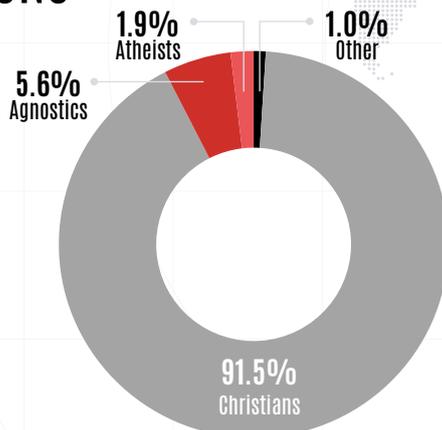




SAN MARINO

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Republic of San Marino does not have a written constitution. The legal provisions ensuring religious freedom are contained in various pieces of legislation, the most important of which is the Declaration of Citizen Rights and Fundamental Principles of San Marino Law of 1974 (amended in 2002).¹ Article 4 of the Declaration provides: “Everyone is equal before the law, with no distinction of personal, economic, social, political and religious status.”² Article 6 states: “Everybody shall enjoy civil and political freedoms in the Republic. In particular, personal freedoms, freedom of residence, establishment and expatriation, freedom of assembly and association, freedom of thought, conscience and religion shall be guaranteed.”³

There is no established religion, but Roman Catholicism is the largest religion in the republic and it is common to see religious symbols such as crucifixes in courtrooms and other public spaces. Since 2009, the government defies a ruling of the European Court of Human Rights that crucifixes should not be displayed in classrooms. The complaint had been introduced by the left-wing Sinistra Unita.⁴

The Penal Code contains a chapter on “Offences against religious faith and feelings towards the deceased”, which includes a “Religious insult”, “Violation of religious freedom”, “Interference

with religious ceremonies”, and “Blasphemy or contempt for the deceased”. The four crimes can be punished with a ‘first-degree’ prison sentence of up to 15 days.⁵

The state supports the Catholic Church through income tax revenue. Taxpayers may request that the three per thousand of their income tax be allocated to the Catholic Church or to other charities, including other religious groups.⁶

There are no private religious schools. Catholic religious education is provided but is non-compulsory in public schools.

There are a number of agreements between the Republic of San Marino and the Holy See: the 1931 Monetary Convention, the 1989 Agreement on Religious Festivities,⁷ and the 1992 Concordat.⁸ In the most recent, Article 2 provides for a Chaplain Office of the Hospital and Retirement Home to provide spiritual assistance to hospital patients and retirement home residents. Article 3 offers the same to Catholics confined to prison. Article 7 (2) establishes a fund in support of humanitarian, welfare and social activities.

During the period under review, the Holy See and the Republic of San Marino signed another agreement in San Marino City on 26th September 2018 regarding the teaching of the Catholic religion in public schools. It was ratified on 27th September of the same year.⁹

The agreement consists of 4 articles which, among other provisions, ensures “Catholic religious education in public schools at

all levels, except university” and grant “Catholic religious education the same ‘status’ and educational and cultural dignity of other curricular subjects” (Article 1).¹⁰ The 2018 agreement ended a number of controversies that arose after a request was made in 2017 to replace Catholic religious education in public schools with secular courses.¹¹

San Marino is home to about 200 Jehovah Witnesses who are registered as an association. They are free to practise their faith but, according to the 2018 Report of the European Commission against Racism and Intolerance (ECRI), the fact that they are not treated as a religion “leads to the application of administrative rules specific to companies/firms which are ill-suited to religious practice.”¹² The same applies to the local Islamic community.¹³

Consequently, the ECRI has proposed the establishment of “a consultative body for promoting a regular dialogue between the state and minority religious communities, in order to examine the practical problems that religious practice can create and to propose measures to solve them.”¹⁴ No measures have been taken as of 2020.

INCIDENTS AND DEVELOPMENTS

During the period under review, the ratification of the aforementioned agreement between the Holy See and the Republic of San Marino about Catholic religious education in public schools ended the debate over Catholic religious education in public schools.

SOURCES / ENDNOTES

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However, this debate has been replaced by one over the decriminalisation of abortion. On 7th June 2019, two citizens’ initiatives (Arengo) were submitted to the authorities titled: “Support for parenting and unborn children” and “Rules on conscious and responsible procreation and voluntary termination of pregnancy.”¹⁵

The promoters of the second initiative say they seek “to protect women’s self-determination, their freedom of choice in the sexual-reproductive field, and the possibility of terminating pregnancy if unwanted.”¹⁶

The Catholic community has signalled a warning about the initiatives contending that they would deny doctors the right to work if they exercised their right to conscientious objection.¹⁷ At the time of writing, none of these initiatives have been approved.

PROSPECTS RELIGIOUS FOR FREEDOM

Despite the above-mentioned controversies, no significant cases of religious intolerance were reported in the period under review. Interreligious relations are good and a forum for interreligious dialogue has been held annually since 2016 bringing together representatives of different religions to promote mutual understanding and knowledge.¹⁸

The state of religious freedom in the Republic of San Marino is positive and there are no reasons to expect that this will change in the near future.