



REFERENCE:GH/fup-131

15 April 2021

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 7 and 9 of the concluding observations on the report submitted by San Marino ([CCPR/C/SMR/CO/3](#)), adopted by the Committee at its 115<sup>th</sup> session in November 2015.

On 11 July 2018, the Committee received the reply of the State party. At its 131<sup>st</sup> session (1 - 26 March 2021), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 3 ([CCPR/C/131/2/Add.3](#)) to the Report on follow-up to concluding observations (see [CCPR/C/131/2](#)). I hereby include a copy of the Addendum 3 (advance unedited version).

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the fourth periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Marcia V.J. KRAN

Special Rapporteur for Follow-up to Concluding Observations  
Human Rights Committee

H.E. Mr. Marcello Beccari  
Ambassador  
Permanent Representative  
Email: [mission.rsm@hotmail.com](mailto:mission.rsm@hotmail.com)



## Report on follow-up to the concluding observations of the Human Rights Committee\*

### Addendum

## Evaluation of the information on follow-up to the concluding observations on San Marino

*Concluding observations*  
(115th session):

[CCPR/C/SMR/CO/3](#), 3 November 2015

*Follow-up paragraphs:*

7 and 9

*Follow-up reply:*

[CCPR/C/SMR/CO/3/Add.1](#), received 11 July 2018

*Committee's evaluation:*

Additional information required on paragraphs 7[C] and 9[C]

### Paragraph 7: National human rights institution

**Recalling its previous recommendation (see CCPR/C/SMR/CO/2, para. 6), the Committee recommends that the State party establish an effective and independent national human rights institution with broad competence in the field of human rights, in accordance with the Paris Principles.**

#### Summary of State party's reply

The State party does not currently plan to establish an independent national human rights institution. It would be difficult to find appropriate independent members, owing to the small population, and there are financial resource constraints.

Some of the functions that would typically be performed by an Ombudsman are carried out by the Captains Regent. They receive in-person complaints once a week from any individual who wishes to claim that his or her rights have been violated by the State or to raise an issue of public interest. That traditional recourse to the Captains Regent became an official part of the legal system pursuant to constitutional amendments introduced in 2005.

#### Committee's evaluation

[C]: The Committee regrets that the State party does not intend to take any action with regard to its recommendations to establish an effective and independent national human rights institution with broad competence in the field of human rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and reiterates its recommendation.

### Paragraph 9: Anti-discrimination legislation

**The State party should take the measures necessary to strengthen its legal framework against discrimination, in particular by enacting comprehensive anti-discrimination legislation covering all grounds for discrimination, including gender identity. In addition, it should make vigorous efforts to raise awareness among the general public and train judges and lawyers on the existing criminal provisions against discrimination.**

---

\* Adopted by the Committee at its 131<sup>st</sup> session (1-26 March 2021).



### Summary of State party's reply

The principles of equality and equal opportunity are enshrined in article 4 of the Constitution of San Marino, which provides that "All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status".

Article 4 has been applied in cases of all forms of discrimination that have arisen since 1974, alongside increases in social protection needs and civil awareness.

These constitutional provisions are considered adequate. Adding further specific grounds for discrimination raises the possibility of the list of grounds being interpreted as an exhaustive list. The principle of non-discrimination is also included in various specific laws in areas such as work, education, health and the social sector.

Various initiatives for raising public awareness and training specialist stakeholders on these issues have been taken. For example, participation in the International Day for the Elimination of Racial Discrimination, and training in the fields of school, sports and health.

The State party believes that the few judges and lawyers of San Marino are sufficiently informed of legislative developments. The website of the San Marino parliament is constantly updated, contains all the legislative measures adopted and allows users to search quickly.

### Committee's evaluation

[C]: The Committee takes note of the information regarding the protection against discrimination provided under the State party's legal framework, but regrets that measures have not been taken to enact specific legislation and reiterates its recommendation in this regard. It requests further information on existing legal provisions, including: (a) cases in which article 4 of the Constitution has been invoked within the reporting period; and (b) legal standards that include anti-discrimination provisions. It also requests data on the number of investigations, prosecutions and convictions there have been in cases of discrimination in the reporting period, and details of the sanctions imposed and the reparations granted to victims.

The Committee also takes note of the information on efforts to raise public awareness of, and train specialist stakeholders on, the existing criminal provisions against discrimination. The Committee requests more specific information on the initiatives the State party has engaged in, including the number and nature of all awareness-raising and training activities, when they took place, the number of participants, and their substantive impact.

The Committee, while taking note of the information on the awareness of judges and lawyers of the existing criminal provisions against discrimination, regrets the lack of specific training measures that were taken within the reporting period. It requests information on any plans to provide training for judges and lawyers on existing criminal provisions against discrimination.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

**Next periodic report due:** 2024 (country review in 2025, in accordance with the predictable review cycle. See

[www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx)).

---