



13 May 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of San Marino and welcome the constructive engagement of your Government during the 34<sup>th</sup> session of the UPR Working Group in November 2019.

As the final outcome report on the review of San Marino has been recently adopted by the Human Rights Council at its 43<sup>rd</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of San Marino – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 45 delegations and the presentation made and responses provided by the delegation of San Marino. I have also considered the actions taken by the Government to implement the 55 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I appreciate that San Marino has ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and has consistently co-sponsored the General Assembly resolutions on a moratorium on the use of the death penalty. I also welcome the accession of San Marino to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as well as the amendments to the Rome Statute of the International Criminal Court on the crime of aggression.

I welcome that San Marino has launched initiatives to prevent and combat violence against women and gender-based violence, including legislative reforms on provisions relating to the prohibition of discrimination, hatred or violence, and to include discrimination, violence or provocation linked to gender identity and sexual orientation. I also welcome the significant initiatives against hatred and intolerance as part of the Council of Europe 'No Hate Speech' campaign.

His Excellency  
Mr. Luca Beccari  
Minister of Foreign Affairs  
Republic of San Marino

I commend the progress made in the past few years in the protection of the rights of persons with disabilities, including the adoption of Law no. 28 "Framework law for the assistance, social inclusion and rights of persons with disabilities" and of the Delegated Decree no. 105 on the right to education, training and school inclusion of persons with disabilities.

I am concerned that abortion remains illegal under most circumstances in San Marino and that San Marino has not yet established a consolidated 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).

I encourage San Marino to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for San Marino's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities.

I also encourage San Marino to establish a national mechanism for comprehensive reporting and follow-up on recommendations received from all international and regional human rights mechanisms and on treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage San Marino to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*



Finally, I express my Office's and my own profound solidarity with your country, which I know has been particularly affected, and all Member States in connection with the negative impact of the COVID-19 pandemic. I hope that despite unprecedented challenges it will soon be over in all countries worldwide, including through implementation of human rights based approaches to our collective response to the pandemic. I look forward to discussing with you ways in which my Office may assist San Marino in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, which appears to read 'Michelle Bachelet', is centered on the page.

Michelle Bachelet  
High Commissioner for Human Rights

cc: His Excellency  
Mr. Marcello Beccari  
Permanent Representative of the Republic of San Marino  
to the United Nations at Geneva

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Strengthening cooperation with human rights mechanisms and submitting all outstanding reports to the treaty bodies.
- Establishing a process to ensure the timely submission of outstanding periodic reports, through the creation of a National Mechanism for Implementation, Reporting and Follow-up.

### **National human rights framework**

- Establishing a national human rights institution in accordance with the Paris Principles and allowing it to also act as an equality and anti-discrimination body.

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

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Strengthening the implementation of policies and programs on combating racism and intolerance.
- Establishing criminal legislation covering all grounds of discrimination, including language, colour, ideology, and gender identity with a view to its full implementation.
- Strengthening actions to confront hate speech and expressions of discrimination in all areas.
- Raising awareness among the population of criminal law provisions related to racism and racial discrimination.
- Including gender identity as a ground of discrimination in articles 90 and 179bis of the Criminal Code and promoting public awareness of diversity and respect for sexual orientation and gender identity of all persons, notably through human rights education and awareness raising campaigns, including in schools.

##### *Development, the environment, and business and human rights*

- Developing a national action plan for the implementation and promotion of the UN Guiding Principles on Business and Human Rights.
- Implementing the Paris Agreement and ensuring that the application of the preamble is reflected in the next round of nationally determined contributions due in 2020.

- Continuing taking steps 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.

## **B. Civil and political rights**

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

- Continuing 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.

### *Fundamental freedoms*

- Ensuring that the legislation to regulate journalism and the corresponding Code of Conduct do not lead to undue restrictions on media freedom.
- Decriminalizing defamation and treating it with strictly proportionate civil penalties and introducing a more balanced sanction for disclosing pre-trial information.
- Addressing the issue of disinformation and misinformation, including through collaboration with other states.

### *Prohibition of all forms of slavery*

- Continuing to fight trafficking in persons, by ensuring that victims are identified, protected and assisted and that perpetrators are brought to justice.

## **C. Economic, social and cultural rights**

### *Right to social security and right to an adequate standard of living*

- Continuing to promote sustainable economic and social development in order to further improve people's livelihood.
- Strengthening 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.

### *Right to education*

- Extending the compulsory education to at least one year of pre-primary education.
- Continuing to ensure that children with disabilities have access to inclusive education.

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

### *Women*

- Bolstering national actions in support of gender equality, as well as initiatives on fight against and prevention of discrimination against women, domestic violence and gender-based violence.
- Ensuring the full realization of sexual and reproductive health and eliminating criminal sanctions against women and girls in cases of voluntary abortion.
- Strengthening efforts to increase the representation of women in political life, particularly in Parliament and at the highest levels of the Government.

### *Children*

- Taking necessary measures to raise the minimum age of recruitment for military service in special circumstances from 16 to 18.
- Establishing a counseling center for separated parents with children.
- Continuing to promote online safety of children.

### *Persons with disabilities*

- Continuing efforts to promote and protect the rights of persons with disabilities.
- Continuing to take steps to improve access to public buildings for persons with disability.

### *Migrants*

- Redoubling efforts to guarantee the non-discrimination of people with an immigrant background in all sectors.
- Strengthening measures to guarantee the rights of migrants, especially female domestic workers and care takers.