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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 40th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 9 November 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial and second, third and fourth periodic reports of San Marino (continued)
(E/C.12/SMR/4; E/C.12/SMR/Q/4 and Add.1 and Add.2; HRI/CORE/1/Add.119)

1. The CHAIRPERSON invited the members of the delegation of San Marino to resume their places at the Committee table and to reply to the questions raised at the previous meeting.
2. Mr. GASPERONI (San Marino) said that his Government attached great importance to the basic conventions of the International Labour Organization and complied scrupulously with them. The fact that San Marino had not ratified certain conventions did not mean that there was a problem; if a shortcoming was identified in domestic legislation, international instruments would be ratified in order to fill the gap. The workforce of the San Marinese Government was small, and the Government thoroughly examined each convention in turn to ensure that it could meet the obligations involved.
3. Ms. GASPERONI (San Marino) drew attention to an error in a table that had been circulated to Committee members with regard to labour conflicts and lost hours; the figure for 2002 was correct, whereas the figure for 2005 should read 250,000. That figure represented a peak caused by the process of renewing three-year collective bargaining agreements in the industry sector, where most workers were employed.
4. Cross-border workers constituted a major force in the private sector and many were employed in industry. A commission had been set up to examine problems in the renewal of collective bargaining agreements that were specific to such workers. Labour relations had been gradually stabilized in the agreements, including long-term contracts for cross-border workers, meaning that the differences between them and other workers had tended to diminish.
5. The only difference between fixed-term contracts and permanent contracts was the former's end date; medical insurance, social contributions and all other benefits and requirements were the same. Collective bargaining, and therefore remuneration tables, applied to all workers regardless of type of contract.
6. An external consultancy contract could be signed with independent persons employed to provide expertise. The only subordinate contract that existed in San Marino was a new type of labour contract introduced in 2005, which was a specific type of contract for specific cases with clear requirements laid down in legislation and which must be submitted to the labour inspectorate prior to signature for approval.
7. There was no minimum wage in San Marino. Collective bargaining covered almost all sectors, so that whenever an employee was recruited, he or she would sign a labour contract under a collective bargaining agreement which included a reference to pay. Wages ensured a

decent standard of living and were higher than in Italy. Over the previous five years, salary levels had increased through the collective bargaining process at a rate greater than inflation, outpacing the cost of living and guaranteeing that there was no loss in purchasing power.

8. On the question of wages in the private sector being higher than those in the public sector, she pointed out that the table that had been circulated to the Committee gave only the average wage levels. Since the public sector included more highly skilled jobs in the higher wage categories and the private sector included many blue-collar jobs for which wages were lower, the resultant average for the private sector was lower than that for the public sector.

9. Mr. ERCOLANI (San Marino), in response to a question on health-care rights and medical insurance, said that a 1985 Act had established that all residents of San Marino were entitled to free medical care, financed by the State. There was no poverty in San Marino, and most people had a regular income. Most people who had not contributed to financing the State budget, whether resident or non-resident, had to pay a monthly insurance premium for health coverage, the idea being that everyone should contribute to the costs of the health-care system.

10. There were two types of pension in San Marino. Firstly, workers could pay into a pension scheme during their working life and receive a pension on the basis of contributions to the fund at a minimum rate of 13 monthly payments of some €960. Alternatively, persons over the age of 65 years with no other source of income were entitled to a State pension of 13 monthly payments of some €460. The State pension was the absolute minimum paid, excluding any support provided by family members or the social benefits available to elderly people, such as those for persons living alone or with disabilities, which could double or triple the amount received.

11. The pension system had been reformed in 2005 as the former system had no longer been viable. The method of calculating pensions had been changed and the retirement age was due to increase from 60 years in 2007 by six months each year until it reached 65 years. Studies had shown that the reform would ensure the viability of the pension system until 2025 or 2030. The reform allowed for a gradual transition, with a series of mechanisms in place enabling corrective measures to be taken if necessary.

12. The issue of family allowances must be understood in the context of the reality of San Marino. Family allowances were contractual, with employers deducting certain amounts from workers which were then redistributed to workers with dependent children. A total of €9 million had been deducted in 2006, of which €500,000 had not been distributed. It would be difficult to increase family allowances without increasing employers' contributions, leading to a higher social cost for employers. It was important to remember that health care, education (including school books and transport) and other social services were free of charge, equating to indirect payments to families by the State. Extra payments were also made through labour contracts, in which an employee with dependants would receive higher pay.

13. Ms. BIGI (San Marino) said that, although San Marino had not yet carried out a study into discrimination against vulnerable and underprivileged persons in the labour market, as had been requested by the European Commission against Racism and Intolerance (ECRI), the last visit by ECRI to the country, on 8 October 2007, had given the Government the opportunity to take stock of the situation.

14. In response to a question on regulation of transport of goods, particularly with Italy, she said that San Marino had a customs agreement with the European Union according to which Italian customs officers could bring goods into San Marino.

15. On the subject of domestic violence, she said that San Marino had taken an active role in the 2006 campaign by the Council of Europe to raise awareness of violence against women. An official had been appointed to coordinate efforts at the national level. A process of collecting data had been initiated in December 2006, with the guarantee of anonymity and in conjunction with the police, the military and the health-care services. A free hotline had been set up on an experimental basis and was open for two hours each day. Data were being collected on a quarterly basis: as at 31 August 2007, there had been 60 cases of domestic violence against women. Around 20 per cent of cases included minors, who had either been involved in or had watched the attack, and the group most affected was that of women aged 30 to 40 years. The perpetrator of the violence had generally been a current or former spouse or partner. Around 32 per cent of cases involved psychological violence, 8 per cent persecutory violence and 8 per cent economic violence, while the rest involved physical violence. Sexual violence accounted for 5 per cent of cases. None of the cases involved homicide, fatality or irreversible injury. A bill was being drafted to target domestic violence based on the data collected.

16. Mr. FERRONI (San Marino) added that articles 233 to 235 of the Criminal Code established a series of offences against the family, covering violation of parental duties, abuse in the use of correction and discipline, and ill-treatment of family members or other members of the household.

17. Ms. BERNARDI (San Marino) said that the Criminal Code contained provisions against human trafficking, and imposed penalties for such activities ranging from 10 to 20 years of imprisonment and two to five years of suspension of political rights. In 2002 an Act prohibiting the sexual exploitation of minors had been adopted and incorporated in the Criminal Code, under which the exploitation of a child under 14 or of a child with a psychological disorder constituted aggravating circumstances. Similarly, the exploitation of a minor for use in pornography was prohibited, as was the provision of any work or publication of child pornography, regardless of whether it was sold or furnished free of charge. The 2002 Act prohibited any promotion or organization of travel with the purpose of engaging in the sexual exploitation of minors. All of the Act's provisions applied regardless of whether the activities in question took place in San Marino or elsewhere. The Act also provided for measures to assist victims of such behaviour.

18. Mr. SELVA (San Marino) said that the entire territory of San Marino was covered by a public clean-water distribution network. Because of its small size and high population density, the country was dependent on Italy for the provision of water. For that reason, efforts were made to restrain consumption, for example through conservation awareness campaigns and water price increases, and also to improve agricultural practices and the effectiveness of the infrastructure so as to reduce pollution and waste. Since 2006, a single State-owned, autonomous company had managed the water collection and distribution systems and had been responsible for testing water quality in accordance with specifications set by the Public Health Department. The latter also carried out spot checks of water quality.

19. Mr. GUALTIERI (San Marino) said that a copy of the Government's first national Health and Social Plan, which placed a new emphasis on prevention and had been adopted by the parliament in February 2006, would be made available to the Committee. The Plan established that health was a fundamental right for all. It set out the Government's specific objectives in the field of health while defining the means to attain them and establishing an assessment procedure to ascertain whether its objectives were met. Primary health care was considered crucial. The Government was transforming the current medical centres, which primarily provided services to the ill, into comprehensive health centres that would offer a wide range of services, thus adopting a more proactive approach.

20. Since 1985, the infection rate for HIV/AIDS had been relatively low. HIV/AIDS patients had access to free treatment both in San Marino and in certain Italian medical facilities thanks to special agreements with such institutions. The Health and Social Plan also addressed the problem of child obesity, which reportedly affected some 30 per cent of schoolchildren, for example by encouraging healthy eating habits and exercise. Specific programmes screened for breast cancer and cervical cancer. A women's health centre operated in the country, and the hospital had services dedicated to women's health problems and those of the elderly, for whom there were also visiting medical professionals, day residences and old-age homes. Of the 4,000 psychological consultations, most had been repeat visits by patients; only 1.8 per cent had been initial consultations.

21. The suicide rate was relatively low, with 12 cases in the five-year period from 1999 to 2003. Under the Health and Social Plan, forced institutionalization of patients suffering from psychological disorders was possible only as a last resort. The authorities first sought the consent of the person in question or the family, and only if absolutely necessary resorted to legal means to order that a patient be institutionalized.

22. Mr. DELLA BALDA (San Marino) said that housing subsidies were provided to vulnerable groups such as single parents, and that married couples received assistance for home acquisition and home improvement. Social housing programmes had been completely replaced by a programme under which the Government provided a subsidy for the purchase of cooperative housing. The subsidy amounted to one third of the price of a standard apartment. Renovation to eliminate architectural barriers for the disabled was encouraged by State funding, and also through the granting of loans by credit institutions.

23. Mr. GASPERONI (San Marino) said that, while the problem of poverty could be considered to be resolved in San Marino, there were still some situations of economic hardship, and the Government had adopted special measures to address them. In 2005, some €920,000 had been earmarked for such purposes, of which €734,500 had actually been disbursed, to provide financial assistance to families. Of the 258 families receiving such aid, 44 per cent had had an annual per capita income of under €5,000, and the rest had had per capita incomes under €9,500.

24. Ms. BERNARDI (San Marino) said that while the Act governing marriage and family matters was based on the notion that the family was founded on the concept of marriage, it also recognized single-parent families and families formed with unmarried couples. Under the law, unmarried adults had the right to adopt children.

25. Mr. KERDOUN said that the delegation should explain why primary and secondary education were provided free of charge, but university studies were subject to the payment of fees. Were the university fees charged in respect only of registration, or did students pay full tuition? How many universities were there in San Marino? Were they public or private? He also asked what kinds of university degrees were awarded, how extensive was the range of subjects taught, and whether doctoral degrees could be earned. Were there academic exchanges with other countries?

26. Ms. WILSON asked how many private schools existed in San Marino, and how the Government maintained oversight over them. Were their diplomas recognized by the State? Did universities in San Marino take part in student exchange programmes such as Erasmus? Did the universities teach courses in human rights?

27. Ms. BONOAN-DANDAN asked whether there was human rights education at primary and secondary level; if so, she requested information on the content of the curriculum for that subject, specifically whether it included economic, social and cultural rights. With regard to the participation of NGOs and civil society in the preparation of the State party report, she explained that question 2 of the list of issues referred to whether there had been consultation with civil society prior to the drafting process. She wished to know to what extent the general public was aware of the State party's report to the Committee and how the Committee's forthcoming concluding observations would be disseminated publicly.

28. Mr. MARCHÁN ROMERO asked what measures were in place in San Marino to ensure that the right to participate in cultural life was guaranteed in practice for everyone, including the most disadvantaged members of society. He requested clarification as to whether the provision contained in the Declaration on Citizens' Rights that arts, science and education would be free, referred to free education in the arts or to free entry to museums and other cultural facilities. He asked what percentage of the State budget went to finance culture. He invited the delegation to comment on the Government's position with regard to the participation of private companies in cultural life. Was there a trend towards the privatization of culture or did cultural activities remain the responsibility of the State?

29. Mr. ZHAN Daode, noting that, according to the report, training courses were free up until the age of 16, asked whether persons over the age of 16 must pay for such courses.

30. Ms. MELANDRI (San Marino) said that the right to education and training was guaranteed up to the age of 16, and textbooks and school transport were paid for by the State. About half of San Marinense students continued their studies in San Marino, while the other half studied at higher education institutions abroad. An Act on the right of access to higher education had been on the statute book since 1998, and the State made a contribution towards textbooks and other expenses, including transport. Continued State support depended on school results. The State guaranteed training up to the age of 18. University students received a means-tested contribution towards their study expenses, and there was also a merit-based grant.

31. San Marino had one university, established in 1985, with six departments, that was still a work in progress. The university had initially opted to award only higher-level degrees, but three years previously it had introduced the first two-year diploma courses. The university also offered

doctoral studies and continuing education courses. University courses were relatively expensive because of the small size of the university. In addition to San Marinese students, there was a significant number of Italian students at the university. At the doctorate level, in particular, there were students from all over Europe. As the university did not offer a full range of courses, some San Marinese students opted to study in Italy. There were no private universities in San Marino.

32. The University of San Marino had cooperative programmes in place with two Italian universities, and other universities elsewhere in Europe. There were some restrictions on the participation of San Marinese students in international exchange programmes. San Marinese students were not eligible to participate in the European Union Erasmus programme since San Marino was not a member State, but San Marinese students selected for Erasmus from Italian universities had received support and subsidies from the San Marinese Government. Through its membership of the Council of Europe, San Marino hoped to accede to the Bologna Process, which would permit exchanges of faculty members and students and would lead to the recognition of diplomas awarded by the University of San Marino.

33. Turning to human rights, she said that the University of San Marino wished to promote the values of human rights, and its goal was to provide citizens with the values needed for a sounder, more tolerant society. Human rights was a cross-disciplinary subject at the university. Human rights training courses and refresher courses had been offered to both faculty members and students at the university. For example, the education department had recently organized a summer-school course on the subject of education for citizenship. A summer theatre festival had been organized on citizenship, which had been open to all citizens, not just university students. The San Marinese State was founded on the principles of liberty and full respect for human rights.

34. Ms. GOBBI (San Marino) said that human rights projects were organized at primary, secondary and university level, addressing issues such as active citizenship, tolerance and sharing. Parents were also invited to participate in those activities and, in that way, it was hoped that schools could be used as a means of raising public awareness of human rights.

35. There were quite a number of State-subsidized cultural associations in San Marino working alongside cultural institutions, such as museums and cultural centres, which provided a forum for people to meet. In 2006, for example, €2 million had been spent on those subsidies, which accounted for about 1 per cent of the total State budget. As to the State's commitment to cultural infrastructure, such as museums, theatre and cinema, 3.7 per cent of the budget was allocated to cultural activities. The Government aimed to raise public awareness of the importance of culture, and there was free admission to many museums at certain times of year, for all San Marinese citizens and also for foreigners. The State also cooperated with the private sector, and public-private initiatives had been undertaken to promote cultural institutions.

36. The Government was committed to providing education for all, and attached great importance to ensuring an optimum student-teacher ratio, especially for children with disabilities or special needs or from disadvantaged backgrounds. There was a small number of students in San Marino who did not speak Italian, accounting for approximately 1 per cent at primary level and 3 per cent at secondary level. Special Italian-language classes were provided for speakers of other languages so that they could integrate fully and rapidly into San Marinese society. There were also Italian classes for adults and refresher courses.

37. Ms. MELANDRI (San Marino) said that there were no private schools in San Marino, although they were authorized under the law. Currently 100 per cent of San Marinense students attended State schools. Moreover, if private schools were to be established, they would have to meet the highest standards.

38. Mr. GASPERONI (San Marino), referring to the dissemination of the Committee's concluding observations, said that there would be a press release by the Ministry of Foreign Affairs, and the concluding observations would be posted on its website and then translated into Italian. With regard to the participation of civil society in the preparation of the report, he pointed out that the country's two trade unions had provided input on a number of sections.

39. The CHAIRPERSON thanked the delegation for its participation in the dialogue with the Committee, and commended the fact that such a large delegation had been sent, given the size of the country.

The public part of the meeting rose at 4.50 p.m.