



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in San Marino**



# San Marino Country Report

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## Overview

### Name of NHRI and mandate:

- San Marino does not have a National Human Rights Institution.

### Sources:

- ENNHRI: [State of the Rule of Law in Europe in 2022, San Marino Country Report](#)
- CoE independent bodies: [Commissioner for Human Rights at HRC UPR 34<sup>th</sup> Session \(2019\)](#)

### Good practices and Improvements:

- **CM Recommendation 1:** In the context of its latest Universal Periodic Review in 2020, the government of San Marino [indicated](#) that “over the next five years, all the necessary assessments and evaluations will be carried out with a view to establishing a National Human Rights Institution” .

## Specific findings per Principle

The tables below include data on the assessment of the implementation of Principles (i.e. the individual parts) within the Recommendation from two sources: ENNHRI and Council of Europe independent bodies. Overall, the findings are considered in one group: the establishment of NHRIs.

### I. Establishment of NHRIs

<p><b>Principle 1</b></p>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<p><b>Assessment of implementation by ENNHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law Report in Europe in 2022, p. 1</i></p> <p>At present, there is no accredited NHRI in San Marino.</p> <p>In 2018, the UN Human Rights Committee recommended San Marino to establish an NHRI in conformity with the UN Paris Principles. At that occasion, San Marino informed that it did not envisage the establishment of an Ombudsman or NHRI in the country, due to its small size. It informed the Committee that some functions performed by Ombuds institution have been traditionally conferred upon the Captains Regent of the Republic of San Marino.</p> <p>In 2020, after several recommendations received in the context of its Universal Periodic Review, the government of San Marino <a href="#">informed</a> that “over the next five years, all the necessary assessments and evaluations will be carried out with a view to establishing a National Human Rights Institution”. The government <a href="#">noted</a> that “San Marino (...) would discuss the best way to set up a national human rights institution”.</p>

<b>Assessment of implementation by CoE independent bodies</b>	<p><i>Council of Europe Commissioner for Human Rights 2019, p.2 (Para.9)</i></p> <p>CHR of CoE observed that San Marino did not have an ombudsperson institution or other national human rights structure established in accordance with the Paris Principles. It encouraged the Sammarinese authorities to set up a human rights body in compliance with the Paris Principles which could, given San Marino's circumstances, also act as an equality and anti-discrimination body.</p>
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