



International Covenant on Civil and Political Rights

Distr.: General
27 November 2023

Original: English
English, French and Spanish only

Human Rights Committee

List of issues prior to submission of the fourth periodic report of San Marino*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.
2. Please report on any other measures taken to implement the recommendations contained in the Committee's previous concluding observations,¹ including any relevant statistical data and information on the mechanisms in place to review the process of implementation of previous recommendations.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. In reference to the previous concluding observations (para. 7),² please indicate whether the State party intends to establish an effective and independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please describe measures taken to address the obstacles referred to by the State party in its follow-up report,³ with regard to the allocation of adequate financial and human resources for such an institution.

Anti-corruption measures (arts. 2 and 25)

4. Please report on the legal and institutional frameworks in place as well as the measures taken to prevent and combat corruption effectively, including on measures taken to strengthen the accountability and transparency of the Government. Please describe the steps taken to ensure the effective implementation of anti-corruption measures with a view to effectively combating impunity in this sphere, and of awareness-raising programmes for parliamentarians, judges, prosecutors and other public officials. Please also provide statistical

* Adopted by the Committee at its 139th session (9 October–3 November 2023).

¹ CCPR/C/SMR/CO/3.

² Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/C/SMR/CO/3.

³ CCPR/C/SMR/CO/3/Add.1.



information on the number of investigations, prosecutions and convictions relating to cases of corruption over the past eight years, particularly information about cases involving politicians and political parties, high-level public officials and law enforcement officials.

Non-discrimination (arts. 2, 19, 20 and 26)

5. In the light of the Committee's previous concluding observations (para. 9), please report on progress made towards strengthening the legal framework against discrimination to ensure that it is in accordance with international human rights standards, and, in particular, to adopt comprehensive anti-discrimination legislation that: (a) provides for full and effective protection against direct, indirect and structural as well as intersectional discrimination in all spheres, including in the private sphere; (b) contains all the grounds prohibited under the Covenant, including colour, language, political or other opinion, national origin, property, birth, sexual orientation, gender identity and other status; and (c) provides effective remedies in judicial and administrative proceedings for victims of discrimination.

6. Please provide the Committee with statistical data on the number of cases in which article 4 of the Constitution has been invoked with regard to hate speech and crimes of racist violence, including the number of investigations and prosecutions pursued, the convictions secured, the nature of the sanctions imposed, and the reparation and protection afforded to victims. Please report on any measures taken to raise awareness about the non-discrimination legislation and the existing remedies among judges, lawyers, prosecutors and the general public.

Persons with disabilities (arts. 2 and 26)

7. Please provide information on measures taken: (a) to combat discrimination, prejudice and negative stereotypes against persons with disabilities, including in legislation, policies and programmes in both public and private employment, and accessibility; (b) to penalize noncompliance or low levels of compliance with quotas established by law; and (c) to ensure the accessibility of the public physical environment for persons with disabilities, including public roads and multi-dwelling buildings and public transport.

Gender equality (arts. 3 and 26)

8. In the light of the previous concluding observations (para. 11), please report on measures taken, and progress made, to ensure the full and equal participation of women in political and public life, including in executive, judicial and legislative bodies at the national, regional and local levels, especially in the Great and General Council and at the highest levels of the Government. Please also describe the measures that have been taken to promote gender equality between men and women and combat gender stereotypes on the roles of women in the family and society, including any temporary special measures adopted and awareness-raising campaigns undertaken.

9. Please report on the current situation of women and girls in the State party. In particular, please provide information on measures taken to increase the participation of women in the labour market and to ensure equal remuneration for work of equal value. Please also provide information on measures taken to design and effectively implement strategies and time-bound targets to promote equal and accessible opportunities for women and men. Please comment on reports indicating that 95 per cent of people who lost their jobs as a result of the first wave of coronavirus disease (COVID-19) were women, and describe any measures taken to protect women from the disproportionate impact of COVID-19 and any future pandemics on labour market sectors employing a high proportion of women.

Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

10. Please provide information on measures taken by the State party to address all types of gender-based violence, including sexual violence, stalking and sexual harassment. Please provide information on measures taken: (a) to enact legislation protecting women from sexual harassment in employment; and (b) to adopt criminal or civil penalties for sexual harassment in employment. Please provide information, disaggregated by gender, age, and type of offence, on the number of complaints, investigations, prosecutions, sentences and protection

orders concerning cases of sexual harassment and domestic violence during the reporting period, and on the availability of shelters and other services for victims of such violence.

11. Please provide information on the measures taken to ensure that all acts of violence are effectively reported, prosecuted and sanctioned, including on measures taken to guarantee prompt and effective investigations. Please include information on the steps taken: (a) to ensure effective preventive measures and early identification of such violence; (b) to encourage reporting by victims and raise women's and girls' awareness of their rights and the available remedies; and (c) to ensure that sufficient resources are allocated to the competent institutions, particularly to the Authority for Equal Opportunities (para. 13). Please include information on any measures taken to strengthen training, education and awareness-raising programmes on combating gender-based violence for law enforcement officials, teachers and other officials.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 2, 3 and 6)

12. In the light of the previous concluding observations, and bearing in mind the Committee's general comment No. 36 (2018) on the right to life,⁴ please provide information on: (a) the regulations governing the voluntary interruption of pregnancy and on its compatibility with the Covenant, in particular clarifying whether the State party has removed all barriers to effective access to safe, legal abortions; (b) the number of legal abortions and estimated number of clandestine terminations of pregnancy performed annually, including updated statistical data on the maternal and infant mortality rates in the past five years; and (c) any steps taken to ensure the availability and accessibility of sexual and reproductive health services and access to education and awareness-raising programmes that focus on the importance of contraception and of sexual and reproductive health rights.

Right to privacy (art. 17)

13. Please provide information on the laws relating to the protection of personal identifying information, including biometric data, and whether and under what conditions public authorities can access information controlled by private entities, and vice versa. Please describe the implementation of laws and policies on digital surveillance, such as facial recognition software. In addition, please inform the Committee about what legal safeguards exist to protect the right of privacy, and whether members of the public can access and correct personal identifying information held by public and private actors.

Elimination of slavery, servitude and trafficking in persons (arts. 7, 8 and 24)

14. Please provide information on the measures taken to prevent and put an end to trafficking in persons, forced labour and domestic servitude in accordance with article 8 of the Covenant. In particular, please describe the prohibition of such acts in legislation and the penalties imposed, and the investigation, prosecution and punishment of those responsible for such acts. Please include disaggregated data on reported cases of trafficking in persons, the investigations and trials conducted, the criminal convictions handed down, the reparations awarded and any prevention and public awareness campaigns that have been launched. Lastly, please provide information on specialized training provided to judges, prosecutors, police officers and other State officials to enable them to detect victims of trafficking, forced labour and servitude, carry out investigations, and initiate legal proceedings.

15. Please describe the legal framework and the measures taken to protect migrant workers against abusive working conditions and labour exploitation, including in relation to their wages, and provide information on any awareness-raising activities carried out among migrant workers and their employers about the prohibition of abuse and of labour exploitation. Please also provide information on procedural safeguards in place to prevent exploitation and abuse and to investigate complaints in this domain, including statistical data on the number of complaints filed by migrant workers employed without contracts, and on labour disputes.

⁴ See para. 8.

Treatment of aliens, including migrants, refugees and asylum-seekers (arts. 7, 9, 12, 13 and 24)

16. Please provide information on any plans to establish a national legal framework for respecting the rights of asylum-seekers, as well as for strict compliance with the principle of non-refoulement. Please provide information on measures taken to strengthen the protection of non-citizens in the State party, including migrants, and on measures taken to protect foreign women against gender-based violence. Please also provide information on effective access to medical treatment for all non-residents.

17. Please report on measures taken to ensure that children born in the State party to parents who are beneficiaries of international protection, asylum-seekers or stateless, can acquire citizenship in the State party. Please indicate what measures, if any, have been taken: (a) to establish a determination procedure for stateless persons; and (b) to address the extraordinary length of and practical difficulties involved in the process of acquiring citizenship, as well as on measures to facilitate the acquisition of citizenship through naturalization. Please indicate whether the State party is considering ratifying the Convention relating to the Status of Refugees and the Protocol thereto.

Access to justice, independence of the judiciary, and right to a fair trial and recognition as a person before the law (arts. 2, 14 and 16)

18. With reference to the previous concluding observations (para. 17), please provide information on the adoption and implementation of a new code of criminal procedure and on its compatibility with the Covenant. Please report on measures taken: (a) to ensure effective access to the judicial system for all inhabitants of the State party, including the provision of free legal assistance, translation and interpretation services for persons who do not speak Italian; and (b) to reduce the length of court proceedings. Please also provide information on the measures taken to ensure free and effective legal representation for individuals in all proceedings relating to their legal capacity, including any review of a decision related to an individual's legal capacity (para. 14).

19. Please provide information on the legislative framework ensuring the independence, impartiality and transparency of the judiciary. Please include information on the new Constitutional Law No. 1/2021 and Qualified Law No. 2/2021, in particular their provisions on reforming the judicial system, and on their compatibility with the Covenant. Please report on measures taken, and progress made, in ensuring adequate safeguards against political influence on the procedure for the selection, appointment, suspension and removal of judges.

Rights to freedom of opinion and expression (arts. 2 and 19–22)

20. With reference to the Committee's previous concluding observations (para. 19), please indicate whether the State party is considering decriminalizing the offence of defamation and other offences against honour provided for in articles 183–185, 342 and 344 of the Criminal Code, and restricting the application of the criminal law to the most serious cases. Please provide information on the regulatory frameworks regarding prosecution for libel against journalists, and specify the number of related prosecutions, including their detailed rationale, for the last five years against journalists as well as their outcome.

21. Please also indicate whether the State party intends to adopt a legislative framework related to freedom of information. Please also clarify whether the State party is considering reviewing the 2014 law on publishing and the profession of media operators, which may unduly interfere with media content and the legitimate exercise of the right to freedom of expression of journalists.

Rights of the child (arts. 23, 24 and 26)

22. With reference to the previous concluding observations (para. 21), please provide information on the measures taken to revise the legislation relating to the military corps and ensure that it is in full conformity with the Covenant, particularly with regard to raising the minimum age for military service in all circumstances to 18 years. Please provide information

on measures taken to strengthen the juvenile criminal justice system, including through the establishment of a specialized court for juvenile offenders.

23. Please provide information on the measures taken to prevent and combat violence against children, including sexual abuse and exploitation, including information on measures taken and the progress achieved in: (a) eradicating corporal punishment and violence against children in all settings, including up-to-date statistics on the investigation of practices and the sanctioning of perpetrators; and (b) raising awareness about the harmful effects of violence against children, including details of public information campaigns conducted.

Participation in public life (art. 25)

24. Please clarify whether the State party is considering granting political rights to foreign nationals residing in the State party, particularly the right to vote in and eligibility to stand for office in local elections. Please provide information on measures taken to review legal provisions that exclude persons with mental, intellectual or psychosocial disabilities from the right to vote (paras. 22 and 23).
