

SAN MARINO

EXECUTIVE SUMMARY

The Republic of San Marino is a multiparty democracy. The popularly elected unicameral Great and General Council (parliament) selects two of its members to serve as captains regent (co-chiefs 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 2008, were considered free and fair. Security forces reported to civilian authorities.

There were no widespread or systemic human rights abuses.

The government took steps to prosecute officials accused of abuses, and impunity was not a problem. There were some reports of violence against women, and government health and safety standards were not enforced in the informal labor sector.

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 and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. The country does not have an ombudsman for detained persons.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance practices. During the year prisoners and detainees did not submit any complaints concerning treatment or conditions to officials. The government monitored prison conditions, and there were no media reports criticizing prison authorities.

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.

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. Detainees were promptly informed of charges against them. 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. Indigent defendants have the right to an attorney provided at public expense. 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

Status of Freedom of Speech and Press

The law provides for freedom of speech, including for members 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.

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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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.

Protection of Refugees

Access to Asylum: While the law does not provide for the granting of asylum or refugee status, 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 based on universal suffrage.

Elections and Political Participation

Recent Elections: Parliamentary elections, held in 2008, were considered generally free and fair.

Participation of Women and Minorities: Nine women were elected to the Great and General Council in the 2008 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.

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 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 and Domestic Violence: 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 persons prosecuted or convicted for 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. There was one pending case of violence against women as of December.

Sexual Harassment: The government effectively enforced the law prohibiting sexual harassment. There were no reports of sexual harassment during the year.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination, coercion, and violence. 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.

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

Children

Birth Registration: Citizenship is derived from one's parent (either mother or father) and by birth within the country's territory if both parents are unknown or stateless. Births must be registered within 10 days, and there were no reports of cases resulting in the denial of public services, such as education or health care.

Child Abuse: Violence against or abuse of children was uncommon. According to government sources, there was one pending case of violence against minors.

Sexual Exploitation of Children: The minimum age of consent for sex is 18 years, and the penalty for sexual acts with a minor is imprisonment for a period of six months to three years. The penalty increases to a period of two to six years if the child is under 14 years of age or is under the age of 18 and has physical or mental disabilities. The law prohibits child pornography, including performances, works, and material, and provides for punishment of anyone trading in or providing or in any way distributing child pornography material. The law punishes anyone who provides information aimed at enticing or sexually exploiting children under the age of 18. The penalty for this type of crime is imprisonment for a period of from two to six years, which is increased to four to 10 years if it involves sexual intercourse or if it has been committed to the detriment of a child under 14 years of age or a child under the age of 18 who has physical or mental disabilities.

International child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html

Anti-Semitism

The Jewish community was believed to be small; a precise estimate of its size was not available. There were no reports of anti-Semitic acts.

Trafficking in Persons

In 2010 there were no confirmed reports that persons were trafficked to, from, or within the country.

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 or gender identity.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers (except those in the Gendarmerie and National Guard) to form and join independent unions, conduct legal strikes, and bargain collectively. The law sets the conditions to establish labor unions. The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity. The government effectively enforced applicable laws without lengthy delays and appeals

The government respected freedom of association and the right to collective bargaining. Worker organizations were independent of the government and political parties. During the year there were no instances of government interference in union activities, including targeted dissolving of unions and use of excessive force to end strikes or protests. During the year there were no reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced such laws. During the year there were no reports of forced labor.

c. 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. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The government

effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies.

d. Acceptable Conditions of Work

The national minimum wage is 8.80 euros (\$11.44) per hour. There is no official figure for poverty income level. However, individuals with annual incomes below 8,500 euros (\$11,050) can apply for a state contribution which varies depending on the level of poverty. On average, less than 2 percent of the adult population applies for this contribution every year and the average amount disbursed by the government is 1,350 euros (\$1,755).

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. The law prohibits excessive or compulsory overtime. The government set safety and health standards.

The Labor Inspections Office has seven inspectors and conducts an estimated 5,000 inspections per year, concentrating on hazardous sectors of the approximately 6,000 active companies. Labor standards were generally well enforced, but there were a few 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. The penalties provided by law were generally sufficient to deter violations.

Working conditions generally reflect Western European standards in all industrial sectors. The construction industry sometimes did not comply with minimum safety requirements or the law. In January there was one on-the-job fatality on the premises of a large company producing ceramic tiles.