



## OSCE/ODIHR Submission of Information for the Universal Periodic Review Process

San Marino, 20<sup>th</sup> Session, (Oct-Nov 2014)

### Background

San Marino is a participating State in the Organization for Security and Co-operation in Europe (OSCE) and has thus undertaken and reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.<sup>1</sup> The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including San Marino to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation San Marino and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms.

### Overview of this Submission

This submission contains references to the findings and recommendations issued from: the Needs Assessment Mission to the early parliamentary elections of 11 November 2012 and the Annual Hate Crime Report compiled by ODIHR. Links to the full reports/reviews/opinions are provided in footnotes

### Election-related activities

In response to an invitation from the Permanent Mission of the Republic of San Marino to the OSCE to observe the 11 November 2012 early parliamentary elections, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) from 17 to 19 October.

*According to the NAM report “all OSCE/ODIHR NAM interlocutors expressed high confidence in the integrity of the electoral process and the ability of the election administration to organize elections professionally and transparently. Nevertheless, most interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognizing that further improvements could be made to the electoral process and that an independent, external assessment may contribute to this. In particular, a*

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<sup>1</sup> Compendium of OSCE Human Dimension Commitments, vol 1 and 2

*number of aspects could be brought further in line with OSCE commitments and international standards, including provisions for candidate registration, campaign finance, and election observation. Ongoing discussions regarding out-of-country voting could also benefit from external expertise on good practices in this area.”* The full NAM report is annexed.<sup>2</sup>

The OSCE/ODIHR NAM was the first election-related activity deployed to San Marino. Due to the short timeframe before the elections and the human and financial resources already committed in 2012, the OSCE/ODIHR was not in a position to undertake any election observation mission for the 2012 early parliamentary elections. It, however, stands ready to assist San Marino in any future electoral reform, including a review of current electoral legislation.

### **Legislation reviewed by ODIHR**

N/A

### **Tolerance and non-discrimination issues, including incidents of and responses to hate crime**

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States, inter-governmental organizations and civil society have adopted to tackle them. It also helps participating States to design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

The report relies mainly on information and statistics provided by governments, since such data collection is primarily the responsibility of states, as is the responsibility to respond to hate crimes. As of 2012, 55 of the 57 OSCE participating States had appointed National Points of Contact on Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2012 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiatives.

For the 2012 report<sup>3</sup>, the National Point of Contact from San Marino did not submit the questionnaire to ODIHR. Additionally, ODIHR sent requests for information on hate crime incidents in San Marino to inter-governmental organizations and to international and local non-governmental organizations. For the 2012 report, none responded to the request.

### **Roma and Sinti issues**

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<sup>2</sup> <http://www.osce.org/odihr/elections/97136>

<sup>3</sup> <http://tandis.odihr.pl/hcr2012/>

N/A

**Country-specific ODIHR monitoring, assessment, co-operation and assistance activities  
(other than elections)**

N/A

**Other assessments and recommendations contained in ODIHR reports on thematic  
human issues**

N/A