

San Marino 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in San Marino during the year.

There were no credible reports of significant human rights abuses.

The government took credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

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

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Administration: No allegations of mistreatment were reported to authorities.

Independent Monitoring: The government permitted visits by independent nongovernmental observers and international bodies, including the Council of Europe's Committee for the Prevention of Torture.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Authorities did not detain individuals without judicial authorization unless they were arrested during the alleged commission of a crime. The law required individuals to be brought promptly before a judicial officer and informed of charges against them. Police were required to submit arrest reports within 48 hours to the investigating judge who, if the legal grounds for detention were satisfied, validated them within 96 hours. Thereafter, depending on the nature of the crime, detainees were either remanded for further proceedings, ordered released, or potentially placed under house arrest. These rights were respected.

There was a well-functioning bail system. Authorities provided detainees prompt access to a lawyer of their choice. The state provided legal assistance to indigent persons, and there were no reports of limitations to this provision.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provided for the right to a fair and public trial, without undue delay, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

No applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic

political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: The country's laws prohibited persons from disseminating ideas based on racial superiority or on racial or ethnic hatred or from committing or encouraging others to commit discriminatory acts on the grounds of race, ethnicity, nationality, religion, or sexual orientation. There were no reports of prosecutions based on these laws.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status by an act of the cabinet, and the government established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Foreigners who resided in the country for at least 10 years could vote in local elections.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: Observers regarded the parliamentary elections in 2019 as generally fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption.

Section 5. Governmental Posture Towards

International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were often cooperative and responsive to the views of these groups.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, including spousal rape, was a criminal offense, and the government effectively prosecuted persons accused of such crimes. The penalty for rape was two to six years in prison. In aggravated circumstances the sentence was four to 10 years' imprisonment.

The law prohibited domestic violence, and the government effectively enforced it. Domestic violence was a criminal offense; the penalty for spousal abuse was two to six years in prison. In aggravated circumstances the prison term was four to eight years. Survivors of sexual violence were entitled to free psychological counsel.

Discrimination: The law provided for the same legal status and rights for women as for men. The law regarding domestic violence and domestic abuse also prohibited gender-based discrimination. These laws were generally respected. The law explicitly mandated equal pay for work of equal value but, according to a labor union leader, women were sometimes employed at a lower level than men.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception and postexposure prophylaxis were available as part of the clinical management of rape.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited all kinds of discrimination, including racial or ethnic violence and discrimination. Racial and ethnic discrimination were aggravating circumstances for crimes, and the law was effectively enforced. There were no laws that specifically protected members of racial or ethnic minorities.

Children

Child Abuse: The law prohibited child abuse. When abuse was committed against a child, it constituted an aggravating circumstance. The government enforced these laws effectively.

Child, Early, and Forced Marriage: The legal minimum age of marriage was 18, but a judge could authorize marriage at the age of 16 in special cases. The law was effectively enforced by the government.

Sexual Exploitation of Children: The law prohibited child pornography, including performances, works, and material, and provided for punishment of anyone trading in, providing, or in any way distributing child pornography. Authorities enforced the law. The law included punishment for providing

information aimed at enticing or sexually exploiting children younger than 18, the minimum age of consent for sex. The penalty for this type of crime was imprisonment for two to six years, increased to four to 10 years if it involved sexual intercourse or if it was committed to the detriment of a child younger than 14 or a child younger than 18 who had physical or mental disabilities.

Antisemitism

There was an estimated Jewish population of a few dozen individuals in the country. There were no known reports of antisemitic incidents.

Trafficking in Persons

There were no confirmed reports during the year that the country was a source, destination, or transit country for victims of human trafficking.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Laws did not criminalize same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behaviors. Seemingly neutral laws were not disproportionately applied to

lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) persons to justify arbitrary arrest.

Violence and Harassment: Police or other government agents did not incite, perpetrate, condone, or tolerate violence or harassment against LGBTQI+ individuals or those reporting such abuse. There were no instances of violence or harassment by nonstate actors against LGBTQI+ persons or those reporting such abuse.

Discrimination: The law prohibited discrimination based on sexual orientation, gender identity or expression, or sex characteristics. The law also prohibited persons from encouraging others to commit discriminatory acts on the grounds of sexual orientation.

The law provided that, when a person committed an offense motivated by hostility toward the victim's sexual orientation, courts should consider such motivation as an aggravating circumstance when imposing sentence. An LGBTQI+ activist said this law was not always applied and noted there was no prescribed punishment for acts of discrimination.

Civil unions, including those of same-sex couples, were permitted by law. The law granted same-sex couples rights equal to rights of other persons with the exception of the right to adopt children. There were anecdotal reports LGBTQI+ couples that had children via surrogacy or who wished to adopt a stepchild experienced challenges registering both parents on birth certificates because the law required a mother's name to be listed. This

created challenges to register children for school or other services and to ensure the parental rights of nonbiological parents.

Availability of Legal Gender Recognition: Legal gender recognition was not provided for by the law. The government registered gender changes in a few instances following a determination by a judge that generally included a psychological evaluation or gender-affirming surgery. Changes to legal gender were not available for individuals younger than 16. The law did not address intersex provisions.

Involuntary or Coercive Medical or Psychological Practices: Although not officially forbidden, there were no reported cases of so-called conversion therapy. There also were no reports of unnecessary surgeries performed on nonconsenting intersex children or adults.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

Persons with Disabilities

Persons with disabilities had access to education, employment, health services, some public buildings, and transportation on an equal basis with others. The law required such access, and the government generally

enforced the law effectively, but not all public buildings were accessible to persons with physical disabilities. There were no reported cases of discrimination against persons with disabilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination and required reinstatement of workers fired for union activities. Some limitations defined by the law applied to strikes by workers employed in “essential public services,” including health care, education, and transportation. The government effectively enforced applicable laws. Penalties were commensurate with those for analogous violations such as civil rights violations; they included fines and, in cases of recidivism, the prohibition of professional activity. Penalties were regularly applied against violators.

The government and employers generally respected freedom of association, the right to collective bargaining, and the right to strike for workers.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibited all of the worst forms of child labor. The minimum age for employment was 16, provided a child completed compulsory schooling. The law excluded children between the ages of 16 and 18 from hazardous jobs. The government effectively enforced child labor laws. Penalties were commensurate with those for analogous crimes. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: There was no national minimum wage. Industry-based minimum wages higher than the poverty income level existed for various industrial sectors. The law provided for a standard workweek between 36 and 40 hours and prohibited excessive or compulsory overtime. The law provided for paid holidays and provided premium pay for overtime (between 25 and 35 percent).

Occupational Safety and Health: The government set appropriate occupational safety and health (OSH) standards for the main industries. The government proactively identified unsafe conditions. Workers could remove themselves from situations endangering health or safety without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government's Labor Office generally enforced minimum wage, overtime, and OSH laws effectively. The Office of the Labor Inspector was responsible for receiving and investigating claims of workplace health and safety violations. A sufficient number of inspectors were responsible to enforce compliance. Inspectors had the authority to make unannounced visits and levy fines. The Agency for Environment and the Agency for Civil Protection were mandated to supervise implementation of legislation on safety and health in the workplace, as well as to investigate major accidents. There were a few exceptions to compliance, especially in the construction industry, where some employers did not consistently abide by safety regulations, such as workhour limitations and use of personal safety devices. Authorities did not always enforce health and safety standards in the informal sector.

The penalties for failing to comply with the safety and health regulations provided by law ranged from a fine to imprisonment and were generally commensurate with those for similar crimes. Penalties were regularly applied against violators, although at least one labor union considered that the sanctions applied by authorities were not always adequate.