



TREATY OFFICE

Strasbourg, 14 April 2020

Ref.: JJ9026C
Tr./005-235

NOTE VERBALE

The Secretariat General of the Council of Europe (Treaty Office) presents its compliments to the Ministry of Foreign Affairs and has the honour to enclose a copy of a Note verbale from the Ministry of Foreign Affairs of the Republic of San Marino to the Council of Europe, dated 10 April 2020, transmitted to the Secretary General of the Council of Europe on 10 April 2020, concerning Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5).

This information is transmitted in pursuance of Resolution (56) 16 of the Committee of Ministers.

The Secretariat General of the Council of Europe (Treaty Office) avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Encl.



Note to all member States.
Copy Permanent Representation of San Marino,

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Annex to the Note verbale JJ9026C
dated 14 April 2020
ETS No. 5 – Article 15

MINISTRY OF FOREIGN AFFAIRS

No. 33669/2020

The Ministry of Foreign Affairs of the Republic of San Marino presents its compliments to the Secretary General of the Council of Europe and, in accordance with Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, informs that the Republic of San Marino intends to exercise the right to derogate from its obligations under the Convention.

Following the World Health Organization's announcements, in particular that of 30 January 2020, in which the COVID-19 epidemic was declared an international public health emergency, and that of 11 March 2020, in which it was declared a "pandemic", as well as the World Health Organization's recommendations to the international community regarding the need to adopt appropriate measures and the evolution of the epidemiological situation, the highly contagious nature of COVID-19 and the increase in cases in the Republic of San Marino, the Congress of State of the Republic of San Marino (Government) has adopted a series of urgent and necessary measures to reduce and manage the spread of this virus.

Having regard to the conditions of necessity and urgency referred to in Article 2, paragraph 2, letter b) of Constitutional Law no. 183 of 15 December 2005 and Article 12 of Qualified Law no. 184 of 15 December 2005, the Republic of San Marino has adopted the following Decree-Laws:

- Decree-Law no. 43 of 5 March 2020 entitled "Urgent measures to reduce the spread of COVID- 19 (Coronavirus)";
- Decree-Law no. 44 of 8 March 2020 entitled "Urgent measures to reduce the spread of COVID- 19 (Coronavirus)";
- Decree-Law no. 51 of 14 March 2020 entitled "Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)";
- Decree-Law no. 52 of 20 March 2020 entitled "Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)";
- Decree-Law no. 59 of 4 April 2020 - Extension of Decree-Law no. 52 of 20 March 2020 entitled "Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)" and further measures to manage the emergency.

Some of the measures taken in this context imply derogations from the obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms; therefore, the Ministry of Foreign Affairs requests that this Verbal Note be considered as notification for the purposes of Article 15 of the Convention.

It is hereby specified that, pursuant to Article 15, paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the derogations are consistent with the State's other obligations under international law.

Furthermore, it is hereby declared that, in accordance with Article 15, paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the measures derogating from the obligations under the Convention are adopted in full compliance with the rights and obligations laid down in Articles 2, 3, 4 (paragraph 1) and 7.

As provided for by Decree-Law no. 59 of 4 April 2020, the measures adopted until now shall remain in force until 20 April 2020. In accordance with Article 15, paragraph 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Ministry of Foreign Affairs of the Republic of San Marino shall keep the Secretary General of the Council of Europe fully informed of any developments and shall send an appropriate notification when the measures have ceased to operate and all the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms are again being fully executed.

While informing that the Republic of San Marino has recognised the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms by attributing them constitutional status in its legal system, the Ministry of Foreign Affairs of the Republic of San Marino avails itself of this opportunity to reiterate San Marino's deep commitment to the protection of Human Rights and Fundamental Freedoms and to the system of the Convention.

The Ministry of Foreign Affairs of the Republic of San Marino avails itself of this opportunity to renew to Secretary General of the Council of Europe the assurances of its highest consideration.

San Marino, 10 April 2020

(seal)

Honourable

Secretary General of the Council of Europe

Strasbourg

(*) **Declaration registered at the Secretariat General on 10 April 2020 – Or. Engl.**