U.S. DEPARTMENT of STATE

San Marino

Country Reports on Human Rights Practices - 2007
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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 (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 held in June 2006 were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. 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, but there were none during the year.

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 and 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 his 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 remedies 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. At the end of the year the country had 7,672 active internet connections.

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 or to "other" charities, including three religious groups (the Waldesian Church, Jehovah's Witnesses and the Baha'i community).

The government does not require official recognition, registration, or licensing for religious groups. However, it requires legal status for tax or other commercial purposes. While a concordat with the Holy See regulates relations with the Catholic Church, other religious groups, such as the Baha'is and Jehovah's Witnesses, were included in a registry of cultural associations.

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 *2007 International Religious Freedom Report*.

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 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 "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The government may grant refugee status or asylum by an act of the cabinet. There were no requests for asylum during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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 in June 2006 were considered generally free and fair. However, local dailies reported accusations by leaders of small parties of an alleged illegal funding by unnamed supporters of the largest parties for travel of nonresident voters to the country.

There were eight women in the 60-seat Great and General Council and two women in the 10-member Congress of State.

There were no members of minorities in the government.

Government Corruption and Transparency

There were no reports of corruption by public officials during the year. However, the law does provide criminal penalties for corruption crimes, and 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 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 restrict their formation. The government declared itself open to investigations by international nongovernmental organizations of alleged human rights abuses, but there were no known complaints or requests for investigations during the year.

Section 5 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

There were no reports of rape. 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.

The law also 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. The media reported on October 18 that 60 cases of violence against women were reported in the first eight months of 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. There was no special government office to ensure the legal rights of women.

Children

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

Education is free until grade 13 (usually age 18) and compulsory until age 16. Most students continued in school until age 18. There was no difference in the treatment of girls and boys.

Medical services were amply funded, and boys and girls had equal access to health care.

Violence against or abuse of children was uncommon. Unofficial government sources reported that during the year there were two alleged cases of violence against children.

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 during the year.

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.

Other Societal Abuses and Discrimination

There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

By law all workers (except the Gendarmerie and National Guard) are free to form and join unions, 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 5,000 nonresident Italians. 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 allows unions to conduct their activities without interference, and the government protected this right in practice. The law gives collective bargaining agreements the force of law. Negotiations were conducted freely, often in the presence of government officials by invitation from both unions and employer associations. All workers were under collective bargaining agreements. The law allows all civilian workers, including the civil police, the right to strike, and workers exercised this right.

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 no exceptions were granted by the Ministry of Labor and Cooperation. 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 of approximately $10.23 (7.01 euros) per hour did not provide a decent standard of living for a worker and family. However, 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 some exceptions, especially in the construction industry, where some did not consistently abide by safety regulations, such as workhour limitations. Even so, there were no serious on-the-job injuries during the year. 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.

Nearly one-quarter of the workforce was nonresident, commuting from nearby Italy. The law for legal foreign workers prohibits indefinite employment status, but allows the government to grant work permits that have to be renewed every 12 months. The law also requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limited unemployment benefits for foreigners to a period of less than 12 months.

BACK TO TOP

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