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Draft report of the Working Group on the Universal Periodic Review*

San Marino

* The annex is being circulated without formal editing, in French.

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its thirty-fourth session from 4 to 15 November 2019. The review of San Marino was held at the 6th meeting, on 6 November 2019. The delegation of San Marino was headed by Mr. Marcello BECCARI, Ambassador, Permanent Representative of the Republic of San Marino to the United Nations in Geneva and other International Organizations in Switzerland. At its 10th meeting, held on 8 November 2019, the Working Group adopted the report on San Marino.

2. On 15 January 2019, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of San Marino: Cuba, India and Nigeria.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of San Marino:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/34/SMR/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/34/SMR/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/34/SMR/3).

4. A list of questions prepared in advance by Angola, Germany, Portugal, on behalf of Group of Friends on national mechanisms for implementation, reporting and follow-up, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to San Marino through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

[To be completed by 22 November 2019]

A. Presentation by the State under review

B. Interactive dialogue and responses by the State under review

5. During the interactive dialogue, 45 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

II. Conclusions and/or recommendations

6. **The following recommendations will be examined by San Marino, which will provide responses in due time, but no later than the forty-third session of the Human Rights Council.**

6.1 **Accede to the Optional Protocol to the Convention against Torture (Australia);**

6.2 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France); (Liechtenstein);**

6.3 **Consider acceding to the International Convention on the protection of the rights of all migrant workers and members of their families (Kyrgyzstan);**

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- 6.4 **Consider the ratification of the International Convention on the Rights of All Migrant Workers and Members of their Families (Philippines);**
- 6.5 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Senegal);**
- 6.6 **Educate its public, government officials and parliamentarians on the importance of ratifying the UN International Convention on Migrant Workers, as well as other measures to ratify ICMW (Indonesia);**
- 6.7 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France); (Iraq); (Italy); (Senegal);**
- 6.8 **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Italy);**
- 6.9 **Step up measures to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**
- 6.10 **Ratify the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Cyprus);**
- 6.11 **Sign and Ratify the Agreement on the Privileges and Immunities of the International Criminal Court (Germany);**
- 6.12 **Sign and ratify the Convention on the Status of Refugees (Spain);**
- 6.13 **Accede to the Convention relating to the status of refugees and to its Protocol (Luxembourg);**
- 6.14 **Take all necessary steps to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Germany);**
- 6.15 **Ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Honduras);**
- 6.16 **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness (Brazil);**
- 6.17 **Ratify the 1951 Convention on the Status of Refugees (Canada);**
- 6.18 **Accede to the 1961 UN Convention on the Reduction of Statelessness (Ukraine);**
- 6.19 **Accede to the Convention on the Status of Refugees and its Protocol, the Convention on the Status of Stateless Persons (Uruguay);**
- 6.20 **Accede to the Convention to Reduce Cases of Statelessness (Uruguay);**
- 6.21 **Take the necessary measures to establish a procedure for the recognition of refugee status, and for the accession to the Convention Relating to the Status of Refugees (Argentina);**
- 6.22 **Accede to the Convention relating to the status of stateless persons, the Convention on the reduction of statelessness (Mexico);**
- 6.23 **Accede to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Mexico);**
- 6.24 **Complete the ratification process of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (Greece); Ratify the Istanbul Convention on the prevention and combat of violence against women and domestic violence (Serbia);**
- 6.25 **Ratify Convention No. 189 of the International Labor Organization on Domestic Workers (Uruguay);**
- 6.26 **Expedite measures aimed at ensuring that all outstanding national reports are submitted to the human rights treaty bodies (Ukraine);**

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- 6.27 **Make efforts to submit all periodic reports to the treaty bodies (Iraq);**
- 6.28 **Submit all outstanding reports to the treaty bodies as soon as possible (Ireland);**
- 6.29 **Adopt an open, merit-based process when selecting national candidates for UN Treaty Body elections (United Kingdom of Great Britain and Northern Ireland);**
- 6.30 **Adopts a new comprehensive code of criminal procedure and ensure its full compliance with the International Covenant on Civil and Political Rights (Portugal);**
- 6.31 **Review legislation on legal capacity in the light of the Convention on the Rights of Persons with Disabilities (Spain);**
- 6.32 **Establish a process to assist with the timely submission of outstanding periodic reports, through the creation of a National Mechanism for Implementation, Reporting and Follow-up (Bahamas);**
- 6.33 **Establish the position of the Ombudsman (Spain);**
- 6.34 **Take steps to establish a national human rights institution compliant with the Paris Principles (Australia);**
- 6.35 **Set up an independent body specialized in the fight against racism and racial discrimination (Burkina Faso);**
- 6.36 **Consider establishing a National Human Rights Institution in accordance with the Paris Principles (India); (Tunisia);**
- 6.37 **Establish a fully independent human rights institution in accordance with the Paris Principles (Denmark);**
- 6.38 **Take further steps towards establishing of consolidated national human rights institution in accordance with the Paris principles (Georgia);**
- 6.39 **Establish an independent National Human Rights Institution in accordance with the Paris Principles (Iraq); (Luxembourg); (Ukraine);**
- 6.40 **Establish a National Human Rights Institution, in accordance with the Paris Principles (Ireland); (Uruguay);**
- 6.41 **Establish a fully independent consolidated national human rights institution in accordance with the Paris Principles (Liechtenstein);**
- 6.42 **Establish an independent national human rights institution with broad powers, in accordance with the Paris Principles (Mexico);**
- 6.43 **Establish the national human rights institution (Montenegro);**
- 6.44 **Take measures to establish a National Human Rights Institution in accordance with the Paris Principles (Nepal);**
- 6.45 **Establish a national human rights institution in accordance with the Paris Principles and allow it to also act as an equality and anti-discrimination body (Netherlands);**
- 6.46 **Step up efforts in establishing an effective and independent national human rights institution in accordance with the Paris Principles (Philippines);**
- 6.47 **Adopt stricter anti-discrimination legislation, particularly targeting discrimination based on race, ethnic origin or language, and take steps to increase education and information to encourage diversity and inclusion (Canada);**
- 6.48 **Continue to effectively implement policies and measures of protection of the rights of women, children and people with disabilities (China);**

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- 6.49 Continue to take additional measures to ensure the protection and social inclusion of all persons with disabilities in the economic, political and social life (Cuba);
- 6.50 Strengthen actions to confront hate speech and expressions of discrimination in all areas (Cuba);
- 6.51 Take the necessary measures to strengthen the legal framework against discrimination, in particular by passing a comprehensive legislation covering all grounds of discrimination, including gender identity (Honduras);
- 6.52 Enact general legislation on the recognition of both same-sex parents involved in the growth of a child as well as extending access to adoption to same-sex couples on par with others (Iceland);
- 6.53 Continue taking measures against discrimination in all forms (India);
- 6.54 Establish criminal legislation covering all grounds of discrimination, including language, colour, ideology, and gender identity with a view to its full implementation (Liechtenstein);
- 6.55 Include gender identity as a ground of discrimination in articles 90 and 179bis of the criminal code and promote public awareness of diversity and respect for sexual orientation and the gender identity of all persons, especially through human rights education and awareness raising campaigns (Luxembourg);
- 6.56 Guarantee that discrimination based on gender identity is recognized in the current legal framework, as well as establish provisions of criminal law that prohibit discrimination based on ethnic or national origin, or skin colour (Mexico);
- 6.57 Introduce legal protection for same-sex couples, giving them the opportunity to obtain legal recognition of their relationship and allowing them the right to get married and to adopt children (Netherlands);
- 6.58 Takes the necessary measures to strengthen its legal framework against discrimination, in particular, by enacting comprehensive anti-discrimination legislation covering all grounds for discrimination, including gender identity (Portugal);
- 6.59 Promote Public's awareness of diversity and respect for all persons' sexual orientation and gender identity, notably through human rights education and awareness-raising campaigns, including in schools (Slovenia);
- 6.60 Raise awareness among the population of criminal law provisions related to racism and racial discrimination (Armenia);
- 6.61 Consider further strengthening its legal framework, including on racial discrimination (Australia);
- 6.62 Continue efforts to combat all forms of discrimination, especially racism, in law and practice, including by raising awareness and training judges and lawyers on existing criminal provisions against discrimination (Brazil);
- 6.63 Further strengthen the implementation of policies and program on combating racism and intolerance (Philippines);
- 6.64 Develop a national action plan for the implementation and promotion of the UN Guiding Principles on Business and Human Rights (Denmark);
- 6.65 Fully implement the Paris Agreement and ensure that the application of the preamble is reflected in the next round of Nationally Determined Contributions due in 2020 (Fiji);
- 6.66 Provide information on the steps taken to ensure that the most vulnerable to climate change are included in its domestic measures to address the causes and effects of climate change domestically (Fiji);

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- 6.67 Ensure that women, children, and persons with disabilities are meaningfully engaged in the development of legislation, policies and programs on climate change and disaster risk reduction (Fiji);
- 6.68 Continue efforts to put an end to human trafficking (Tunisia);
- 6.69 Develop a multi-disciplinary framework for the proactive identification of victims of trafficking, involving law enforcement agencies, labour inspections, health-care staff, social workers and child protection authorities, with particular attention to at-risk sectors, for referral to assistance and support (United Kingdom of Great Britain and Northern Ireland);
- 6.70 Adopt measures to enable the proactive detection of signs of human trafficking paying particular attention to vulnerable and at-risk groups and sectors and ensure a multidisciplinary framework for the identification and referral of assistance to victims of trafficking (Philippines);
- 6.71 Step up efforts in conducting training and awareness-raising on anti-human trafficking for duty bearers and the public (Philippines);
- 6.72 Further address the issue of disinformation and misinformation, including through collaboration with other states (Indonesia);
- 6.73 Decriminalize defamation and treat it with strictly proportionate civil penalties and introduce a more balanced sanction for disclosing pre-trial information (Mexico);
- 6.74 Ensure that the legislation to regulate journalism and the Code of Conduct do not lead to undue restrictions on media freedom (United Kingdom of Great Britain and Northern Ireland);
- 6.75 Continue strengthening its efforts to tackle corruption in the country (Kyrgyzstan);
- 6.76 Further improve mechanisms of election process, in particular when it comes to the out-of-country voters (Armenia);
- 6.77 Continue to promote sustainable economic and social development, further improve people's livelihood in order to provide solid foundation for its people to enjoy all human rights (China);
- 6.78 Continue strengthening its social policies with the consolidation of employment, building education, health and social assistance programs, for the benefit of minorities and other vulnerable groups of the population (Bolivarian Republic of Venezuela);
- 6.79 Continue to work towards the respect of sexual and reproductive rights by ensuring the decriminalization of abortion in all situations, and in the meantime authorizing a minimum of abortion services to preserve the physical and mental health of women or in case of fatal fetal abnormality, rape or incest (France);
- 6.80 Ensure the full realization of sexual and reproductive health and rights, including by legalizing abortions (Germany);
- 6.81 Eliminate criminal sanctions against women and girls in cases of voluntary abortion and eliminate all barriers that currently hinder access to legal, affordable, and timely termination of pregnancy (Iceland);
- 6.82 Consider gradual extension of the compulsory education to at least one year of pre-primary education (Bulgaria); Progressively extend compulsory education to at least one year of pre-primary education (Algeria);
- 6.83 Continue combating discrimination against women, domestic violence and gender-based violence (Tunisia);
- 6.84 Continue its efforts in preventing all forms of gender based violence (Georgia);

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- 6.85 Continue its efforts in the field of preventing and combating all forms of gender-based violence (Kyrgyzstan);
- 6.86 Strengthen programs on addressing gender-based violence and ensure allocation of sufficient resources to competent institutions (Philippines);
- 6.87 Continue bolstering national actions in support of gender equality, as well as initiatives on fight and prevention of violence against women (Bolivarian Republic of Venezuela);
- 6.88 Intensify efforts to increase the representation of women in political life, in particular in the Parliament (Spain);
- 6.89 Further strengthen efforts to increase the representation of women in political life, particularly in Parliament and at the highest levels of the Government (Bulgaria);
- 6.90 Pursue its ongoing efforts towards ensuring the greater participation of women in political life and their greater political representation (Greece);
- 6.91 Intensify efforts to eliminate gender stereotypes and take measures to ensure the representation of women in political life, by adopting adequate measures to make effective the provisions of the International Covenant on Civil and Political Rights (Honduras);
- 6.92 Increase women representation in political life and in decision making positions (Iraq);
- 6.93 Strengthen the participation of women in political life as voters, candidates, elected representatives and public officials and eliminate all obstacles that impede their equal participation (Mexico);
- 6.94 Continue its efforts to increase women's participations in politics and decision-making levels (Myanmar);
- 6.95 Redouble efforts in increasing the political participation of women (Philippines);
- 6.96 Include more women in the next cabinet of ministers following elections on 8 December (United States of America);
- 6.97 Redouble efforts to increase the representation of women in political life, in particular in the Parliament and at the highest levels of Government (Algeria);
- 6.98 Raise the minimum age for military services in all circumstances to 18 years (Montenegro);
- 6.99 Take necessary measures to review the minimum age of recruitment for military service in special circumstances from 16 to 18 (Myanmar);
- 6.100 Continue efforts to promote online safety of children (Nepal);
- 6.101 Create a specialized section on childhood within courts and explore the possibility of establishing a counseling center for separated parents with children (Spain);
- 6.102 Continue to take steps to improve access to public buildings for persons with disability (Australia);
- 6.103 Continue its efforts to ensure that all buildings are accessible for persons with disabilities (Bahamas);
- 6.104 Continue the efforts in promoting and protecting the rights of persons with disabilities by reporting regularly to the instruments San Marino is a Party to (Cyprus);
- 6.105 Redouble efforts to guarantee the non-discrimination of people with an immigrant background in all sectors (Burkina Faso);

6.106 Continue support for humanitarian corridors designed to create additional legal access channels for especially vulnerable migrants and asylum-seekers (Indonesia);

6.107 Strengthen measures to guarantee the rights of migrants, especially female domestic workers and care takers (Myanmar);

6.108 Establish a procedure for the processing and adjudicating of asylum applications (Bahamas);

6.109 Reduce further the duration of residence required to request citizenship (Luxembourg).

7. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annexe

Composition de la délégation

La délégation de San Marino était dirigée par M. Marcello BECCARI, Ambassadeur, Représentant permanent de la République de Saint Marin auprès des Nations Unies à Genève et des autres Organisations Internationales en Suisse, composée des membres suivants:

- Mme Federica BIGI, Ministre Plénipotentiaire, Directrice des Affaires Politiques et Diplomatiques du Département des Affaires étrangères de la République de Saint-Marine;
- Mme Ilaria SALICIONI, Conseillère d'Ambassade à la Direction des Affaires Politiques et Diplomatiques du Département des Affaires étrangères de la République de Saint-Marine;
- M. Leopoldo GUARDIGLI, Premier Secrétaire à la Direction des Affaires Politiques et Diplomatiques du Département des Affaires étrangères de la République de Saint-Marine;
- M. Stefano PALMUCCI, Expert de la Direction des Affaires juridiques du Département des Affaires étrangères de la République de Saint-Marine;
- Mme Anita DEDIC, Collaboratrice Administrative de la Mission permanente de la République de Saint-Marine auprès des Nations Unies à Genève et des Organisations internationales en Suisse.
