

Monaco's Constitution of 1962 with Amendments through 2002

Title I The Principality - The Public Powers

Art 1

The Principality of Monaco is a sovereign and independent State within the framework of the general principles of international law and of the particular conventions with France.

The territory of the Principality is inalienable.

Art 2

The principle of government is the hereditary and constitutional monarchy.

The Principality is a State of law, committed to the respect of fundamental freedoms and rights.

Art 3

The executive power arises from the highest authority of the Prince.

The person of the Prince is inviolable.

Art 4

The legislative power is exercised by the Prince and the National Council.

Art 5

The judicial power is exercised by the courts and tribunals.

Art 6

The separation of the administrative, legislative and judicial functions is assured.

Art 7

The flag of the Prince is composed of the coat-of-arms of the House of Grimaldi on a white ground.

The national flag is composed of two equal horizontal bands, of red and white color, the red in the superior part, the white in the inferior part.

The use of these flags is governed by the provisions of the Sovereign Ordinance of 4 April 1881.

Art 8

The French language is the official language of the State.

Art 9

The Catholic, Apostolic and Roman religion is the religion of the State.

Title II The Prince, The Devolution of the Crown

Art 10

The succession to the Throne, commencing by death or by abdication, operates within the direct and legitimate descent of the reigning Prince, by order of primogeniture with masculine priority to the same degree of kinship.

In default of direct and legitimate descent, the succession operates to the benefit of the brothers and sisters of the reigning Prince and to their direct and legitimate descendants, by order of primogeniture with masculine priority to the same degree of kinship.

If the inheritor who would have been named to accede to the Throne by virtue of the preceding paragraphs is deceased or has renounced before the commencing of the succession, the devolution operates to the benefit of his own direct and legitimate descendants, by order of primogeniture with masculine priority to the same degree of kinship.

If the application of the preceding paragraphs does not permit the filling of the vacancy of the Throne, the succession operates to the benefit of a collateral designated by the Council of the Crown with the confirming opinion of the Council of the Regency. The princely powers are provisionally exercised by the Council of the Regency.

The succession to the Throne can only operate to the benefit of a person having Monegasque nationality on the day of the commencing of the succession.

The modalities of application of this article are established, as needed, by the Statutes of the Sovereign Family, taken by Sovereign Ordinance.

Art 11

For the exercise of the sovereign powers, the age of majority is prescribed at eighteen years.

The organization and the conditions of exercise of the Regency during the minority of the Prince or in case it is impossible for him to exercise His functions[,] are established by the Statutes of the Sovereign Family.

Art 12

The Prince exercises His sovereign authority in conformity with the provisions of the Constitution and of the laws.

Art 13

The Prince represents the Principality in its relations with foreign powers.

Art 14

After consultation with the Council of the Crown, the Prince signs and ratifies the treaties and international agreements. He communicates them to the National Council by the intermediary of the Minister of State, before their ratification.

However, [the following] can only be ratified by virtue of a law:

- 1 -the treaties and international agreements affecting constitutional organization;
- 2 - the treaties and international agreements of which the ratification involves the modification of existing legal provisions;
- 3 -the treaties and international agreements which involve the adhesion of the Principality to an international organization the functioning of which implies the participation of members of the National Council;
- 4 -the treaties and international agreements of which the implementation has the effect of creating a budgetary charge relative to expenditures of which the nature or purpose is not provided by the law of the budget.

The foreign policy of the Principality is made the subject of an annual report prepared by the Government and communicated to the National Council.

Art 15

After consultation with the Council of the Crown, the Prince exercises the right of pardon and of amnesty, as well as the right of naturalization and of the restoration of nationality.

Art 16

The Prince confers orders, titles and other distinctions.

Title III The Fundamental

Freedoms and Rights

Art 17

Monegasques are equal before the law. There are no privileges among them.

Art 18

The law regulates the modes of acquisition of nationality. The law regulates the conditions under which nationality acquired by naturalization may be rescinded.

The loss of Monegasque nationality in any other case may only be specified by the law for reason of the voluntary acquisition of another nationality or of illegitimate service carried out in a foreign army.

Art 19

Individual freedom and security are guaranteed. No one may be prosecuted except in cases specified by the law, before judges that it designates and in the form that it specifies.

Except in the case of flagrante delicto, one may only be arrested by virtue of a substantiated order of a judge order, which must be presented at the moment of arrest or, at the latest, within twenty-four hours. Any detention must be preceded by an interrogation.

Art 20

No penalty may be established or applied except by virtue of the law.

The penal laws must assure the respect of the human person and [of human] dignity. No one may be subjected to cruel, inhuman or degrading treatment.

The penalty of death is abolished.

The penal laws cannot have retroactive effect.

Art 21

The domicile is inviolable. No entry into the domicile can take place except in the cases specified by the law and under the conditions that it specifies.

Art 22

Every individual has the right for respect of private and family life and to the security of correspondence.

Art 23

The freedom of religion, that of its public exercise, as well as the freedom to manifest one's opinions in all matters, is guaranteed, subject to the suppression of offences committed on the occasion of the exercise of these freedoms.

No one may be compelled to participate in the acts or ceremonies of religion or to observe its days of rest.

Art 24

Property is inviolable. One may only be deprived of his property for a reason of legally determined public utility, and on a just indemnity, established and settled under the conditions specified by the law.

Art 25

The freedom to work is guaranteed. Its exercise is regulated by the law.

Priority is assured to Monegasques for access to public and private employment, under the circumstances specified by the law or international conventions.

Art 26

Monegasques have the right to the assistance of the State in the case of indigence, unemployment, sickness, handicap, old age and maternity, under the conditions and forms specified by the law.

Art 27

Monegasques have the right to free primary and secondary education.

Art 28

Every person may defend the rights and interests of his profession or of his function by trade-union action.

The right to strike is recognized, within the framework of the laws which

regulate it.

Art 29

Monegasques have the right to assemble peacefully and without arms, in conformity with the laws that may regulate the exercise of this right without subjecting it to prior authorization. This freedom does not extend to open-air meetings, which remain subject to the police laws.

Art 30

The freedom of association is guaranteed within the framework of the laws which regulate it.

Art 31

Anyone may address petitions to the public authorities.

Art 32

The foreigner enjoys in the Principality all the public and private rights that are not formally reserved to nationals.

Title IV The Public Domain, Public Finance

Art 33

The public domain is inalienable and imprescriptible.

The transfer [disaffectation] of an asset can only be effected by a law. It can place the transferred asset within the private domain of the State or [that of] the Commune, as the case may be.

The standing and regime of the public domain are determined by the law.

Art 34

The assets of the Crown are assigned [affectis] to the exercise of

Sovereignty.

They are inalienable and imprescriptible.

Their standing and their regime are determined by the Statutes of the Sovereign Family.

Art 35

The real assets and rights belonging to the private domain of the State are alienable only in conformity with the law.

Any cession of a fraction of social capital of any enterprise of which the State retains at least fifty percent[,] and which has the effect of transferring the majority of that capital to one or more physical or moral persons of private law[,] is authorized by a law.

Art 36

All vacant and ownerless properties belong to the private domain of the State.

Art 37

The national budget comprises all public receipts and expenditures of the Principality.

Art 38

The national budget expresses the economic and financial policy of the Principality.

Art 39

The budget is made the subject of a bill of law. It is adopted and promulgated in the form of a law.

Art 40

The expenses of the Sovereign Household and those of the Princely Palace are established by the law of the budget and charged with priority on the general receipts of the budget.

Art 41

The surplus of receipts over expenses, established after the execution of the budget and the closing of accounts, is credited to a fund of constitutional reserve. The surplus

of expenses over receipts is covered by a deduction from the same account, determined by a law.

Art 42

The control of financial management is assured by a Superior Commission of Accounts.

Title V The Government

Art 43

The government is exercised, under the high authority of the Prince, by a Minister of State, assisted by a Council of Government.

Art 44

The Minister of State represents the Prince. He exercises the direction of the executive services. He directs [disposer] the police force. He presides over, with deciding vote, the Council of Government.

Art 45

The Sovereign Ordinances are deliberated in the Council of Government. They are presented to the Prince under the signature of the Minister of State; they mention the deliberations relevant to them. They are signed by the Prince; the signature of the Prince gives them executory force.

Art 46

The Sovereign Ordinances, which dispense with deliberation in the Council of Government and the presentation by the Minister of State:

- -relate to the Statutes of the Sovereign Family as well as those concerning its Members;
- -concern the affairs relative to the Direction of the Judicial Services;
- -concern the appointment of the members of the Sovereign Household, of those of the diplomatic and consular corps, of the Minister of State, of the Councilors of

Government and similar functions [and] of the magistrates of the judicial order;

- -concern issue of exequatur to the consuls;
- -concern the dissolution of the National Council;
- -confer honorary distinctions.

Art 47

The Ministerial Decrees are deliberated in the Council of Government and signed by the Minister of State; they mention the deliberations relevant to them. They are transmitted to the Prince within twenty-four hours after their signature and become executory only in the absence of the express opposition of the Prince within the ten days which follow the transmission made by the Minister of State.

However, the Prince may make known to the Minister of State that He does not intend to make use of His right of opposition for certain Decrees or types of Decrees. These, then, take executory force on their signature by the Minister of State.

Art 48

Save for legal provisions [to the] contrary, the division of matters between the Sovereign Ordinances and the Ministerial Decrees is determined by Sovereign Ordinance.

Art 49

The deliberations of the Council of Government are made the subject of minutes recorded in a special register and signed, after the vote, by the members present.

The minutes mention the vote of each member. Within five days after the meeting, they are transmitted to the Prince who can oppose [them] under the conditions provided by Article 47 above.

Art 50

The Minister of State and the Councilors of Government are responsible to the Prince for the administration of the Principality.

Art 51

The fundamental obligations, rights and guarantees of the functionaries, as well as their civil and criminal responsibility, are established by the law.

Title VI The Council of State

Art 52

The Council of State is charged to give its opinion on bills of law and of Ordinances submitted to its examination by the Prince.

It can be consulted equally on any other bills.

Its organization and its functioning are established by Sovereign Ordinance.

Title VII The National Council

Art 53

The National Council is composed of twenty-four members elected for five years by direct universal suffrage and by ballot list under the conditions specified by the law.

Electors are, under the conditions established by the law, citizens of Monegasque nationality of one or the other sex, at least eighteen years old, with the exception of those who are deprived of the right to vote for one of the causes specified by the law.

Art 54

The Monegasque electors of one or the other sex, at least twenty-five years old, possessing Monegasque nationality for at least five years and who are not deprived of eligibility for one of the causes specified by the law, are eligible.

The law determines the functions the exercise of which are incompatible with the mandate of National Councilor.

Art 55

The control of the regularity of the elections is entrusted to the tribunals specified by the law.

Art 56

The members of the National Council incur no civil or penal responsibility for reasons of the opinions or votes expressed by them during the exercise of their mandate.

They may not, without the authorization of the National Council, be prosecuted or arrested during a session for reason of a criminal or correctional infraction, save in the case of flagrante delicto.

Art 57

The newly elected National Council meets on the eleventh day after the elections in order to elect its Bureau. The oldest National Councilor presides over this session.

Under reserve of Article 74, the powers of the previous National Council expire on the day the new [National Council] meets.

Art 58

The National Council meets of right each year in two ordinary sessions.

The first session opens on the first working day of the month of April.

The second session opens on the first working day of the month of October.

The duration of each session may not exceed three months. The closure is declared by the President.

Art 59

The National Council meets in extraordinary session, either on convocation by the Prince, or, on the demand of at least two-thirds of the members, on convocation by its President.

Art 60

The Bureau of the National Council is composed of a President and a Vice-President elected each year by the assembly from among its members.

The functions of Mayor are incompatible with that of President and Vice-President of the National Council.

Art 61

Under reserve of the constitutional provisions, and, if need be, the legislative [provisions], the organization and the functioning of the National Council are determined by the internal regulations ordered by the National Council.

These regulations must, before their implementation, be submitted to the Supreme Tribunal, which decides on their conformity with the constitutional provisions and, if need be, [with] legislative [provisions].

Art 62

The National Council orders its own agenda. It is communicated to the Minister of State at least three days in advance. On the demand of the Government, at least one of the two sessions must be devoted to the discussion of the bills of law deposited by the Prince.

However, the agenda of extraordinary sessions convoked by the Prince is established at the convocation.

Art 63

The sessions of the National Council are public.

However, the National Council can decide, with a majority of two-thirds of the members present, to sit in closed session.

The minutes of the public sessions are published in Le Journal de Monaco.

Art 64

The Prince communicates with the National Council through messages which are read by the Minister of State.

Art 65

The Minister of State and the Councilors of Government have reserved entrances and seats at the sessions of the National Council.

They must be heard when they so demand.

Art 66

The law implies the agreement of wills of [both] the Prince and the National Council.

The initiative of law belongs to the Prince.

The deliberation and adoption of the laws belongs to the National Council.

The sanction of the laws belongs to the Prince, Who confers on them obligatory force through promulgation.

Art 67

The Prince signs the bills of law. These bills are presented to Him by the Council of Government under the signature of the Minister of State. After approbation by the Prince, the Minister of State introduces them to the Bureau of the National Council.

The National Council has the faculty to make proposals of law. Within a period of six months counting from the date of reception of the proposal of law by the Minister of State, he makes known to the National Council:

- a) either his decision to transform the proposal of law, [as] eventually amended, into a bill of law,
which shall follow the procedure provided for in paragraph 1. In this case, the bill is considered within a period of one year counting from the expiration of the period of six months; b) or his decision to interrupt the legislative procedure. This decision is explained by a declaration placed of right on the agenda of a public sitting of the ordinary session specified within the time period. This declaration can be followed by a debate.

In the case where, at the expiration of the period of six months, the Government has not made known the outcome intended for this proposal of law, it is, conforming to the procedure specified in paragraph 1, transformed of right into a bill of law.

The same procedure is applicable in the case where the Government has not transmitted the bill of law within the one year period specified in paragraph 2, a).

The National Council has the right of amendment. As such, it can propose additions, substitutions or deletions in the bill of law. Only amendments that have a direct link with the other provisions of the bill of law to which they are connected[,] are admitted. The vote takes place on the bill of law as eventually amended, save the faculty of the Government to withdraw the bill of law before the final vote.

However, the provisions of the preceding paragraph are not applicable either to bills of law of authorization of ratification, or the bills of budgetary law.

At the beginning of each ordinary session, the National Council makes known, during a public sitting, the state of the examination of all bills of law deposited by the Government, whenever the date of deposit.

Art 68

The Prince issues the Ordinances necessary for the execution of the laws and for the

application of international treaties or agreements.

Art 69

The Laws and Sovereign Ordinances are enforceable against third parties only from the day after their publication in the Le Journal de Monaco.

Art 70

The National Council adopts the budget.

No direct or indirect taxation can be established except by a law.

Any treaty or international agreement having for an affect the establishment of such a tax can only be ratified by virtue of a law.

Art 71

The bill of the budget is presented to the National Council before the 30th of September.

The law of the budget is adopted in the course of the October session of the National Council.

Art 72

The budget is adopted chapter by chapter. Transfers from one chapter to another are forbidden, save in the cases authorized by the law.

The budget is composed of notably, within expenditures, the sums which are placed at the disposal of the Communal Council for the budgetary year [exercise] to come, conforming to Article 87.

Art 73

In the case where the vote on the credits requested by the Government conforming to Article 71 will not haven taken place before the 31 st of December, credits corresponding to services voted upon may be opened by Sovereign Ordinance, the National Council agreeing.

It is the same for receipts and expenditures resulting from international treaties.

Art 74

The Prince can, after having taken the opinion of the Council of the Crown, pronounce the dissolution of the National Council. It then proceeds to new elections within a time period of three months.

Title VIII The Council of the Crown

Art 75

The Council of the Crown consists of seven members of Monegasque nationality, appointed for a period of three years by the Prince.

The President and three other members are freely designated by the Prince.

Three members are appointed on the presentation of the National Council, and from outside of it.

The functions of Minister of State and of Councilor of Government are incompatible with those of President or of member of the Council of the Crown.

Art 76

The Council of the Crown meets at least twice per year on the convocation of the Prince. In addition, the Prince can convoke it at anytime He judges necessary, either on his own initiative, or on the suggestion of the President of the Council of the Crown.

Art 77

The Council of the Crown may be consulted by the Prince on questions concerning the superior interests of the State. It may present suggestions to the Prince.

It is obligatorily consulted on the following subjects: international treaties, dissolution of the National Council, requests for naturalization and of restoration, pardon and amnesty.

Title IX The Commune

Art 78

The territory of the Principality forms a single commune.

Art 79

The Commune is administered by a municipality composed of a mayor and of adjuncts [adjoints], designated by the Communal Council from among its members.

Under the conditions established by the law, citizens of Monegasque nationality of one or the other sex of at least eighteen years of age, are electors[,] with the exception of those who have been deprived of the right to vote for one of the causes established by the law.

The electors of Monegasque nationality of one or the other sex of at least twenty-one years of age, who have possessed the Monegasque nationality for at least five years, and who have not been deprived of eligibility for one of the causes established by the law, are eligible.

Art 80

The Communal Council is composed of 15 members, elected for four years by universal direct suffrage by ballot list.

No incompatibility exists between the mandate of Communal Councilor and that of National Councilor.

Art 81

The Communal Council meets every three months in ordinary session. The duration of each session may not exceed fifteen days.

Art 82

Extraordinary sessions may be held, on the demand or with the authorization of the Minister of State, for specific purposes.

Art 83

The Communal Council may be dissolved by a reasoned Ministerial Order, after the opinion of the Council of State.

Art 84

In case of dissolution or of resignation of all the members of the Communal Council, a special delegation is charged, by Ministerial Order, to fulfill the functions until the election of a new Council. This election takes place within three months.

Art 85

The Communal Council is presided over by the Mayor or, in default, by the adjunct or the councilor who replaces him, following the order of the roll.

Art 86

The Communal Council deliberates in public sitting on the affairs of the Commune. Its decisions are executory fifteen days after communication to the Minister of State, save for a reasoned opposition in the form of a Ministerial Order.

Art 87

The communal budget is supplied by revenue of communal properties, the ordinary resources of the Commune and the budgetary endowment written in the initial law of the budget of the year.

Title X

Justice

Art 88

The judicial power belongs to the Prince, who, by this Constitution, delegates its full exercise to the courts and tribunals.

The tribunals render justice in the name of the Prince.

The independence of the judges is guaranteed.

The organization, the competence and the functioning of the tribunals, as well as the status of the judges, are established by the law.

Art 89

The Supreme Tribunal is composed of five titular members and two substitute members.

The members of the Supreme Tribunal are appointed by the Prince, as follows:

- -one titular member and one substitute member presented by the National Council

from outside of it;

- -one titular member and one substitute member presented by the Council of State from outside of it;
- -one titular member presented by the Council of the Crown from outside of it;
- -one titular member presented by the Court of Appeal from outside of it;
- -one titular member presented by the Civil Tribunal of First Instance from outside of it.

These presentations are made by each of the bodies specified above at the rate of two per seat.

If the Prince does not agree with these presentations, He is free to demand new ones.

The President of the Supreme Tribunal is appointed by the Prince.

Art 90

AIn constitutional matters, the Supreme Tribunal decides in sovereign capacity:

- 1 on the conformity of the internal regulations of the National Council with the constitutional provisions and, if need be, the legislative [provisions], under the conditions Specified by Article 61; 2 on the recourses for annulment, in review of the validity[,] and in indemnity[,] having as [their] subject an infringement of the freedoms and rights consecrated by Title III of the Constitution, and which are not specified under [paragraph] B of this article

BIn administrative matters, the Supreme Tribunal decides in sovereign capacity:

- 1 on the recourses for annulment for excess of power brought against the several administrative authorities and the Sovereign Ordinances taken for the execution of the laws, as well as on the concession of indemnities which result from them. 2 on the recourses in cassation brought against decisions of administrative jurisdictions deciding in last resort; 3 on the recourses in interpretation and the recourses in review of the validity of the decisions of the several administrative authorities or the Sovereign Ordinances taken for the execution of the laws.

☐The Supreme Tribunal decides on the conflicts of jurisdictional competence.

Art 91

The Supreme Tribunal deliberates, either in plenary assembly of five members, or in administrative section of three members.

It sits and deliberates in plenary assembly:

1 in constitutional matters; 2 as judge of conflicts of competence; 3 in administrative matters on referral ordered by the President of the Supreme Tribunal, or
decided by the administrative section.

It sits and deliberates in administrative section in all other cases.

Art 92

A Sovereign Order establishes the organization and the functioning of the Supreme Tribunal, notably the conditions of aptitude required of its members, the incompatibilities concerning them as well as their status, the rotation of the members of the administrative section, the procedure to be followed before the Tribunal, the effects of recourse and of the decisions, the procedure and the effects of conflicts of competence, as well as necessary transitory necessities.

Title XI The Revision of the Constitution

Art 93

The Constitution cannot be the subject of any measure of suspension.

Art 94

The total or partial revision of this Constitution is subordinated to the joint agreement of the Prince and of the National Council.

Art 95

In the case of initiative of the National Council, the deliberations must be taken with a majority of two-thirds of the normal total [effecti] of the members of the assembly.

Title XII Final Provisions

Art 96

The prior constitutional provisions are abrogated.

This Constitution enters into force immediately.

The renewal of the National Council and of the Communal Council shall take place within three months.

Art 97

The laws and regulations currently in force remain applicable to the extent that they are not incompatible with this Constitution. They must, if need be, be brought into harmony, as soon as possible, with the latter.

