
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: San Marino

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A. Executive summary

1. The Republic of San Marino has app. 30,000 inhabitants.
2. Public opinion and attitudes towards LGBT persons are predominantly negative according to the few surveys conducted on the matter. Moreover, the Sammarinese society is perceived as based on traditional family values with a strong influence of the Catholic Church.
3. There are no problems with freedom of assembly or association in San Marino. The various initiatives concerning LGBT issues have not met interferences or any disapproval, neither by authorities nor by the media.
4. No problems with freedom of expression have been noted.
5. There have not been any reported cases of violence against LGBT persons, which can be due to underreporting since LGB(T) persons do not want to disclose themselves to the police. There have been no reported cases with regards to hate speech.
6. There are no laws on same-sex marriage or registered partnership. Moreover, there are no cohabitation rights for neither same-sex or opposite-sex couples. Same-sex partners cannot jointly adopt a child. And same-sex partners cannot adopt each other's biological child or children. Single persons have a right to adopt children although this has never happened in practice. There have been no cases with regards to transgender persons' rights to family life. LGBT persons do not have access to family reunification with foreign partners.
7. There are no recorded cases of asylum being granted on grounds of sexual orientation or gender identity.
8. There are no data with regards to social security, social care and insurance.
9. The words "frocio" and "finocchio" are still used as derogative terms for gay men in schools, but no cases of harassment or bullying have been formally recorded or put forward. LGBT issues are not dealt with in the curriculum and educational materials and lectures as instrument to provide knowledge on gender identity and sexual orientation issues are not distributed.
10. There are no data about complaints/cases of transgender persons in the Sammarinese's labour market. Anecdotal evidence shows that there have been cases of lesbian and gay employees in public employment who have been forced to transfer their working place for harassment reasons on the grounds of their sexual orientation.
11. There is a lack of data on healthcare for LGBT persons. The lack of recognition of "next of kin" status potentially affects access to information and decision-making about a partner's health and treatment and problems with hospital visitation in intensive care. Gay men (as well as LBT people) can be blood donors in San Marino.
12. Same-sex couples can rent an apartment and have both names on the lease. With regards to access to goods and services there are no known reported cases.
13. LGBT representation on public Sammarinese radio and television is rare. Seldom does television offer coverage on significant political and social LGBT events. When it does it is normal in a neutral way.

14. There is no published research or official information on the experience of transgender people, their living conditions, and transphobia in San Marino.
15. San Marino has no law regulating the gender reassignment proceedings.

B. Data Collection

16. Data have been collected for this report through:
17. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in San Marino.
18. Most notably the report "The legal and social situation concerning homophobia and discrimination on the grounds of sexual orientation in the Republic of San Marino" by Dr Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici, September 2010.
19. Data collection through interviews in San Marino 18 to 19 April 2010 with:
20. Authorities:
 - Ms. Antonella Mularoni, Minister of Foreign Affairs, Political Affairs, Telecommunications and Transport
 - Mr. Claudio Podeschi, Minister of Health and Social Security, National Insurance, Family and Social Affairs, Gender Equality
 - Department of Health
21. NGOs:
 - Associazione Culturale LGBT San Marino (Cultural LGBT Association of San Marino)

C. Findings

C.1. Public opinion and attitudes towards LGBT people

22. According to the national LGBT NGO in San Marino (Associazione Culturale LGBT San Marino), most LGBT people are invisible to all and their social exclusion is being upheld by a religious creed - and by the ideological offensive from the Vatican against homosexuality.¹
23. "The influence of Catholic Church on politics contributes to impede a process of change and it obliges LGBT persons to live with discrimination, despite the assertion of equality and human rights' respect". i.e. the strong attachment of Sammarinese people to the Catholic tradition influences the attitudes towards LGBT persons, with consequences on the aspirations harboured and the integration of diversities to the civil society.²
24. Basically, the social-cultural context of San Marino is characterised by a strong attachment to the notion of the traditional family and to heteronormativity.³
25. Looking at the visibility of LGB(T) persons in San Marino the Associazione Culturale LGBT San Marino concludes:
26. "People are scared. They think if they do come out they will probably lose their job. There are many lesbians and gay men that live in San Marino, but they have a sort of double life. When they are in San Marino they are not gay, but in the evening they go to Rimini and there they can be their real selves."⁴
27. "Moreover, you must realise that there is a certain degree of silence with regards to LGBT persons and issues. When the law [Article 274 in the Penal Code where homosexual contacts could be punished with imprisonment from three months up to one year, if they have been engaged in "habitually" and thereby caused "public scandal"] was repealed in 2004 it was done at 1 o'clock in the night when one member put forward a motion and then it was repealed. It never got any notion in the media."⁵
28. The Minister of Foreign Affairs stated with regards to the alleged fear of coming out: "this could be because people are afraid due to the fact that we are a small community. We do not have the feeling that they are discriminated against. They are protected."⁶
29. But the Association LGBT San Marino feels that regardless of what perception the government might have of these reasons, no formal studies or statistics have ever been carried out.

1 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010 and information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

2 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

3 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

4 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

5 Ibid.

6 Meeting with Minister of Foreign Affairs, Minister of Health and Social Security and Department of Health, 19 April 2010.

30. In order to make sure that cases of discrimination are dealt with, the government has established the Commission for Equal Opportunity in 2004 and so far there has been one case involving the president of the Association LGBT San Marino.⁷
31. An inquiry carried out by the Sammarinese press "San Marino Notizie" on 2 March 2007 asked its readers about their attitudes towards different kinds of family constellations. Only six per cent had a favourable view of granting civil union rights to same-sex couples. This indicates the existence of a strong resistance towards LGBT people.⁸
32. A different inquiry investigated morality of teenagers of San Marino aged 14-18. It was submitted between December 2007 and January 2008 to a sample of 77.6 per cent of adolescent students of San Marino frequenting secondary schools.⁹ The theme investigated regarded the lack of balance of gender relation (between man and woman) looking for opinions and choices of normative character of youths of San Marino and by which they interpret the social context and intervene in relationships.¹⁰ The main theme of homosexuality was intentionally placed among an ample repertory of deviant and criminal behaviours¹¹ asking the respondents for an assessment of their opinion on the seriousness (meaning negatively) on homosexuality. 45.9 per cent considered homosexual behaviour as "serious/very serious", 40.5 per cent held it as "not at all serious/not very serious" and, among these, 28 per cent did not consider homosexuality a great sin.
33. According to Associazione Culturale LGBT San Marino: "28 percent is a good result referring to the backwards culture on sexual orientation in San Marino. But the Association feels that this shows how much work is yet to be done...".¹²
34. However, the newspaper inquiry showed that homosexuality is considered as immoral from little less than half of younger people of San Marino. Following this, only a minority did not consider homosexuality a great sin.
35. There are no data or perceptions on attitudes towards transgender persons in San Marino. There are two transgender members of Association LGBT San Marino.¹³
36. Following the repeal of Article 274 of the Penal Code the newly founded LGBT organisation (Associazione Culturale LGBT San Marino) put forward the first of four petitions ("*Istanze d'Arengo*") to the parliament (Great and General Council) calling for specific actions with regards to improving the situation for LGBT people (promoting public debates on LGBT

7 Ibid.

8. Beccari E., *Studio comparato sulle norme antidiscriminatorie. L'evoluzione della legislazione sammarinese in rapporto agli ordinamenti degli altri paesi europei e degli strumenti di diritto internazionale*, Relazione per la Commissione Pari Opportunità, in collaborazione dell'Istituto Giuridico Sammarinese, in forza della Delibera n. 45 del 21 maggio, 2007, p. 20-21.

9 De Luigi N., Perillo C., Santangelo N., Wurla P. Cit. newspaper *L'Informazione*, in Che genere di immaginario. Indagine sugli studenti sammarinesi delle scuole superiori, Segreteria di Stato per l'Istruzione e la Cultura, l'Università e gli Affari Sociali della Repubblica di San Marino, Dipartimento della Formazione dell'Università di San Marino, Dipartimento della Comunicazione dell'Università di San Marino, in collaborazione con Polo Scientifico-didattico di Forlì dell'Università di Bologna, 2009.

10 Ibid, pp. 222-223.

11 The opinions demanded to respondents on seriousness of deviant and criminal behaviours, deliberately inclusive of homosexuality in order to see if Sammarinese society considers such condition as a crime or not, were the following: to rape a person, to go with prostitutes, to unplug thorn to person in a coma, to abort, to kill a person for interest, to turn over a pedestrian without staying to lend a help, to abduct a person to get a ransom, to falsify the signature of parent on book of absences, to use heroin or cocaine, to kill a person for passion, not to report a person that we have seen to steal, to smoke hashish and marijuana, to accelerate with medicines the death of an elderly and suffering person that does not desire to live anymore, to prostitute oneself, not to report a friend committing a theft, not to return to cashier the more money received as rest, to use tablets ecstasy, to take the bus without paying ticket, to have homosexual relationships, to purchase clothes with false brand. Cit. De Luigi N., Perillo C., Santangelo N., Zurla P., 2009, p. 228.

12 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, July 2010).

13 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

issues, public manifestations on IDAHO and World Aids Day and finally improving the curriculum in schools with regard to LGBT issues). All four petitions were rejected by the parliament.¹⁴

37. The first petition (*Istanza d'Arengo n. 55*) was dated 7 October 2007. It proposed to the Sammarinese parliament to discuss the promotion of public debates on discrimination, in order to deepen the knowledge and the education on the matter of equal treatment of LGBT persons. The petitioners proposed for example to promote public debates on various aspects of discriminations, to combat homophobia and bullying at school through education on social diversity, to introduce suitable and functional dispositions for protection of LGBT persons.¹⁵
38. The second petition (*Istanza d'Arengo n. 11*), was submitted on 4 April 2008. The petitioners asked that the "*World Day Against Homophobia*" (IDAHO) was celebrated on 17 May every year as an expression of condemnation of discrimination on grounds of sexual orientation and gender identity.¹⁶ Even though the parliament rejected the petition the LGBT NGO carried out for an event marking the 17 May 2008.¹⁷
39. The third petition (*Istanza d'Arengo n. 13*) was submitted on 5 October 2008. The petitioners asked for adopting 1 December of every year as "*World AIDS Day*" - as it was already doing for example for the "world-day without tobacco" sensitizing against harms of smoke – to celebrate the first case of AIDS diagnosed on 1 December 1981.¹⁸ Even if the petition was rejected, on 1 December 2008 the Associazione Culturale LGBT San Marino celebrated the day in San Marino (inside of the Commercial Centre "Atlante" of Dogana).
40. The fourth petition is described under "Education".

C.2. Freedom of assembly and association

41. Basically there are no problems with freedom of assembly or association in San Marino.
42. The various initiatives concerning LGBT issues have not met interferences or any disapproval, neither by authorities nor by the media. National Order's Forces (police) have never been reluctant to cooperate with LGBT organisers.
43. The first significant manifestation was in 1997 at the Square of Pianello, in front of Public Palace (Parliament building), on the initiative of the Sammarinese Cultural Co-operative "Il Macello" and with the participation of the Bolognese deputy Franco Grillini, at that time President of the Italian LGBT NGO Arcigay in order to make awareness and the need to repeal Article 274 of the Criminal Code (see above).¹⁹

14 Ibid. Information available on Segreteria di Stato, www.interni.segreteria.sm, accessed 24 September 2010. The votes for and against is not available.

15 Available at official site of Consiglio Grande e Generale, www.interni.segreteria.sm/index.php?id=418 \ "sesso, accessed 30 July 2010.

16 Available at official site of Consiglio Grande e Generale, www.interni.segreteria.sm/index.php?id=576 \ "omofobia, accessed 30 July 2010.

17 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

18 Available at official site of Consiglio Grande e Generale, www.interni.segreteria.sm/index.php?id=632 \ "aids, accessed 30 July 2010.

19 Grillini F., *Omosessuali e diritti, in Stare insieme, I profili giuridici della convivenza tra status e contratto*, a cura di F. Grillini e M.R. Marella, Napoli, 2006, p. 128.

44. In the following list the main initiatives taken by Associazione Culturale LGBT San Marino are stated:

- The public conference held in February 2008 entitled “*Does diversity exist?*” (“*La diversità esiste?*”), where the theme on diversity was discussed. Three Ministers of San Marino contributed as keynote speakers: Dott. F. Michelotti, the then Secretary of State of Instruction and Culture; Dott. M. Chiaruzzi, the then Secretary of State for Health and Equal Opportunities; Dott. I. Foschi, the then Secretary of Justice;
 - The celebration of the “*World Day against Homophobia*” took place on 17 May 2008 in San Marino, where the French documentary “*L’Homophobie, ce douloureux problème*” (*Homophobia, this grievous problem*) was screened. This event was supported by the above mentioned three Secretariats of State.
 - Participation in the “Pride” in Bologna on 28 June 2008. Among the demonstrators there were also numerous Sammarinese heterosexual couples²⁰, proving their support to the equal rights without distinctions on the ground of sexual orientation;
 - *San Marino International Festival* (SMIAF) was the first edition of the festival of Sammarinese and international artists and took place in the historical centre of San Marino on 23 August 2008. During the demonstration, the Associazione Culturale LGBT San Marino set out a photo session entitled “*Next-door Neighbour*” (“*Vicini di Casa*”). It constituted of six photographs taken by the photographer Marco Vincenzi during the Pride of Bologna the same year. Each single picture was positioned on one of the six colours of the rainbow flag. The showroom was in the cloister of the ancient ex-convent S. Chiara inaugurated on 1609 and currently used by the Sammarinese University.
 - “*Towanda*”, organised in October/November 2008, with a cycle of four screenings dedicated entirely to women’s homosexuality. The screenings took place in San Marino (at public site of the Social Centre of Fiorentino).
45. The vivacity of the Sammarinese LGBT NGO continued at the beginning of 2009 through two informative and awareness-raising campaigns on the whole of the Republic’s territory by affixing posters. One of these posters recited *Mama knows about it* (original title *Mamma lo sa*), to encourage LGBT people to disclose their sexual orientation/gender identity. The second message entitled “*Make your voice heard*” and had the aim to improve young persons’ awareness in school and to denounce their experiences of bullying. Some of the posters were torn down, it is unknown by whom.²¹
46. The Association LGBT San Marino has not met any problems with regards to renting places etc.²²

C.3. Freedom of expression

47. Although the Association LGBT San Marino runs a blog (lgbtsanmarino.splinder.com) without problems, there has been one problematic instance in which its president Federico Podeschi issued a press release challenging the Pope for a message that he considered incitement to hatred.

20 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

21 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

22 Ibid.

48. According to the Association LGBT San Marino, the Secretary of State for Foreign Affairs admonished him because at the time he was also covering a diplomatic appointment and the press had played on making the press release controversial because of this. Federico Podeschi was later removed from his diplomatic appointment on grounds that he believed discriminatory because of his sexual orientation. He has presented his case at the Equal Opportunities Commission and is currently preparing a lawsuit against the Secretary of State for Foreign Affairs.²³

C.4. Hate crime - hate speech

49. Both hate crime and hate speech with regards to sexual orientation are illegal in San Marino and according to Law No. 66 of 28 April 2008 it is an aggravating factor. The law does not mention gender identity.²⁴
50. According to the two National Equal Bodies – the *Commission for the Equal Opportunities* and the *Authority for the Equal Opportunities* - there have not been any reported cases of violence against LGBT persons, or reported experiences of homophobic/transphobic violence within families. The Gendarmeria - one branch of the Order's Forces of San Marino – asserts that there have been no reported complaints and/or cases with regards to violence either verbally or psychically against LGBT persons.²⁵
51. An interview with Associazione Culturale LGBT San Marino confirms these data even though it is noted that there can be underreporting since LGB(T) persons do not want to disclose themselves to the police.²⁶
52. There are no official cases of hate speech.²⁷

C.5. Family issues

53. There are no laws on same-sex marriage or registered partnership. Moreover, there are no cohabitation rights for neither same-sex or opposite-sex couples. This leads to potential disadvantages with regards to inheritance, difficulty of cohabitant to follow in the lease of the real estate used as family residence, exclusion from the pension of a dead partner as well as being denied access to the patient and the funeral.²⁸
54. Same-sex partners cannot jointly adopt a child. And same-sex partners cannot adopt each other's biological child or children. Single persons can adopt children. In 2008 there was a case of a single woman adopting a child, but if she should die, her theoretical female partner would not be able to adopt the child.²⁹

23 Ibid.

24 National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1, United Nations, Human Rights Council, Working Group of the Universal Periodic Review, Seventh Session, Geneva 8 - 19 February 2010.

25 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

26 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

27 Ibid.

28 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010). At the meeting, 19 April 2010, the Minister of Health and Social Security confirmed that there is a disadvantage with regards to inheritance and pensions.

29 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010), meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

55. When asked about the legal recognition of same-sex couples, the Minister of Foreign Affairs stated:
56. "The current government has no intention of creating gay marriage. And we will not allow adoption for homosexual couples. A single person can adopt. We are a Catholic country. And the country is not ready for gay marriage and we believe that children are a part of life for straight couples."³⁰
57. The Catholic Church has been strongly critical toward the possibility of legal recognition of same-sex partnerships, publicly arguing that such unions are against nature and must not be passed by Parliament.
58. Fertility treatment for lesbians is not possible in San Marino, and is not accessible in the neighbouring Italy as it is illegal.³¹
59. There have been no cases with regards to transgender persons' rights to family life, and following this, there is no jurisprudence if a married couple in that case will have to divorce. Those who marry after the transition have the possibility of proposing themselves as adoptive parents.³² On the other side, those who are married and decide to transition might lose their marriage as a result without being able to have the resulting same-sex relationship legally recognised.
60. LGBT persons do not have access to family reunification with foreign partners. In fact, these rules provide for the family reunification only for men and woman, parents and child, and cohabiting with children.³³ This means that LGBT couples whereby one of the partners is not Sammarinese are not afforded the same legal protection for cohabiting as they are not allowed to reside together within the Republic's territory.
61. In 2009 the Office of the High Commissioner for Human Rights at the United Nations stated "...that non-conventional family models such as unmarried partners, cohabitants and same-sex civil partners are not recognised and therefore do not have the same rights when it comes to inheritance or residency. JS1 [Joint Session 1] stressed that San Marino should take all necessary legislative, administrative and other measures to ensure that no family maybe subjected to discrimination on the basis of the sexual orientation or gender identity of any of its members, including with regards to family-related social welfare and other public benefits, employment and immigration."³⁴

C.6. Asylum and refugee issues

62. The Secretariat of Foreign Affairs confirms that the Congress of State (government) has granted asylum during the last decades, but never for cases on grounds of sexual orientation or gender identity. Because of the innumerable sequence of asylum claims that

30 Meeting with Minister of Foreign Affairs, Minister of Health and Social Security and Department of Health, 19 April 2010.

31 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

32 Ibid.

33 Ibid.

34 Summary prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1, United Nations, Human Rights Council, Working Group of the Universal Periodic Review, Seventh Session, Geneva 8 - 19, February 2010.

San Marino receives, it is not possible to define if, among these, there are demands on the grounds of sexual orientation or gender identity.³⁵

63. There is no evidence of whether transgender people have been successful in gaining asylum in San Marino. Although past practice shows that each refugee has access to the local community and support with regards to health etc., the lack of cases of asylum to transgender persons make it impossible to know whether transgender persons in the asylum procedure will be able to have their healthcare needs covered such as with access to hormones.³⁶
64. Association LGBT San Marino feels nevertheless that there is lack of awareness and understanding of sexual orientation and gender identity issues among the government's representatives and officials and this is compounded by lack of monitoring procedures and equality impact assessments to give a full reflection of immigration and asylum matters that relate to LGBT people.³⁷

C.7. Social security, social care and insurance

65. There are no data on this issue. However, lack of legal recognition of same-sex partnerships are expected to entail a lack of access to social services and privileges dependent on partnership status.³⁸

C.8. Education

66. San Marino does not have reports on harassment and bullying in the school environment. Nor are there data available on the sense of isolation and vulnerability felt by LGBT adolescents consequently to homophobia, transphobia and/or hate crimes/speech.
67. The words "frocio" and "finocchio" are still used as derogative terms for gay men in schools. A shift in derogative terms has been detected and the word "gay" is now in some way replacing the Italian equivalent. The Minister of Foreign Affairs and the Minister of Health and Social Security did not think there was any problem with name-calling, but that could be due to the failure of the NGO to reports about those problems.³⁹
68. Of particularly interest in the educational system of San Marino is the formation course called *curricolo "Nuovi Saperi Sammarinesi"*, because it includes sex education (a centralised curriculum). Its aim is to allocate knowledge and to give answers to the development of personality and to the promotion of dialogue and integration among different values.⁴⁰
69. The curriculum has a vertical structure, i.e. by grade from childhood to secondary school. Among the different educational areas of the formation's project, questions of gender,

35 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

36 Ibid.

37 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

38 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

39 Meeting with Minister of Foreign Affairs, Minister of Health and Social Security and Department of Health, 19 April 2010.

40 Direzione Scuola dell'Infanzia Orientamenti educative e didattici per la scuola dell'infanzia della Repubblica di San Marino, *Segreteria di Stato per l'Istruzione e la Cultura della Repubblica di San Marino, Direzione della Scuola dell'Infanzia, stampa Arti Grafiche Della Balda*, 2009.

sexual orientation and discrimination are tackled, already from junior secondary school when a student starts to define his/her gender roles or sexual preferences. But these arguments are not reinforced by a vocabulary to name and discuss sexual difference, non-traditional family arrangements or relationships and discussion of sexual orientation or gender identity in class, that may raise awareness and combat homophobia and transphobia as it lacks a specific discipline on LGBT issues. Following this, educational materials and lectures as instrument to provide knowledge on transgender and LGB issues are not distributed.

70. Association LGBT San Marino highlighted its project to contribute earlier to the sensibilisation of LGBT issues in the schools of San Marino by the promotion of debates for teachers on bullying and discrimination. The organisation (together with private citizens) put forward the following petition to the parliament with regards to education:
71. The petition (*Istanza d'Arengo n. 12*) was submitted on 5 October 2008. The petitioners asked the government to draft a strategy to fight bullying. The proposed strategy consisted both of didactic-formative activities inside the existing school matters and of introduction in every school of a qualified school consultant to support students with an emotive guidance. The emotive consultant should be a health professional - like the model introduced for example in Wales - directly accessible by student without authorisation of his/her parents or teachers, contributing to formation and growth of the student, contributing to his/her sanity.⁴¹ The petition was rejected.⁴²
72. Even if the petition was rejected the Association LGBT San Marino has drafted a programme that can be used by the schools.⁴³

C.9. Employment

73. The composition of the Sammarinese labour market can lead to the perception that discrimination on grounds of sexual orientation or gender identity with regards to the public sector is scarce due to the access of those positions occurring only by public competition with qualifications and examinations. Nevertheless no studies or monitoring of equal opportunities have ever been carried out to substantiate whether discrimination does or does not occur. Some potential concern can arise in connection to the subordinate workers in the private sector due to the "trial period" during which both parties can freely withdraw without any justification. No official data or cases exist even if discrimination on grounds of sexual orientation (not gender identity) is prohibited according to Sammarinese anti-discrimination law (para. 66).⁴⁴
74. From an interview with Association LGBT San Marino, anecdotal evidence shows that there have been cases of lesbian and gay employees in public employment who have been forced to transfer their workplace for harassment reasons on the grounds of their sexual orientation. One type of case most heard about is teachers who are afraid of disclosing their sexual orientation.⁴⁵

41 Available at official site of Consiglio Grande e Generale, www.interni.segreteria.sm/index.php?id=632 \ "bullismo, accessed 30 July 2010.

42 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

43 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

44 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010). Meeting with Minister of Foreign Affairs, Minister of Health and Social Security and Department of Health, 19 April 2010.

45 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

75. There is no data about complaints/cases of transgender persons in the Sammarinese's labour market.⁴⁶
76. One final concern has to be raised in regards to the same legal protection not being currently afforded to those in unpaid positions such as volunteers or even those in public appointments, who do not qualify as employees and therefore are not covered by the law in cases where they were discriminated against on grounds of sexual orientation or gender identity.⁴⁷

C.10. Health care

77. There is lack of data on the healthcare for LGBT persons. Interviews with health authorities and with Association LGBT San Marino show that visibility of LGBT persons is limited, thus revealing the absence of experiences with healthcare for LGBT persons. Moreover, the lack of recognition of "next of kin" status potentially affects access to information and decision-making about a partner's health and treatment and problems with hospital visitation in intensive care.⁴⁸
78. Gay men (as well as LBT people) can be blood donors in San Marino. There are careful verifications and the numerous checks executed in various occasions that provide for blood endowed with the standard of security particularly elevated.⁴⁹
79. There are no public programmes on prevention of STIs (Sexually Transmitted Infections) or distribution of condoms. Association LGBT San Marino has previously received a donation of condoms from ArchiGay (Italy) to distribute within the Republic. HIV tests can be requested via one's own doctor or performed anonymously in Rimini (Italy).⁵⁰

C.11. Housing

80. There are no data or cases on housing.
81. Same-sex couples can rent an apartment and have both names on the lease. Association LGBT San Marino is not aware of any cases where LGBT persons have been refused renting or have been evicted.⁵¹
82. There are still issues to be researched about accommodating the needs of LGBT people in housing, for example for a young gay man who has been thrown out by his parents for coming out as gay, or for an elderly lesbian couple to be able to be in the same room in an hospice or nursing home.⁵²

C.12. Access to goods and services

83. There are no data or cases on access to good and services.

46 Ibid.

47 Ibid.

48 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010). Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

49 Official site of Sammarinese Blood-Donor Association (AVSSO), www.avss.sm/home.htm, accessed 30 July 2010.

50 Meeting with Associazione Culturale LGBT San Marino, 18 April 2010.

51 Ibid.

52 Ibid.

84. With regards to access to goods and services the assessment by Association LGBT San Marino is that "Nobody kisses, nobody holds hands in San Marino. So no cases...." If two women are seen holding hands people will automatically think of them as friends and not partners.⁵³

C.13. Media

85. LGBT representation on public Sammarinese radio and television, called *San Marino RTV*, is rare as the national network is largely controlled and financed by the government. Seldom television offers coverage on significant political and social LGBT events or on significant laws etc. are passed (or not passed) by the *Great and General Council* on matter of sexual orientation or gender identity.⁵⁴
86. For example, no notice has been given with regards to the participation of Association LGBT San Marino 18 April 2010 in the "Gay Pride" celebrations; or when in 2004 the *Law n. 121* repealed the *Art. 274* of the *Criminal Code*, or in 2008 when the *Law n. 66* on aggravating the criminal sanction for acts of sexual discrimination and the *Law n. 97* concerning the protection of victims of violence on the grounds of sexual belonging, the notice was given by other newspapers only. No public debates on television or on the radio have taken place to explain the force of these rules.⁵⁵
87. The TV station *San Marino RTV* is neutral towards LGBT persons and issues. According to an interview, they appear happy to give television space to LGBT issues. Nevertheless the very same press releases circulated to the media have never been picked up by *San Marino RTV* nor contact ever made in order to get participation by the Association into its programmes.
88. The sole LGBT NGO existing in San Marino (*Associazione Culturale LGBT San Marino*) argues its issues both through its website and by interventions on Sammarinese dailies (as *La Tribuna Sammarinese*, *San Marino Oggi e L'informazione*), without any periodicity or distinction of newspaper.
89. The website of Association LGBT San Marino is a tool for everybody that wants to exchange suggestions and opinions; however, it contains a comprehensive collection with links giving a general guide to patients, newspapers, publishing companies, publications and articles, books, anthologies, radio features, films and conferences.⁵⁶
90. The experience of Association LGBT San Marino is that if the debate only evolves around discrimination there is no problem. But if it is about family or adoption, the debate becomes heated. Church leaders both within and outside the Republic have also criticised the media broadcasts presenting positive images of gay and lesbian life.
91. One of the biggest debates in the media was the case where the president of Association LGBT San Marino was fired from his job as Honorary Consul of the Republic of San Marino in Cardiff of the United Kingdom of Great Britain and Northern Ireland. The Honorary Consul claimed he was fired due to his adverse criticism against the Catholic Church

53 Ibid.

54 Ibid.

55 Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010).

56 Ibid.

because of its hostility to LGBT issues whereas the Minister of Foreign Affairs has stated that the Honorary Consul was not removed from his position due to his sexual orientation.⁵⁷

C.14. Transgender issues

92. There is no published research or official information on the experience of transgender people, their living conditions and transphobia in San Marino. According to Association LGBT San Marino there is an openly transgender person that is receiving some medical care within the Republic and another transgender person who is also in membership to the Association LGBT San Marino.⁵⁸

C.14.1. Gender reassignment

93. San Marino has no law regulating the gender reassignment proceedings.
94. There has been one case of a transgender woman in San Marino who should have been approved for gender reassignment and where the Republic of San Marino has paid the expenses.⁵⁹
95. The site of Association LGBT San Marino provides information within the LGBT community and it dedicates space to aspects of transgender health care and to a guide of hormone therapies and treatment.

C.15. Data availability

96. There are virtually no official data on the situation for LGBT persons in San Marino - except for the previously referenced surveys carried out regarding attitudes towards LGB persons and the petitions put forward by Association LGBT San Marino.
97. The general scarcity of data from surveys or studies, and the fact that LGBT has largely been characterised by invisibility in San Marino means that it is not possible to outline a complete picture in all areas of this study. However, several similar accounts, analyses and assessments by various (primarily but not exclusively NGO) stakeholders interviewed in San Marino and the comprehensive report on the legal situation drafted for this study make it possible to outline key developments and somewhat comprehensively describe the overall situation for LGBT persons in San Marino.

⁵⁷ Based on information collected by Maria Gabriella Francioni at the Università degli Studi della Repubblica di San Marino, Dipartimento di Studi Giuridici (national report drafted for this study, September 2010). Meeting with Associazione Culturale LGBT San Marino, 18 April 2010. Meeting with Minister of Foreign Affairs, Minister of Health and Social Security and Department of Health, 19 April 2010.

⁵⁸ Interview with Association LGBT San Marino, 18 April 2010.

⁵⁹ None interviewed for this study has been able to provide more detailed information on this case.