

Report on visit to San Marino

09 to 10 June 2015

Positives



Freedom of Expression and Media Freedom

- » Measured approach by national Court emphasising that criticism of politicians, when conducted in the public interest, is considered a fundamental freedom
- » Strengthened protection of journalists' sources

Fight against Discrimination

- » Adoption of a law for combatting violence against women and gender-based violence
- » The level of inclusion of persons with disabilities in mainstream schools

Concerns



Freedom of Expression and Media Freedom

- » Media complaint mechanism carries risks of undue interference with media content
- » Defamation, insult and public libel remain criminal offences

Fight against Discrimination

- » The Equal Opportunity Commission and the Authority for Equal Opportunity lack resources
- » Risk of exploitation of and lack of integration measures for foreign national women working as carers
- » Denial of the right to vote and stand for elections to persons with intellectual or psychosocial disabilities
- » Restrictive law on abortion
- » Lack of legal recognition of a person's gender and legal protection for same-sex couples

Recommendations

Freedom of Expression and Media Freedom

- » Review media legislation in order to promote genuine self-regulation
- » Decriminalise defamation, make fines for disclosing pre-trial information more proportionate

Fight against Discrimination

- » Ratify the revised European Social Charter
- » Ratify the Istanbul Convention on preventing and combatting violence against women
- » Establish a human rights structure in compliance with the Paris Principles
- » Pay special attention to foreign national women workers and inform them of their rights and means of support
- » Review the criminal law provisions concerning abortion
- » Allow legal recognition of a person's gender in a quick, transparent and accessible way based on self-determination
- » Introduce legal protection for same-sex couples, at a minimum in the form of a civil union or registered partnership