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1999 Country Reports on Human Rights Practices

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SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council--GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). They preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State), also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police) and the two military corps (the Gendarmerie and the Guardie di Rocca).

The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian government under the terms of the Basic Treaty with Italy.

The legal system extensively provides for human rights, and the authorities respect them in practice. Although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some laws discriminate against women, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process. The judicial system requires that the country's lower court judges be non-Sammarinese citizens, with a view to assuring impartiality.

A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

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

The law prohibits such practices. Government authorities respect these prohibitions, and violations are subject to effective legal sanction.

Section 2--Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The Government cooperates with the Office of the UN High Commissioner for Refugees and other humanitarian organizations. Although it does not formally offer asylum to refugees, the government has given a few individuals de facto asylum by permitting them to reside and work in the country. The issue of the provision of first asylum did not arise during the year; nor were there any reports of the forced repatriation of refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Women who wish to participate in government or politics face no impediments. In 1974 the first female member was elected to the GGC. Since then, women have served on the Council as Secretary of State for Internal Affairs and as Captain Regent. All women's branches of the political parties have been integrated into the mainstream party organizations, where women hold important positions.

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

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to outsiders' investigations of alleged abuses, but there have been no known requests.

Section 5--Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities respect these provisions. The law also prohibits some forms of discrimination based on sex, but vestiges of legal as well as societal discrimination against women remain.

Women

The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

However, one law discriminates against women by stipulating that a woman who marries a foreigner cannot transmit citizenship to her husband or children, but that a man who marries a foreigner can do so to both his wife and their children. In a September 12 referendum, the electorate by a very narrow margin failed to confirm a change to the law that was approved by Parliament on June 16. The proposed law would have provided for the transmission of Sammarinese citizenship by women, but it was narrowly defeated despite support by all political parties. The Government plans to present a new bill supporting women's equal rights in transmitting citizenship in the near future.

The referendum also failed to confirm a provision that would revoke the citizenship of women who acquired citizenship through marriage after 5 years of divorce if they no longer reside in the country. This provision was included in the proposed law after the Government had noted that several young Eastern European women recently had married significantly older citizens, presumably with the aim of acquiring citizenship.

Children

The Government demonstrates its commitment to children's rights and welfare through its well-funded systems of public education and medical care. No differences are apparent in the treatment of girls and boys in educational or health care, nor is there any societal pattern of abuse directed against children.

People with Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. A 1992 law established guidelines for easier access to public buildings, but its implementation is incomplete.

Section 6--Worker Rights

a. The Right of Association

By law all workers (except the armed forces but including the police) are free to form and join unions. A 1961 law sets the conditions for establishment of a union. Unions freely may form domestic federations or join international labor federations.

Union members constitute about half of the country's work force (which numbers about 10,300 Sammarinese citizens plus 4,000 Italians from the country's total population of about 25,000 persons).

Trade unions are independent of the government and the political parties, but they have close informal ties with the parties, which exercise strong influence on them.

Workers in all nonmilitary occupations have the right to strike. No general strikes occurred in at least the last 9 years. However, during this period some brief sector-wide

and company strikes took place.

b. The Right to Organize and Bargain Collectively

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. For the last several years, all complaints have been resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and bonded labor, including by children, and the Government enforces this prohibition effectively.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits forced and bonded labor by children, and the Government enforces this prohibition (see Section 6.c.). The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. Most students continue in school until age 18.

e. Acceptable Conditions of Work

Since January 1, the legal minimum wage has been approximately \$1,200 (2.16 million lira) per month, which affords a decent living for a worker and family. Wages were generally higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37 1/2 hours in industry and private business, with 24 hours of rest per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors them. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry.

Trafficking in Persons

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

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