



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### List of issues prior to submission of the initial report of San Marino\*

#### General information

1. Please provide statistics on the composition of the State party's population, including on ethnic, religious and linguistic minorities and on non-citizens such as asylum seekers, refugees, stateless persons and migrants, taking into account the Committee's general recommendations No. 8 (1990) and No. 24 (1999), and paragraphs 10 and 12 of its revised reporting guidelines.<sup>1</sup>

#### Article 1

2. Please provide information on measures taken to ensure that the definition of racial discrimination in the domestic law of the State party, including in the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order, encompasses discrimination on the grounds of race, colour, descent and national or ethnic origin and includes direct and indirect forms of discrimination. Please also provide information on whether the legal order of the State party provides for differential treatment based on citizenship or migration status, and on the compliance of any such differentiation with article 1 (2) and (3) of the Convention.

#### Article 2

3. Noting that the Convention can be directly invoked before the judicial bodies in the State party and applied by such bodies without the need for it to be incorporated into domestic legislation, please provide information on cases in which the Convention has been applied or evoked before courts, tribunals or other bodies in the State party. Please also provide information on steps taken to ensure that the provisions of the Convention are disseminated among magistrates, lawyers and other law enforcement officials and among the population.

4. Please provide information on the legal framework, policies adopted and other measures in place to eliminate racial discrimination and to give effect to the provisions of article 2 of the Convention. Please also provide information on steps taken to enact comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of race, colour, descent, or national or ethnic origin.

5. Noting that existing bodies that monitor the implementation of human rights in the State party are not in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and in light of the relevant recommendations emanating from the third cycle of the universal periodic review that were accepted by the State party, please provide information on steps taken towards establishing an independent national human rights institution in full

\* Adopted by the Committee at its 105th session (15 November–3 December 2021).

<sup>1</sup> [CERD/C/2007/1](#).



compliance with the Paris Principles and whose mandate covers racial discrimination. Please also provide:

(a) Information on whether the mandates of the Authority for Equal Opportunities and the Commission for Equal Opportunities cover racial discrimination and, if so, information on any activities carried out or complaints received by these bodies that relate to racial discrimination;

(b) Information on any complaints received by and considered by the Captains Regent that relate to racial discrimination, and their outcomes.

### **Article 3**

6. Please indicate the measures taken to ensure proper monitoring of all trends that can give rise to racial segregation of vulnerable persons and groups, such as non-citizens, including in the areas of education and housing.

### **Article 4**

7. Please provide information on whether the criminal legislation is fully in accordance with the provisions of article 4 of the Convention, on all the grounds outlined in article 1 (1) of the Convention, in particular with regard to the criminalization of:

(a) All dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination;

(b) All acts of violence or incitement to such acts against any group of persons on the grounds of race, colour, descent or national or ethnic origin;

(c) The provision of any assistance to racist activities, including the financing thereof;

(d) Organizations that carry out organized propaganda activities or spread any other type of propaganda and that promote or incite racial discrimination, and the recognition of participation in such organizations or activities as an offence punishable by law;

(e) Incitement to or encouragement of racial discrimination by public authorities or public institutions, whether national or local.

8. Please provide information on steps taken to ensure that racial motives, including all grounds outlined in article 1 (1) of the Convention, are considered as an aggravating circumstance under domestic criminal legislation.

9. Please provide information or statistics on complaints filed, investigations carried out, prosecutions undertaken, decisions taken and sentences passed by national tribunals and other State institutions regarding acts of racial discrimination, in particular offences under article 4 of the Convention. Please also provide information on any reparation or other remedies provided to victims of such acts.

10. Please provide information on mechanisms for monitoring and collecting data on racist incidents, including acts of racist violence and hate speech, including online, in the State party, and information on the data collected through such mechanisms.

### **Article 5**

11. Please provide information on measures taken to ensure that non-citizens, such as domestic migrant workers and other migrants, refugees, asylum seekers and stateless persons, fully enjoy the rights referred to in article 5 of the Convention. In particular, please provide information on measures taken to:

(a) Address the vulnerability of cross-border workers with regard to unemployment;

(b) Ensure that migrant workers, in particular women, who are employed as private carers in the State party receive information on their rights and on how to obtain assistance in the case of problems, as well as on the remedies provided by the law in the case of discrimination;

(c) Ensure equality in treatment in medical assistance between San Marinese and resident foreigners or foreigners with stay permits.

12. Please provide information on:

(a) Steps taken to overcome the challenges faced by the State party with regard to acceding to the Convention relating to the Status of Refugees and the 1967 Protocol thereto;

(b) Steps taken towards acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(c) Legislation, policies and other measures currently in place to protect the rights of asylum seekers, refugees and stateless persons, including on the provisions regarding the humanitarian stay permit, how many applications for such permits have been submitted and how many of those have been granted.

13. Please provide information on the impact of the coronavirus disease (COVID-19) pandemic on the persons who are the most vulnerable to racial discrimination, including non-citizens. In particular, please provide information on measures taken to:

(a) Ensure the participation of those persons in the design and implementation of the response to the COVID-19 pandemic;

(b) Protect them against the effects of the COVID-19 pandemic and ensure their access to vaccines;

(c) Protect them against discriminatory acts and take adequate measures to counter hate speech and stigmatization against them in connection with the COVID-19 pandemic.

#### **Article 6**

14. Please provide information on the legislative, judicial, administrative or other measures that give effect to the provisions of article 6 of the Convention. Please also provide information on:

(a) Measures taken to inform the public, and in particular potential victims of racial discrimination, of the laws prohibiting racism and racial discrimination and of remedies available to them in relation to such acts;

(b) Training provided to judges, lawyers, police and other relevant authorities on the criminal legislation in place regarding racist violence, racism and racial discrimination.

#### **Article 7**

15. Please provide information on steps taken to monitor and address prejudices that may exist in the State party against non-nationals, including cross-border workers, and on steps taken to promote understanding among and tolerance towards the different groups residing in the territory of the State party, in particular those mentioned above.

16. Please provide information on human rights education in the State party, including in relation to the rights contained in the Convention, both as provided in school curricula and as made available for the population in general.

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