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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Thirty-eighth session  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of the  
combined initial, second, third and fourth reports of SAN MARINO  
concerning the rights covered by articles 1-15 of the International  
Covenant on Economic, Social and Cultural Rights (E/C.12/SMR/4)**

## **I. GENERAL INFORMATION**

1. Please provide additional information on the function in the judicial system of the “Council of XII”, which, notwithstanding the independence and autonomy of judicial bodies proclaimed in the Declaration on Citizens’ Rights and Fundamental Principles of the San Marino Constitutional Order (hereinafter referred to as “the Declaration”), provides for legal remedies against decisions handed down by those bodies.
2. Please indicate the extent to which non-governmental organizations and civil society have been involved in the preparation of the present report.
3. Please indicate precedents in which provisions of the Covenant have been directly invoked before the courts (paragraph 158 of the core document HRI/CORE/1/Add.119). What measures have been taken by the State party to raise public awareness and awareness among the judiciary and other public authorities of the rights set forth in the Covenant?
4. Please indicate whether the State party plans to establish a national human rights institution in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex).

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **International cooperation (art. 2, para. 1)**

5. Please indicate the means used by the State party to promote human rights in the context of economic cooperation with third countries.

### **Non-discrimination and equality of rights between men and women (art. 2, para. 2, and art. 3)**

6. Please clarify whether article 4 of Act No. 59 of 8 July 1974 on the Declaration, which affirms the principle of equality before the law without distinction on grounds of sex or of personal, economic, social, political or religious status, but which fails to mention, for instance, race, colour, language and national origin, is entirely consistent with the requirements of articles 2 and 3 of the Covenant. In particular, what legislative or other measures are available to counter racial discrimination in the enjoyment of economic, social and cultural rights (paragraph 68 of the report)?
7. Please provide additional information on the situation of non-citizen residents and indicate the legislative and other measures that are available or planned to ensure enjoyment of their rights without discrimination, given the growing number of such persons and the prejudice against them that has been observed (paragraph 61 of the report).
8. Please provide detailed information on specific measures taken by the State party to ensure equality between men and women, including by encouraging their broader participation in decision-making in the public and private sectors.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **Right to work (art. 6)**

9. Please indicate what measures have been taken by the State party to reduce the unemployment rate among women, which was estimated at 2.23 per cent in 2004, compared with 1.20 per cent for men.

10. Please provide figures for the last five years on the effective application of the laws cited in paragraph 74 of the report, concerning the employment of persons with disabilities in the public and private sectors.

#### **Right to just and favourable conditions of work (art. 7)**

11. Please provide information on labour inspection arrangements, explaining in this context why the State party has not ratified International Labour Organization (ILO) Convention No. 81 of 1947.

12. Please provide figures for the period from 2006 on measures taken by the Equal Opportunities Commission mentioned in paragraph 92 of the report to address complaints filed by individuals and associations.

13. Please specify whether the different categories of minimum wage are sufficient to ensure a decent standard of living for employees and their families. Does the State party intend to establish a national minimum wage (paragraphs 76 and 80 of the report)?

#### **Trade union rights (art. 8)**

14. Please list the restrictions prescribed by law on the exercise of trade union rights and on the right to strike, as mentioned in paragraph 124 of the report. Please indicate how often strikes occur in San Marino and which sectors are most affected.

#### **Right to social security (art. 9)**

15. Please provide figures for the last five years on the unemployment benefits mentioned in paragraph 134 of the report and explain why non-citizens are not eligible for such benefits in the event of suspension or reduction of their occupational activity. Please indicate whether non-citizens are excluded from other social security benefits.

16. Does the State party plan to ratify ILO Conventions No. 102 of 1952, on social security (minimum standards), and No. 118 of 1962, on equality of treatment (social security)?

#### **Protection of the family, mothers and children (art. 10)**

17. Please provide figures for the last five years on loans granted to young couples for the purpose of buying or renovating a home, as mentioned in paragraph 146 of the report.

18. Please provide further information on the situation of adopted children who have allegedly been unable to ascertain the identity of their natural parents because such information is not divulged by the civil registration authorities. Has the State party taken steps to ratify the 1993 Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption?
19. Please provide information on the status of the legislation pursuant to which, in the case of mixed marriages, only male citizens may pass on their nationality to their children at birth.
20. Please indicate whether the State party intends to cease employing the terms “legitimate children” and “natural children” contained in paragraph 147 of the report, and to use instead the terms “children born in wedlock” and “out of wedlock” in all cases. Please indicate whether all children, without any distinction based on such a criterion, enjoy the whole range of rights set forth in the Covenant.
21. Please provide specific information on the existence and extent of human trafficking, prostitution and begging and on the effectiveness of the Criminal Code in suppressing such practices. What other measures have been adopted to address these phenomena, particularly with regard to the treatment of victims?
22. Please indicate what measures have been taken to curb and prevent the subjection of children to corporal punishment in the home and at school, given that such acts are punishable under the Criminal Code. Have there been cases in which the relevant provisions of the Criminal Code have been applied?

#### **Right to an adequate standard of living (art. 11)**

23. Please provide additional information on the number of needy families and on the measures taken to guarantee their right to an adequate standard of living (paragraph 165 of the report).
24. Please provide information on the situation of persons who, having been granted temporary housing as mentioned in paragraph 176 of the report, remain in need of housing when the period of such allocation has expired. Please provide more detailed information, including statistics, on the effectiveness of housing cooperatives as an alternative to direct State intervention through the provision of social housing for persons in low-income groups (paragraphs 192 and 193 of the report).

#### **Right to physical and mental health (art. 12)**

25. Please provide further information on the impact of measures taken to curb obesity, including child obesity (paragraphs 167 and 168 of the report).
26. Please provide information on the care available to persons with mental illnesses.
27. Please provide updated information and figures on the prevalence of HIV/AIDS in the State party and describe the measures taken to control the pandemic. Please provide information on the situation of persons suffering from cardiovascular disorders.

**Right to education (art. 13)**

28. Please describe the measures taken by the State party to improve access to primary education for children whose mother tongue is not Italian.

**Cultural rights (art. 15)**

29. Please provide further information on the structure and activities of the Radio and Television Broadcasting Authority. Please describe the position accorded to San Marino culture on radio and television and indicate whether openness to other cultures is ensured in practice (paragraph 263 of the report).

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