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2009 Human Rights Report: San Marino

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Republic of San Marino, with a population of approximately 30,000, is a multiparty democracy. The popularly elected unicameral Great and General Council (parliament) selects two of its members to serve as captains regent (cochiefs of state). They preside over meetings of the Council and the Congress of State (cabinet), which has no more than 10 other members (secretaries of state) selected by the council. Parliamentary elections, last held in November 2008, were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

There were some reports of violence against women.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

Prison and Detention Center Conditions

Prison conditions generally met international standards. The government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the civil police, the Gendarmerie, and the National Guard, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

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Arrest Procedures and Treatment While in Detention

Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities generally respected this right in practice. There is a well-functioning bail system. Detainees are allowed prompt access to family members and to a lawyer of their choice; the state provides legal assistance to indigent persons.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and are presided over by a single judge. There are no provisions for a jury trial. Defendants have the right to be present and to consult with an attorney even during preliminary investigations. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They have access to government-held evidence relevant to their cases. They enjoy a presumption of innocence and have the right to two levels of appeal.

In case of legal actions against military personnel, a civil judge is temporarily given a military grade and assigned to an ad hoc military tribunal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Judges act independently and impartially on civil matters, and administrative as well as judicial remedies exist for alleged wrongs, including human rights violations.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 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.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. As of June the country had 16,000 Internet users.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

The Catholic Church receives direct benefits from the government's income tax revenues; taxpayers may request that 0.3 percent of their income tax payments be allocated to the Catholic Church, regulated under a concordat with the Holy See, or to other charities, including religious groups such as the Waldesian Church, the Baha'is, and Jehovah's Witnesses--all of which are included in a registry of cultural associations.

The government does not require official recognition, registration, or licensing for religious groups. However, it requires legal status for tax or other commercial purposes.

Societal Abuses and Discrimination

There were small numbers of Muslims, Jews, and other religious groups in the country. During the year there were no reports of violence or discrimination against religious minorities or of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government was committed to cooperating with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

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

Protection of Refugees

While the law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the government has a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government may grant refugee status or asylum by an act of the cabinet. There were no requests for asylum during the year.

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

The law provides citizens 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.

Elections and Political Participation

Parliamentary elections, held on November 9, 2008, were considered generally free and fair. The "Pact for San Marino," a Center-Right coalition led by the Christian Democratic Party, won 35 of the 60 seats in the Great and General Council.

Political parties could operate without restriction or outside interference.

Nine women were elected to the Great and General Council in the November elections, and two women were in the 10-member Congress of State, including the head of government (Secretary of State for Foreign Affairs.)

There were no members of minorities in the government.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. However, there were no reports of corruption by public officials during the year. Public officials are subject to financial disclosure requirements.

The law provides for public access to government information, and the government provided access for citizens and noncitizens through the Great and General Council's Web site.

There were no known cases of corruption involving public officials.

Section 5 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 restrict their formation. The government declared itself open to investigations by international nongovernmental organizations (NGOs) of alleged human rights abuses; there were no known complaints or requests for investigations during the year.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced it.

Women

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted persons accused of such crimes. The penalty for rape is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. There were no reports of rape during the year.

The law prohibits violence against women, and the government effectively enforced it. The penalty for spousal abuse is two to six years' imprisonment. In the case of aggravating circumstances, the penalty is four to 10 years' imprisonment. According to official sources, there were 14 pending cases and four sentences of violence against women during the year. Prostitution is illegal and was not common. No arrests were reported during the year.

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

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. There was no reported economic discrimination against women in pay, employment, or working conditions.

Couples and individuals have the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

In January, the country established an Authority for Equal Opportunities, provided for by law, by nominating three female officers as Authority members for a four-year term. The Authority's priority goals are information campaigns about the law and about the services the government provides to the victims of violence, including legal assistance free of charge. The Authority also publishes an annual report on violence against women and on gender-based violence.

Children

The government is committed to children's rights and welfare.

Violence against or abuse of children was uncommon. According to government sources, there were two pending cases and one sentence of violence against minors.

Trafficking in Persons

The law prohibits all forms of trafficking in persons. The penalty for trafficking in persons is 10 to 20 years' imprisonment. If the trafficking involves minors, prostitution, or the taking of organs, the penalty is from 14 to 24 years' imprisonment. There were no reports that persons were trafficked to, from, or within the country during the year.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of discrimination based on sexual orientation.

Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

By law all workers (except those in the Gendarmerie and National Guard) are free to form and join independent unions of their choice, and workers exercised this right. The law sets the conditions to establish labor unions. Union members constituted an estimated 50 percent of the workforce, which numbered approximately 15,000 citizens plus 6,000 workers who resided in Italy. The law allows all civilian workers, including the civil police, the right to strike, and workers exercised this right. A "conciliatory committee" composed of representatives from labor, business, and government generally

resolved complaints of antiunion discrimination amicably.

b. The Right to Organize and Bargain Collectively

The law prohibits antiunion discrimination and allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining agreements have the force of law and are applicable to all workers, whether unionized or not. Negotiations were conducted freely, often in the presence of government officials by invitation from both unions and employer associations.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16, and the Ministry of Labor and Cooperation granted no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The government devoted adequate resources and oversight to child labor policies, and the Ministry of Labor and Cooperation effectively enforced compliance with the law.

e. Acceptable Conditions of Work

The national minimum wage is 7.54 euros (\$10.49) per hour. According to NGOs, this amount did not provide a decent standard of living for a worker and family who do not own their own home. However, 90 percent of citizens owned their own homes, and wages generally were higher than the minimum provided by law.

The law sets the workweek at 36 hours in the public sector and 37.5 hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in both categories. The law requires a premium payment for overtime and allows a maximum of two hours of overtime per day. There was effective enforcement of laws and industry contracts that prohibit excessive compulsory overtime.

The government set safety and health standards, and the judicial system effectively enforced these standards. Most workplaces complied with the standards. However, there were exceptions, especially in the construction industry, where some employers did not consistently abide by safety regulations, such as work hour limitations and use of personal safety devices. There was one serious on-the-job injury in October, resulting in the death of a worker in a metalworking company. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.