countries with educational needs.

IX. Free choice of school

273. The public authorities respect the freedom of parents or legal guardians to choose a school for their children: in fact, there are both public schools and private schools in Monaco.

Article 14

274. Article 27 of the Constitution of Monaco of 17 December 1962 guarantees the right to free primary and secondary education. This same right is accorded to foreign children of school age living in Monaco.

Article 15

275. The Principality of Monaco allows all citizens to take part in scientific and cultural life.

I. Culture

International instruments

276. The Principality has acceded to a number of important international conventions on the subject of culture, including:

- Convention relating to International Exhibitions, Paris, 22 November 1928 (Sovereign Ordinance No. 7705 of 16 May 1983);
- Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), London, 16 November 1945 (Sovereign Ordinance No. 75 of 14 September 1949);
- Agreement on the Importation of Educational, Scientific and Cultural Materials, Lake Success, 22 November 1950 (Ordinance No. 997 of 2 August 1954);
- UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954 (accession by Monaco: 10 December 1957);
- Agreement establishing the Latin Union, Madrid, 15 May 1954 (Sovereign Ordinance No. 8058 of 6 August 1984);
- European Cultural Convention, Council of Europe, Paris, 19 December 1954 (Sovereign Ordinance No. 11338 of 30 August 1994);
- UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972 (Sovereign Ordinance No. 6451 of 31 January 1979);

- Bilateral Franco-Monegasque convention: Agreement between the Government of the Prince of Monaco and the Government of the French Republic concerning the protection of the historical or cultural heritage of the two countries, Monaco, 1 August 1977 (Sovereign Ordinance No. 6143 of 28 October 1977);
- European Convention on the Protection of the Archaeological Heritage, Council of Europe, Valetta, 16 November 1992 (Sovereign Ordinance No. 14738 of 6 February 2001).

277. The Principality is a member of various international organizations: UNESCO, the International Exhibitions Bureau, the Intergovernmental Oceanographic Commission (IOC) of UNESCO, the Agency for Cultural and Technical Cooperation, the International Organization of la Francophonie, the International Association of Art, the European Federation of Conference Towns, the International Theatre Institute, the International Assembly of the French-speaking World and the UNESCO International Music Council.

Rules of domestic law

278. The most relevant rules of domestic law are:

- Act No. 796 of 17 February 1966, establishing a public body called the Prince Pierre de Monaco Foundation;
- Act No. 922 of 20 May 1972, establishing a public institution called the National Museum;
- Act No. 1141 of 28 June 1991, supplementing Act No. 1014 of 29 December 1978, concerning the public sale of movable property;
- Sovereign Ordinance No. 11809 of 14 December 1995, establishing the Museum of Stamps and Coins;
- Act No. 1198 of 27 March 1998, establishing the Code of the Sea (the Code contains provisions relating, inter alia, to the discovery and salvaging of naval wrecks);
- General Terms and Conditions of Monaco for the execution of public-works and construction contracts in the Principality (article 24 lays down rules concerning objects found during excavation works).

1. Budget

279. Every year more than 4 per cent of the State budget is earmarked for cultural development (excluding building works, equipment, maintenance of cultural buildings, etc.) and for the participation of everyone in cultural life: this represents a budgeted amount of more than €25 million for a total of 30,000 to 35,000 inhabitants living on a surface area of 200 hectares.

2. Institutional infrastructure

(a) Department of Cultural Affairs

280. A branch of the Monegasque Government established in 1966, the Department of Cultural Affairs is under the authority of the Department of the Interior. It promotes Monaco's cultural development by facilitating all the best forms of cultural expression and supporting the activities of Monaco's many cultural associations. It also promotes and oversees the preservation of the national heritage, organizes events, such as the *Printemps des Arts* festival, exhibitions and organ recitals, and is the secretariat for the Prince Pierre de Monaco Foundation.

(b) Principal cultural institutions

281. Museums and other cultural venues:

There are numerous museums with very varied collections on different themes (artistic, scientific, historical, etc.). Most of them are run by the Department of Cultural Affairs.

- National Museum: a museum with a rare collection of automata and dolls accumulated by Madeleine Galéa;
- Historial des Princes de Monaco: a wax museum portraying scenes from the history of the Grimaldi dynasty;
- Oceanographic Museum: a French institute inaugurated in 1910 by Prince Albert I, the museum contains the world's rarest species of marine fish, together with a large number of skeletons and specimens of stuffed marine mammals;
- Museum of Prehistoric Anthropology: founded by Prince Albert I, this museum houses a series of burial sites, handmade objects and animal remains. It also has a team of researchers producing a number of scientific publications;
- Naval Museum: a private collection of objects connected with navigation, including some models of famous ships;
- Exhibition of the Vintage Car Collection of the Prince of Monaco;
- Museum of Stamps and Coins: a private collection belonging to the Prince of Monaco, it includes some rare philatelic items from Monaco's postal history;
- Museum of Napoleonic Memorabilia and the Collection of the Palace Historical Archives;
- Museum of the Chapel of the Visitation (a collection of religious art owned by Ms. Piasecka Johnson);
- Exotic Garden: a garden containing thousands of species of succulent plants. The observatory grotto is located inside the garden.

282. Other important cultural venues include:

- *Grimaldi Forum*: The Government has created a cultural and exhibition centre, which was built on land reclaimed from the sea and inaugurated on 20 July 2000. The centre has two exhibition spaces, three auditoriums (with 1,900, 800 and 400 seats respectively), a recording studio and seven conference rooms with differing capacities and state-of-the-art technological facilities. The Grimaldi Forum has its own programme of concerts of contemporary and world music and major exhibitions. It regularly hosts events staged by Monaco's main cultural organizations and also manages the former Monte Carlo Convention Centre and Auditorium, which houses the Rainier III Auditorium and is home to the Monte Carlo Philharmonic Orchestra, which puts on concerts there;
- *Garnier Room*: The Garnier Room in the Monte Carlo Casino has witnessed some of the greatest moments in the history of opera and dance, conjuring up memories of Serge Diaghilev, Nijinski, Serge Lifar, Rudolf Nureyev, Margot Fonteyn and Maurice Béjart. Operas and ballets have been performed against marvellous sets designed by Picasso, Derain and Dufy. A succession of ballets (Christmas and New Year holidays), operas (January-March) and concerts (spring and autumn) is held here, together with the *Printemps des Arts* festival (April-May). This illustrious room also serves as the setting for large receptions or galas;
- *Théâtre du Fort Antoine*: Constructed on the headland of the Rock between 1709 and 1713, during the Spanish War of Succession, this ancient stronghold is now an open-air cultural and artistic venue (for theatre and concerts) which can accommodate up to 350 people;
- *Théâtre des Variétés*: This theatre, which is supervised by the Department of Cultural Affairs, is made available to Monegasque associations. With an audience capacity of up to 350, it is used for conferences, concerts and theatrical performances;
- *Princess Grace Theatre*: Inaugurated on 17 December 1981 by Princess Grace, who came up with the idea for its internal decor, the theatre has a programme of both popular and classical plays that runs from October to May;
- *Quai Antoine 1er Exhibition Hall*: Former industrial buildings located on Quai Antoine 1er have been renovated and now house cultural and artistic installations, such as artists' studios, art galleries and exhibition rooms;
- *Artists' Studios*: Former industrial buildings located on the Quai Antoine 1er were renovated to allow a dozen painters or sculptors of international repute to work there for a period of several years. Large numbers of visitors flock to this site on the occasion of European Heritage Day;
- *Salle du Canton*: This space, which is managed by the Monaco town council, can accommodate some 1,000 persons for music concerts of all kinds, balls and social events (meals for older persons, New Year's parties, etc.);

- *Espace Fontvieille*: A circular structure made of canvas, the Espace Fontvieille with its flexible interior and 4,000 seats can accommodate very diverse types of event. It offers a myriad of possibilities: banquets, buffets, auctions, conferences and television broadcasts. The International Circus Festival is held there every year.

283. The Principality also has a number of reference and lending libraries:

- *Louis Notari Library* (run by the municipal authorities): a reference, lending and deposit library with 320,000 volumes, many of them on local or regional history;
- *Notari Audio and Film Library* (run by the municipal authorities): a lending library with an archive of 4,900 videotapes and digital video discs and an audio library containing 28,000 compact discs, 1,200 cassettes, language learning materials, etc.;
- *Bibliothèque Caroline*: a reference and lending library.

(c) Major cultural institutions

284. The Principality has a number of important cultural institutions of international renown, including:

- *Prince Pierre de Monaco Foundation*: The Foundation, which Prince Rainier III established on 17 February 1966 in honour of his father, Prince Pierre of Monaco, is presided over by the Princess of Hanover, a well-known patron of the arts and literature. The Foundation's mission is to give special encouragement to contemporary creative works. To that end, it awards three *Grand Prix*: the *Prix Littéraire*, set up in 1951; the *Prix de Composition Musicale*, established in 1960; and the *Prix International d'Art Contemporain* (awarded for the first time in 1965 and organized by the Foundation ever since 1983);
- *Princess Grace Foundation*: The Foundation, established in 1964 at the behest of Princess Grace, is currently presided over by the Princess of Hanover. Its original mission of performing charitable work has since been expanded to include the area of culture;
- *Princess Grace Dance Academy*, established in 1975, awards annual prizes and scholarships to graduates and students of schools offering a type of education which is similar to that delivered by Marika Besobrasova, the Academy's director, who is committed to continuing the tradition of classical dance;
- *Princess Grace Irish Library*, established by the Sovereign Prince in 1984 to promote the Irish culture that was so dear to Princess Grace's heart. The library is a cultural centre where ordinary visitors, readers, researchers, teachers and students can gather information or take part in events such as lectures or film screenings;

- *Monte Carlo Philharmonic Orchestra*: The first permanent orchestra, established in 1863, came into its own at the opening of the Garnier Room in 1879. The orchestra was officially named the National Orchestra of the Monte Carlo Opera House in 1953 and renamed the Monte Carlo Philharmonic Orchestra in 1980. It performs symphonic and lyrical works, as well as ballet music. It has been led by some of the greatest conductors, including Toscanini, Richard Strauss, Leonard Bernstein and Lorin Maazel, and by celebrated chief conductors, including Paul Paray, Louis Frémaux, Igor Markevitch, Lovro Von Matacic, Lawrence Foster, Gianluigi Gelmetti and James de Preist. Marek Janowski has been musical director since 1 July 2000. The number of musicians has been increased to 100 to allow the orchestra to perform the most outstanding works and thus to expand its repertoire and diversify its range of activities. The orchestra has received several major French and foreign awards for its recordings, including the *Orphée d'Or* and the *Grand Prix de l'Académie Charles Cros*. It not only participates in the opera and ballet seasons, but also stages a series of concerts throughout the year. In July and August, the Monte Carlo Philharmonic Orchestra performs in the magnificent setting of the main courtyard of the Prince's Palace, under the baton of some of the greatest guest conductors, such as Eliahu Inbal, Rafael Fruhbeck de Burgos or Emmanuel Krivine, who conducted it in 2000;
- *Monte Carlo Opera*: Since 1892, it has occupied the Garnier Room, which is named after the architect who also designed the Paris Opera House. Numerous operas have had their first performances in this celebrated room, including the French version of Richard Wagner's *Tristan and Isolde*, in 1893, and Maurice Ravel's *L'enfant et les sortilèges*, in 1925. A total of 80 lyric operas have been performed in Monte Carlo, to which major artists have come to sing throughout this golden age: Caruso, Chaliapine and George Thill, and, more recently, Ruggiero Raimondi, Plácido Domingo, Luciano Pavarotti and Roberto Alagna. With a seasonal chorus of some 50 singers, John Moerdler, the Director of the Monte Carlo Opera, presents a high-quality season, running from January to April every year, of four to five works, most of which are new productions or works taken from the *Printemps des Arts* programme, as with Charles Chaynes' *Cecilia*, in 1991. In June 2000, the Monte Carlo Opera toured Japan with a programme that included *La Traviata* and *Carmen*. Every year on 19 November, Monaco's national day, the orchestra and the opera and ballet companies perform a joint programme;
- *The Monte Carlo Ballet*: After founding the Academy which bears her name, Princess Grace decided to revive the illustrious choreographic tradition of the Principality, which had hosted Diaghilev's *Ballets Russes*, by creating a new permanent company. The Princess of Hanover, in her capacity as President of the company which was formed in 1985, appointed Jean-Christophe Maillot as director of choreography of the Monte Carlo Ballet in 1993. In Monaco, ballets are usually performed during the Christmas and New Year holidays and at Easter time.

Since 1991, the *Nuits de la Danse* have traditionally closed the ballet season with a series of performances held on the Casino terraces in July. The troupe of 50 dancers appears regularly on the international stage (recently in the United States of America, the Republic of Korea and China). Tours account for around 70 per cent of the activities of the troupe, whose working base is now located at the *Atelier*;

- *Little Singers of Monaco*: The group can trace its origins back to the reign of Prince Antoine I, when it consisted of a children's vocal ensemble which performed during religious services at the Palatine Chapel. The tradition has continued since 1973, and today it is Pierre Debat who has the task of making sure that the music of this choir of 30 children is heard throughout the world. The Little Singers of Monaco Cathedral, accompanied by some adult voices, is now the resident choir at Monaco Cathedral, performing during religious services or at concerts (Monaco's national day, Christmas, Ascension or Easter). The ensemble also gives concerts abroad;
- *Fanfare de la Compagnie des Carabiniers du Prince*: This is the band of the Prince's Company of Carabineers, consisting of 26 carabineers under the command of a warrant officer. The band acquired its name in 1978. Its diverse repertoire enables it to perform at official ceremonies, sports events or public concerts. It has been performing abroad since 1989 in such places as: Saumur, Nîmes, Albertville, Lugano, Düsseldorf, Turin, Seville, Geneva and Hanover.

(d) Artistic education establishments

285. The main artistic education establishments are:

- *Princess Grace Dance Academy*: In accordance with Princess Grace's wishes, this school offers a multidisciplinary education designed to develop human and artistic potential and to offer students of every nationality the chance to become fully rounded artists and professional dancers. In the wonderful setting of the villa Casa Mia, Marika Besobrasova welcomes large numbers of star dancers who have remained loyal to her and whose presence inspires and motivates the young students;
- *Music Academy of the Prince Rainier III Foundation*: This institution is supervised by the Mayor of Monaco. It offers a complete musical education to 700 students (music education, instrument lessons, municipal jazz conservatoire, orchestra classes) and also offers lessons to prepare advanced students wishing to embark on a professional career for competitive entry examinations to national conservatoires;
- *Ecole Municipale d'Arts Plastiques*: This school is supervised by the Mayor of Monaco. It runs introductory courses in drawing, painting and modelling for young students and adults. It also delivers a full-time education, approved by the French Ministry of Culture, which is the equivalent of a first year at university and which prepares students for admission to French art schools.

(e) **Major annual cultural events**

286. Major cultural events are held every year.

- *Monte Carlo International Circus Festival* (end of January-beginning of February): Inaugurated by Prince Rainier III in 1974, the Festival plays host at the beginning of every year to some famous international acts. It celebrated its twenty-seventh anniversary in 2003. The greatest circuses in the world compete under the watchful gaze of a jury of professionals, chaired by Prince Rainier, assisted by Princess Stephanie; there is also a children's jury. The Golden and Silver Clown awards are presented by members of the Royal Family during the gala evening;
- *Monte Carlo International Television Festival*: Launched by Prince Rainier, this major television event, which is recognized by the European Broadcasting Union, takes place in the month of July. It is structured around a number of key principles which have driven it ever since its creation in 1961 and have helped to give it a global reputation among professionals in the sector. Chaired since 1 June 1988 by Crown Prince Albert, the Festival has succeeded in meeting its objectives by presenting the most diverse and the most comprehensive areas of modern television: a competition and an international market for film, television and video;
- *Bouquet Competition* (April-May): This competition, which is run by the Garden Club, under the presidency of the Princess of Hanover, is held each spring on the Casino terraces. There are two juries, one consisting of professionals with specialist knowledge of the floral arts and the other of well-known personalities with a keen artistic sense. The biggest prize is the *Grand Prix Princesse Grace de Monaco*;
- *Rêveries sur les jardins* is part of the same event and allows visitors to admire some of the most luxurious vegetation on the terraces of the Casino, which are transformed into a Mediterranean landscape;
- *Printemps des Arts de Monte Carlo* (April-May): Established at the behest of Princess Grace in 1984, this internationally renowned festival is organized every year in April and May by the Department of Cultural Affairs. It has been part of the European Association of Music Festivals since 1986. Under the presidency of the Princess of Hanover, it helps to draw lovers of theatre, the arts and music to the Principality. The *Printemps des Arts* festival presents a selection of well-known international shows and endeavours to discover new talent by offering participants the chance to perform in the Principality. In addition, each year is marked by a highly original event, such as the revival of the baroque operas *Alceste* by Gluck and *Flavio* by Handel, and the staging of plays or works of contemporary music such as *Rimbaud-Verlaine*, set to the music of Marius Constant, in 1998, and *Cecilia* by Charles Chaynes, in 1999;

- *International Festival of Contemporary Sculpture* (summer): Inaugurated in 1987, this biennial exhibition of sculpture showcases a selection of the most representative or the most promising contemporary artists. At the end of the exhibition, Monaco purchases some of the exhibits (Bourdelle, Léger, Moore, De Chirico, Botero, César, Arman, etc.): in this way, it has accumulated an interesting collection of monumental sculptures, which have been installed in gardens and public spaces and are part of the State's heritage. In summer 2000, the event was revamped with the creation of the Monte Carlo Festival of Sculpture, an exhibition of monumental sculptures held every two years around a specific theme. The first edition was entitled "Contemporary American sculpture";
- *International Fireworks Festival* (summer): Organized every year since 1966 by the Municipal Events Department, the Festival, which takes place in July and August, has won itself an international reputation;
- *World Amateur Theatre Festival* (summer): The festival, which was launched in 1957, is held every four years in August. It is the only official event to be recognized by the International Amateur Theatre Association. In 1997 it received companies from as many as 24 countries, with a total of 828 participants. It also hosted the first ever seminar for young critics, which was sponsored by the International Association of Theatre Critics. The Festival is supported by UNESCO and by the Agency for Cultural and Technical Cooperation;
- *European Heritage Day* (October): Since 1986, the Principality has taken part in the Council of Europe's European heritage days, offering thousands of visitors the chance to discover Monaco's museums, cultural sites and institutions, some of which are normally closed to the public (laboratories, artists' studios and administrative buildings);
- *Monte Carlo Magic Stars* (October): This event, which was launched by the Princess Grace Theatre in 1985, is presided over by Princess Stephanie. It takes place in early October and presents a number of acts by international artists; the winners receive the *Baguette d'Or* or the *Baguette d'Argent* (the Golden or Silver Wand awards) and are invited to perform at the Sporting d'Eté club;
- *Monaco Dance Forum* (December): The Forum, which is chaired by the Princess of Hanover, is a biennial event, which was first held at the Grimaldi Forum from 13 to 17 December 2000. It consists of meetings and exchanges among dance professionals on techniques and the many artistic sensibilities that contribute to the richness of choreographic expression. The management of the Forum has been entrusted to Dominique Passet-Baudelot, and the Monaco World Dance Awards ceremony closes the event.

3. Promotion of cultural identity

287. There are many foreign community associations in Monaco, including:

- *Les Amitiés Belges de Monaco*: Its purpose is “to maintain friendly relations among all its members and their families; to come to the aid of Belgians in distress living in the Principality of Monaco; to contribute to all actions that could constitute patriotic acts of generosity”;
- *Communauté Hellénique de Monaco*: Its purpose is “to maintain friendly relations among all its members and their families, including for the purpose of organizing cultural evenings and matinées, and various events; to come to the aid of Greeks in distress living in the Principality of Monaco; to contribute to all actions that could constitute patriotic acts of generosity”;
- *Ireland Fund of Monaco*: Its purpose is “to organize events designed to publicize the charitable aims of the Association; to enable the principal foreign benefactors to stay in the Principality of Monaco on the occasion of specific events; and, generally, to foster and facilitate exchanges among all Irish communities and organizations without seeking any gain and for the purposes of mutual understanding”;
- *Monaco-Ireland Arts Society*: Its purpose is “to bring together Irish nationals and friends of Ireland with a view to promoting cultural links”;
- *Scottish Dance Group*: Its purpose is “to promote Scottish traditions through social interaction among its members and through the teaching, practice and performance of traditional Scottish dance”;
- *Association Philippine de Monaco*: Its purpose is “to bring together the members of the Filipino community in Monaco; to provide the members of the Filipino community and visitors to the Principality from the Philippines with the assistance of the said community; to promote and encourage Filipino culture and traditions among its members”;
- *Union des Français de Monaco*: Its purpose is “to bring together French nationals in the Principality of Monaco with a view to maintaining their links with the motherland, defending their moral and material interests, and participating in all patriotic, intellectual or economic activities that are likely to favour French expansion”;
- *Amicale des Marocains de Monaco*: Its purpose is “to establish, facilitate and deepen human, cultural, administrative and sporting relations among Moroccans residing in the Principality of Monaco and with the Monegasque population”;

- *British Association of Monaco*: Its purpose is “to serve the welfare and interests of the British community of Monaco and lend assistance to its members”;
- *Canadian Club de Monaco*: Its purpose is “to bring together members of the Canadian community of Monaco and their friends; to foster friendly, cultural, artistic, social, tourist and sporting links among its members and with all other associations; to promote and foster national culture and traditions; to provide members and visitors from the Canadian community with any form of aid or assistance which they may require; to encourage exchanges and close links between the Canadian community and the Principality of Monaco and to help, in its own way, to boost the prestige and international reputation of the Principality”;
- *Club Suisse de Monaco*: Its purpose is “to lend assistance to Swiss nationals residing in the Principality of Monaco and neighbouring communes and to strengthen the fraternal links among all the members of the association, in particular by offering them an opportunity to meet with one another”;
- *Association Brésil Monaco*: Its purpose is to bring together “Brazilians of Monaco and the surrounding areas and all those who have an interest in Brazil” and to promote “all kinds of exchanges between Brazil and the Principality of Monaco, particularly in the cultural, economic and humanitarian domains”;
- *Association des Portugais à Monaco*: Its purpose is to bring together “all Portuguese nationals or sympathizers with a view to perpetuating Portuguese customs and traditions, culture, arts, folklore and culinary traditions”;
- *Association Monaco-Autriche*: Its purpose is to intensify “relations between Monegasques and Austrians through the promotion of cultural, scientific, social, sporting, tourist and other links”;
- *Association Monaco-USA*: Its purpose is “to promote closer relations between Monegasques and Americans and develop spiritual, cultural and sporting relations between them”;
- *Club Allemand international*: Its purpose is “to bring Monegasque and German interests closer together; to develop their spiritual relations and to offer assistance in cases of distress, subject to review by the Committee”;
- *Club Amitié Monaco-Tunisie*: Its purpose is “to strengthen friendly and fraternal ties between the two countries; to facilitate cultural, economic and sporting exchanges between them; to practise mutual assistance among the members of the club and the nationals of the two countries residing in the Principality of Monaco and the neighbouring communes”;
- *Club Hispano-Monégasque Cervantes*: Its purpose is to develop “friendly cultural, sporting and economic relations between the Principality of Monaco, Spain and the Spanish-speaking countries of Latin America”;

- *Union latino-américaine*: Its purpose is “to facilitate cultural and artistic contacts between nationals of the Principality of Monaco and those of Latin American States”;
- *Maison de l’Amérique Latine de Monaco*: Its purpose is “to facilitate contacts between the residents of the Principality of Monaco and Latin American States”;
- *Monaco-Chine*: Its purpose is “to promote and facilitate cultural exchanges between China and the Principality of Monaco with a view to improving understanding of the arts, literature, music, tourism and sports of both countries, and of their respective traditions, for the purposes of disinterested friendship and mutual understanding”;
- *Monaco Asie*: Its purpose is “to develop friendly, cultural, economic and financial relations between the Principality of Monaco and the countries of Asia”;
- *Club Suisse de Monaco*: Its purpose is “to lend assistance to Swiss nationals residing in the Principality of Monaco and neighbouring communes and to strengthen the fraternal links among all the members of the Association, in particular by offering them an opportunity to meet with one another”;
- *Dante Alighieri Monaco*: Its purpose is to disseminate the Italian language and culture “by making available to its members a specialized library of works that all refer to Italy and the literature and art thereof; to run courses in the Italian language; and to organize cultural events in furtherance of its mission”;
- *Monaco-Italie*: Its purpose is “to promote closer ties between the inhabitants of the Principality and those of Italy and to contribute to the development of cultural, economic and sporting relations between the two countries”;
- *Comité de bienfaisance de la Colonie Italienne de Monaco*: Its purpose is “to come to the aid of distressed Italians living in, passing through, or working temporarily in the Principality of Monaco and to collaborate for that purpose with the Consulate-General of Italy”;
- *Comité tricolore pour les italiens dans le monde*: Its purpose is “to develop and strengthen cultural, scientific and social links between the Italian community of Monaco and Italy”;
- *Galatasaray Association de Monaco*: Its purpose is “to develop cultural, artistic, social, tourist, sporting and other relations between the Principality and the world of Galatasaray, whose lycée was founded in Istanbul in 1841; to organize international business or investment conferences or meetings; to maintain a system for exchanging information with all Galatasaray institutions in Turkey and abroad, including graduates, former students, teachers, sports personalities and members; to celebrate every year the traditional gathering for the “Pilav” in Monte Carlo; to sponsor sporting events, competitions, tournaments, visits, yacht races, etc., and to offer all “Galatasarayli” a vehicle for communicating with one another “without borders”;

- *Monaco-Malte*: Its purpose is “to favour all links between the Monegasque and the Maltese peoples; to organize visits from Malta to Monaco and from Monaco to Malta; to cooperate, for cultural ends, with the island of Malta’s Department of Historical Monuments”;
- *Union culturelle libanaise mondiale franco-monégasque*: Its purpose is “to develop friendly, cultural, social, tourist and sporting relations among its members and with other associations; to draw attention to Lebanese cultural identity and Lebanon’s presence in the world; to promote knowledge of the Monegasque, French and Lebanese heritages and the civilizations to which they have given rise; to provide the members of the association with a full range of facilities and services”.

4. Measures to assist the different communities

288. Community life is very rich and very active.

(a) Cultural associations devoted to the preservation of the national heritage

- *Comité national des traditions monégasques*: Established in 1924, the Committee’s purpose is “to maintain civil and religious traditions, identifying those which have fallen into abeyance and taking steps to revive them; to provide advice on that subject to other groups devoted to the preservation of traditions and folklore; to conserve, develop and disseminate knowledge of the Monegasque language, promoting its use and contributing to the teaching thereof; to search for, collect or acquire, and conserve all movable property, instruments, pictures, written works, figurines and audiovisual equipment or material which may represent or refer to Monaco’s historical, intellectual, artistic, cultural or ornamental heritage; to publicly exhibit some of these items in a space fitted out for the purpose and known as the Museum of Old Monaco at the head office; to preserve sites, monuments, parts of monuments or ornamental motifs of historical, cultural or decorative interest and to maintain the unique architectural features of certain districts; to promote and ensure respect for the traditional principles of mutual assistance, solidarity, hospitality and honour; and generally to undertake all activities conducive to the realization of the above-mentioned purpose”;

The Committee consists of not more than 60 active members who are adults and Monegasque nationals. Admittance is through personal sponsorship. The association is managed by a board of governors, consisting of a chairman, two deputy chairmen, a secretary-general, a secretary, a treasurer and an assistant treasurer, each with a three-year term of office. Its rules of procedure provide for the establishment of committees and for the designation of a curator for the Museum of Old Monaco from among the active, honorary or affiliated members. According to its statutes, the Committee’s assets include:

- A cultural fund, established by means of acquisitions or donations;

- Movable property installed in the head office or furnishing the Museum;
- A collection of works published by the Committee or made available to third parties.

This is all listed in inventories, which are updated regularly.

The Committee has set the Association two main objectives:

- To maintain civil and religious traditions: The Committee organizes events to mark particular traditional festivals, such as the Feast of Saint Nicholas, on 6 December, and the *Pain de Noel*, on 24 December, and it takes part in traditional festivities organized either by the municipality (the Feast of Sainte Dévote) or by other groups such as the Comité des Fêtes de Saint-Roman and the Saint Jean Club;
 - To preserve the national heritage, particularly in the linguistic, architectural, historical and artistic domains.
- *Academy of Dialectal Languages*: Established in 1982, at the initiative of the National Committee of Monegasque Traditions, the Academy gathers together university academics and eminent linguists who contribute to the study and promotion of dialectal languages, including Monegasque, particularly by holding university colloquia, the papers from which are published. Its object is “to study, preserve, defend, promote and spread the use of dialectal languages, using all appropriate means, including, in particular, conferences, colloquia, seminars, press articles, literary and poetic works or theatrical productions”.

(b) Associations for the defence of the French language

The Principality of Monaco has been a member of the Cultural and Technical Agency of the International Organization of la Francophonie since 1998 and is involved in a large number of initiatives aimed at defending the French language. Various associations work towards this same end:

- *Club Richelieu de Monaco*: Its purpose is “to cultivate the full expression of its members’ personalities and promote la Francophonie through social, cultural and humanitarian activities”;
- *Comité de l’alliance française de Monaco*: Its purpose is “to spread the use of French in Monaco and mobilize all those who wish to help develop knowledge of, and a love for, the French language and French thought. The Committee has neither a political nor a religious agenda”;
- *Pen club de Monaco*: Its purpose is “to form a circle of French-language writers who will strive to establish personal relationships among French and foreign writers and use every means to facilitate cross-fertilization between French and foreign literatures”.

(c) Associations concerned with the maintenance of folk traditions

- *Comité des Fêtes de la Saint Roman*: Established in the early part of the century, the Committee has 150 members and organizes two picnics followed by a ball and musical entertainment in the Jardins Saint-Martin at the end of July and the beginning of August. There is also a religious ceremony, which is celebrated in the Saint-Roman Chapel at the Cathedral;
- *Saint Jean Club*: The purpose of this association is “to organize cultural, folk, recreational or charity events; to take part in such events and in religious ceremonies, including those in honour of Saint John the Baptist, subject to agreement with the Catholic ecclesiastical authorities”. Created to celebrate the Feast of Saint John held in the Moulins district of Monte Carlo, on 23 and 24 June, the club holds religious and folk ceremonies, including the *Feux de Saint Jean*, musical entertainment and a convivial meal. The club also organizes dinner lectures on religious and historical topics;
- *La Palladienne*: The purpose of this association is “to cultivate and develop among its members a taste for, and the study of, music written for plucked or plectral instruments, mainly the mandolin, the mandola, the lute, the classical guitar, the mandocello, etc., and to organize classes, give concerts and take part as often as it deems useful in international, national or regional music competitions, festivals, celebrations, etc.”;

The association, which was formed in 1949, has 42 members between the ages of 14 and 87 (musicians, dancers, a ballet teacher and a conductor).

La Palladienne performs at official functions organized by State bodies or Monegasque associations. It also has a commercial arm and is paid for its services by restaurants, hotels and conference organizers. *La Palladienne* receives a municipal subsidy for its running costs which enables it to function and, in particular, to maintain costumes and defray the costs of certain middle-distance journeys (Nîmes, Luchon, Lyons, Marseilles and Turin);

- *U Cantin d’a Roca*: The purpose of this association is “to study, maintain, create, defend, promote and disseminate Monegasque popular songs, as well as dialectal popular songs, using all visual or audiovisual media, including chorales, colloquia, conferences, press articles and musical, literary, poetic and theatrical publications and productions”. This choir, which was established in 1995, is the product of an initiative launched by the National Committee of Monegasque Traditions to reinstate Monegasque language courses for adults. Using premises provided by the Academy of Dialectal Languages, the choir is a regular participant in traditional events which offer it the chance to perform a repertory of old and modern songs in the Monegasque language;

- *I Soci du barba giuan*: Its purpose is “to preserve and maintain the traditions and customs of Monaco’s fine cuisine; to look for and use recipes which may have been forgotten and abandoned; to educate the public about these traditions, customs and recipes, using all means, including books, public broadcasts, lectures, tastings and meals; to include these recipes in restaurant menus and in local food products; to deliver prizes and annual awards to professionals in this sector who have best respected and promoted the use of authentic Monegasque recipes”;
- *Roca-club de Monaco*: Its purpose is “to organize recreational and family entertainment and traditional folk entertainment and festivals”.

5. Role played by the mass media

289. The Press Centre keeps people living in the Principality and abroad abreast of all the cultural events organized in the Principality by distributing press kits, through press releases and press conferences and by organizing press trips for the most important events. It furnishes technical and material assistance to the State cultural services for the organization of press campaigns. Through the local television channel, it provides the Principality’s nationals and residents with information in French, English and Italian on all cultural, sporting, charity or traditional events taking place in the Principality, and is an invaluable source of every kind of information on the activities and life of the Principality.

6. Local initiatives to preserve the cultural heritage

290. Apart from the Principality’s commitments on the international scene, some local initiatives have the specific purpose of preserving its heritage.

Heritage days: The heritage days allow growing numbers of members of the public to discover the riches of Monaco’s heritage. Moreover, a general inventory of the State’s works of arts is being prepared, under the supervision of the Department of Cultural Affairs. Its aim is not only to find out more about the national artistic heritage, but also to preserve it, restore it if necessary, study it, make it accessible to researchers and allow it to be made known to the public through the establishment of museums, the organization of exhibitions and so on. As an example, Louis Bréa’s altarpiece *Saint Nicolas* was restored by the restoration workshops of the Department of Museums in France and is now on show in the Princes’ Chapel in Monaco’s Cathedral.

Museum of Prehistoric Anthropology: Founded by Prince Albert I, it carries out all the important tasks traditionally entrusted to this type of establishment, namely:

- Preserving collections from the Prince’s excavations, mainly from the Balzi Rossi site (Menton-Italy frontier) as well as other excavations carried out by museum staff since its foundation;
- Public information sessions, in the museum itself, located in the Exotic Garden, near the Observatory Grotto - the oldest known dwelling in the Principality;

- Research by museum staff, who each year carry out excavations at nearby sites (Grimaldi) and farther away (L'Aldène, near Montpellier, and Venosa, in southern Italy). This activity has resulted in many scientific publications as well as the *Bulletin du Musée d'Anthropologie Préhistorique de Monaco*, which is disseminated among the international scientific community.

The Principality's audiovisual archives: The purpose of this association, which is subsidized by the State, is: “to inventory, collect, restore, protect, preserve, disseminate and promote all sounds and all still and animated images produced by professionals or amateurs which are connected in some way with the Principality, as well as all related documents, all films and audiovisual recordings deposited in the archives, and to encourage audiovisual production through projects based on the use of the archives. By preserving and promoting Monaco's audiovisual heritage, the association helps to enhance the prestige and spread the culture of the Principality”. It should be noted that the archives digitize, index and preserve all the images produced by the Press Centre after they have been broadcast on cable television (*Monaco à la une*).

7. Teaching, development and dissemination of culture

291. The Department of Education, Youth and Sports offers all schoolchildren from nursery school to the end of secondary a wide and varied programme of cultural activities of an educational nature. For instance, in order to make the discovery of music a more enriching experience, musicians go to schools to give presentations on musical instruments and musical performances. Similarly, various theatrical and dance performances are given free of charge or at preferential rates for the Principality's schoolchildren. Moreover, several experiments are aimed at showing schoolchildren the different aspects of creative work: for instance, electrical engineering students have been able to work on the lighting for a dance performance.

Every summer since 1996, the Department has also offered young people a “cultural passport” giving them access to a range of cultural activities or sports at reduced prices: computerized music workshop, theatre and video workshops, subaquatic activities and so on.

292. Some associations in Monaco have been set up to develop cultural relations and spread culture. Examples are:

- *Club des Nations:* Its purpose is “to bring together the members of the different communities in the Principality of Monaco and their friends, and to develop friendly, cultural, artistic, social, tourism-related and sports-related links among its members and with other associations”;
- *International Tourism Academy:* Its purpose is “to develop and promote the cultural and humanist dimension of international tourism and define its language”.
- *Armédiat:* Its purpose is “to promote the arts, mainly arts that play a role in new technologies”;

- *Ars Antonina Monaco*: Its purpose is “to assist young classical musicians who are starting their careers by organizing concerts and master classes and granting scholarships for summer courses”;
- *Association des amis de l’Opéra de Monte Carlo*: Its purpose is “to provide the necessary support to the Monte Carlo Opera, to enable it to maintain its current international standing and to give it even greater impact”;
- *Association des amis des Ballets de Monte Carlo*: Its purpose is “to promote the activities of the Monte Carlo Ballet Company so as to contribute towards the Principality’s artistic renown and ensure the cultural development of the members of the Association”;
- *Association des amis des arts et de la culture*: Its purpose is “to help organize artistic and cultural events, and to promote artistic and cultural exchanges and contacts with foreign organizations or associations that have similar aims”;
- *Association monégasque des amis du cirque*: Its purpose is “to promote and champion all aspects of the circus, to organize to that end all types of circus performances in the Principality and all events and receptions connected with the circus, to assist in any way in the organization of such events, and to join any international body of national associations of friends of the circus”;
- *Association monégasque pour la connaissance des arts*: Its purpose is “the pursuit of knowledge and promotion of ancient, modern and contemporary arts”;
- *Association numismatique de Monaco*: Its purpose is “to establish friendly relations in the field of coin collecting, to facilitate study, research and exchange in relation to coins, medals and paper money, to promote the appreciation coin collecting, and to organize meetings and events connected with coin collecting”;
- *Athena*: Its purpose is “to encourage and create live and recorded musical, dance and theatrical performances as well as displays of the graphic, pictorial, plastic and literary arts on all types of media, and to encourage young talent”;
- *Bia - Meltingpot*: Its purpose is “to encourage young artists who express themselves through the cinema to meet each other and work together on productions as well as in their quest for an audience”;
- *Club Image Monaco*: Its purpose is “to develop and promote an appreciation for, and the practice of, the cinematographic, photographic and audiovisual arts, and to organize public viewing sessions”;
- *Monaco National Committee for the International Association of Arts, IAA-UNESCO*: Its purpose is “to represent and champion creative artists (including painters, sculptors, engravers and etchers, video directors, film-makers, photographers, illustrators, costume designers, fashion designers, tapestry artists and glass artists); to promote any action likely to establish and strengthen the position of artists;

to encourage national and international cultural cooperation among artists; to promote international artistic events; to develop the exchange of persons, information and works of art; to develop the creative instinct in children and young people and improve their knowledge of works of art; and to promote, facilitate and champion the teaching of art in schools and beyond”;

- *Compagnie Florestan*: Its purpose is “to develop, teach and perform all forms of dramatic art and related disciplines; to organize, produce and present all artistic and cultural shows and events; and to offer professional training relating to the association’s activities”;
- *Crescendo - les amis de la musique de Monaco*: Its purpose is “to organize meetings and debates between musicians and members, with a view to developing their knowledge of music (classical music, modern jazz, opera and so on) and in general participation in all activities in the field of music”;
- *Les amis de l’Orchestre Philharmonique de Monte Carlo*: Its purpose is “to promote the orchestra’s activities so as to help enhance the Principality’s of Monaco’s artistic reputation; to participate in and promote musical projects in agreement with the Orchestra; to contribute to the funding of its projects, either directly or indirectly by seeking patrons and sponsors; and to assist the musicians who take part in the creation and performance of pieces of music in agreement with the Orchestra”;
- *Médiarama*: Its purpose is “contemporary - where appropriate, multidisciplinary - artistic research (plastic arts, music, theatre, dance, sound and so on), and the promotion and creation of artistic events using the same media”;
- *Monaco Jazz Chorus*: Its purpose is “the promotion of jazz and world music, the organization and production of jazz-related events, exchanges and contacts between musicians, and in general, any activity connected with the above”;
- *Stradivari*: Its purpose is “to promote music through various events, and specifically an annual violin festival”;
- *Studio de Monaco*: Its purpose is “to cultivate an appreciation of the theatre and related arts, notably choreography and cinematography, by offering persons interested in these arts an opportunity to practise them, helping them in their training, organizing all kinds of events facilitating artistic creation, and, in general, carrying out all activities relating to the association’s artistic and theatrical vocation”;
- *Drama Group of Monaco*: The purpose of this association is “to bring together people interested in the English theatre and to stage plays for the public”;
- *Pour La Méditerranée*: Its purpose is “to assist in the creation and development of cultural or economic projects around the Mediterranean as well as any project allowing for better communication between the peoples and countries bordering the Mediterranean”;

- *Garden Club Monaco*: Its purpose is “to develop the artistic sense of its members through knowledge of plants and flowers, flower arranging, the art of gardening and the protection of flora and nature sites worldwide, to encourage the creation of public and private parks and gardens, to engage in all cultural, artistic, fashionable and social activities directly or indirectly related to this purpose, such as the organization of courses, conferences, competitions, exhibitions, trips and so on, and to participate in or join any international organization having the same purpose or the same objectives”;
- *Monaco rock and dance*: Its purpose is “to develop, promote and encourage ballroom dancing in the Principality; to organize for that purpose in any appropriate place in the Principality, and as appropriate abroad, dance evenings, demonstration events and competitions, whether or not open to the public, to provide financial and other assistance to dancers wishing to take part in competitions, and to give dance lessons”.

II. Science

1. Efforts to spread scientific progress

293. There are many channels offering access to scientific knowledge and progress. Access is facilitated by the freedom to exchange ideas and convey information both within and outside Monaco, by all available means, such as specialist journals and the Internet.

294. Scientific progress and its applications as well as the development and dissemination of science are accessible to persons residing in the Principality, for example through education (Education Act (No. 826) of 14 August 1967). Through education schoolchildren have access to information technology. Schools in the Principality are equipped with computers so as to allow the development of knowledge and experience in this area. Information technology is not considered as a separate subject but as a teaching aid or tool. Depending on their level, schoolchildren learn text processing (how to produce, create, amend and use a document) and use of the Internet. Computers are used in all disciplines. The introduction to information technology starts at age 3, 4 or 5 through the use of computer games of recognized educational value.

295. Written and televised sources of information offer another means of access to scientific knowledge. Thanks to freedom of the press (Ordinance on Freedom of the Press dated 3 June 1910), a wide selection of scientific journals in French and foreign languages are available in newsagents and public libraries (see above); moreover, many television programmes can be received in Monaco.

296. The Principality of Monaco contributes to the development and dissemination of scientific knowledge by organizing international conferences and symposia such as the Second International Symposium on Monaco and the Mediterranean organized in cooperation with UNESCO in March 2003.

297. The Centre Scientifique de Monaco pursues the same purpose. It was established in 1960 as an independent public body (Statutory Order No. 690 of 23 May 1960) to conduct observation, research and, where appropriate, applied research in various scientific fields.

298. The Oceanographic Museum, founded by Prince Albert I, has always played a decisive role in the field of oceanography. Prince Albert's initiative also encouraged such well known international bodies as the International Commission for the Scientific Exploration of the Mediterranean Sea (CIESM), the International Hydrographic Organization (IHO) and the International Atomic Energy Agency's Marine Environment Laboratory to set up their headquarters in Monaco.

299. International organizations and bodies play an essential role in the dissemination of scientific knowledge. Thus, the purpose of the Institut du Droit Economique de la Mer (INDEMER) (Economic Law of the Sea Institute) is:

- To carry out all types of studies and research relating to legal and administrative problems raised by the use of marine species and the marine environment;
- To organize symposia, seminars, round tables or expert meetings bringing together highly qualified specialists;
- To publish works relating to these activities;
- To honour research in its areas of activity, through the award of a prize;
- To prepare and publish the *Annuaire du droit de la mer* (Law of the Sea Yearbook), and the *Revue de l'INDEMER* on specific topics;
- To undertake training activities.

300. Another means of disseminating scientific knowledge is through associations such as the following:

- *Association franco-monégasque d'astronomie*: Its purpose is "to make astronomy and the sciences in general more popular, to organize viewing sessions at the Saint Martin de Peille private astrophysics observatory, to publish a newsletter for members of the Association and to cooperate with other astronomy associations";
- *Association monégasque d'études et de repérages subaquatiques*: In order to contribute to better understanding of the sub-aquatic world, its purpose is "to develop and promote by all available means in the Principality efforts to locate, record and mark with buoys all underwater sites of scientific and/or cultural interest, and in particular those of geomorphological and historical interest; to promote the study and development of such places; and to help protect and clean up communal areas";
- *Association monégasque de préhistoire*: Its purpose is "to promote research in and the popularization of prehistory (quaternary geology, human palaeontology, archaeology) and the supporting disciplines: biology (evolution of proteins), physics (dating methods), applied mathematics (statistics), and so on";

- *Association pour le développement des recherches scientifiques*: Its purpose is “to serve as correspondent in the Principality for the Weizmann Institute of Science, which is devoted to research and teaching the natural sciences”;
- *Institut d'études politiques méditerranéennes*: Its purpose is “to be a centre for the receipt and presentation of scientific research and studies concerning all matters relating to the life of the Mediterranean”.

301. Furthermore, the Principality provides international financial aid for educational activities, such as the building of schools in Morocco and training centres in Senegal, together with the World Association of Children's Friends (AMADE).

2. Environmental protection and sustainable development

302. The authorities of the Principality of Monaco attach great importance to the protection of the land and marine environment and are striving, at the national and international levels, to develop legal or technical instruments to preserve the environment. Legal provisions have been adopted to ensure the protection of the marine environment and combat water and air pollution:

- Act No. 954 of 19 April 1974 concerning water and air pollution control;
- Act No. 1198 of 27 March 1998 establishing the Maritime Code;
- Sovereign Ordinance No. 4884 of 7 March 1972 concerning water and air pollution control;
- Sovereign Ordinance No. 4885 of 7 March 1972 prohibiting the discharge of certain products into the waterways running through the Principality as well as Monaco's inland waters or territorial sea and regulating the sale and distribution of detergents in washing and cleaning products;
- Sovereign Ordinance No. 9287 of 23 November 1988 concerning the marketing, use and elimination of polychlorinated biphenyls and polychlorinated terphenyls;
- Sovereign Ordinance No. 10-571 of 9 June 1992 establishing conditions for the application of Act No. 954 of 19 April 1974 concerning the control of air pollution from stationary sources;
- Sovereign Ordinance No. 10689 of 22 October 1992 establishing conditions for the application of Act No. 954 of 19 April 1974 concerning the control of air pollution from land vehicles.

303. The Principality has acceded to various international environmental protection instruments:

- International Convention for the Regulation of Whaling, Washington, 2 December 1946, and its protocol, signed in Washington on 19 November 1956 (Sovereign Ordinance of 18 May 1982);

- Convention of the World Meteorological Organization (WMO), 11 October 1947 (Sovereign Ordinance No. 11965 of 30 May 1996);
- International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962 (Sovereign Ordinance No. 4486 of 12 June 1970) and in 1969 (Sovereign Ordinance No. 6210 of 4 February 1978);
- Convention on the International Hydrographic Organization of 3 May 1967 (Sovereign Ordinance No. 4547 of 7 September 1970);
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels, 29 November 1969 (Sovereign Ordinance No. 5584 of 20 May 1975);
- Treaty on the Non-Proliferation of Nuclear Weapons, London, Moscow and Washington, 1 July 1968 (Sovereign Ordinance No. 11569 of 25 April 1995);
- International Convention on Civil Liability for Oil Pollution Damage, signed in Brussels on 29 November 1969 (Sovereign Ordinance No. 5730 of 19 December 1975) and its protocol (Sovereign Ordinance No. 13037 of 3 April 1997);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, London, Washington and Moscow, 10 April 1972 (Sovereign Ordinance No. 14116 of 14 August 1999);
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, London, 29 December 1972 (Sovereign Ordinance No. 6061 of 13 June 1977);
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 3 March 1973, and amendments to annexes I, II and III of the Convention (Sovereign Ordinance No. 6292 of 23 June 1978, Sovereign Ordinance No. 6811 of 14 April 1980, Sovereign Ordinance No. 8006 of 16 May 1984, Sovereign Ordinance No. 8404 of 30 September 1985);
- Convention for the Protection of the Mediterranean Sea against Pollution, Barcelona, 16 February 1976, as well as the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, the Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency and the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Sovereign Ordinance No. 6931 of 30 September 1980; Sovereign Ordinance No. 14856 of 23 April 2001);

- Agreement relating to the protection of the waters of the Mediterranean coast from Saint Raphael (France) to Genoa (Italy), including Monaco, signed in Monaco on 10 May 1976 by the Governments of France, Italy and Monaco (Sovereign Ordinance No. 6983 of 10 December 1980);
- Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 23 June 1979 (Sovereign Ordinance No. 10886 of 12 May 1993);
- Convention on Long-range Transboundary Air Pollution, Geneva, 13 November 1979; Protocol on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe; Protocol Concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes; Protocol on a further reduction of sulphur emissions (Sovereign Ordinance No. 14377 of 16 March 2000; Sovereign Ordinance No. 15037 of 26 September 2001; Sovereign Ordinance No. 15388 of 17 June 2002);
- Convention on the Conservation of European Wildlife and Natural Habitats, Bern, 19 September 1979 (Sovereign Ordinance No. 11259 of 29 April 1994);
- Convention on the Physical Protection of Nuclear Material, Vienna, 3 March 1980 (Sovereign Ordinance No. 12093 of 28 November 1996);
- United Nations Convention on the Law of the Sea, Montego Bay, 10 December 1982 (Sovereign Ordinance No. 11975 of 25 June 1996);
- Convention for the Protection of the Ozone Layer, Vienna, 22 March 1985, and Montreal Protocol on Substances that Deplete the Ozone Layer, as modified by the London Amendment (Sovereign Ordinance No. 10899 of 24 May 1993);
- Convention on Early Notification of a Nuclear Accident, Vienna, 26 September 1986;
- International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), London, 30 November 1990 (Sovereign Ordinance No. 154544 of 1 August 2000);
- Convention on the Protection of the Alps, Salzburg, 7 November 1991 (Sovereign Ordinance No. 14082 of 21 July 1999);
- Agreement on the Conservation of Populations of European Bats, London, 4 December 1991 (Sovereign Ordinance No. 14211 of 13 October 1999);
- Convention on the Transboundary Effects of Industrial Accidents, Helsinki, 17 March 1992 (Sovereign Ordinance No. 15065 of 12 October 2001);

- United Nations Framework Convention on Climate Change, New York, 9 May 1992, Rio de Janeiro, 11 June 1992 (Sovereign Ordinance No. 11260 of 3 May 1994);
- Convention to ban chemical weapons, Paris, 13 January 1993 (Sovereign Ordinance No. 13086 of 20 May 1997);
- Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), Monaco, 24 November 1996 (Sovereign Ordinance No. 15276 of 4 March 2002);
- United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, Paris, 17 June 1999 (Sovereign Ordinance No. 14052 of 17 June 1999);
- Agreement concerning the creation of a sanctuary for marine mammals in the Mediterranean, Rome, 25 November 1999 (Sovereign Ordinance No. 15258 of 18 February 2002).

304. The Principality has also participated in the drafting of international instruments on the protection of the marine environment. An example is the agreement relating to the protection of the waters of the Mediterranean coast, signed in Monaco on 10 May 1976 by the Governments of France, Italy and Monaco. The agreement provided the three countries with a tool for the prevention and control of pollution (Sovereign Ordinance No. 6983 of 10 December 1980).

305. Furthermore, the Principality has become heavily involved in the protection of cetaceans. The permanent secretariat of the United Nations Agreement on the Conservation of Cetaceans of the Black Sea, the Mediterranean and Contiguous Atlantic Area (ACCOBAMS) is based in the Principality. ACCOBAMS and the International Fund for Animal Welfare (IFAW) - an NGO for animal protection with more than 2 million members worldwide - have joined forces in a partnership to protect whales and dolphins in the Mediterranean. A campaign of scientific research into the sperm whale in the Ionian Sea has enabled more to be found out about this species in the region, but also to develop a method for assessing the situation in the Mediterranean as a whole, an assessment that is one of the priorities of the contracting parties of ACCOBAMS.

306. In the area of international cooperation, the Principality has concluded bilateral agreements for the drafting and implementation of protection programmes. The Principality's policy with regard to the environment and development is based on two series of basic criteria. On the one hand, in geographical terms, this policy focuses on Mediterranean countries as well as on some countries in Black Africa; on the other hand, in terms of the types of cooperation, this policy involves:

- Support for preservation of the environment: better knowledge of or protection of the marine or coastal environment (Bulgaria - agreement concerning the management and development of the southern coastal areas of Bulgaria and adjacent areas of material interest, signed in 1993; Slovenia - programme aimed at improving knowledge of marine biodiversity in Slovenia, signed in 2001);

- Partnership activities in connection with the monitoring of urban air pollution (Algeria - memorandum of cooperation on protecting the environment and encouraging sustainable development, signed in 2001; Morocco - cooperation agreement on monitoring air quality, signed in 2001 and 2002; Tunisia - memorandum of understanding, signed in 2001, to combat atmospheric pollution and strengthen the infrastructure and atmospheric pollution monitoring devices of the National Agency for the Protection of the Environment);
- Activities for reforestation or to combat desertification (Lebanon - agreement concerning reforestation, signed in 1994 and renewed in 1998; Morocco and Mauritania).

Some activities are being carried out in coordination with Monegasque NGOs, such as Mission Enfance, AMREF, APPO, Monaco Aide et Présence, the Monegasque Red Cross and AMADE Monaco, whose purpose is “to support and promote all organizations and enterprises that aim to ensure the physical, moral and spiritual well-being of children in the world, without any distinction as to race, nationality, religion and in a spirit of total political independence”.

307. Moreover, many awareness-raising events are held throughout the year. For example, there are conferences on waste recycling, the protection of sea mammals and water quality. Various operations were organized in connection with World Environment Day. In the context of the Convention on the Protection of the Alps, and the sustainable use of water resources, young Monegasques took part in the “Alpine summit” which was held in Innsbruck from 11 to 14 June 2003.

308. Many Monegasque associations are active in the area of protection of the environment, whether flora and fauna, the marine environment or the air:

- *Association découverte nature*: Its purpose is “to promote the discovery of and familiarity with nature, principally through entomology or any other discipline, to enrich this new awareness through a more in-depth study of flora and fauna, and in this way to help to shape well-educated and balanced human beings”;
- *Association monégasque des amis des véhicules électriques*: Its purpose is “to bring together all individuals and organizations with an interest in electric vehicles as well as potential users thereof, to encourage and promote the use of all types of electric vehicles, to research, archive, publish and disseminate all information concerning electric vehicles, and to build up knowledge in this area through references, discussions or symposia as well as through international relations with organizations having the same objectives”;
- *Association monégasque pour la protection de la nature*: Its purpose is “to spread in the Principality of Monaco the idea of the protection of nature and better use of its resources and promote the realization of this aim by all appropriate means, to encourage all actions and studies along these lines, to manage Monaco’s underwater reserve (Larvotto) and its coral reserve (Pointe Focignane), and to propose the establishment of new nature reserves”;

- *Ecopolis*: Its purpose is “to support sustainable development and to promote social, cultural, economic and industrial patterns of behaviour to that end in our city; to raise awareness about the concept of ‘sustainable development’; to help to improve the quality of life in the urban environment; to take action to reduce the consumption of energy, raw materials and natural resources; to provide the public with information concerning the environmental impacts of products; and to hold discussions on waste management and to table any proposal for its improvement”.

3. Measures to combat the misuse of scientific progress

309. The Principality of Monaco is very concerned about protecting human rights, in particular the right to health and the right to life. Many measures have been adopted in the medical field. Monaco law has very comprehensive legislation and regulations in the pharmaceutical field and a law governing the therapeutic use of human blood:

- Act No. 1254 of 12 July 2002 on drugs for human consumption;
- Sovereign Ordinance No. 15712 of 3 March 2003 concerning the marketing of drugs for human consumption;
- Act No. 1257 of 12 July 2002 on veterinary drugs;
- Sovereign Ordinance No. 15713 of 3 March 2003 concerning the marketing of veterinary drugs;
- Act No. 1263 of 23 December 2002 on the therapeutic use of human blood, blood components and labile blood products;
- Act No. 1265 of 23 December 2002 concerning the protection of people in biomedical research.

310. On 3 March 2003, the Principality lent its support to a joint initiative put forward at the United Nations by France and Germany for the drafting of an international convention against the reproductive cloning of human beings.

311. The Principality has made constant efforts to combat doping, in particular through the promulgation of Sovereign Ordinance No. 15656 of 7 February 2003 establishing a Monegasque Anti-Doping Committee. This will enable the Principality, which has joined the World Anti-Doping Agency, to participate in efforts to promote healthy sport. The same concern prompted the Principality to sign the Anti-Doping Convention and its additional protocol in September 2003.

312. In the field of bioethics, an international symposium on bioethics and the rights of the child, jointly organized by AMADE and UNESCO, was held in Monaco from 28 to 30 April 2000, culminating in the issue of the Monaco Statement on the subject.

313. In cooperation with the association Action-innocence, the national education system has devised preventive measures aimed at limiting the risks connected with the use of the Internet, such as a paedophile ring, pornography and incitement to racism.

314. The Principality of Monaco ratified the IAEA Statutes on 19 September 1957. IAEA has an office in Monaco specializing in the study of marine radioactivity, and has also set up a Marine Environment Laboratory in Monaco.

315. The Principality's commitments to avert any misuse of scientific progress are significant:

- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, 17 June 1925 (Sovereign Ordinance No. 3735 of 11 February 1967);
- Treaty on the Non-Proliferation of Nuclear Weapons, London, Moscow and Washington, 1 July 1968 (Sovereign Ordinance No. 11569 of 25 April 1995);
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, London, 10 April 1972 (Sovereign Ordinance No. 14116 of August 1999);
- 1971 Convention on Psychotropic Substances, Vienna, 21 February 1971 (Sovereign Ordinance No. 6130 of 16 September 1977);
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and its protocols I and II, Geneva, 10 October 1980 (Sovereign Ordinance No. 13329 of 12 February 1998);
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 20 December 1988 (Sovereign Ordinance No. 10201 of 3 July 1991);
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal, 1 March 1991 (Sovereign Ordinance No. 13645 of 5 October 1998);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris, 13 January 1993 (Sovereign Ordinance No. 13086 of 20 March 1997);
- Convention on Nuclear Safety, Vienna, 17 June 1994;
- Comprehensive Nuclear-Test-Ban Treaty, New York, 10 September 1996.

The Principality is also a member of the following United Nations specialized agencies: Organization for the Prohibition of Chemical Weapons; Comprehensive Nuclear-Test-Ban Treaty Organization; World Health Organization (WHO).

4. Intellectual property

316. There are many national and international legal instruments protecting the intellectual and property rights of authors, researchers and inventors.

(a) Domestic legislation

- Act No. 87 of 3 January 1925 organizing the deposit of printed matter for copyright purposes;
- Act No. 491 of 24 November 1948 on the protection of literary and artistic works;
- Act No. 1122 of 22 December 1988 concerning radio and television broadcasting;
- Ordinance of 27 February 1889 on the protection of literary and artistic works;
- Ordinance No. 3778 of 27 November 1948 applying the provisions of the Act on the protection of literary and artistic works to radio broadcasting;
- Ordinance No. 3779 of 27 November 1948 concerning copyright in the field of radio broadcasting.

Mention should also be made of the importance of the Société pour la Gestion des droits d'auteur (SOGEDA) (Copyright Management Company), whose purpose is "to protect the material and intellectual rights of authors, their beneficiaries, legal successors or representatives, and to comprehensively exploit such rights as conferred by the holders of the rights or their representatives".

(b) International instruments

317. The Principality has acceded to the following agreements:

With regard to copyright and related rights:

- Bern Convention for the Protection of Literary and Artistic Works of 9 September 1886, as revised in Berlin on 13 November 1908, in Bern on 20 March 1914, in Rome on 2 June 1928, in Brussels on 26 June 1948, in Stockholm on 14 July 1967, in Paris on 24 July 1971 and in Geneva on 28 September 1979 (Sovereign Ordinance No. 5501 of 9 January 1975);
- Universal Copyright Convention and annexed protocols, Geneva, 6 September 1952 (Sovereign Ordinance No. 1191 of 12 September 1955);
- Agreement in the form of an exchange of letters between the United States of America and the Principality of Monaco concerning the protection of copyright, 24 September 1952 (Sovereign Ordinance No. 625 of 15 October 1952);

- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, Rome, 26 October 1961 (Sovereign Ordinance No. 8488 of 26 September 1985);
- Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms, Geneva, 29 October 1971 (Sovereign Ordinance No. 5502 of 9 January 1975);
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 14 April 1891 (Sovereign Ordinance No. 5686 of 29 October 1975).

With regard to intellectual property:

- Paris Convention for the Protection of Industrial Property of 20 March 1883 (Sovereign Order No. 1595 bis of 1 July 1957, Sovereign Ordinance No. 2747 of 30 January 1962 and Sovereign Ordinance No. 5687 of 29 October 1975);
- Madrid Agreement Concerning the International Registration of Marks of 14 April 1891, as revised in Brussels, Washington, The Hague, London, Nice, Stockholm and Geneva (Sovereign Ordinance No. 5685 of 29 October 1975);
- The Hague Agreement concerning the International Deposit of Industrial Designs of 6 November 1925, as revised in London on 2 June 1934 and The Hague on 28 November 1960 and supplemented by the Additional Act of Monaco of 18 November 1961 (Sovereign Ordinance No. 3065 of 30 October 1963), the Complementary Act of Stockholm of 14 July 1967 (Sovereign Ordinance No. 5683 of 29 October 1975), and the Geneva protocol of 29 August 1975 (Sovereign Ordinance No. 7041 of 18 March 1981);
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957 (Sovereign Ordinance No. 2487 of 4 April 1961; Sovereign Ordinance No. 7046 of 20 March 1981);
- Convention establishing the World Intellectual Property Organization (WIPO), Stockholm, 14 July 1967, as amended in Geneva on 28 September 1967 (Sovereign Ordinance No. 5539 of 18 March 1975);
- Patent Cooperation Treaty of 19 June 1970 relating to the International Patent Cooperation Union, as amended on 28 September 1979 in Geneva (Sovereign Ordinance No. 6552 of 28 May 1979) and amendments to the implementing regulations adopted by the assembly of the International Patent Cooperation Union (Sovereign Ordinance No. 7026 of 18 February 1981, Sovereign Ordinance No. 7527 of 13 December 1982, Sovereign Ordinance No. 7866 of 10 January 1984, Sovereign Ordinance No. 8460 of 21 November 1985);

- Strasbourg Agreement Concerning the International Patent Classification, 24 March 1971 (Sovereign Ordinance No. 5828 of 9 June 1976);
- Convention on the Grant of European Patents, Munich, 5 October 1973 (Sovereign Ordinance No. 10382 of 27 November 1991);
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and implementing regulations, Budapest, 28 April 1977 (Sovereign Ordinance No. 13849 of 12 January 1999).

5. Assistance and international cooperation

318. The representatives of the Principality, in particular Crown Prince Albert, participated in the following international conferences organized under the auspices of the United Nations: International Conference on Financing for Development, Mexico, 2002; World Summit on Sustainable Development, South Africa, 2002; Third Forum of the World Alliance of Cities against Poverty, Belgium, 2002.

319. The Principality allocates considerable sums of money to honour the commitments undertaken at these international conferences. Thus, for the year 2001, expenditure on official development assistance (ODA), including, in accordance with the normal international criteria, bilateral aid, multilateral cooperation and humanitarian assistance, amounted to €1,663,483, in other words 0.28 per cent of budget expenditure. This figure shows the Principality's financial commitment to international cooperation pursuant to the bilateral and multilateral agreements to which it is party as well as in the form of donations for humanitarian purposes.
