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**REPORT SUBMITTED BY SAN MARINO
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 3 February 1999)

The Republic of San Marino is a small State, covering an area of about 60 square kilometres, with about 25,000 inhabitants, all belonging to the same ethnic group. The official language is Italian, taught at school and used in all public documents for official purposes.

San Marino's main institutional bodies are: a Parliament (Great and General Council), composed of one Chamber with 60 members, and a Government, composed of ten members. San Marino is divided up into nine local communities, each having its own local Council (Giunta di Castello) responsible for administrative matters relating to the local community.

Even though San Marino has no ethnic minorities living on its territory, in the recent years it has experienced the phenomenon of immigration. A considerable number of people, compared to the population of San Marino, comes to work to San Marino, especially from Eastern Europe or the Magreb. Most of them are seasonal workers, since during spring and summer many jobs are created in the tourist sector. Some of these seasonal workers, who are normally employed in the catering sector or as shop assistants, might consider to stay in San Marino on a permanent basis. At present, also given the small number of such workers, there are no problems of coexistence with the indigenous community. (For legal framework, equality of treatment, etc.. see PART II of this report).

As far as the status of international law in the domestic legal order is concerned, **art. 1 of Law N. 59 of 8 July 1974 "Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order"** reads as follows: "The Republic of San Marino receives the rules of general international law as integral part of its constitutional order, rejects war as a means to settle disputes between states, adheres to the international conventions on human rights and freedoms and reasserts the right to political asylum".

From this provision it ensues that:

- a) International customary law is considered to form integral part of San Marino law: no internal instrument is therefore required for the Sammarinese legal system to receive international customary law;
- b) Once they have been ratified and adhered to by the relevant body, international conventions are incorporated in the Sammarinese legal system. International instruments are generally ratified by the Parliament (Great and General Council).

In the Republic of San Marino there is no detailed regulation for the protection of ethnic minorities. Such loophole is explained by the special structure of the Republic itself and the composition of its residing community, rather than by the lack of will of the legislator.

The Republic of San Marino is indeed a small state, an enclave of the Italian Republic, with which it shares many traditions (linguistic, social, cultural, etc.). Its historical development and its small territory have always hampered the settlement and establishment of ethnic minorities. First of all, it is worth underlining that art. 4 of Law N. 59 of 8 July 1974 (Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order) reads as follows: "All are equal before the law, without distinction on grounds of personal, economic, social, political or religious status.....". A similar provision is contained in art. 14 of the Convention on the Safeguard of Human Rights and Fundamental Freedoms, which, ratified by virtue of decree N. 22 of 9 March 1980, became an integral part of the Sammarinese legal system.

Through these provisions, the Republic of San Marino recognises, and undertakes to recognise in the future, equal opportunities to each individual subject to its legal system.

However, the principle of equality not only prohibits the legislator to discriminate on the basis of personal or social conditions and of religious or political belief while applying the law, but also requires him to take into account situations which are objectively different, as there is no worse discrimination than that of evening out and standardising the treatment for different situations.

By virtue of the above-mentioned principle of equality, the State also undertakes to eliminate any possible privilege and disparity inherent to the economic and social system, so that each individual can have the same possibilities to exercise his own rights.

However it is worth stressing that, at present, the fact that the Republic of San Marino recognises equal rights and duties to national minorities represents only a hypothetical commitment, as there are no such minorities on its territory.

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