

UPR review of San Marino (third cycle)
Input provided by OHCHR Regional Office for Europe
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Corruption

Corruption is an important problem in San Marino and the country has taken a number of measures to tackle the issue following several high-profile corruption scandals. In 2016, the Group of States against Corruption (GRECO) noted that significant progress had been made in this regard¹ and in 2017 17 (former) politicians were convicted for their involvement in bribery, corruption, money laundering, and vote buying².

National Human Rights Infrastructure

San Marino does not have an ombudsperson institution or other national human rights structure established in accordance with the Paris Principles.

Racism and intolerance

The European Commission against Racism and Intolerance in 2017 found that San Marino has no criminal legislation prohibiting discrimination on the grounds of language or colour, nor does it have comprehensive civil and administrative legislation against racial discrimination or an independent body to combat racism, xenophobia, antisemitism and intolerance at the national level³.

Women

Abortion remains illegal under most circumstances in San Marino. In 2017, a popular initiative to legalize abortion triggered strong divisions between the center-left government and the conservative opposition, which draws support from Catholic movements.

¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c9ca9>

² <https://www.state.gov/documents/organization/277457.pdf>

³ <https://rm.coe.int/fifth-report-on-san-marino/16808b5bd6>

Migrants

According to 2017 from Freedom House, around 18 percent of the population of San Marino consists of non-citizens who do not have political rights. Long-term Italian residents in San Marino who do not wish to renounce their Italian nationality do not have access to San Marinese citizenship through naturalization. Italians constitute the overwhelming majority of non-nationals – 85% in September 2016. Naturalization criteria are strict – it is required that one lives in the country a minimum of 30 years to obtain citizenship.

ECRI and the Council of Europe Human Rights Commissioner have expressed concern over the vulnerable situation of female migrant domestic workers, due to the fact that they mostly live with their employers.

Persons with disabilities

In March 2015, San Marino adopted a Framework Law for assistance to, social inclusion and rights of persons with disabilities. The law contains many provisions pertaining, inter alia, to autonomy and inclusion, accessibility, awareness-raising, as well as participation in political, public and cultural life. It also establishes a Sammarinese Commission for the implementation of the CRPD. While welcoming these developments, the Council of Europe Human Rights Commissioner in 2015 noted that legislation in San Marino continues to provide for the withdrawal of legal capacity of persons with disabilities, contrary to Article 12 of the CRPD. San Marino's initial report to the CRPD Committee is overdue since 2010.

LGBTI

Same-sex couples do not have the right to adopt children, marry or to obtain another form of legal recognition of their relationships in San Marino⁴.