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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Combined initial and second, third and fourth periodic reports of

SAN MARINO* ** ***

[6 November 2006]

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**INITIAL REPORT SUBMITTED BY SAN MARINO UNDER ARTICLES 16
AND 17 OF THE COVENANT OF ECONOMIC, SOCIAL AND
CULTURAL RIGHTS**

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PART I

LAND AND POPULATION

1. The Republic of San Marino is geographically located within Italy, between the provinces of Rimini (Emilia-Romagna) and Pesaro - Urbino (Marche). Its territory covers an area of 61.19 sq.km on the slopes of Mount Titano and has a perimeter of 39.03 km.
2. Population figures, as of June 2006, reached 30,164. Population density is about 493 inhabitants per sq.km. More than 4,500 are citizens of other countries, above all Italians. Over 12,000 San Marino citizens reside abroad; the largest communities are in the northern regions of the U.S., France, Argentina and, of course, Italy.
3. The majority of the population are Roman Catholics.
4. Literacy rate is 97% (secondary school) and 58% (university) for the 2005-2006 period. Schooling in San Marino is compulsory up to the age of 16. Younger generations tend to be highly educated.
5. Life expectancy in San Marino is among the highest in the world, 78.57 years for men and 84.95 years for women. Birth rate is 10.6 births/1,000 and mortality rate is 6.9 deaths/1,000 (2000-2004 period).
6. The number of households is 12,664 and the average number of members per household is 2.37 people (2005 data).
7. Marriage rate is 0.70% (2000-2004 data). In 2005, 223 marriages were solemnized, out of which 95 were Catholic, 123 civil, the rest by other rites.
8. Domestic employment rate is 70.99%, total unemployment rate is 3.57% (2005 data).
9. In 2004 per capita health expenditure was EUR 1,882.83, while per capita expenditure per student (attending schools in San Marino) was EUR 8,815.64.

INSTITUTIONAL AND LEGAL FRAMEWORK

10. The institutional organization of the Republic of San Marino rests upon Law No. 59 of 8 July 1974 (*Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order*, hereinafter "the Declaration"), as amended by Law No. 95 of 19 September 2000 (*Amendment to Art. 4 of Law No. 59 of 8 July 1974*) and Law No. 36 of 26 February 2002 (*Review of Law No. 59 of 8 July 1974*).
11. The above-mentioned Declaration may be amended only by a law approved by the Great and General Council (Parliament) by a two-thirds majority of its members, or by an absolute majority subsequently confirmed by a referendum to be held within 90 days since the approval of the amending law. Such Declaration is equal to a constitutional charter, i.e. the highest law stipulating the country's institutional framework and sanctioning the fundamental civil, political and social rights recognized by the Republic of San Marino.

12. As a consequence, the whole San Marino legal system must comply with these principles, otherwise a petition may be submitted to the Guarantors' Panel on the constitutionality of rules, established by Law No. 36 of 26 February 2002 (*Review of Law No. 59 of 8 July 1974, Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order*), and subsequently regulated by Law No. 55 of 25 April 2003, passed by a qualified majority. The functioning of the Panel is described in a following part of this report.

13. Article 2 of the Declaration stipulates that the Republic's sovereignty is vested in its people, thus recognizing the fundamental role of the citizens' active participation in the life of the Country. Such active participation is exercised through the electorate, which is governed by Law No. 6 of 31 January 1996 and is made up of all San Marino citizens of full age, who are not affected by temporary or permanent special incapacity. Voters elect the Great and General Council (Parliament), exhaustively described in another section of this report, have the duty to express their opinion in case of referenda and have the power of legislative initiative.

14. With a view to regulating the institutes of direct democracy, Law No. 101 of 28 November 1994 introduced the institution of referendum in its three forms.

15. The referendum process for the total or partial abrogation of laws, acts, rules, including customary ones with force of law (*referendum abrogativo*), cannot be invoked to suppress bodies, organisms or fundamental powers of the State, nor fundamental rights and principles. Nor can it concern any matter related to taxes or duties, amnesty or pardon, and ratification of international conventions or treaties.

16. Voters can also propose the guidelines and principles under which a law shall regulate the matter forming the subject of the referendum (*referendum propositivo o di indirizzo*). Without prejudice to the prohibitions in matters limiting the right to vote, the free movement and establishment of people, or concerning the violation of human rights and the introduction of principles in conflict with those of the Declaration, this type of referendum can be proposed for the same matters as the abrogative referendum.

17. Another type of referendum enables voters to reject a provision promulgated but not yet in force (*referendum confermativo*). This type of referendum only applies to laws governing the fundamental powers of the State. If this referendum is invoked by the Parliament (i.e. expressly provided for in an article of a law subject to referendum and upon request of at least 31 members of Parliament), it can concern any matter except for tax and financial matters, amnesty and pardon.

18. In all cases, a referendum petition must be subscribed by a number of citizens making up 1.5% of the electorate; the petition, drawn up in a precise, clear and unequivocal manner, must be submitted by the Promoting Committee to the Captains Regent.

19. The Guarantors' Panel is competent to establish, subsequently in a special hearing, in which an Opposing Committee may participate, whether the petition is admissible and receivable. A petition is approved if it obtains the majority of valid votes cast and in any case no less than 32% of the votes cast by registered voters.

20. Under Law No. 101 of 28 November 1994, the electorate may also submit to the Great and General Council bills drawn up in articles, accompanied by an explanatory report and indicating the necessary expense coverage. Bills deriving from popular initiative must undergo the same debating procedure within the Great and General Council as those submitted by Parliament.

21. Moreover, under Law No. 72 of 24 May 1995, the electorate can exercise the power of petition through an institution called “*Istanza d’Arengo*”. These petitions, concerning issues of public interest, must be voted by the parliamentary assembly. Petitions so approved impose on the Congress of State (the executive body) the obligation to comply with them, in line with the Parliament’s will.

22. Article 3 of the Declaration sets forth the main features of the bodies vested with the three main institutional functions which, as sanctioned in its last paragraph, act in mutual respect for their autonomy and competence.

23. Under Article 3 of the Declaration, the Captains Regent, appointed by the Great and General Council, represent national unity and are the guarantors of the constitutional order. Constitutional Law No. 185 of 16 December 2005 sets forth the functions, attributions and responsibilities of the Captains Regent in their capacity as Heads of State. Article 2 of this Law stipulates the constitutional functions, while Article 3 specifies the attributions not included in the Declaration as subsequently amended. They preside over the Great and General Council, the Congress of State and over other bodies, on the basis of law provisions and in compliance with the principle of separation of powers. Under Article 6 of Law No. 186/2005, approved by qualified majority, the Captains Regent promulgate and order the publication of the laws approved by the Great and General Council. However, prior to promulgating a piece of legislation, in line with Article 4 of said Law No. 186/2005, when the formal or substantial conformity with the principles of the Declaration is doubtful, they may submit a reasoned request for a new deliberation to the Great and General Council. If the Great and General Council confirms its approval, the new piece of legislation must be promulgated. The Captains Regent may also adopt Decrees and Regulations, under Article 5 of Constitutional Law No. 185/2005, in compliance with Articles 8, 9, 11 and 13 of Law No. 186/2005 approved by qualified majority.

24. The Great and General Council, made up of 60 members, is entrusted with the legislative power. The Council also performs a political function *par excellence* and other supervisory powers. By virtue of its legislative power, the Council approves new bills and ratifies the decrees issued by the Captains Regent.

25. Under Art. 3 bis of the Declaration, the legislative initiative may be exercised by each member of the Council, by the Parliamentary Commissions, by the Congress of State, by the Township Councils (*Giunte di Castello*) and by the citizens.

26. Under the ordinary procedure, a bill, after a first reading, is passed on to the competent Parliamentary Commission which examines and approves each single article, amendment as well as the final text before submitting it to the Great and General Council for the second reading.

27. Under the extraordinary procedure, the Great and General Council may also decide, by a two-thirds majority of its components, to examine a bill in a single reading by passing it directly

on to the competent Parliamentary Commission. After having examined and approved all articles and amendments, the Commission submits the bill to the Great and General Council for the final vote.

28. In cases of particular urgency, confirmed by two-thirds of its members voting by secret ballot, the Great and General Council may decide that a bill, at any stage of the procedure, be debated and approved by the Council itself in a single reading, also during that very sitting.

29. The political function of the Parliament takes on concrete form, in particular, in the appointment of the Executive and approval of its programme, in controlling the Government activity, through the submission of motions, questions and interpellations, and in the annual approval of the State budget and subsequent adjustments.

30. The Congress of State is vested with the executive power according to the principles of collegiality and responsibility. Under the Declaration, the members of the Congress of State are appointed by the Great and General Council to which they are politically responsible, both individually and jointly. This is set forth in Constitutional Law No. 183/2005 with Article 2 identifying the attributions of the Congress of State and Article 8 indicating both individual and joint responsibilities of the members of the Congress of State.

31. Moreover it directs the Public Administration in conformity with the principle of separation of powers and in line with Article 2.b) of Constitutional Law No. 183/2005, which reads *“the Congress of State shall direct the general administrative activity by setting its overall goals and programmes and issuing the appropriate general directives of the Public Administration in respect for its autonomy as recognised by law”*. Section V of Law No. 184/2005 approved by qualified majority regulates in detail the relations between the Congress of State and the bodies of the Public Administration, notably Article 17.vi makes special reference to the separation of powers and implementation thereof.

32. In accordance with Article 3 of the Declaration, Constitutional Law No. 183/2005 stipulates, moreover, that the Congress of State – in implementing the guidelines of the Great and General Council – shall direct international policy, administrative activity in general and, in cases of emergency, adopt decrees having force of law to be subsequently ratified by the Great and General Council.

33. The Congress may also adopt decrees delegated under Article 3 bis of the Declaration, issue administrative decisions in accordance with the law, approve law implementing regulations, as well as the budgets and balance sheets of the State and of the Public Corporations.

34. With a view to ensuring effective separation of powers, Art. 3 of the Declaration guarantees to the judicial bodies, established by constitutional law, full independence and freedom of judgement in the fulfilment of their functions.

35. In application of the above-mentioned constitutional principles, Constitutional Law No. 144 of 30 October 2003 and Law No. 145 of 30 October 2003 approved by qualified majority have reformed the Judiciary and laid down new provisions on the institution, definition and responsibilities of judges.

36. Art. 1 of Law No. 144/2003 stipulates that the Judiciary is exclusively subject to the law, and judges must strictly interpret and apply the existing laws, while Art. 1 of Law No. 145/2003 provides that a Single Court has ordinary and administrative jurisdiction. This Court consists of two specialized sections, administrative and ordinary, the latter being subdivided into civil, criminal, juvenile and family.

37. Work distribution, organization and supervision of the Court's activity are entrusted to a Chief Magistrate, appointed for a 5-year term by the Judicial Council in plenary session from among the Law Commissioners (judges) having served for at least 10 years.

38. Under Art. 2 of Law No. 144/2003, the ordinary jurisdiction is entrusted to: the Highest Judge of Appeal (*Giudice di Terza Istanza*), the Judge of Appeal, the Law Commissioner, the Conciliating Judge, the Clerk. The administrative jurisdiction is entrusted to: the Administrative Judge, the Administrative Judge of Appeal, the Highest Judge of Appeal of the civil jurisdiction acting as Highest Administrative Judge of Appeal. The *Procuratore del Fisco* and the *Pro-Fiscale* are prosecuting magistrates.

39. Art. 2 further assigns extraordinary jurisdictional functions to a Judge of Extraordinary Remedies and the task to verify the civil liability of magistrates to Judges for Civil Liability Actions.

40. The Civil and Criminal Judge of Appeal and the Administrative Judge of Appeal decide on any appeal against the decisions made by the Law Commissioners in civil and criminal matters, by the Conciliating Judge, only in case of judgements in civil proceedings concerning movables exceeding EUR 12,500 of value, and by the Administrative Judge respectively.

41. The Law Commissioner performs jurisdictional functions in the court of first instance, both in civil and criminal matters. With regard to civil matters, the judge is responsible for hearing litigations of any nature, except for cases where the economic value is less than EUR 25,000. The judge performs, moreover, voluntary jurisdictional functions and reviews the decisions made by the Conciliating Judge in case of civil proceedings concerning movables not exceeding EUR 12,500 of value. With regard to criminal matters, the Law Commissioner is vested with investigating functions and makes decisions in the first instance. The Administrative Judge performs jurisdictional functions of first degree in administrative matters.

42. The functions of the Conciliating Judge, in non litigation matters, are to settle civil disputes of any nature and value, except for cases related to personal capacities and status and any other lawsuit related to non disposable rights. In litigation matters, the Conciliating Judge settles civil disputes related to movable and immovable property the value of which does not exceed EUR 25,000.

43. The Law Commissioner's Clerk assists the Law Commissioner in his activities and may be entrusted with preliminary investigation functions both in civil and criminal matters.

44. In criminal matters, the Highest Judge of Appeal decides on appeals concerning the legitimacy of precautionary measures involving both people and property and on the execution of penalties. In civil matters, the Highest Judge of Appeal decides on pleas for lack of competence, and in civil and administrative matters he decides in the third degree.

45. In civil and administrative matters, it is worth noting that judgements are final when the terms for proposing an appeal have expired and when they meet the so called “*doppia conforme*” requirement (two concordant decisions), that is to say when the first degree judgement, if appealed against, is totally confirmed in the second degree. On the contrary, if the second instance judgement differs from that of first instance, the matter cannot be considered *res judicata* and the losing party in the appeal, who does not agree on the judgement, may request a third instance judgement. In this case, the relevant Judge shall confirm either the first instance or the appeal decision, which thus becomes the final judgement.

46. The Judge of Extraordinary Remedies decides on disputes between civil, criminal and administrative jurisdictions, on appeals for the review of criminal judgements, on *querela nullitatis* and *restitutio in integrum* remedies against final civil judgements.

47. Under the present system, the *Procuratore del Fisco* and the *Pro-Fiscale* support, in criminal proceedings, the accusation. However, it must be noted that their appointment and functions are being reconsidered in the context of the reform of the Code of Criminal Procedure, according to which, the *Procuratore del Fisco* and the *Pro-Fiscale* will become a real and proper Public Prosecutor according to the accusatory model.

48. Under Article 3 of Law No.145 of 30 October 2003, Highest Judges of Appeal and Judges of Extraordinary Remedies are appointed by the Judicial Council (body representing and guaranteeing the judicial order), in plenary session, by a two-thirds majority. They are chosen from among legal experts of repute who meet the minimum requirements for magistrates of appeal. Judges of Appeal are appointed subsequent to a written and oral examination for qualified candidates, chosen from among magistrates having at least the qualification of magistrate of appeal or of tenured professors of law, aged no less than 45, or from among Law Commissioners and Administrative Judges in the first instance having served for at least 10 years.

49. Law Commissioners and Administrative Judges in the first instance are chosen from among magistrates, or tenured professors of law, or professors of law who subsequent to a public competition are employed in a university, or attorneys with at least 6-year practice of law, or Conciliating Judges and Clerks having served for at least 4 years.

50. The *Procuratore del Fisco* and the *Pro-Fiscale* are selected by means of public competition from among attorneys aged no less than 30 or tenured professors of law, or professors of law who subsequent to a public competition are employed in a university.

51. Conciliating Judges are selected by means of public competition from among attorneys having been members of the Bar for at least 4 years.

52. Clerks are selected by means of public competition from among candidates having a university degree in law. After two years of service, they can be appointed *Procuratore del Fisco*, *Pro-Fiscale* and Conciliating Judge.

53. Under Article 4 of Law No. 145/2003, Highest Judges of Appeal, Judges of Extraordinary Remedies and Judges for Civil Liability Action are appointed by the Judicial Council, in plenary session, for a 5-year term with possible renewal. Judges of Appeal, Law Commissioners,

Administrative Judges in the first instance, Conciliating Judges and Clerks are subject to a 3-year trial period, after which, the Judicial Council, having assessed the competence acquired, decides whether to terminate or confirm the appointment on a permanent basis.

54. Under Article 4 of Law No. 144/2003, the Judge of Extraordinary Remedies, expert in the matter to which the proceedings and related requests refer, decides on abstentions and challenges of Judges of first degree, Judges of Appeal and Highest Judges of Appeal; under Article 5 of the same Law, the Guarantors' Panel for the constitutionality of rules decides on abstentions and challenges of Judges of extraordinary remedies and Judges for civil liability actions.

55. Moreover, Article 7 of Law No. 36 of 26 February 2002 (Review of Law No. 59 of 8 July 1974) established a Guarantors' Panel responsible for the constitutionality of rules. This Panel is competent to decide on the acceptability of referenda, as already mentioned above, in case of conflicts between constitutional bodies, on the "Regency Syndicate", and verifies the constitutional legitimacy of law provisions.

56. The verification of constitutional legitimacy of law provisions may be requested by at least 20 members of Parliament, by the Congress of State, by 5 Township Councils or by a number of voters representing at least 1.5% of the electorate as results from the latest final annual review of electoral lists. In the context of pending judicial proceedings, such verification may be requested by the parties involved, by the *Procuratore del Fisco* or *ex-officio* by the judge by means of a special order. Under Law No. 55 of 25 April 2003, all decisions of admissibility or rejection made by the Guarantors' Panel must be immediately notified to the applicants and to interested parties and transmitted to the Captains Regent who immediately inform the Great and General Council thereof.

57. Without prejudice to the immediate validity of the judgement in respect of the parties concerned, the decision of unconstitutionality becomes effective after six months. Within this period, the Great and General Council may issue a new law provision to comply with the decision of unconstitutionality.

PART II

A. Part of the report relating to general provisions of the Covenant

Article 1

58. Article 2 of the Declaration clearly sets forth that “The Republic’s sovereignty is vested in its people who shall exercise it through the statutory forms of representative democracy” and through the other institutions of direct democracy. Through this constitutional principle, the San Marino legislator attributed a primary role to the electorate. Voters have the right and duty to directly contribute to the country’s political, social and economic development by electing the members of the Great and General Council (Parliament), and through other institutions of direct democracy such as referenda, popular legislative initiative and right of petition, described in the Institutional Framework.

59. The Republic of San Marino recognizes the right of people to freely dispose of their wealth and natural resources in conformity with domestic legislation and the international treaties to which the Republic is a party.

60. The Republic of San Marino has no responsibility for the administration of Non-Self-Governing and Trust Territories.

Article 2

61. As of today, the only limitations on residents who are not San Marino citizens concern the fact that they do not have the right to vote in a general election and have no access to the highest political mandate as Head of State.

62. With regard to international cooperation, following the principle “help to help oneself” the Republic of San Marino has always been involved in activities to assist and support the needy. Cooperation in this sector has always formed integral part of San Marino foreign policy.

63. The 2006 State Budget includes a special budget entry for international cooperation entitled “*International Solidarity Provision*”, under the Economic Planning and Justice column in the expenditure chapter of the Foreign Affairs Department- Economic and Social Affairs Directorate.

B. Part of the report relating to specific rights

Article 6

64. The last ten years have witnessed a remarkable and uninterrupted employment growth. With regard to the employment or occupation of residents, no distinctions are made on the basis of race, colour, sex, religion or nationality.

Domestic employment rates

Ratio between employed population (residents and people with a stay permit) and people in working age (aged 16-64)

	1995	2000	2004
M	86.01%	73.23%	75.92%
F	65.48%	63.47%	66.02%
Total	75.61%	68.3%	70.89%

Unemployment rate in the strict sense

Ratio between people seeking work (only unemployed people in the strict sense) and the workforce

	2000	2004
M	0.88%	1.20%
F	1.39%	2.23%
Total	1.12%	1.70%

Minor workers (aged less than 18) (dependent and independent workers) 2004

	16 years of age	17 years of age	18 years of age	Total
M	5	19	25	49
F	1	4	3	8
Total	6	23	28	57

Workers by age group (dependent and independent workers)

	1995	2000	2004
16-18	152	90	57
19-25	2 096	1 979	1 435
26-30	2 730	2 896	2 593
31-40	4 722	6 435	7 260
41-50	3 361	4 187	5 339
Over 50	2 517	3 057	3 206

65. Dependent workers of firms and businesses in predicament which have cut the number of their employees and placed them on mobility lists, as well as male and female workers aged around 50 may be very hard to re-employ, though their number is very small. So far such jobless workers have always been hired again within a reasonable period of time, but this may no longer be the case in the future as some working skills or abilities are less or no longer demanded on the labour market.

66. Under Art. 13 of Law No. 95 of 19 September 1989 on Employment, any mediation between labour demand and supply – even if offered for free, but in an organized manner – is prohibited, meaning that all activities aimed at ensuring employment opportunities to jobseekers have to be exercised by a public office, notably the Labour Office. Art. 2 of said Law

No. 95/1989 stipulates that promoting employment is a public function to be accomplished by the relevant labour offices, through the Employment Office. So, anyone enrolled in the Employment Lists may rely on the mediation of the Employment Office when looking for a job or work: employment lists are managed in accordance with a Regulation approved by the Labour Commission, established under the same law and appointed by the Great and General Council (Parliament).

In the framework of active policies, to supplement and complete the public employment system – though already working properly – new services were more recently devised with Law No. 131 of 29 September 2005, “Law on the promotion, support and development of employment and training”. Such services include for example information and reallocation of workers, new hiring and training incentives granted under new contracts for the purpose of training or hiring young people, especially high school or university graduates. Under the same Law, special attention is given to the employment or reallocation of special categories of workers, e.g. liable to be socially excluded, such as long-term jobless or idle workers, women to be re-inserted in the labour market, men and women aged over 50: because these are the most vulnerable workers, special hiring contracts have been devised by the reallocator allowing for exemption from social security contributions. Other facilities remain with respect to professional training under Law No. 89 of 24 July 1987 and Law No. 36 of 4 March 1993.

67. In San Marino, given the small size of the country, contacts and meetings between the Government, relevant public offices, trade unions and employers’ organizations are pretty frequent and not limited to the renewal of collective agreements. Collective bargaining has often been characterised by a good level of cooperation between the social partners. This nonetheless, to best reach the goal of “work as productive as possible”, Art. 4 of Law No. 131/2005 on the promotion, support and development of employment and training established an Executive Committee on Employment and Training, responsible for “meshing” education, professional training, labour and economic development policies. The Executive Committee is composed of the Minister of Labour (as Chairman), the Minister of Industry, Handicraft and Commerce, the Minister of Education, the University Rector, the Labour Office Director, the high and junior school principals, the Director of the Professional Training Centre, a representative of the trade unions and of the employers’ organizations.

68. Article 4 of Law No. 59 of 8 July 1974, “Declaration on the Citizens’ Rights and Fundamental Principles of San Marino Constitutional Order”, as subsequently supplemented and amended, affirms the principle of equality before the law, without any distinction based on sex or personal, economic, social, political and religious status. The same Article further stipulates that the Republic guarantees equal social dignity and equal protection of rights and freedoms and promotes the conditions for the effective participation of citizens in the economic and social life of the Country. Article 8 of said Law sanctions the right of citizens to form, in a democratic way, political parties and trade unions, while Article 9 stipulates that each citizen has both the right and duty to work and that fair remuneration, annual holidays, weekly rest and the right to strike are secured by law. Moreover, under Article 11, in the fields of education, work, sports and leisure activities, the Republic promotes the development of the personality of the young and educates them to a free and responsible exercise of their fundamental rights.

Article 1 of Law No. 40 of 25 May 1981, "Gender equality in labour matters", prohibits any discrimination based on sex with regard to labour access, at all career levels. This prohibition also applies to all initiatives concerning guidance, vocational training, specialisation and refresher courses, both in terms of access and content. The State is committed to implementing the right to labour and professional training through adequate policies.

Anyone seeking employment as a dependent worker must enrol in the general Employment List. The possibility to enrol in any other specific list provided for by law remains unaffected. The worker, upon enrolment in specific lists, may specify that he/she is not available for some sectors or special tasks (Article 11). To further guarantee the freedom to choose a job without limiting, in any way, the fundamental freedoms of an individual, Article 14 of the Law on Employment expressly prohibits the employer to investigate, for hiring purposes, even through a third party, on the political, religious or trade union background of a worker, as well as on circumstances not relevant to assess his/her skills.

69. Professional training in the Republic of San Marino is a public service regulated under Law No. 37 of 4 March 1993. Professional training also contributes to the cultural, social and economic development of the country consistently with the overall economic planning. The Ministry of Labour is responsible for planning in labour and employment matters and supervises the implementation of relevant initiatives, also through the Professional Training Centre.

Training courses preparing for first employment are addressed to:

- (a) Young people having finished the junior school or aged over 16;
- (b) Young people having finished the high school or university.

70. There are also training courses for people already working, both as self-employed or employees, and for the unemployed.

Here follows a list of the various types of training available:

- (a) Multiyear courses ending with professional certificate;
- (b) Training for a maximum of 600 hours devised for people already having a professional certificate, high school certificate or university degree, wishing to further specialise a skill already part of his/her professional/educational background;
- (c) Guidance and short training aimed at directing people towards specific jobs;
- (d) Training supplementing school syllabuses in collaboration with the Ministry of Education;
- (e) Training ending with a licence for the performing of specific professions organised in collaboration with the relevant Ministries;

(g) Refresher and specialisation courses addressed to young unemployed or idle workers, to employees of both the private and public sectors and/or to entrepreneurs or self-employed organised in collaboration with the relevant professional or workers' associations;

(h) Requalification or reallocation of temporary workers, unemployed or workers wishing to change their job;

(i) Mixed training contracts, such as professional training or apprenticeship contracts;

(j) Training and specialisation courses and internships at public and private entities and companies outside San Marino.

71. More specifically, the Professional Training Centre arranges:

(a) Basic qualification courses for the young who have finished the junior school but still have to complete two years of compulsory school (till the age of 16) and can do so by attending a two-year course and obtaining a certificate;

(b) Second level courses for people already in possession of a certificate, high school diploma or university degree;

(c) Scholarships to facilitate access of qualified young workers to the labour market;

(d) Refresher and specialisation courses for public employees;

(e) Specialisation and/or refresher courses for adults.

72. Access to such courses is ensured to all San Marino citizens or residents. They are free only until the age of 16.

73. Law No. 131 of 29 September 2005, "Law on the promotion, support and development of employment and training", adjusted the legal framework of rights, duties and protections of workers, with the specific aim to effectively implement the right to work and to choose a job, thus contributing to the human and professional development of workers, facilitating the match between labour demand and supply, helping the hiring of first job seekers, the unemployed in difficulty and increasing the employment of the most vulnerable groups of the labour market.

74. Among the laws adopted by San Marino to achieve full employment, Article 4 of Law No. 71 of 29 May 1991, "Employment of disabled people", establishes that the overall public sector and private enterprises with more than 20 employees are obliged to hire a disabled person every 20 workers, also in compliance with the fundamental principles of the 1974 Declaration as subsequently amended and supplemented. Indeed, under Law No. 71/1991, both the State and private enterprises meet the obligation to hire disabled workers in conformity with Law No. 141 of 21 November 1990, "Framework Law protecting the rights and social inclusion of disabled people". In this way, the disabled can rely on a secured and suitable employment, they can make a professional career, also through specific training courses, and have their professional dignity respected. Occupational therapy or rehabilitation is also envisaged for individuals whose working capacity is considerably impaired. Moreover, Law No. 34 of 4 August 1967, Law No. 18 of 26 January 2006 and Decree No. 37 of 15 February 2006 discipline the full

employment of labour force and set the criteria for the hiring of the disabled in the support groups of the State Public Works Corporation (AASP), in the Public Administration and in the other autonomous public entities.

Article 7

75. The principal method used for fixing wages is through collective bargaining. Law No. 7 of 17 February 1961, “Law on labour and workers’ protection”, establishes that the labour agreement is collectively concluded between the registered trade unions and the registered employers’ organisations and has “erga omnes” validity, that is it applies to all workers covered by the agreement. The collective labour agreement must be drafted in written form and published by deposit with the Court Chancellery and on the Official Gazette, otherwise it is not valid. Therefore, the validity of agreements is erga omnes because the signing unions are highly represented. Indeed, to be registered, trade unions must represent at least six categories of workers and include a minimum of 500 members, while employers’ organisations must represent, to be registered, at least 8 categories or include a minimum of 100 qualified members. Collective bargaining covers all sectors.

76. In San Marino hiring is regulated by Law No. 95 of 19 September 1989, “Law on employment”. This Law establishes that promoting employment is a public function, employers must address the Labour Office – Employment Unit – to hire workers and employment is proved by a written communication, that is the authorisation to undertake employment, issued by the Labour Office to both the employer and the worker. The employer’s request specifies the employer’s sector, the applicable labour agreement, the task and the wage level. Wage levels are those set in the applicable collective labour agreement. Therefore, all employments are disciplined, both in terms of regulation and remuneration, by collective labour agreements. There exists no system of minimum wages but the criteria set in the collective labour agreements are applied.

77. Collective labour agreements protect the purchasing power of workers and their families by offsetting inflation, by means of real/contractual percentage increase and fiscal drag directly affecting wages. Every year, the fiscal drag allows, as agreed between the Government and the trade unions, to link taxation to inflation through a mechanism of periodic review of the progressive income tax rates, which results in greater tax allowances, e.g. tax allowances for expenses incurred for income generation.

78. Moreover, the annual survey carried out by the Office for Economic Planning and Centre for Data Processing and Statistics on expenditure and life style of San Marino households represents another important monitoring instrument, useful to devise appropriate measures in this field.

79. A Regency Decree annually sets the average contractual wage, which is calculated from the average of a private sector wage basket. The attached tables show contractual average wages and private sector average wages starting from 1993, compared to inflation trends. It is clear that, over the years through 2002, contractual average wages have been constantly higher than inflation (see attached table in Excel format).

80. In the absence of a relevant collective agreement, the territorial minimum wages of the collective labour agreement for the industrial sector applies.

81. Average remuneration per employee (in euro)

	Public	Private	Total
1995	18 963.64	15 698.63	16 664.70
1996	20 115.62	17 796.60	18 471.74
1997	21 710.19	18 919.68	19 738.90
1998	23 203.80	18 605.58	19 931.11
1999	24 474.67	19 276.51	20 706.93
2000	25 498.49	19 242.84	20 904.25
2001	25 550.75	20 001.29	21 446.75
2002	25 742.63	20 113.01	21 507.69
2003	27 565.81	20 462.15	22 136.60
2004	27 579.98	22 425.60	23 608.84

82. The occupational health and safety provisions set forth in Law No. 31/98 apply to all categories of dependant workers.

83. In 2004, 659 occupational accidents were recorded. In 2000, the number of accidents was above 1000, while in 2001-2004 such number varied considerably, remaining in any case well below 2000 figures.

84. In 2004, as in the preceding years, the sector recording the highest number of accidents was manufacturing (39.5% of all accidents), followed by building and utility installation (9.7%), commerce (6.5%) and services (6.4%). With reference to the 2000-2004 period, the decrease in accidents in the building, utility installation and commerce sectors testifies to the effectiveness of the provisions introduced on occupational safety.

85. In the same period, the age group mostly affected was that ranging from 36 to 40.

86. Finally, data available show that almost all accidents have entailed a maximum of 10-day prognosis and that the most frequent accidents are injuries of upper limbs (22.2%), followed by crushes and bruises (21.4%) and distortions and distractions of joints and muscles (15.5%).

87. In 2004, the competent authorities did not report any fatal accident.

88. In the same year, occupational physicians in the companies reported 39 cases of diseases presumably related to working activity. Following specialist examinations by the Occupational Medicine Service and second level inspections, 10 people were invited to file a claim for occupational disease to the Health Assessment Commission. The relevant investigations were initiated to establish whether such people were entitled to a privileged pension.

89. Moreover, employers reported 82 cases of workers exposed to noise levels equal to or exceeding 85 dB.

Occupational accidents per kind of activity

	2000	2004
Agriculture	8	4
Manufacturing	439	260
Building and plants	169	64
Commerce	149	43
Transport and Communications	8	3
Credit and Insurance	5	2
Services	106	42
Public Administration	43	35
Not specified	192	206

Fatal occupational accidents (1992-2005)

1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0	2	2	1	0	2	1	0	0	0	1	0	0	1

Occupational accidents by age group

	2000	2004
Up to 18	4	8
19-20	11	10
21-25	89	53
26-30	159	78
31-35	188	91
36-40	193	138
41-45	126	100
46-50	124	61
51-55	99	58
56-60	96	49
Over 61	27	13
Not specified	3	

90. Law No. 59 of 8 July 1974, “Declaration on the Citizens’ Rights and Fundamental Principles of San Marino Constitutional Order”, subsequently supplemented and amended by Law No. 36/2002, establishes that “All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status. All citizens shall have access to public services and elective posts, in accordance with the procedure laid down by law. The Republic shall guarantee equal social dignity and equal protection of rights and freedoms. It shall promote the conditions for the effective participation of citizens in the economic and social life of the Country”.

Occupational accidents by kind of injury

	2000	2004
Fractures of skull, neck and trunk	24	20
Fractures of upper limbs	53	29
Fractures of lower limbs	27	17
Dislocations	5	3
Distortions and distractions of joints and muscles	190	107
Intracranial traumas, excluding those associated with fractures of skull	5	2
Internal traumas of chest, abdomen and pelvis	0	1
Injuries of head, neck and trunk	111	55
Injuries of upper limbs	241	171
Injuries of lower limbs	33	24
Superficial traumas	5	12
Crushes and bruises without solution of continuity	207	138
Effects of foreign bodies penetrated through natural orifices	148	64
Burns	42	9
Toxic effects of substances of mainly medicinal origin	14	2
Other non specified effects of external factors and complications of medical treatments	9	4
Not specified	5	1

91. Each citizen has both the right and duty to work. Fair remuneration, annual holidays, weekly rest and the right to strike are secured by law. Moreover, Law No. 40 of 25 May 1981, “Gender equality in labour matters”, prohibits any discrimination based on sex with regard to labour access, at all career levels. This prohibition also applies to all initiatives concerning guidance, vocational training, specialisation and refresher courses, both in terms of access and content. The State is committed to fully realising the right to labour and professional training through appropriate policies.

92. Law No. 26 of 25 February 2004 establishes the Commission for Equal Opportunities in order to “guarantee full legal equality and equal opportunities to all citizens”. The objective is to eradicate any inconsistency with these principles or to supplement inadequate rules by collaborating with the bodies, to which the law recognises the power of legislative initiative. The functions of this Commission include: to verify compliance with the implementation of regulations and guidelines decided by the Great and General Council on legal equality and equal opportunities; to receive and examine complaints submitted by individuals and associations in

case of infringement of these fundamental principles; to submit petitions to the competent bodies; to institute a civil, criminal or administrative action in order to defend collective interests concerning equal opportunities. This Commission is also responsible for promoting initiatives aimed at encouraging participation in the political, social and economic life, as well as the possibility to take part in the works of international organisations in this field.

93. The Commission for Legal Equality is composed of: 20 members representing all political parties in Parliament in proportion to the number of Parliamentary Groups; a member designated by the trade unions; a member designated by the professional associations; and a member representing San Marino Council of Cultural Associations and Cooperatives.

94. No groups of workers are currently deprived of equal opportunities. Men and women are treated on an absolutely equal footing. Pregnant working women are not allowed to work for 5 months. In all cases it is absolutely prohibited for them to work during the 30 days prior to the expected date of delivery, or during the 60 days following delivery. In addition to this compulsory maternity leave, working mothers are entitled to be absent from work for a maximum period of 16 months, during which they will not lose their job and receive 20 to 30% of their daily wage as allowance. They are also allowed to be absent from work for two paid hours a day for breast feeding. In alternative, working fathers are entitled to post-partum leave. Lastly, up to the third year of age of the child, either the father or the mother may ask and obtain to transform their full-time job into a part-time one, with the employer paying less contributions.

95. No category of workers is excluded, either by law or practice, from the exercise of the rights referred to above.

96. The legislation regulating working relationships encompasses many provisions. In particular, Article of Law No. 7 of 17 February 1961, "Law on labour and workers' protection" stipulates that the collective agreements concluded between trade unions and employers' organisations have force of law between the parties. Article 9 stipulates that collective agreements are effective erga omnes, e.g. are mandatory for all workers and employers covered by the agreement. Article 10 refers to the content of collective agreements. Article 13 regulates trial periods, Article 15 provides for equal wages for men and women, Article 16 deals with working hours, Article 18 with weekly rest and holidays, Article 19 with periodic holidays with pay and Article 21 with remuneration for public holidays. Moreover, the single collective agreements further regulate periodic and public holidays, leaves and rests. Over the years, workers in San Marino have been treated more and more favourably compared to the minimum treatment provided for by the 1961 Law.

97. Here is a short list of the terms of certain collective labour agreements:

(a) The handicraft agreement provides that working time be distributed in 5 working days, with Saturday as weekly rest, 26 days of periodic holidays with pay, paid leaves for study and examination reasons and other facilities to attend courses; overtime pay is increased by 30%;

(b) The industry contract, similarly to the handicraft one, provides for Saturday as weekly rest and 26 days of periodic holidays with pay; overtime pay is increased by 25 to 35%;

(c) The Public Sector agreement provides for weekly working hours distributed over five days, except for some sectors (Posts, administrative and auxiliary staff in Lower and Upper Secondary Schools), where working hours are spread over six days. In general, weekly working hours are divided as follows:

- (i) 36 hours for Administrative – Technical – Auxiliary staff;
- (ii) 18 hours for Lower and Upper Secondary School Teachers;
- (iii) 22 hours for Elementary School Teachers;
- (iv) 26 hours for Nursery School Teachers.

98. Besides the weekly teaching hours mentioned above, teachers of all school levels must complete 16 hours of service per month.

99. The weekly days off of Administrative Offices and Teachers of Nursery and Elementary Schools are generally Saturday and Sunday, plus public holidays.

100. The weekly days off of Lower and Upper Secondary School Teachers are Sunday and public holidays, plus a midweek day.

101. Weekly days off are an inalienable right (Article 36 of the Law No. 41 of 22 December 1972 – “Law on Public Employees”).

102. Apart from teachers, who have holidays at Christmas, Easter and during summer, and have the right to up a maximum of 10 days of non paid special leave for serious family reasons, the remaining personnel have the right to the following annual paid holidays (Article 48 of the Law on Public Employees):

- (a) One day per month during the first year of service;
- (b) 15 working days during the second year of service;
- (c) 20 working days during the third year of service;
- (d) 26 working days from the fourth year of service onwards.

103. Besides paid and school holidays for teachers, all public employees have the right to the following special leaves (Article 38 of the Law on Public Employees):

- (a) 15 continuous days for marriage;
- (b) Up to 5 continuous days for serious family bereavement;
- (c) Up to 5 days per year (6 days for people working 6 days per week) for special circumstances;

- (d) Up to 20 days per year for study purposes;
- (e) Up to 8 days per year of non paid leave.

104. Moreover, 3 days per month (to be used also as separate hours) of special leave are granted to assist disabled people (Agreement between Public Administration and Trade Unions of 14 November 2000 – Article 6 of Law No. 33 of 28 February 2001).

105. Remuneration for ordinary service at night from 10.00 p.m. to 6.00 a.m. (+ 25%) and on public holidays [Sundays (+ 25%) and/or midweek holidays (+ 100%)] is increased by the above mentioned percentages (Article 60 of the Law on Public Employees).

106. Remuneration for extraordinary service is the following:

- (a) + 25% for service during working days;
- (b) + 50% for service at night;
- (c) +100% for service on public holidays or weekly days off.

107. In short, each agreement indicates the terms for periodic holidays – a fundamental right for all workers – others also provide for working time reductions up to 50 hours per year (building sector) and, where consistent with business needs, Saturday is a rest day. All agreements envisage paid special leaves, including for study reasons. Notably, the banking sector provides for awards for employees obtaining a diploma or degree after hiring. Any worker on service during a national or religious holiday is entitled to overtime pay, according to the relevant agreement. Lastly, worth mentioning is Article 59 of Law No. 7 of 17 February 1961, which reads “in any case, workers shall be entitled to the most favourable treatment as results from single or collective agreements in force or as is customary”.

108. Thanks to the *erga omnes* validity of collective agreements, no difficulties affecting the realisation of the rights described above have been identified. In substance, there are no categories of workers excluded from the enjoyment of rights such as periodic holidays with pay, rest, leisure, reasonable limitations of working hours and remuneration for public holidays. On the contrary, the enjoyment and protection of workers’ rights have been enhanced over the years.

Article 8

109. The protection of trade union activity is ensured by the following principles of law: the association to form a trade union is free; workers are free to join Trade Unions; Trade Unions are entitled to set up workers’ committees at factories, collective agreements concluded by a Trade Union have force of law, e.g. are effective in respect of all categories of workers listed in that Trade Union (*erga omnes* validity).

110. There are no legal provisions specifically regulating the setting up of trade unions for certain categories of workers only.

111. There are no restrictions to the right to form or join a trade union. The right to form a trade union and, more generally, the right of association is constitutionally guaranteed in Art. 8 of the 1974 Declaration, as subsequently amended and supplemented. Under Law No. 7 of 1961, notably Articles. 1, 2, 3, 4, 8, 9 and 10, workers are free to associate and form a trade union. Trade Unions or Workers' Associations are required to register with the Court to be recognized as legal persons. To this end, they must include at least six categories of workers and no less than 500 registered members. Conversely, registered Employers' Associations are required to include at least 8 categories, or no less than 100 qualified members (Art. 4 of Law No. 7 of 17 February 1961).

112. Under the legislation referred to in the preceding paragraph, the Government may not interfere in any way in the activities of the trade unions. Therefore, trade union confederations are fully entitled to form federations and join international trade union organizations. This is also in accordance with ILO Conventions joined by the Republic of San Marino [Convention no.87 on Freedom of Association and Protection of the Right to Organise, 1948; Convention no.98 on the Right to Organise and Collective Bargaining, 1949; Convention no.151 on Labour Relations (Public Service), 1978].

113. Under Art. 2 of Law No. 70 of 28 May 2003, Trade Unions that have been formally recognized as legal entities are funded with a portion of the worker's wage or salary, the amount of such portion been set in the various collective agreements. Workers may decide, however, not to pay this portion by making a formal declaration at the Labour Office.

114. In San Marino, there are two confederate trade unions: the C.S.d.L. (Confederazione Sammarinese del Lavoro) and the C.D.L.S. (Confederazione Democratica dei Lavoratori Sammarinesi).

115. The C.S.d.L. has been established in 1943. It is an autonomous organization which – according to its Statute – “observes the rules and practices of democratic life in the Republic, while it represents, advocates and meets through dialectic the needs of its listed members and of all workers”. The C.S.d.L. provides for action and participation for the purpose of promoting, representing and defending the workers' interests, and does so through collective bargaining and other claiming mechanisms.

116. The C.S.d.L. is a member of the European Trade Union Confederation (ETUC) and of the International Confederation of Free Trade Unions (IFTUC).

117. The leadership of the C.S.d.L. comprises a Secretary General, three Confederate Secretaries, four Federate Secretaries and a Confederate Secretariat.

118. The C.S.d.L. includes four Federations concerning respectively workers in the manufacturing sector (FULI), public employees (FUPI), workers in the building sector and the like/workers in hotels, trade and services (FULEA/FULSAC), and pensioners (FUPS).

119. The C.S.d.L. counts 4,500 members in total, divided as follows:

FULI	1,503
FUPI	556
FULEA/FULSAC	504 (301 + 203)
FUPS	1,910

120. The C.D.L.S. has been established in 1957.

121. The C.D.L.S. is a member of the European Trade Union Confederation (ETUC) and of the International Confederation of Free Trade Unions (IFTUC).

122. The leadership of the C.D.L.S. comprises a Secretary General, two Deputies Secretary General and one Confederate Secretary.

123. The C.D.L.S. includes four Federations concerning respectively workers in the manufacturing sector (1,161 members), public employees (1,276 members), workers in the building sector and the like/workers in banks, trade and services (824 members), and pensioners (2,263 members). The C.D.L.S. counts 5,611 members in total.

124. Article 9, par. 1, of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order, stipulates that "each citizen shall have both the right and duty to work" and that "the right to strike shall be secured by law." The provisions of said Art. 9 apply in combination with those of Art. 6 of the Declaration, which guarantee civil and political freedoms, in particular personal freedom, freedom of residence, establishment and expatriation, freedom of assembly and association, etc. the only restrictions placed on the exercise of such rights – including the right to strike – being those prescribed by law and necessary for the protection of public order and general welfare.

125. Due to a series of road blocks and demonstrations which occurred in conjunction with strikes of both public and private employees, a new piece of legislation was passed recently (Law No. 46 of 22 Feb. 2006) amending Art. 240 of the Criminal Code "Impediments to road circulation". The new provision punishes anyone hindering or impeding road traffic even in case of strike-related demonstrations. However, with the exception of this law, strike management is still left to the trade unions, which have always implemented forms of self-regulation, shared with the affected workers, with a view to ensuring basic public services, e.g. in the health sector.

Article 9

126. In San Marino, all services indicated in the list (point 27 of the Guidelines) are provided. These are specified in detail below.

127. Medical care: Law No. 42 of 1955 establishes "a compulsory Social Security system providing for health services, temporary and life-long benefits, social assistance and family benefits." (Art. 1). All residents have free access to health assistance, mainly provided through the Social Security Institute, which operates a hospital and three health centres for basic health care, the pharmacies, a rest home and a disabled centre. Health services not available on the

territory are guaranteed by foreign facilities, mainly Italian, often by virtue of an agreement with San Marino Hospital. Also in this case, services are provided free of charge, as well as essential drugs. Health assistance is financed through general income taxation. No “tickets” are envisaged.

128. Sickness benefits: Sick workers (both dependant and independent) receive a temporary benefit ranging from 86% to 100% of their remuneration. Such benefits are financed through the social contributions paid by employers in case of employees and by the self-employed themselves in case of independent work.

129. Maternity benefits: Working mothers (both dependant and independent) receive a maternity benefit equal to 100% of their remuneration for 150 days. Such benefits are financed through the social contributions paid by employers in case of employees and by the self-employed themselves in case of independent work. Dependant working mothers have the right to be absent from work, following the mandatory maternity leave provided for by law, for a maximum period of sixteen months, within the first eighteen months of life of the child. Working mothers shall receive 30% of their daily net wage until the first year of age of the child and 20% for the remaining period, if the child does not attend a nursery school. In alternative to the benefits in the preceding paragraphs, working mothers resuming their job after the mandatory maternity leave shall be entitled, within the following ten months, and in any case until the first year of age of the child, to be absent from work for two paid hours a day, even separate. In case of multiple delivery, the two paid nursing hours a day shall be doubled, till a maximum of half the weekly working hours established by contract. The provisions in the preceding paragraphs shall also apply to working mothers registered in the so-called mobility list. Under Article 5 of Law No. 40 of 25 May 1981, working fathers shall be entitled to post-partum leave instead of the mother.

130. Old-age benefits: Laws 157 and 158, passed in 2005, have considerably modified the pension system, in view of its gradual reform. In general, pensions are paid to all workers (both dependent and independent, men and women) at the attainment of their 65th year of age and with a minimum contribution period of twenty years. In case of dependent workers, social contributions are paid partly by the employer and partly by the worker himself. Also independent workers (artisans, shop keepers, professionals, etc.) pay social security contributions. Some pension funds are partly financed through the State budget. Social pensions granted to those who have not paid contributions sufficient to receive an ordinary pension are financed through the State budget and therefore through the general income taxation. Such pensions amount to 459.48 euro per month, with possible supplements in particular circumstances.

131. Invalidity benefits: (except for what provided for in paragraph 103 hereunder) In case of disabled or elderly people, an invalidity benefit guarantees a minimum monthly income of 1,216.11 euro. Such benefits are financed through general income taxation.

132. Survivors' benefits: Surviving spouses and minor children (or even children of age 18 or older, under specific circumstances, such as students or disabled) receive survivors' benefits, the amount of which varies according to the number of survivors and to the contribution period of the dead spouse. Such benefits are financed as in paragraph 100 above.

133. Employment injury benefits: Sickness benefits (see paragraph 98 above) equal to 100% of the remuneration are guaranteed. In case of permanent invalidity and reduction of working capacity of at least 15%, a life-long benefit is granted.

134. Main unemployment benefits:

(a) Wage Supplementation Fund: (see Law No. 37/1975 "Establishment of the Wage Supplementation Fund for dependent workers of manufacturing and building companies, as well as for State wage earners" and subsequent amendments) - granted to temporarily laid-off dependant workers and financed through the contributions paid by the employers and through the State budget;

(b) Indennità Economica Speciale (special benefit granted to all unemployed dependant workers for company closure) (see Law No. 36/1984 and subsequent amendments) - financed through the contributions paid by the employers and through the State budget;

(c) Unemployment Benefits (see Law No. 17/1967 "Daily benefit in case of suspension of or reduction in the working activity" and subsequent amendments) - granted only to San Marino citizens and financed through the contributions paid by the employers, by the employees and by the State.

135. Family benefits: They are regulated by Decree No. 15 of 26 April 1976 "Single text of law provisions on family benefits" and by Law No. 54 of 28 April 1999, and are granted to dependent workers, farmers, retirees and artisans.

136. Contributions are paid: for employees, by employers; for artisans, by the artisans themselves; for State employees and farmers, through the State budget.

137. Monthly amounts of family benefits since 1 January 2005:

66.00 euro for the first dependant person;

86.00 euro for the second dependant person;

107.00 euro for the third dependant person;

127.00 euro for the fourth dependant person;

153.00 euro for the fifth dependant person and for any further dependant person.

Such benefits accumulate (for example, two dependant persons: 66.00+86.00 euro, etc.).

138. Law No. 54 of 28 April 1999 establishes the supplementing family benefit, the amount of which is equal to 50% of the benefits received in the reference year, provided that per capita annual family income does not exceed 7,650.00 euro.

139. Always provided that per capita annual family income does not exceed 7,650.00 euro, the same Law stipulates that, if one of the two spouses is unemployed and in case of children aged

less than 36 months not attending the nursery school, the amount of the family benefit received for the unemployed spouse (to be considered the first dependent person) is increased to 284.05 euro per month.

140. In 2003, health and social security expenditure amounted to 19.42% of GDP and to 47.46% of total public expenditure.

141. With regard to some forms of medical care (such as dental care, “alternative” medicine like homeopathy, acupuncture, etc.) not provided by the public social security system, all relevant expenses can be deducted from taxes. The same applies to private social insurance premiums.

142. There are no groups which do not enjoy the right to social security or which are disadvantaged.

Article 10

143. The San Marino community attaches great importance to the family institution, understood as the union between a man and a woman including their natural or adopted offspring.

144. Article 12 of the Declaration on the Citizens’ Rights states that the family institution is based on the moral and legal equality of spouses, that mothers have the right to be assisted and protected by the community, and that children born out of wedlock are entitled to protection just like legitimate ones.

145. Law No. 49 of 26 April 1986 regulates marriage, including the formal requirements prior to contracting marriage. Similarly to Art. 12 of the Declaration, Art. 1 of said Law defines marriage as the union between a man and a woman based on the formal and substantial equality of spouses, while Art. 3 stipulates that civil and religious marriages produce the same civil effects.

146. The San Marino legislation in social matters provides for several forms of support to families, in that they are the basic units of society. Support is mainly of a financial character. Young couples buying or restoring a house may benefit from loan facilities, in accordance with Single Text No. 110/1994 as amended by Decree No. 56/2003 on subsidized housing.

147. Natural children are entitled to equal treatment as legitimate children with respect to family allowances, scholarships or other economic aid to students.

148. Households and household-related events are duly taken into consideration also with respect to the right to work. Both spouses are entitled to take parental leaves – men and women are treated in the same way – and extended leaves in accordance with Law No. 137/2003 on family supports.

149. With regard to family allowances, the relevant legislation includes Decree No. 15 of 26 April 1976, “Single Text of Law Provisions on Family Allowances” and the amending Law No. 54 of 1999 laying down the criteria (amounts according to number of family members) for granting such allowances.

150. In the Republic of San Marino full age is attained at 18: children of full age are no longer under parental authority, but acquire all legal rights and duties under the San Marino law. To contract marriage, minor children must be authorized by the Law Commissioner – as Tutelary Judge – provided that there are serious grounds for authorizing marriage and that spouses are at least 16 years old, subject to prior consultation with the person exercising parental authority or legal guardianship.

151. With regard to San Marino maternity protection system, see paragraphs 80 and 99 above.

152. Under Art. 7 of Law No. 95 of 19 September 1989 “Law on Employment”, San Marino citizens and residents having attained the working age in respect of their school obligations are entitled to be registered in the Employment List.

153. It has to be borne in mind that under Art. 1 of Law No. 137 of 20 November 1990, compulsory education was extended to 16 years of age. School leavers wishing to be entered in the employment list are required to provide evidence that they have fulfilled their school obligations, e.g. obtain a school certificate.

Minor workers (aged 18 or less) by qualification and sex – Year 2004

		16	17	18	Total
Unskilled employees	M	1	.	1	2
	F	.	.	1	1
	Total	1	.	2	3
Specialised workers	M	.	.	1	1
	F
	Total	.	.	1	1
Skilled workers	M	.	4	5	9
	F	.	4	5	9
	Total	.	4	5	9
Unskilled workers	M	3	13	16	32
	F	.	4	1	5
	Total	3	17	17	37
Apprentices and course attendants	M	1	2	1	4
	F	1	.	.	1
	Total	2	2	1	5
Public employees	M			1	1
	F				
	Total			1	1
Independent workers	M			1	1
	F				
	Total			1	1
Total	M	5	19	24	49
	F	1	4	2	8
	Total	6	23	26	57

154. Art. 8 of the same Law expressly prohibits employers to hire minors not having fulfilled or been released from school obligations yet. In no case are employers allowed to hire minors under 16.

155. In the Republic, all children and young persons enjoy measures of protection and assistance and there are no substantial differences compared to the remaining population.

156. San Marino Minors' Service deals with psychological, social and relational problems of minors up to 18 for education, therapy, rehabilitation and integration purposes. The objective is to favour a harmonic psychological and physical development and prevent discomfort.

157. The Minors' Service provides interested users with all information on services available and on their rights.

158. At the time being, there are no difficulties or shortcomings.

Article 11

159. The typical household is composed of spouses and their children, lives in a privately owned house (88.5%), with a head of family aged between 30 and 50, who is a dependant worker (61.9%) and has a high educational level (14.3% has a university degree or diploma, 43.7% an upper secondary school diploma).

160. Household average monthly expenditure is equal to 2,633 euro, of which 579 euro are spent on food and drink. 89.7% of households spends up to 500 euro monthly on meals outside the home.

161. Saving households (61.7%) have decreased compared to the preceding year. Preferred savings instruments are: bank deposits (50.2%), repurchase agreements (37.8%), social security insurances (33.7%) and mutual funds (15.3%).

162. In 2004, 30.3% of households incurred debt for the following main reasons: purchase (36.7%) or restructuring (13.5%) of properties and purchase of cars and motorcycles.

163. San Marino households spend an average of 11.44 days of holiday per year, of which 58.3% in Italy and 41.7% abroad.

164. 88.5% of households own a private house, while the remaining 11.5% live in a rented house. As regards dimensions, 45.2% of houses measure 61-100 sqm, 32.3% 101-150 sqm, 12.2% more than 151 sqm and 10.3% less than 60 sqm. 27% of houses are composed of three rooms, 27% of four rooms, 18% of five rooms, 15.3% of up to two rooms and 12.7% of more than six rooms. All houses are provided with kitchen, running water, bath tub or shower, WC, electricity and central heating. 13.4% of households owns a house outside the territory.

N.B: 2004 figures.

Right to adequate food

165. In San Marino, the problem of hunger and malnutrition has been completely solved. Possible poor families on the territory are assisted by public services and volunteer associations. Moreover, San Marino has a limited territorial extension of 61 sqkm and no considerable disomogeneities in terms of geography and people distribution.

166. Since the problem of hunger in the Republic has been overcome many years ago, it is deemed more appropriate to refer to adequate food regime rather than fight against malnutrition. Health and social services educate families to healthy nutrition behaviours in infants. With regard to school-age children, meals are controlled by the Paediatric Service of the Social Security Institute, which personally chooses the diet of school canteens and continues the nutrition education activity already started in early childhood.

167. Over the last years, San Marino, similarly to most western countries, has witnessed an increase in child obesity. A survey conducted during the school year 2003-2004 revealed that about 30% of children in school age is obese.

168. In general, no groups are disadvantaged in terms of access to adequate food. As already mentioned, the problem to be faced is, on the contrary, an unbalanced and unhealthy diet leading to obesity, especially in children. This problem has been tackled by raising public awareness at various levels and by educating families to a correct and healthy diet of children and adolescents, based on a balanced consumption of various kinds of food, preferably the so called Mediterranean food: bread, pasta, legumes, fish, olive oil, citrus and season fruits and vegetables.

169. San Marino laws and regulations assign to the Environmental and Agricultural Resources Management Office (UGRAA) the responsibility for enforcing laws and decrees concerning agricultural produce, also for human consumption. Consequently, UGRAA performs functions related to the first stage of the agri-food chain, i.e. unprocessed farm produce. With regard to finished wine and meat products, ad-hoc provisions assign to UGRAA the task of monitoring their processing and trading.

170. With reference to food safety, art. 48 of Law No. 96/1989 "Agricultural development measures" establishes the Technical Assistance Committee, with the function of planning and controlling the phytosanitary standards applied by farms. The objective is to guarantee a rational use of chemical and phytosanitary products for the promotion of environmentally friendly practices and the reduction of possible pollution risks and residues in food.

171. Following a decision by the Technical Assistance Committee, UGRAA is authorised to perform chemical analysis and controls on agricultural produce and foodstuffs, to verify that possible chemical residues comply with food hygiene and safety provisions in force.

172. Regulations on grape and wine production assign to UGRAA some specific competences relative to the control both of oenological practices and treatments and of the trading of wine and alcoholic beverages in general.

173. As regards oenological products safety, art. 15 of Law No. 127/1986 on “Viticulture and wine production” establishes the Wine Protection Commission. This body is authorised to implement various control measures with regard to both production and trading of products bearing a certification mark. UGRAA is responsible for enforcing the decisions of this Commission, including health and hygienic controls to guarantee compliance of finished wines with the provisions contained in ad hoc laws and production regulations.

174. Regulations on zootechnical products assign to UGRAA the responsibility for performing health and hygienic controls of both processed and traded products, in close cooperation with the Environmental Hygiene Service.

175. Decree No. 74/1988 on the “Production of guaranteed high quality bovine meat” and Decree No. 13/2001 on “Identification and registration of bovines” assign to UGRAA specific competences with regard to health and hygiene controls and analysis on zootechnical productions at farm, processing and trading levels.

Right to adequate housing

176. Articles 28, 29 and 30 of Law No. 110 of 15 December 1994 - as amended by Law No. 58 of 30 April 2002 and Decree No. 42 of 26 March 2003, “Single Text and Reform of Provisions on Subsidized Housing” - protect the right to housing for all individuals living in difficult economic and social conditions. Article 28 reads “In order to provide adequate housing to singles or households who are in real and evidenced need for a home, the Public Administration may provisionally allocate dwellings in accordance with the provisions set forth in the following articles.”

177. The following articles set forth the criteria and requirements for dwelling allocation and indicate the Cooperatives Section as the competent body in this matter.

178. With regard to land occupation, land distribution, expropriations and compensation, the relevant legislation is Law No. 87 of 19 July 1995, “Single Text of Town Planning and Housing Legislation”.

179. SECTION I, Art. 1, point 1 of this Law regulates the use of territory for urban and housing purposes subject to periodic review, generally every decade.

180. Point 3 of the same Article stipulates that the General Town Planning Scheme must indicate the intended public and private uses of territory, and regulate them in accordance with the social and economic development needs of the community, account being taken of the safeguard of the common urban, environmental, landscape, historical and artistic heritage as well as of productive areas.

181. Under Point 4, the General Town Planning Scheme assesses the need for residential housing, manufacturing installations, commercial or business premises, indicating the quantity of buildings necessary for the new settlements, and making an environmental impact assessment of the same.

182. SECTION II of the same Law deals first with soil regime, and then with expropriation for reasons of public utility. More specifically, Art. 15 sets forth the requirements for expropriation on grounds of public utility and for provisional occupation for reasons of urgency. From Art. 27 onwards the criteria are set for proper compensation in either case.

183. SECTION III deals with natural environment protection and environmental impact assessment. The Committee for Environmental Protection, referred to in Art. 55, *inter alia*, directs and promotes compliance with the Law and criteria for the proper and rational use of the environment by public and private agents.

184. Moreover, with regard to environmental policy, the Republic of San Marino ratified with Law No. 148/2003 the European Landscape Convention, which defines the notion of landscape and provides guidelines for landscape planning policy within Member States.

185. Lastly, Law No. 87/1995 illustrated above contains express references to relevant legislation in the field of building and construction, infrastructures and town planning.

186. Measures to encourage “enabling strategies”, whereby local community-based organizations and the “informal sector” can build housing and related services, have never been implemented.

187. From the 60s till the 80s, the State used to intervene by building housing units and assigning them on the basis of specific lists (social housing). Such units, built throughout San Marino territory, were let at a low rent and the relevant contracts expired upon the death of the tenant. Over the years, almost all units were purchased by tenants on the basis of estimates, with possible reductions by 40 or 50% in case of maintenance works.

188. After the 80s, the need to build new housing units has decreased. Some of these new units, as well as the old ones not purchased by tenants, are assigned with rent contracts having an expiry date fixed according to the various needs, while the majority are temporarily assigned with annual/biennial renewable contracts. However, these units cannot be purchased by the tenant. The State has adopted this last renting system to effectively meet the specific contingent needs of some households and individuals. All rent contracts, both relative to social housing and temporary assignment, provide for reduced rents calculated on the basis of family income.

189. Measures taken to recover unutilized, underutilized or misutilized land have been implemented only for environmental or agricultural purposes, but not for residential use.

190. The law assigns UGRAA direct responsibility for implementing agricultural policy measures aimed at recovering unutilized, underutilized or misutilized land. Moreover, in fulfilling this task, UGRAA supports the Environmental and Agricultural Resources Commission in the enforcement of its decisions.

191. The above-mentioned measures are mainly aimed at strengthening and improving farms and do not involve building projects, excluding the construction of rural buildings such as the private residence of the farmer. With regard to rural buildings, both UGRAA and the Environmental and Agricultural Resources Commission provide technical advice to the bodies and offices responsible for the implementation of building regulations.

192. Since the 80s, housing co-operatives have also been introduced to adequately meet citizens' needs. The State, through ad-hoc provisions, recognises co-operatives established by various residents and, on the basis of specific lists, it assigns lots to cooperatives and a subsidized loan to each cooperative member for the construction of his first owned housing unit. Such system, which has successfully replaced direct intervention by the State through social housing, has regulated the assignment of lots and subsidized loans with the introduction of building and property restrictions, so as to avoid any abuse.

193. Subsidized loans for the purchase or building of the first housing unit are granted also to individuals not members of a cooperative, priority being given to households.

194. Citizens resort most of all to this instrument to obtain adequate housing.

195. No law or financial provisions have ever been adopted to receive international assistance for housing and human settlements to fulfil residents' needs.

196. No measures have been taken to encourage the development of small and intermediate urban centres at the rural level as these already characterize San Marino territory.

197. San Marino has paid particular attention to site upgrading through urban and building protection laws, as well as through non-repayable financing and subsidized loans, to preserve rural historical buildings and urban historical centres. Public competitions have been held to upgrade and renovate the existing urban structure with a view to promoting residence in historical centres and their tourist attractiveness.

198. The lack of the specific situations specified in point 44 (d) of the Guidelines does not imply that San Marino has not planned and taken measures to fulfil the right to housing. In this regard, worth mentioning is that the majority of San Marino citizens and residents own the housing units where they reside. Such condition has been favoured by a prosperous economic development and by major public interventions to provide the population with adequate housing.

Article 12

199. A compulsory public social security system is in force in San Marino since 1955, which guarantees all residents free health care.

200. In 2004, the Health and Social Authority was established to provide public bodies with technical support in developing health and social policies. In 2005, the Authority was entrusted with the task of drafting the national Health and Social Plan, which describes San Marino health profile and indicates health care needs, related objectives and measures to achieve them.

201. The General Guidelines for the Health and Social Plan, approved in 2005, define, inter alia, the inspiring principles of the Plan:

- (a) Health, not only health care structures;
- (b) The person at the core of the system;

(c) The responsibility of the State for the development of health and social policies contributing to high health standards of the population;

(d) A quality health on a human scale, which guarantees equality, fairness, solidarity and sustainability, in line with the principles of efficiency and effectiveness;

(e) Attention to the new health needs of society: hospital as centre for the treatment of acute diseases and outpatient centres for chronic diseases;

(f) Social and health integration;

(g) Identification of health care providers according to quality standards (accreditation), based on the health condition of the population and on prevention, treatment and rehabilitation objectives.

202. 85% of health expenditure is borne by the State. In 2004, health expenditure (basic health care, hospital and specialised care, pharmaceutical care, environmental hygiene service) was equal to 59,937,200.68 euro, while social care expenditure (elderly and minor services and social assistance) to 20,983,907.32 euro.

203. In the 5-year period 1999-2003, infant mortality rate was equal to 3.99 per 1000 born alive, with the male rate higher than the female one. Infant mortality rate in San Marino is lower than in the surrounding Italian regions. However, considerable fluctuations are possible due to the fact that this figure is based on a limited number of cases. In 2004, infant mortality rate decreased to 3.27 per 1,000.

204. The Environmental Hygiene Service guarantees the entire population access to safe water and monitors its quality.

205. The entire population has access to adequate excreta and organic waste disposal facilities. A sewerage system guarantees 100% disposal.

206. The percentage of infants immunised against diphtheria, pertussis, tetanus and poliomyelitis is equal to 98.1%, against hepatitis B to 97.1% and against measles to 97.5%. Such immunisations are compulsory and the small percentage of children not covered is due to the decision of parents. In San Marino, immunisation against tuberculosis is not envisaged, as this disease is not a real danger and, in any case, effective treatments are available.

207. In San Marino, life expectancy at birth is among the highest in the world (San Marino ranks third with 80.6 years).

208. The entire population has access to trained personnel for the treatment of common diseases and injuries, with regular free supply of essential drugs. Due to the very limited territorial extension of the country, health structures can always be reached within less than one hour on foot or by other means.

209. All pregnant women have access to trained personnel during pregnancy and delivery in health structures. Over the last ten years no maternity mortality cases, both before and after childbirth, have been recorded.

210. All infants have access to trained personnel for their care. All residing children aged 0-14 have access to a Paediatric Service.

211. There are no groups in the country whose health situation is significantly worse than that of the majority of the population. However, the Government pays special attention to some groups considered particularly vulnerable or in any case more in need of assistance. In particular, the General Guidelines for the Health and Social Plan approved in 2005 include some specific provisions concerning children, young people and adolescents, elderly and disabled people and people affected by chronic diseases.

212. As already mentioned in paragraphs 66-67 above, Law No. 31/1998 on occupational health and safety applies to all dependant workers. Since the entry into force of this law, occupational accidents have decreased, mainly in the sectors once most affected.

213. Over the last years, the Government has taken a considerable number of measures to raise public awareness on the prevention of epidemic diseases, in particular flu diseases. These measures aim at increasing the number of voluntary immunisations among the most vulnerable population groups (such as children affected by particular pathologies, people with chronic diseases and the elderly).

214. Although the number of influenza immunisations has increased over the last years, the General Guidelines for the Health and Social Plan further encourage immunisation of the elderly, in order to increase the percentage of immunised people to above 65% (at present, the percentage of immunised elderly people is equal to 48%).

215. Moreover, the Government has established some ad hoc working groups in order to face health emergencies. For example, in 2005, the Government established a working group dealing with the international emergency of bird flu. This group is responsible for informing the population and adopting preventive measures to avert the possible insurgence of this pandemic. Indeed, the relevant antiviral drugs have already been bought and the purchase of a specific vaccine has been envisaged, should WHO recognise bird flu as a pandemic.

216. All residents have access to free public health care.

217. The right of the elderly to health is guaranteed through adequate health care services, which allocate economic resources on the basis of their real needs.

218. The General Guidelines for the Health and Social Plan attach great importance to primary health care, as first qualified and integrated response to health problems. In this context, a considerable cultural and organisational transformation of the existing primary health care centres has been envisaged, so that they can fulfil the task of promoting health among the population, providing information and, of course, guaranteeing primary health care.

219. Moreover, the General Guidelines for the Health and Social Plan envisage a greater community participation in health issues, by maximising the role played by volunteers and associations.

220. As already mentioned in the previous paragraph, the General Guidelines for the Health and Social Plan also envisage a considerable strengthening of the existing information and prevention mechanisms, by entrusting health centres on the territory with the task of providing the population with these services.

Article 13

221. Primary education (age group 6-11 years) is compulsory and available free to all (Law No. 33 of 5 December 1914). The State guarantees free transport and books. A canteen service is available to students.

222. Lower secondary education (age group 11-14 years) is compulsory and available free to all (Law No. 32 of 1 August 1963). The State guarantees free transport and books.

223. Upper secondary education (age group 14-18), including technical and vocational training, is available free. Compulsory education ends at age 16 and can be fulfilled by attending either the education system or the vocational training system, with the possibility to pass from one to the other (Law No. 137 of 28 November 1990).

224. The State guarantees the right to education and access to upper secondary education and to vocational training through the following means:

- (a) Reimbursement of transport costs, except for a fixed contribution;
- (b) Contribution for the purchase of text books;
- (c) Allowances granted to high performing students;
- (d) Family income-based allowances for students attending schools outside the territory of the State, which cannot be reached daily;
- (e) Loans granted to students;
- (f) Scholarships for students attending training and foreign language courses abroad;
- (g) Tax deductibility of rent costs and boarding fees;
- (h) Tax deductibility of school fees.

225. University education is subject to the payment of registration and tuition fees, the amount of which is fixed by the single universities.

226. The State guarantees access to university education through the following means:

- (a) Contribution for the purchase of text books;
- (b) Allowances granted to high performing students;
- (c) Family income-based allowances for students attending universities outside the territory of the State, which cannot be reached daily;

- (d) Loans granted to students;
- (e) Scholarships for students attending training and foreign language courses abroad;
- (f) Scholarships for students attending high specialisation courses;
- (g) Tax deductibility of rent costs and boarding fees;
- (h) Tax deductibility of university registration and tuition fees.

227. There are no cases of minors not receiving or concluding primary or lower secondary education or not fulfilling compulsory education.

	Males	Females	Total
Illiterates	29	64	93
Literates	672	1 255	1 927
Elementary school diploma	2 191	2 285	4 476
Lower secondary school diploma	4 372	3 718	8 090
Vocational school diploma	793	1 928	2 721
Upper secondary school diploma	2 951	2 620	5 571
University diploma	147	242	389
University degree	938	927	1 865
Not available*	2 859	2 731	5 590
Total	14 952	15 770	30 722

* Includes children of less than 6 years of age.

228. The exercise of the right to totally free education till 14 years of age (Law No. 32 of 1 August 1963) has been guaranteed to all since 1963. No difficulties exist in the exercise of this right. The exercise of the right to totally free education till 16 years of age (Law No. 137 of 28 November 1990) has been guaranteed to all since 1990. No difficulties exist in the exercise of this right.

229. Today, the goal is to guarantee all young people the right to education and training till 18 years of age (Law No. 21 of 12 February 1998). The State supports the exercise of such right by favouring school attendance, allowing students to pass from the education to the training system, envisaging the possibility to study and work and encouraging the attainment by all of a diploma or professional qualification.

230. No illiteracy problems exist in the country. The right to education is guaranteed to adults through specific public and private courses for their continuing education.

Population by education level (2004)

Rate of school attendance (total number of students)

	1995/96	2000/01	2004/05
Males			
Upper secondary school	82.41%	89.70%	90.70%
University	39.59%	49.94%	50.77%
Females			
Upper secondary school	92.85%	96.23%	98.21%
University	47.28%	70.18%	75.91%
Total			
Upper secondary school	87.56%	92.79%	94.31%
University	43.44%	60.02%	62.85%

231. 7.5% of the State budget is spent on public education (2004 provisional figure).

232. San Marino school system, regulated by Law No. 22 of 12 February 1998, is structured as follows:

- (a) Kindergarten. Duration: 3 years, starting from 3 years of age;
- (b) Primary education (elementary school). Duration: 5 years, starting from 6 years of age;
- (c) Secondary education. Duration: 8 years, after primary education (lower secondary education: 3 years; upper secondary education: 5 years);
- (d) University education. Disciplined by Law No. 63 of 28 April 2005, after upper secondary education. Qualifications: first level degrees, followed by specialised degrees. Other activities: first and second level master courses, research doctorates and specialisation courses;
- (e) Vocational training. Disciplined by Law No. 37 of 4 March 1993. The courses, destined to students having attained 14 years of age, vary in length and aim at the initial and continuing training of workers. Basic vocational training courses last two years and enable students to complete compulsory education till the age of 16 and to obtain a professional qualification.

233. Kindergartens and elementary schools are evenly distributed throughout the territory. In each administrative division (Castle) there is one or more institutes, according to population figures and territorial extension. On average, there are 75 pupils in each kindergarten and 100 in each elementary school. Three institutes provide lower secondary education, while only one institute provides upper secondary education, with various subject areas. The University has several seats scattered throughout the territory.

234. School calendar starts in September and ends in June. Kindergartens are open 5 days a week, on a full-time basis. Elementary schools are open 5 days a week, on a full-time and extended-time basis. Secondary schools are open 6 days a week, with a minimum of 200 effective teaching days. Holidays: two weeks at Christmas, one week at Ester and summer holidays from June to September.

235. Compulsory school attendance (primary education, lower secondary education and the first two years of the upper secondary education) is equal to 100% (both for males and females). Upper secondary school attendance is equal to 90.70% for males and 98.21% for females. University attendance is equal to 50% for males and 75.91% for females. Kindergarten attendance is equal to 100%, both for males and females. (2004 figures).

236. Equal access to education is guaranteed both to residents and to people in possession of a stay permit. The right to education of disabled or disadvantaged people is guaranteed through inclusion and support programmes carried out, if necessary, by a personal teacher, with the assistance of professional experts and under the supervision of the Minors' Service of the Social Security Institute. Immigrants attending San Marino schools are supported by personal teachers assisting them in solving linguistic and learning problems.

237. Measures and institutes guaranteeing equal access to education for all are described under article 10 above.

238. Mother tongues different from Italian are not taught as in San Marino there are no other substantial nationality groups.

239. The conditions of teaching staff are disciplined by the Organic Law on civil servants and by Law No. 108 of 13 December 1982 on the legal status of the school staff. Recruitment is regulated by law and equal opportunities are guaranteed. Teaching at all school levels is subject to the possession of a university degree. Teachers' salaries are established by law and by public sector collective agreements and are on average higher than those of other graduated civil servants (for example, the gross monthly salary of a secondary school teacher is equal to 2,827.34 euro, compared to 2,326.97 euro salary of civil servants of equal rank, at the beginning of their career).

240. All schools of the Republic of San Marino have been established and are administered by the State. Law No. 33 of 5 December 1914 establishes that the opening of private boarding schools, schools and institutes is subject to the authorisation by the Government. Students attending, outside the territory, officially recognised schools neither established nor run by the State receive the same treatment granted to students attending public schools, except for registration and tuition fees, which can however be deducted from taxes.

241. No changes negatively affecting the right to education have been recorded.

Article 14

242. Not applicable.

Article 15

243. The Republic of San Marino believes that culture is one of the most important personal values of society. The State has always been engaged in the implementation of a cultural programme enabling the community not only to exploit, but also to promote and actively participate in the development of this sector in the Country. San Marino objective in the years ahead is to further promote cooperation between public and private sectors and create a synergy to better meet citizens' demands and expectations.

244. The State guarantees participation in the cultural life to all citizens, without limitations. Although the Declaration on the Citizens' Rights of the Republic of San Marino does not contain a specific article on culture, the State's responsibility for the cultural sector in general can be inferred from Article 6 of the same Declaration, which guarantees some rights strictly connected to the right of all citizens to participate in the Country's cultural progress: "Arts, science and education shall be free. The law shall secure education to all citizens, free and at no cost" (Article 6).

245. Article 10, last paragraph, should also be recalled: "The Republic shall protect its historical and artistic heritage, as well as its natural environment". This Article constitutes the legal basis for any initiative promoted in the framework of the protection of historical, artistic and archaeological goods of the State.

246. Finally, Article 11 of the Declaration on the Citizens' Rights stipulates that "the Republic shall promote the development of the personality of the young and shall educate them to a free and responsible exercise of their fundamental rights", among which all rights connected to culture.

247. Among San Marino laws in the cultural field, worth mentioning is Law No. 17 of 10 June 1919 on the *Protection and conservation of monuments, museums, excavations, antiques and art objects*, which has established the Government Commission for the Conservation of Monuments, Antiques and Art Objects. This Commission, still operational, carries out mainly consulting and supervision activities related to public works and works of public interest in the fields of conservation of monuments, antiques and artworks and protection and custody of art values and antiques.

248. The policy pursued until today has aimed, most of all, at disseminating, encouraging and promoting the cultural knowledge of the citizens and in particular of the young, both through initiatives on the territory and the participation in international meetings organised by the competent bodies. Undoubtedly, this collaboration among the State, Associations operating on the territory, personalities of the cultural world and international Organisations must continue, so that this sector can further develop.

249. The funds allocated by the State for the development of cultural activities and in support of private initiative are provided for in the Financial Law and are distributed among the various competent Offices. Moreover, some subsidies not included in the budget are granted to the cultural sector, in particular to specific projects carried out by public bodies or private entities in collaboration with the Government and the competent public Offices.

250. The State budget for the financial year 2006 includes some specific items relating to the cultural sector and in particular to the Office for Social and Cultural Activities, the State Library, the State Museum and San Marino Naturalistic Centre.

251. Moreover, expenditure on culture can be included in the items relating to education, school administration and other recreational and cultural activities. This allows a great flexibility and gives the possibility to focus on several issues.

252. San Marino boasts a good infrastructure system, mainly of a public nature, for the implementation of cultural initiatives:

(a) San Marino State Museum was established in the second half of the 19th century, thanks to a series of donations from all over the world. Such donations, made by many people admiring the Republic, were initially promoted by Count Luigi Cibrario, Minister of Vittorio Emanuele II and Plenipotentiary of the State of San Marino since the signature of the first treaty with the Kingdom of Italy in 1862. The Museum, inaugurated in 1899 in Palazzo Valloni, seat of the State Library, was rearranged in the ancient Palazzo Pergami Belluzzi, duly restructured to this end, and reopened to the public in 2001. The State Museum gathers historical and artistic items coming from San Marino and linked to its history and from other places, as the result of purchases and donations from 1865 till today, among which ancient coins, archaeological finds, architectural remains and works of art. Within the Museum, increasingly important is the Archaeological Section, which mainly carries out archaeological prospecting on the territory and informs the public on excavations made. In particular, the archaeological exhibition entitled “First settlements on Mount Titano: excavations and research activities (1997-2004)”, still on display, has also obtained a UNESCO contribution for its realisation and aims at exploring the most ancient history of San Marino territory;

(b) Saint Francis’ Museum is hosted in the loggias of the 14th century cloister annexed to the ancient Franciscan monastery. The Museum, officially opened in 1966, consists of a section dedicated to sacred arts and of a paint gallery. It displays the most significant exhibits of the rich artistic heritage of both the monastery and other Franciscan churches: panel paintings and canvases, furnishings and paraments from the 14th to the 18th century, which testify to the presence of the friars and to their role in the evolution of the Republic’s arts and culture;

(c) The Museum of Ancient Arms. The exhibition route consists of four rooms, within the Second Tower or Cesta, and shows the development of “sidearms” and “firearms”, with exhibits of great historical value dating back to the Medieval period and to the 18th century;

(d) The activity of the Contemporary and Modern Art Gallery started in 1956 with the series of San Marino Biennial Exhibitions, the first edition of which was entitled “Premio d’Arte Figurativa del Titano” (San Marino prize for figurative arts). The State collection of Modern and Contemporary Art includes works ranging from the early decades of the 20th century to present time and divided up according to the various art disciplines: painting, drawing, water colour painting, sculpture, photography. Moreover, the Gallery has tried to give voice to local artists. The identification and utilisation of some premises in the historical centre of San Marino has made it possible, in time, to organise several important temporary exhibitions;

(e) The Restoration Centres, within the State Museums, are divided up into specific sections, such as painting, ceramics and woodwork, which, in collaboration with the other sections of the Museum and with foreign restoration centres, deal with the restoration of goods contained in the Museums and present on the Republic's territory;

(f) The Museum of the Emigrant is located in the ancient Monastery of Saint Chiara and is autonomous from the State Museum. It displays an exhibition based on the narration of the history of San Marino emigration through a collection of ancient images and documents, which represent a precious instrument to disseminate San Marino history and culture among the new generations;

(g) Handicraft Centres. With regard to the development and protection of handicraft, Article 3 of Law No. 76 of 16 December 1976, amended by Law No. 14 of 28 January 1982, safeguards various types of handicraft, including "artistic or traditional handicraft", which, as indicated in the Law, must have a particular creative value, be an artistic manufacturing product or, in any case, be inspired by San Marino popular tradition;

(h) Public Libraries are the State Library and the Library of San Marino University, which offer historical and contemporary reading material specifically chosen for educational purposes and divided up into various sections, both for adults and for young people and students. Moreover, the social and cultural Centres of the various Castles (municipalities) of San Marino have smaller libraries, with a less comprehensive but still varied collection accessible to all citizens;

(i) San Marino Naturalistic Centre, established with Law No. 9 of 17 January 1997, is autonomous from the State Museum and is a cultural entity dealing with Natural Sciences. Among its objectives are: the collection, study and exhibition to the public of naturalistic material and finds related to the local environment; the promotion, realisation and comparison of studies and research activities in the naturalistic field; the production, collection and utilisation of publications and other instruments for scientific documentation and dissemination purposes. This Centre closely collaborates with public and private scientific institutes, schools, associations and interested bodies, both within and outside the territory;

(j) Finally, there are several Theatres and Cinemas in the Republic of San Marino: Titano Theatre, Concordia Theatre, Nuovo Theatre and Turismo Theatre. Both the theatrical and cinema seasons are curated by the Office for Social and Cultural Activities.

253. The celebrations taking place on the occasion of the investiture ceremony of the Captains Regent are important for the promotion of San Marino cultural identity. These celebrations take place every year on 1st April and on 1st October according to an ancient and consolidated protocol, which testifies to the citizens' affection for their most ancient traditions.

254. Other important events are the celebrations in honour of the Republic's Patron Saints: San Marino (on 3 September) and Saint Agatha (on 5 February). In particular, on 3 September, San Marino national holiday, several events are organised to commemorate some episodes related to the past everyday life, such as the Crossbowmen Tournament and the performance of the Flag Wavers.

255. The main objective of these cultural groups and associations, which create a strong connection with the Republic's most ancient traditions, is to rediscover, promote and safeguard the Country's identity and the history of its inhabitants. The Associations, recognised by San Marino Institutions, promote the commemoration of the everyday life of the various social classes living on San Marino territory in the medieval time. The aim of these historical commemorations, which include arts, games, sports and ancient crafts, is not only to entertain, but also to significantly contribute in terms of didactical training.

256. Another more recent event preserving a strong connection with San Marino popular history and culture are the "Medieval Days". This event, organised in summer, sees the participation of the majority of cultural groups and associations, including San Marino Crossbowmen Federation - which celebrates the 50th anniversary of its establishment in 2006 – the Cerna dei Lunghi Archi (a group of archers) and the Corporation of San Marino Nobility.

257. The Republic of San Marino is an homogeneous Country and, for the time being, no ethnic, linguistic or religious groups and/or minorities are present.

258. The Republic pursues an open policy, which attributes the same importance to all other cultures and strongly supports the promotion of international cooperation by developing, in particular, its relations with the Countries outside the Euro-Mediterranean area.

259. San Marino mass media and communications media, represented by the press, radio, television and Internet web sites, have numerous cultural programmes, which promote and safeguard the Republic's culture, art and music in all their expressions. Moreover, some periodicals provide detailed information on the various cultural activities promoted in the Country, thus encouraging citizens' participation.

260. The Republic of San Marino has always been involved in activities aimed at preserving cultural heritage both nationally and internationally. Worth mentioning in this context is the ratification by San Marino of the UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage in 1991.

261. Moreover, San Marino participates in various committees, mainly established by the Council of Europe in the fields of culture and citizens' education, aimed at harmonising school systems and promoting culture in the various Countries, thus enabling a continuous and fruitful exchange of experiences.

262. There are no legal restrictions or limits imposed on the freedom to disseminate artistic creations. The Declaration on the Citizens' Rights of the Republic of San Marino establishes the right to freedom of expression and the relevant limitations. In particular, Article 6, paragraph 1, of said Declaration stipulates that:

"Everybody shall enjoy civil and political freedoms in the Republic. In particular, personal freedoms, freedom of residence, establishment and expatriation, freedom of assembly and association, freedom of thought, conscience and religion shall be guaranteed. The privacy of any form of communication shall be protected. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary for the protection of public order and general welfare".

263. With regard to the freedom to disseminate the results of such artistic creation through radio and television, Law No. 41 of 27 April 1989 has established San Marino Radio and Television Broadcasting Body (ERAS). Among its tasks are to know in advance radio and television programming and to regulate the activity of San Marino Broadcasting Company (RTV), the concession Company, in respect for freedom and pluralism, by notifying any possible violation committed by the concession Company.

264. With regard to professional education in the field of culture and art, the Republic of San Marino boasts numerous structures, mainly of a private nature.

265. San Marino Music Institute is a public body established in 1994 with Law No. 82. Article 2 of this Law indicates its main objectives, among which the promotion of the development of music culture through the technical-professional training of the young in relation to the exercise of artistic activity.

266. Besides the Music Institute, there are several dance, theatre and art schools managed by private bodies and by associations which aim at raising the Country's awareness of the various cultural sectors. For example, in the music, theatre and artistic fields worth mentioning are the music Association "Camerata del Titano", the Association of the friends of music, the Association of San Marino musicians, the international arts and culture Association, the Association of San Marino artists, the Arts Laboratory, the "Teatro del Sottopasso" and other associations which have been active in this sector for several years.

267. There are no limitations to the right of everyone to enjoy the benefits of scientific progress and its applications. In this context, San Marino Declaration on the Citizens' Rights guarantees, in general, freedom of thought.

268. In January 2005, the Republic of San Marino joined EUREKA, an organisation established in 1985 to support and promote economy and research by offering multidisciplinary collaboration projects. This Network includes now 35 Countries plus the European Union. San Marino has already started to collaborate on various projects, dived up according to their thematic area, which concern all sectors of the new global economy.

269. Since its establishment, EUREKA and its Countries have always pursued the same objective, that is to enhance European economic and industrial productivity and competitiveness on the global civil market.

270. Always with a view to enabling everyone to enjoy as much as possible the benefits of scientific and research progress, San Marino Parliament has recently passed a law on the promotion of industrial research activity, precompetitive development, innovation and technological transfer.

271. The objective of this law is to improve the sector, so that it will become in the future a strategic element for the Country's economy, and to regulate all interventions in support of research, innovation and technological transfer. In particular, it provides for the establishment of a fund to promote research, the drafting of a 5-year research programme and the establishment of a Committee of Experts with the purpose of monitoring compliance of the projects with the requirements for the granting of State subsidies.

272. Moreover, Article 37 of the Law approving the State Budget for the financial year 2006 and the Pluriennial Budget 2006/2008 (Law No. 179 of 13 December 2005) provides for incentives to scientific research in favour of economic operators established as a company for the purpose of supporting research activities, innovation and technological transfer.

273. With regard to measures aimed at the preservation of mankind's natural heritage and at promoting a healthy and pure environment, Title III of the Single Text of Town Planning and Building Laws (Law No. 87 of 19 July 1995) expressly provides for the protection of natural environment and for environmental impact assessment. Articles 54 through 87 specifically refer to the Environmental Protection Commission and to the regulation of water drains, solid and liquid wastes, aerial emissions and emissions from heating systems and transport means.

274. By virtue of Article 1, paragraph 1, of San Marino Declaration on the Citizens' Rights: *"The Republic of San Marino receives generally recognised rules of international law as integral part of its constitutional order, to which it shall conform its acts and conduct. It recognises the provisions set forth in the international declarations on human rights and fundamental freedoms."*

275. Moreover, Article 5 of the same Declaration stipulates that human rights shall be inviolable.

276. In addition, with Decree No. 45 of 26 February 1998, the Republic of San Marino ratified the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine. The purpose of this Convention is the achievement of a greater unity between the members of the Council of Europe in order to protect fundamental freedoms in the light of the rapid developments of biology and medicine and in consideration of the high risk of misuse of scientific discoveries.

277. Copyright is safeguarded by Law No. 8 of 25 January 1991. In particular, the intellectual property right comprises attributes of moral character and attributes of economic character, with the possibility of economic exploitation deriving there from.

278. Articles 5 and 6 of Chapter II specifically indicate the works protected by this Law, that is: *"works of literary, dramatic, musical or artistic character; sound recordings and audiovisual works; designs and models; words and texts intended to be sung or recited within the framework of musical works or as accompaniment thereto; works expressed by means of conventional signs or digital formulae; computer programs."*

279. Article 2 clarifies that the protection of the work starts at the moment of its creation and Articles 36, 39 and 40 of Chapter III indicate the term of protection of this right, which varies according to the kind of works protected. However, works are generally protected for the author's lifetime and for a period of 50 years following the end of the calendar year in which the author's death occurred. The term of protection of works disclosed after the author's death shall be 60 years following the end of the year of the first disclosure of the said works, provided that this occurs within the 30 years following the author's death.

280. Computer programs and designs and models, which tend to become obsolete more rapidly, are protected for 10 years and for 15 years respectively.

281. Among the measures by which San Marino Government encourages and develops international contacts and cooperation in the scientific and cultural fields, worth mentioning are the following bilateral agreements concluded by the Republic of San Marino:

- (a) Joint Cooperation Statement in the fields of Education, Culture, Sport, Commerce, Tourism, Environment and other sectors of interest with the Principality of Andorra;
- (b) Cultural Agreement with the Arab Republic of Egypt;
- (c) Cultural and Scientific Agreement with the French Republic;
- (d) Cultural and Scientific Cooperation Agreement with the Italian Republic;
- (e) Cooperation Agreement in the fields of Education, Culture, Tourism and Sport with Romania;
- (f) Protocol on Cooperation in the fields of Culture, Education, Sport, Tourism and Economic and Commercial Activities with the Russian Federation;
- (g) Commercial and Economic, Scientific and Technical Cooperation Agreement with the Republic of Hungary.

Annexes

(i) Table (Excel format) on contractual wages

(ii) Laws

- Law No. 59 of 8 July 1974
- Law No. 95 of 19 September 2000
- Law No. 36 of 26 February 2002
- Law No. 55 of 25 April 2003
- Law No. 6 of 31 January 1996
- Law No. 101 of 28 November 1994
- Law No. 72 of 24 May 1995
- Law No. 183/2005
- Law No. 184/2005
- Law No. 185/2005
- Law No. 186/2005
- Law No. 144 of 30 October 2003
- Law No. 145 of 30 October 2003
- Law No. 31/1998
- Law No. 41 of 22 December 1972
- Law No. 33 of 28 February 2001
- Law No. 7 of 1961
- Law No. 46 of 22 Feb. 2006
- Law No. 42 of 1955
- Law No. 40 of 25 May 1981

- Law No. 157/2005
- Law No. 158/2005
- Law No. 37/1975
- Law No. 36/1984
- Law No. 17/1967
- Law No. 54 of 28 April 1999
- Law No. 49 of 26 April 1986
- Law No. 137/2003
- Law No. 96/1989
- Law No. 127/1986
- Law No. 110 of 15 December 1994
- Law No. 58 of 30 April 2002
- Law No. 87 of 19 July 1995
- Law No. 148/2003
- Law No. 33 of 5 December 1914
- Law No. 32 of 1 August 1963
- Law No. 137 of 28 November 1990
- Law No. 21 of 12 February 1998
- Law No. 22 of 12 February 1998
- Law No. 63 of 28 April 2005
- Law No. 37 of 4 March 1993
- Law No. 108 of 13 December 1982

- Law No. 17 of 10 June 1919
- Law No. 76 of 16 December 1976
- Law No. 14 of 28 January 1982
- Law No. 9 of 17 January 1997
- Law No. 41 of 27 April 1989
- Law No. 82/1994
- Law No. 179 of 13 December 2005
- Law No. 8 of 25 January 1991
- Law No. 95 of 19 September 1989
- Law No. 131 of 29 September 2005
- Law No. 89 of 24 July 1987
- Law No. 36 of 4 March 1993
- Law No. 40 of 25 May 1981
- Law No. 71 of 29 May 1991
- Law No. 141 of 21 November 1990
- Law No. 34 of 4 August 1967
- Law No. 18 of 26 January 2006
- Law No. 7 of 17 February 1961
- Law No. 26 of 25 February 2004
- Law No. 70 of 28 May 2003
- Law No. 137 of 20 November 1990
- Law No. 54/1999

(iii) Decrees

- Decree No. 37 of 15 February 2006
- Decree No. 15 of 26 April 1976
- Decree No. 56/2003
- Decree No. 74/1988
- Decree No. 13/2001
- Decree No. 42 of 26 March 2003
- Decree No. 45 of 26 February 1998
