



San Marino

Country Reports on Human Rights Practices - [2002](#)

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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). Captains Regent 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 judiciary is independent.

Elected officials effectively controlled the centralized police organization (the Civil Police), which was responsible for internal security and civil defense; the Gendarmerie, a military group that was responsible for internal security and public order; and the Guardie di Rocca, a military group that was responsible for external defense and occasionally assisted the Gendarmerie in criminal investigations.

The country had a total population of approximately 25,000. The principal economic activities were tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derived 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 Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship. San Marino was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

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 government officials employed them.

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, as were juveniles from adults and pretrial detainees from convicted prisoners. The Government permitted visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

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

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. 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 of whom are 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 generally enforced this right.

There were no reports of political prisoners.

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

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were 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 generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

Access to the Internet was unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

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

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

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

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State; however, the Government did not formally offer asylum to refugees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were no legal impediments to the participation of women in politics. In the past, women have served on the Council, including as Secretary of State for Internal Affairs and as Captain Regent; however, no women served in such positions during the year. Women held positions in the mainstream party organizations.

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

There were no domestic human rights organizations, although the Government did not impede their formation. The Government had declared itself open to investigations of alleged abuses by international NGOs, but there have been no known requests.

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

The law prohibits discrimination based on race, disability, language, or social status. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

Women

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

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

The citizenship law provides that both men and women may transmit citizenship either through birth or naturalization. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their "desire" to retain citizenship; it is not clear if this will affect the transmission of citizenship in practice.

According to Foreign Ministry sources, several hundred children of citizen women who are married to noncitizen men and reside in the country opted to become citizens during the year. Reportedly most children of citizens residing abroad did not take this opportunity during the year.

Children

The Government was committed to children's rights and welfare; it amply funded systems of public education and medical care. Education was free until grade 13 (usually age 18), and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education or health care, nor was there any societal pattern of abuse directed against children.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1992 law established guidelines for easier access to public buildings, but it never has been implemented fully.

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, and workers exercised this right in practice. The law sets the conditions for the establishment of labor unions. Union members constituted approximately half of the country's work force (which numbered approximately 10,300 citizens plus

4,000 resident Italians). Trade unions formally were independent of the Government and the political parties; however, trade unions had close informal ties with the political parties, which exercised strong influence over them.

Unions may freely form or join federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively

The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and workers exercised these rights. Effective mechanisms existed to resolve complaints. Negotiations were 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. Complaints generally were resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

Workers in all nonmilitary occupations have the right to strike. In May following over a decade without strikes or with brief sector-wide and company strikes, a 1-day general strike was called to support the labor unions' request for the approval of new contracts in the public administration and industrial sector.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

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

The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity.

e. Acceptable Conditions of Work

The legal minimum wage during the year was approximately \$1,200 (1,229 euros) per month, which afforded a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 consecutive hours of rest per week mandated for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implemented the standards effectively, but there were some exceptions, notably in the construction industry, where not all workers, particularly foreign workers hired for a specific contract, consistently abided by safety regulations such as work hour limitations. The Government monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently from citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limited the application of unemployment benefits to foreigners because such benefits were granted for a period of 12 months.

f. Trafficking in Persons

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