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## San Marino

### Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

#### I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Racial Discrimination encouraged San Marino to consider ratifying those international human rights instruments that it had not yet ratified, in particular treaties with provisions that had direct relevance to communities that might be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.<sup>2</sup>

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that San Marino was not party to the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness.<sup>3</sup> UNHCR recommended that San Marino:

(a) Accede to the Convention relating to the Status of Refugees and the Protocol thereto;

(b) Accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>4</sup>

4. The Committee recommended that San Marino ratify the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.<sup>5</sup>

5. The Committee recommended that San Marino submit its combined second and third periodic reports under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination by 11 April 2027, taking into account the reporting



guidelines adopted by the Committee at its seventy-first session and addressing all the points raised in the Committee's concluding observations on its initial report.<sup>6</sup>

6. The Committee encouraged San Marino to update its common core document, which dated to 2002, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.<sup>7</sup>

7. The United Nations High Commissioner for Human Rights welcomed the ongoing engagement of San Marino with international human rights mechanisms, recognizing the particular challenge that such engagement entailed for smaller States in terms of resources. He expressed hope that the universal periodic review of San Marino would be a timely opportunity to identify areas for prioritized action. He also expressed hope that the fiftieth anniversary of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order would bolster engagement throughout San Marino on human rights, in the spirit of the pledges made in the context of the Human Rights 75 initiative, especially in relation to young people, whose insights were crucial for navigating the many dilemmas and choices of today and who needed to see that political systems were genuinely responsive to their concerns and aspirations.<sup>8</sup>

8. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that San Marino had not submitted a report for the ninth consultation of member States on the implementation of the Convention against Discrimination in Education, but had done so for the tenth consultation. It encouraged San Marino to continue to regularly submit comprehensive national reports for the periodic consultations on the UNESCO education-related standard-setting instruments, and notably for the ongoing eleventh consultation (2024–2025) on the implementation of the Convention against Discrimination in Education.<sup>9</sup>

9. The Committee recommended that the reports of San Marino be made readily available to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, including municipalities, and publicized on the website of the Ministry of Foreign and European Affairs in the official and other commonly used languages, as appropriate.<sup>10</sup>

### **III. National human rights framework**

#### **1. Constitutional and legislative framework**

10. The Committee noted that article 179 bis of the Criminal Code prohibited discrimination based on race, ethnicity, nationality, religion and sexual orientation or gender identity, and that article 90 of the Code recognized discrimination as an aggravating circumstance. It expressed concern that neither article 179 bis nor article 90 included colour or descent among the prohibited grounds for discrimination. The Committee expressed regret at the absence of information on any provisions in domestic law that criminalized incitement to hatred or racial discrimination or that prohibited organizations or activities that promoted or incited racial discrimination.<sup>11</sup>

11. The Committee recommended that San Marino bring its national legislation into full compliance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, it also recommended that it incorporate in its criminal law specific provisions that made incitement to hatred or racial discrimination a criminal offence and prohibit all organizations or activities that promoted or incited racial discrimination, in line with article 4 of the Convention.<sup>12</sup>

12. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommended that, when implementing the Convention

in its domestic legal order, San Marino give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requested that San Marino include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.<sup>13</sup>

13. In the light of General Assembly resolution 68/237, in which the Assembly had proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade was in its final year, the Committee requested San Marino to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with peoples of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.<sup>14</sup>

14. UNESCO invited San Marino to redouble its efforts to ensure the full and comprehensive implementation and monitoring of the Recommendation on Science and Scientific Researchers, in accordance with UNESCO Executive Board decision 216 EX/Decision 45 of May 2023. Furthermore, it invited San Marino to engage in its programme on the promotion of scientific freedom and the safety of scientists and to support the related call to action, in accordance with the Recommendation, UNESCO General Conference resolution 42 C/Resolution 26 of November 2023 and Executive Board decision 219 EX/Decision 30 of March 2024.<sup>15</sup>

15. UNESCO encouraged San Marino to report to it in the context of the second consultation of member States on the implementation of the Recommendation, especially on legislative or other measures taken to ensure uptake of those norms and standards in national law, policy and practice. Particular attention should be paid in the national report to the legal provisions and regulatory frameworks that ensured, on the one hand, respect for the human rights of scientific researchers themselves, including the rights to freedom of association, research, expression and publication, and equal opportunities and treatment, including for girls and women pursuing a scientific career, and, on the other, compliance with human rights obligations related to the practice of science generally, in particular human rights related to access to and the use of scientific knowledge through education, the sharing of the benefits of scientific progress and its applications with emphasis on non-discrimination and inclusion, protection of the rights of human subjects of research, and promotion of the interface between science and society.<sup>16</sup>

## **2. Institutional infrastructure and policy measures**

16. The Committee welcomed the approval, on 18 March 2024, of an Arengo request concerning the establishment of a national guarantor of human rights. The Committee expressed regret, however, at the lack of information on measures taken or planned by San Marino since it had accepted the recommendations made during the universal periodic review in 2019 to establish a national human rights institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>17</sup>

17. The Committee recommended that San Marino expedite and adopt a specific timeline for the adoption of the constitutional amendment required for the establishment of an independent human rights institution with a substantial budget and sufficient staff, in line with the Paris Principles, with a clear mandate and responsibility for guaranteeing the effective implementation of the Convention.<sup>18</sup>

## IV. Promotion and protection of human rights

### A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

#### 1. Equality and non-discrimination

18. The Committee expressed concern that article 4 of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order did not provide for the equality of all persons before the law. Instead, the article provided for equality before the law without distinction on the basis of sex, sexual orientation or personal, economic, social, political or religious conditions. The Committee noted that the expression "personal conditions" had been interpreted broadly to include racial discrimination, but it expressed concern that the provision did not explicitly include all the grounds for discrimination listed in article 1 of the Convention. The Committee also expressed concern that the title of the Declaration, its preamble and each of the rights established therein were specific to citizens, which was a clear indication of inequality between citizens and non-citizens.<sup>19</sup>

19. The Committee recommended that San Marino review its legislation in order to guarantee equality before the law for all persons on its territory and that it define and clearly and expressly prohibit direct and indirect discrimination in the public and private spheres on the basis of race, colour, descent or national or ethnic origin, in accordance with article 1 of the Convention.<sup>20</sup>

20. The Committee noted the measures taken by San Marino to combat racist hate speech, hate crimes and cybercrime, including disabling websites that published hate speech and confiscating computer hardware with judicial authorization. However, it expressed concern about reports of hate speech against migrants, persons of African origin and persons of eastern European origin, in particular on the Internet and social media. It also expressed concern about the absence of statistics disaggregated by race and ethnic or national origin of the victims, without which it was impossible to assess the scale of the problem of racial hate speech.<sup>21</sup>

21. The Committee expressed regret at the lack of information on the number of complaints, cases, investigations, prosecutions and convictions for racist hate speech or hate crimes. It expressed concern that articles 179 bis and 90 of the Criminal Code did not comprehensively prohibit and criminalize racist hate speech and crimes, in accordance with article 4 of the Convention, by including all of the grounds for discrimination recognized in article 1 of the Convention. Lastly, the Committee expressed concern that the code of conduct for parliamentarians did not provide for liability or disciplinary measures for public servants who engaged in hate speech.<sup>22</sup>

22. The Committee recommended that San Marino:

(a) Step up its efforts to stop the spread of racial hate speech over the Internet and on social media in close cooperation with Internet service providers, social media platforms and the groups of people that were the main targets of racial hate speech;

(b) Take measures to prevent, condemn and combat hate speech against the groups most at risk of racial discrimination, including when those speeches were broadcast on the Internet and social media;

(c) Collect reliable and comprehensive data, disaggregated by race and ethnic or national origin of the victims, on reported cases of racist hate speech, the prosecutions, convictions and penalties arising from those reports, and the remedies offered to victims.<sup>23</sup>

23. The Committee also recommended that San Marino:

(a) Conduct public awareness campaigns aimed at combating prejudice and misinformation concerning migrants, refugees, asylum-seekers and people of African descent and promoting respect for diversity and the elimination of racial discrimination;

(b) Ensure that all reported cases of speech inciting racial hatred were effectively investigated and, if necessary, prosecuted and punished;

(c) Criminalize racist hate speech and crimes, in line with article 4 of the Convention;

(d) Include in the code of conduct for parliamentarians provisions on liability and disciplinary measures for public servants who engaged in hate speech.<sup>24</sup>

24. The Committee expressed concern about reports of racial profiling by border agents, and regret at the lack of information on investigations, prosecutions, convictions and available remedies. The Committee also expressed concern that there were no legislative provisions explicitly prohibiting racial profiling.<sup>25</sup>

25. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommended that San Marino:

(a) Conduct training on racial profiling for border agents and law enforcement agents, in line with the Committee's general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights;

(b) Ensure that the police and other law enforcement agents had clear guidance aimed at preventing racial profiling during police checks, identity checks and other law enforcement measures;

(c) Effectively investigate all complaints involving racial profiling, acts of racial discrimination, ill-treatment and the excessive use of force by law enforcement authorities, ensuring that those responsible were prosecuted and punished if found guilty;

(d) Include in its legislation an absolute prohibition of racial profiling.<sup>26</sup>

## **2. Administration of justice, including impunity, and the rule of law**

26. The Committee noted that the Convention could be invoked and directly applied by the national courts, pursuant to article 1 (4) of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order. It also noted that complaints could be submitted to the Captains Regent and the Authority for Equal Opportunities, established pursuant to Law No. 97/2008 of 20 June 2008. The Committee expressed regret at the lack of disaggregated data on the number and type of complaints of racial discrimination, and concern about the information provided indicating that few cases were brought before the courts. It also expressed regret at the lack of information on measures taken to guarantee access for victims of racial discrimination to an effective remedy, particularly measures taken to raise public awareness of racial discrimination and the judicial and non-judicial remedies and legal aid available.<sup>27</sup>

27. The Committee drew the attention of San Marino to the fact that having few or no cases or complaints did not mean that there was no racial discrimination in the country, but rather suggested that there were barriers preventing people from claiming their rights before the national courts. Those barriers might take the form of a lack of public awareness-raising on the Convention, a lack of information on rights and their justiciability, a lack of trust in the justice system, or a lack of attention or sensitivity on the part of the authorities with respect to cases of racial discrimination.<sup>28</sup>

28. The Committee recommended that San Marino:

(a) Set up a mechanism for the collection of statistics on complaints of racial discrimination, disaggregated by age, sex and ethnic or national origin;

(b) Conduct public awareness-raising campaigns on the rights protected under the Convention, available remedies and how to lodge a complaint of racial discrimination;

(c) Guarantee access to interpretation services and free legal aid services for victims of racial discrimination;

(d) Conduct training and awareness-raising activities for public authorities, judges, prosecutors, law enforcement personnel, lawyers and the general public on the Convention in order to ensure that it was invoked or directly applied by the courts;

(e) Provide, in its next periodic report, information and disaggregated statistics on complaints of racial discrimination and the corresponding investigations, prosecutions, convictions, sentences and reparations.<sup>29</sup>

### 3. Fundamental freedoms and the right to participate in public and political life

29. UNESCO noted that freedom of expression was guaranteed under the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order. Defamation, insult and libel were criminal offences under articles 183 to 185 of the Criminal Code, punishable by imprisonment or a fine. Articles 333, 338, 342, 344 and 345 criminalized offence to the honour or prestige of public officials or the Captains Regent and contempt for the Republic and its emblems, punishable by a fine or up to six years' imprisonment. Legislation on freedom of information did not currently exist in the country.<sup>30</sup>

30. UNESCO recommended that San Marino decriminalize defamation and place it under civil legislation, in accordance with international standards. It also encouraged San Marino to introduce legislation on freedom of information that was in accordance with international standards, in particular establishing an independent oversight institution with the capacity to implement the legislation.<sup>31</sup>

31. The Committee recommended that San Marino continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, including organizations representative of the groups most exposed to racial discrimination, in connection with the preparation of the next periodic report and in follow-up to its concluding observations.<sup>32</sup>

32. The Committee expressed concern about the minimum residence period of 10 years that restricted the right of non-nationals to participate in public affairs as candidates in municipal elections. The Committee recommended that San Marino review the minimum residence period and any other barriers that limited the right of non-nationals to participate in public affairs as candidates in municipal elections.<sup>33</sup>

### 4. Prohibition of all forms of slavery, including trafficking in persons

33. The Committee took note of the data disaggregated by nationality provided by the Office for Foreigners of the Gendarmerie on the number of *badanti* migrant workers, who were mainly private family carers from Ukraine (approximately 70 per cent), Albania and the Philippines. While also noting the information indicating that the majority of *badanti* were women, the Committee expressed regret at the lack of disaggregated data in that regard. It also expressed regret at the lack of information on the measures taken to protect *badanti* and their rights, including their labour rights. Bearing in mind the sexist dimension of racial discrimination and the particular vulnerability of female domestic migrant workers, the Committee expressed concern about trafficking in persons and other forms of exploitation, especially in respect of *badanti* from Ukraine in the context of the war and partial occupation.<sup>34</sup>

34. Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommended that San Marino:

- (a) Combat all forms of racial discrimination to which migrant workers, including *badanti*, were exposed, in particular recruitment and payment of salaries based on nationality;
- (b) Investigate all reports of racial discrimination against migrant workers;
- (c) Provide free legal aid and guarantee victims' access to effective remedies;
- (d) Ensure the protection of migrant workers' labour rights, taking account of the particular vulnerability of female domestic migrant workers;
- (e) Establish procedures for the early identification of victims of trafficking and other forms of exploitation, their referral to the appropriate assistance services and their rehabilitation.<sup>35</sup>

35. UNHCR noted that national procedures for the identification of victims of trafficking and for their referral for protection and assistance in accordance with international standards

were necessary to ensure that all presumed victims of trafficking were identified in a timely manner and were able to receive adequate assistance and support. Such procedures, if established, could identify individuals with international protection needs who had been trafficked or who feared that they might be trafficked. It was essential to ensure that such individuals were afforded the corresponding international protection, including in accordance with the principle of non-refoulement.<sup>36</sup>

36. UNHCR recommended that San Marino:

(a) Develop and implement national procedures for the identification of victims of trafficking and for their referral for protection and assistance;

(b) Ensure that international protection needs linked to or resulting from trafficking – including risks of revictimization and re-trafficking – were identified in a timely manner and that the corresponding protection was provided to the individuals concerned, including in accordance with the principle of non-refoulement.<sup>37</sup>

## **5. Right to work and to just and favourable conditions of work, right to social security and right to an adequate standard of living**

37. The Committee noted the data provided by San Marino and the country's concerns with regard to respect for people's private life, which limited the collection of statistics disaggregated on the basis of the grounds for discrimination referred to in article 1 of the Convention. The Committee expressed regret that such data were not available, which prevented it from verifying that various groups enjoyed their rights under the Convention. Recalling its guidelines for reporting under the Convention, the Committee recommended that San Marino collect anonymous, reliable and up-to-date statistics on socioeconomic indicators, disaggregated by mother tongue, languages commonly spoken or other indicators of ethnic diversity, in order to provide an adequate empirical basis for assessing policies and measures aimed at ensuring the equal enjoyment of all the rights protected under the Convention by all the groups of people living in its territory, without discrimination.<sup>38</sup>

38. The Committee welcomed the progress made in improving working conditions and access to healthcare and education for migrant workers in San Marino, including the annual surveys conducted by the Labour Inspectorate and the provision of healthcare by the Social Security Institute. However, it expressed concern about the inadequate measures taken by San Marino to guarantee equality in the enjoyment of economic, social and cultural rights, particularly with regard to:

(a) The case currently before the courts concerning racial discrimination against *badanti* migrant workers by healthcare providers at the national hospital;

(b) The lack of social security coverage for healthcare services for occupational illnesses or conditions, with the exception of coverage for cross-border migrant workers in the event of workplace accidents or emergencies.<sup>39</sup>

39. The Committee recommended that San Marino adopt measures to guarantee the equal enjoyment of economic, social and cultural rights by all persons under its jurisdiction. To that end, the Committee recommended that San Marino:

(a) Take all measures necessary to ensure that all persons under its jurisdiction enjoyed their economic, social and cultural rights on an equal footing, particularly in terms of access to education, employment, housing and healthcare services;

(b) Guarantee equal access to social security, including healthcare services, to all persons under its jurisdiction, including cross-border migrant workers.<sup>40</sup>

## **6. Right to education**

40. The Committee noted that the training modules for teaching qualifications drawn up by the Department of Education and the Department of Humanities took account of social and academic inclusion, and that school curricula included respect for diversity. It expressed concern, however, that human rights education, including on racism and racial discrimination, was not included in school curricula. The Committee expressed regret at the

lack of information on measures taken to raise public awareness in relation to combating prejudice and intolerance.<sup>41</sup>

41. The Committee recommended that San Marino adopt measures to ensure that human rights education, including on combating racism and discrimination, as well as on respect for diversity and the promotion of equal treatment, was part of the curriculum at all school levels. It also recommended that San Marino conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the importance of ethnic and cultural diversity, tolerance and inter-ethnic understanding.<sup>42</sup>

42. UNESCO noted that, according to article 1 (a) of Law No. 22/1998 of 12 February 1998 on education cycles, the early childhood education cycle lasted three years, starting from the third year of life, and included attendance at nursery school. Pre-primary education was therefore not compulsory, and, in accordance with article 6 of the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order, it was free of charge for citizens only. UNESCO recalled that, during the third review cycle, San Marino had been encouraged to consider the gradual extension of compulsory education to at least one year of pre-primary education. San Marino had indicated in its national report submitted in 2020 for the tenth consultation on the implementation of the Convention against Discrimination in Education that pre-primary education was still not compulsory at that point.<sup>43</sup>

43. UNESCO encouraged San Marino: (a) to consider enshrining the right to education for all, not only for citizens, in the Declaration on Citizens' Rights and the Fundamental Principles of the San Marino Legal Order; (b) to guarantee in legislation at least 12 years of free primary and secondary education for all, not just for citizens; (c) to introduce legislation to make pre-primary education free and compulsory for all for at least one year; (d) to legally proscribe corporal punishment; (e) to strengthen efforts to increase the percentage of boys and girls in secondary and tertiary education; and (f) to increase efforts to finance education, by allocating at least 4 to 6 per cent of gross domestic product and at least 15 to 20 per cent of public expenditure to education, in accordance with international benchmarks.<sup>44</sup>

## **7. Cultural rights**

44. UNESCO encouraged San Marino to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, stressing that the UNESCO conventions in the field of culture promoted access to and participation in cultural heritage and creative expressions and, as such, were conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. UNESCO encouraged San Marino, in doing so, to facilitate the participation of communities, practitioners, cultural actors and civil society organizations, including non-governmental organizations representing vulnerable groups such as minorities, migrants, refugees, young people and persons with disabilities, and to ensure equal opportunities for women and girls to address gender disparities.<sup>45</sup>

## **B. Rights of specific persons or groups**

### **1. Migrants, refugees and asylum-seekers**

45. The Committee welcomed the approval, on 20 March 2024, of an Arengo request concerning the amendment of Law No. 114/2000 of 30 November 2000 on citizenship to remove the obligation for applicants to renounce their existing citizenship in order to become naturalized citizens.<sup>46</sup>

46. Noting that San Marino had concluded agreements on free movement with neighbouring countries and issued humanitarian permits, the Committee expressed concern about:

(a) The absence of legal provisions guaranteeing strict compliance with the principle of non-refoulement and respect for the rights of refugees and asylum-seekers,



including their rights to seek asylum, to be assessed on an individual basis without discrimination and to have access to information on asylum procedures and legal aid;

(b) The lack of information on existing policies or practices in relation to the reception, registration and identification of refugees and asylum-seekers, including those arriving from neighbouring countries;

(c) The absence of statistical data on the number of refugees, asylum-seekers and stateless persons within the territory of San Marino;

(d) The lack of information on safeguards to ensure that the permits issued by San Marino, including work permits and humanitarian permits, did not lead to discrimination on the basis of race, colour or ethnic or national origin;

(e) The lack of information on the measures taken to address statelessness.<sup>47</sup>

47. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommended that San Marino take all necessary measures to combat discrimination against non-nationals, including migrants, refugees, asylum-seekers and stateless persons. In particular, the Committee recommended that San Marino:

(a) Amend Law No. 114/2000 on citizenship to remove the obligation for applicants to give up their existing citizenship and all other barriers to naturalization;

(b) Provide disaggregated statistics on the number of migrants, refugees, asylum-seekers and stateless persons on its territory;

(c) Ensure strict compliance with the principle of non-refoulement and guarantee in law and in practice that all persons on its territory could apply for international protection and humanitarian permits without discrimination, were referred to the authorities responsible for asylum and for the determination of refugee status, were individually assessed and had access to information and legal aid;

(d) Provide training to law enforcement officials and authorities working on migration in order to raise awareness of the impact of racial biases on their work and thereby ensure that they performed their functions in a non-discriminatory manner.<sup>48</sup>

48. UNHCR noted that the contribution of San Marino to the global effort to address the predicament of refugees would be enhanced by a national asylum procedure based on the definition of refugees enshrined in the Convention relating to the Status of Refugees – accompanied by accession to the Convention – or at least based on an interpretation of the scope of “political asylum” that was consistent with the Convention, as reconfirmed in national law. Such a procedure would better align the efforts of San Marino with the principles of solidarity and cooperation, in accordance with the spirit of the Global Compact on Refugees, as affirmed by the General Assembly, with the support of San Marino, on 17 December 2018.<sup>49</sup>

49. UNHCR recommended that San Marino establish a fair and efficient procedure for the determination of refugee status that was gender- and age-sensitive and consistent with the definition of refugees contained in the Convention relating to the Status of Refugees. In the design of such a procedure, appropriate safeguards should be established to ensure its fairness and integrity and adequate support for applicants with specific needs. Sensitivity to age, gender and diversity should also be ensured through appropriate safeguards.<sup>50</sup>

## 2. Stateless persons

50. UNHCR recommended that San Marino establish a procedure for the determination of statelessness, aimed at identifying stateless persons, and grant them formal status in accordance with the Convention relating to the Status of Stateless Persons. An increase in the number of States parties to that Convention and to the Convention on the Reduction of Statelessness was essential to strengthening international efforts to prevent and reduce statelessness and ensuring the full enjoyment of a number of human rights, and was a key element of the Global Action Plan to End Statelessness.<sup>51</sup>

## Notes

- <sup>1</sup> [A/HRC/43/9](#), [A/HRC/43/9/Add.1](#) and [A/HRC/43/2](#).
- <sup>2</sup> [CERD/C/SMR/CO/1](#), para. 27.
- <sup>3</sup> UNHCR submission for the universal periodic review of San Marino, p. 1.
- <sup>4</sup> UNHCR submission, pp. 2 and 3. See also [CERD/C/SMR/CO/1](#), para. 22 (b).
- <sup>5</sup> [CERD/C/SMR/CO/1](#), para. 28.
- <sup>6</sup> *Ibid.*, para. 36. See also [CERD/C/2007/1](#).
- <sup>7</sup> [CERD/C/SMR/CO/1](#), para. 33. See also [HRI/CORE/1/Add.119](#); and [HRI/GEN/2/Rev.6](#), chap. I.
- <sup>8</sup> United Nations High Commissioner for Human Rights, “Navigating our global challenges through human rights”, statement on the occasion of the fiftieth anniversary of the Declaration on Citizens’ Rights and the Fundamental Principles of the San Marino Legal Order, San Marino, 5 July 2024.
- <sup>9</sup> UNESCO submission for the universal periodic review of San Marino, paras. 1 and 19.
- <sup>10</sup> [CERD/C/SMR/CO/1](#), para. 32.
- <sup>11</sup> *Ibid.*, para. 13.
- <sup>12</sup> *Ibid.*, para. 14.
- <sup>13</sup> *Ibid.*, para. 29.
- <sup>14</sup> *Ibid.*, para. 30.
- <sup>15</sup> UNESCO submission, para. 24.
- <sup>16</sup> *Ibid.*, para. 26.
- <sup>17</sup> [CERD/C/SMR/CO/1](#), para. 11. See also [A/HRC/43/9](#) and [A/HRC/43/9/Add.1](#).
- <sup>18</sup> [CERD/C/SMR/CO/1](#), para. 12.
- <sup>19</sup> *Ibid.*, para. 7.
- <sup>20</sup> *Ibid.*, para. 8.
- <sup>21</sup> *Ibid.*, para. 15.
- <sup>22</sup> *Ibid.*, para. 15.
- <sup>23</sup> *Ibid.*, para. 16.
- <sup>24</sup> *Ibid.*, para. 16.
- <sup>25</sup> *Ibid.*, para. 17.
- <sup>26</sup> *Ibid.*, para. 18.
- <sup>27</sup> *Ibid.*, para. 9.
- <sup>28</sup> *Ibid.*, para. 10.
- <sup>29</sup> *Ibid.*
- <sup>30</sup> UNESCO submission, paras. 7–9.
- <sup>31</sup> *Ibid.*, paras. 21 and 22.
- <sup>32</sup> [CERD/C/SMR/CO/1](#), para. 31.
- <sup>33</sup> *Ibid.*, paras. 19 and 20.
- <sup>34</sup> *Ibid.*, para. 23.
- <sup>35</sup> *Ibid.*, para. 24.
- <sup>36</sup> UNHCR submission, pp. 2 and 3.
- <sup>37</sup> *Ibid.*, p. 3.
- <sup>38</sup> [CERD/C/SMR/CO/1](#), paras. 5 and 6.
- <sup>39</sup> *Ibid.*, para. 19.
- <sup>40</sup> *Ibid.*, para. 20.
- <sup>41</sup> *Ibid.*, para. 25.
- <sup>42</sup> *Ibid.*, para. 26.
- <sup>43</sup> UNESCO submission, para. 3. For the relevant recommendation, see [A/HRC/43/9](#), para. 119.82 (Algeria) (Bulgaria).
- <sup>44</sup> UNESCO submission, paras. 13–18.
- <sup>45</sup> *Ibid.*, para. 23.
- <sup>46</sup> [CERD/C/SMR/CO/1](#), para. 21.
- <sup>47</sup> *Ibid.*, para. 21.
- <sup>48</sup> *Ibid.*, para. 22.
- <sup>49</sup> UNHCR submission, p. 2.
- <sup>50</sup> *Ibid.*, p. 2.
- <sup>51</sup> *Ibid.*, p. 3. See also [CERD/C/SMR/CO/1](#), paras. 21 and 22.