

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF SAN MARINO
SUBJECT TO INTERIM FOLLOW-UP**


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¹ Except where specifically indicated, any developments which occurred after 22 October 2020, the date on which the response of the authorities of San Marino to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on San Marino (fifth monitoring cycle) published on 27 February 2018, ECRI recommended to the authorities of San Marino that non-nationals residing in San Marino be granted voting and eligibility rights in local elections (Giunte di Castello), in accordance with the principles laid down in the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.*

The authorities have informed ECRI that in the context of a sweeping reform of the 2013 legislation on municipalities (Giunte di Castello), the right to vote in local elections has been granted, by Law no. 158 of 24 September 2020, to foreign nationals who have been resident in San Marino for at least 10 years.

This foreign nationals category, which represents some 10% of the electorate, had the opportunity to vote for the first time in the municipal elections of 29 November 2020.

ECRI welcomes this positive development, which is an important step towards increased participation of foreign residents in the political life of San Marino and their comprehensive integration in the life of the local community.

However, the above-mentioned law makes no provision for the right of foreign nationals resident in San Marino to stand in local elections. Furthermore, the minimum period of 10 years of continuous residence required to be able to vote is well in excess of the principle of five years of legal and habitual residence in the State preceding the elections, laid down by the Council of Europe Convention on the participation of foreigners in public life at local level.

In the light of the above, ECRI concludes that this recommendation has been partially implemented.

2. *In its report on San Marino (fifth monitoring cycle), ECRI recommended that the San Marinense authorities begin as soon as possible the process for adopting legislation governing same-sex relationships.*

Following the publication of ECRI's report in February 2018, the San Marino authorities launched a legislative process enabling the San Marino Parliament to swiftly pass Law no. 147 on civil partnerships in November 2018.

The law enables same-sex (and heterosexual) couples to obtain a form of legal recognition of their relationship that is equivalent to marriage in several areas such as residence, inheritance, cohabitation and mutual assistance.

To date, 37 heterosexual couples and 12 same-sex couples have benefited from this law.

ECRI welcomes this positive development and considers that its recommendation has been fully implemented.

