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to the Council of Europe Convention
on Action against Trafficking in Human Beings

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Republic of San Marino
Department of Foreign Affairs

G R E T A
Group of Experts on Action against Trafficking in Human Beings

Report on the measures in implementation of the Recommendation CP/Rec(2019)03 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by San Marino

adopted at the 24th meeting of the Committee of the Parties on 5 April 2019

San Marino, June, 03, 2022

INTRODUCTION

It is worth noting that the Republic of San Marino, compared to many other European countries, can be considered as a small State, both in terms of territorial size (61 sq. km) and of population (33,574 as of Dicember 2020)[1]. With a GDP of 0,7[2] (estimated in 2020) and an unemployment rate of around 8%, San Marino, despite the recent international economic crisis and health emergency (for which San Marino resorted to foreign debt for the first time), continues to enjoy a decent economic situation that allows it to maintain a good level of welfare.

These factors and figures have built on a strong local sense of community, which still endures even if to a lesser extent than a few decades ago. The territory of San Marino is then divided into 9 districts (Townships), headed by a sort of mayor (Head of the Township Council) and a city council (Township Council). Institutions are therefore very close to citizens and easily accessible. The Captains Regent (Heads of State) themselves receive citizens once a week; any citizen can ask to talk with the highest authority of the State and this generally happens weekly without delay.

Since 1955 health care has been free for all San Marino citizens or residents. The Social Security Institute[3] (SSI) is responsible for health and social welfare and provides a wide range of both health services and economic benefits such as sick pay, family allowances, pharmaceutical assistance, social and health care, pensions. SSI not only manages the State Hospital, located in a central position, but it also provides public health territorial services, located in several areas of the Republic (3 Health Centres, a Centre for women's health, 7 pharmacies spread over the territory, a Mental Health Centre, a Minors' Service, a Service for people with disabilities and residential care, a Residential Elderly Care Centre, a Home Care Service with two Centres).

In San Marino there are three major trade unions (the Democratic Confederation of San Marino Workers, the San Marino Labour Confederation, the San Marino Union of Workers), which, in addition to their institutional role of defending worker's rights, provide citizens with various support services and point of contact dedicated to specific issues.

A very lively and dynamic sector in San Marino is that of associations in all fields of civil activity, which gathers at least 183 associations (this is the number of associations recorded in 2018 which benefited from the voluntary contribution deriving from general income tax; such figure, however, does not include the associations which have not benefited from it and de facto associations).

Organised crime is absent (there are phenomena related to money laundering due to the presence of financial institutions) and even occasional crime is very rare (thefts in flats in the summer, but in very small numbers, a few very rare robberies) and almost never committed by nationals. Violent crime is very limited and absolutely marginal.

The crime of trafficking in human beings, provided for in Article 168 of the Criminal Code, has never been recorded in modern times, nor have any offences predicate or related to it.

[1] Statistical Bulletin - http://www.statistica.sm/on-line/home.html
[2] http://www.statistica.sm/on-line/home/dati-statistici/economia.html#
[3] http://www.iss.sm/on-line/home/chi-siamo.html

RECOMMENDATIONS

1. ACTION PLAN AND AWARENESS-RAISING ACTIONS

This long premise is essential to better understand that in a country with so few inhabitants, with historical and densely populated residential areas, social interconnection is extremely strong and significant.

In this context, it has not been possible for the Government of the Republic of San Marino in the past two years to prioritise the development of a general action plan or a wide-ranging strategy to combat trafficking in human beings, a phenomenon which is not perceived by the San Marino community, or likewise, to adopt awareness-raising actions that could - even - lead to emphasise a crime that is currently absent.

Since the beginning of 2020, the country has been hit very hard by the Sars-Covid 19 epidemic, with a total of 16,852 cases of infection (out of a population of 33,000) and 115 deaths (as of 12 May 2022) since the start of the pandemic. The facilities and staff of the Social Security Institute, with only one hospital in the area, were put under severe strain. In addition, for San Marino it was difficult to find a vaccine, as it is not part of the European Union. The vaccination campaign began with more than three months of delay and initially with a vaccine not recognised by the European Union.

As the health emergency waned, the Russian-Ukrainian conflict began and the Republic of San Marino got ready to receive a considerable number of Ukrainian refugees.

Since 3 March 2022, 337 Ukrainian citizens fleeing the war have been hosted - including those who left right after having arrived in the territory - of whom 264 are still residing in our country today. A centralised Coordination Unit was immediately established by the Department and by non-institutional partners who could provide material and organisational support to the Unit. In addition, a dedicated email address (supporto.ucraina@esteri.sm) and telephone number were created.

On 4 March, Decree-Law No. 27 was promulgated, which establishes the issuance of a special stay permit for a period of three months renewable for a further three months, guaranteeing free healthcare, social-health assistance, the right to education and other welfare services deemed necessary for the entire period of stay. A Hosting Protocol was adopted, which establishes that:

1. San Marino citizens and/or Ukrainian citizens residing in San Marino who intend to host refugees must submit a request by email, indicating the personal details of the persons being hosted. Department officials must record such data in a grid that must be updated daily. In case they need to find an accommodation, the Department must be notified. The Department must then contact the Civil Protection which proceeds to find an accommodation;
2. After registering, Ukrainian citizens must undergo a medical examination for which they are contacted directly by the Social Security Institute (SSI). Minors must also undergo a specialist paediatric examination;
3. Finally, the family's contact person is contacted by the Foreigners' Office to fix an appointment in which a provisional stay permit is issued in accordance with Decree-Law 27/2022. Such permit has a duration of three months, which can be extended for a further three months.

Following the adoption of such Protocol, two further legislative measures were promulgated, namely Decree-Law 41/2022 and Regulation 4/2022, which regulate access to work for Ukrainian citizens holding a temporary stay permit and introduce the maximum number of temporary stay permits that can be issued,

i.e. 300 (Art. 2-bis). Such limit may also be increased by the Congress of State up to a maximum of 5% per month as from 15 April 2022. As of today, this number has not been increased because the number of refugees in the territory has decreased - indeed, the quota of 300 refugees was only reached at the end of March and the beginning of April.

In addition to these regulations, Regulation 4/2022 was issued, which provides for the prior availability of a suitable and decent accommodation and the requirement of family reunification with a Ukrainian citizen already present in the San Marino territory by virtue of a stay permit, special work permit, cohabitation or parental status, as priority requirements for the issuance of a stay permit.

This regulation also introduces, as an economic contribution for Ukrainian refugees who are already holding a stay permit, the issuance of a Smac card per household on which a sum of €100 per adult and €50 per child is charged monthly.

As of 23 May 2022, 264 refugees were legally present in the territory. This number varies considerably according to the fluctuations in the number of those who remain in the territory and of those who, after finding an accommodation, leave to reach a place closer to Ukraine or their families who are living in other states.

These data also show that:

- almost all refugees are female (199 females and 65 males) and minors (135 minors); they are divided into 104 households;
- 206 of them are staying with families who are offering accommodation and hospitality, while 58 are accommodated in public facilities affiliated with the State;
- Of the 264 refugees in San Marino, 250 already have temporary stay permits, while the remaining 14 will be issued by the end of May.

Two weeks after the first Ukrainian nationals started arriving, and after limiting the number of arrivals, the Coordination Unit proceeded to organise a series of initiatives aimed at the gradual inclusion of Ukrainian refugees in the San Marino society. In particular, several working groups were created, which then promoted projects for the integration of children from 3 years of age into the school environment, the job placement of adults, free Italian language courses, the inclusion of several minors in sport, music and theatre activities.

A further area on which the State of San Marino has intervened is the psycho-physical state of refugees. Indeed, with regard to this, the Social Services belonging to the Service for people with disabilities of the Social Security Institute (SSI), carried out home visits to all the persons who are being hosted. In particular, social workers paid close attention to the psychological health of the refugees, thus assessing and recommending support programmes During the visits, the Social Services also proceeded to map the territory, finding, in some cases, incompatibilities with hosting people for families who are voluntarily hosting Ukrainian citizens.

It was requested and obtained to grant Ukrainian citizens free public transport services in order to allow them to move more easily from the various accommodations to the main meeting places. Through cooperation with public canteens, meals at the seven facilities are free of charge for Ukrainian citizens. The exemption from payment is granted upon presentation of the temporary stay permit card.

Decree Law 64/2022 adopted on 13 April establishes the conditions for access, subject to prior request and authorisation by the Labour Commission, to further economic sectors that were not provided for in the previous decree on this subject.

Finally, since the stay permits issued from March until today are about to expire, the Foreigners' Office of the Gendarmerie is laying down the procedures for the automatic renewal of the permit for a further three months for those wishing to extend their stay in San Marino.

With regard to the inclusion in the socio-cultural environment of San Marino, numerous village festivals and public events were celebrated with the aim of involving, on the one hand, the Ukrainian citizens hosted in San Marino and, on the other, of launching a message of peace.

The Ukrainian community in the territory, with the help of San Marino citizens, soon established (via social media) meeting points, places of prayer, mutual assistance and advice. Given the strong social interconnection, the chances of exploitation of labour, underpaid work or work against the worker's will, are absolutely minimal.

It should be recalled that, pursuant to Delegated Decree No. 22 of 1 March 2018, inspection activities, the investigation of violations and the monitoring of the labour market fall under the responsibility of the Office for Control Activities. Among other things, such Office must ensure, directly or in cooperation with other Control Units or Supervisory Authorities (e.g. the Police or the Social Security Institute), inspection and control activities on the functioning of the labour market and on irregular work.

The structure of the Office for Control Activities is the following:

- 1 Director
- 3 Administrative Experts;
- 4 Labour Inspectors
- 1 Specialised Administrative Operator
- 1 Administrative Operator

The labour inspection activities of the Inspectorate are conducted both through inspections and checks carried out directly through all the computer files available to the Public Administration.

To give an idea of the activity, 2,690 inspections were carried out in 2019, 2,019 in 2020 and 1,895 in 2021. The number of sanctions imposed for irregular work was 73 in 2019, 45 in 2020 and 38 in 2021.

2. TRAINING

With regard to training, the University of the Republic of San Marino, which organises training courses for school teachers at all levels, organised a training course in 2019 on the following topics:

- From trafficking (e.g. gender-based sexual exploitation) to gender-based violence in migrations of asylum seekers. - Introduction to the topic of trafficking starting from gender-based violence, which includes the different forms and levels of violence experienced by women (with reference to Art. 60-61 of the Istanbul Convention)
- The abuses and situations of violence experienced by women during the migration process and subsequently in the countries in which they arrive (also with reference to field research, particularly in Sicily, with pictures and concrete examples of life stories).

The course is addressed to teachers and health and social workers.

Barbara Pinelli taught the course. Barbara Pinelli teaches Anthropology of Migration Processes at the University of Milan-Bicocca. She deals with forced migration and refugees, combining perspectives of political anthropology, studies on power and subject with feminist and gender reflections. Her research focuses on gender-based violence in the migration of women asylum seekers.

The University of San Marino (in particular the Department of Education) had planned a second meeting on the subject, to be opened up also to other professional categories, but the feedback of teachers on the first course (who complained saying that the subject matter was distant from our social context) discouraged the University from continuing the course.