



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

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## Committee on the Elimination of Racial Discrimination

112th session

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Item 6 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

### List of themes in relation to the initial report of San Marino

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics

2. Statistics on the demographic composition of the population, disaggregated by national or ethnic origin, languages spoken and situation.<sup>2</sup> Economic and social indicators, disaggregated by sex, age and national or ethnic origin, for the various groups living on the territory of the State party.

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 3, 4 and 6)

3. Adoption of a comprehensive definition of racial discrimination, in accordance with article 1 of the Convention, in the State party's legislation. Conformity of article 4 of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order with the Convention.<sup>3</sup>

4. Measures to establish a body with specialized capabilities to monitor and combat racism, racial discrimination, xenophobia and intolerance.<sup>4</sup>

5. Information and statistics, disaggregated by national or ethnic origin of the alleged victims, on complaints of racial discrimination, hate speech and racist hate crimes brought before national courts or other competent institutions, the number of investigations, prosecutions and convictions and the reparations granted to victims. Measures to facilitate the lodging of complaints of racial discrimination. Information on eligibility criteria for legal aid provided or co-financed by the State party, and on the number of people who have benefited from this aid to lodge a complaint of racial discrimination. Measures taken to

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<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/SMR/1, paras. 1–3.

<sup>3</sup> Ibid., paras. 4 and 5.

<sup>4</sup> Ibid., para. 11.



inform the general public of their rights under the Convention and of the complaint mechanisms and remedies available to them.<sup>5</sup> Measures to train judges, prosecutors, lawyers and all other justice professionals in the provisions of the Convention. Measures taken, and progress made, in ensuring adequate safeguards against political influence on the procedure for the selection, appointment, suspension and removal of judges.

6. Measures taken to establish an independent and effective 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).<sup>6</sup>

7. Measures taken or envisaged to adopt a national action plan against racism. Information on the measures taken and the programme of activities organized in the State party within the framework of the International Decade for People of African Descent and on the participation of groups and individuals of African descent in the design, implementation and follow-up of these initiatives.

#### **Racist hate speech, incitement to racial hatred and racist hate crimes (arts. 2, 4 and 6)**

8. Measures to ensure that the definitions of racist hate speech, incitement to racial hatred and the offence of racial hatred contained in the Criminal Code, including under articles 90 and 179 bis, and in other relevant legislation, are fully in accordance with article 4 of the Convention and cover all the grounds of discrimination outlined in article 1 of the Convention.

9. Statistics on reported and recorded acts or incidents of racist violence, hate speech and hate crimes, including on the number of complaints, their nature and the action taken in response. Measures taken to put in place a data collection mechanism in this regard. Statistics on the number of cases in which article 4 of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order and articles 90 and 179 bis of the Criminal Code were invoked in relation to hate speech and racist violence. Statistics on the number of investigations carried out, prosecutions undertaken and convictions handed down, on the nature of the penalties imposed, and on the reparation measures granted and the protection afforded to victims.<sup>7</sup>

10. Specific measures taken or envisaged to combat racist hate speech, including in political discourse, in the media and on the Internet.

11. Information on measures taken or envisaged to ensure that police and other law enforcement officers do not engage in racial discrimination, including racially motivated violence and practices that amount to racial profiling.

#### **Situation of non-citizens (arts. 1, 2, 5 and 6)**

12. Information on the enactment of legislation on asylum-seekers and refugees in conformity with international standards. Information on refugee status determination procedures for asylum-seekers.

13. Measures taken to strengthen the protection of non-citizens in the State party, in particular measures in place to prevent and combat the exploitation and violence suffered by migrant workers, especially *badanti* (private carers), at the hands of their employers. Information on the effective protection of non-citizens in the enjoyment of their economic, social and cultural rights.

14. Measures to prevent statelessness, including measures to facilitate naturalization and to protect stateless persons. Updated statistics on stateless persons and persons at risk of statelessness.

15. Legislative or policy measures to combat trafficking for the purposes of forced labour, sexual exploitation and domestic slavery. Information on complaints, investigations, prosecutions, convictions and sanctions, and reparation and rehabilitation measures for victims. Measures to ensure that justice professionals, law enforcement officers, border

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<sup>5</sup> Ibid., para. 8.

<sup>6</sup> Ibid., para. 10.

<sup>7</sup> Ibid., paras. 18 and 19.

police, social workers and health workers can better identify victims of trafficking and provide them with appropriate protection and assistance. Measures to ensure that victims of trafficking are not prosecuted or deported for acts directly resulting from their situation as victims of trafficking. Information on complaints lodged, investigations opened, prosecutions brought, convictions and sentences handed down and reparation and rehabilitation measures granted to victims.

**Education to combat prejudices and promote understanding (art. 7)**

16. Measures taken to promote human rights education, specifically with regard to racial discrimination, in all school curricula and teacher training, and information on the impact of such measures. Information on initiatives to promote good understanding and tolerance among the different ethnic groups living in the territory of the State party. Measures taken to raise awareness among the general public, civil servants, members of law enforcement and judicial authorities on the importance of cultural diversity and tolerance.

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