

# **SAN MARINO 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The law prohibits religious discrimination and restrictions on religious freedom and provides for prosecution of religious hate crimes. Religious groups recognized by the government are eligible to receive contributions from income tax earmarked by individual taxpayers. The law requires Catholic religious instruction in all public schools but guarantees the right of nonparticipation without penalty, and it provides for alternative ethics classes for students who opt out of Catholic instruction. Catholic symbols remained common in government buildings. In a September referendum, voters overwhelmingly approved the legalization of abortion, but by year's end, parliament had not enacted an implementing law that would allow abortions to be performed. The Catholic Church strongly opposed legalization. The vicar general of the country's Catholic diocese, Monsignor Elio Ciccioni, expressed disappointment with the referendum result and said he hoped that the law, when passed, would not be as "permissive" as the text voters approved in the referendum.

There were no reports of significant societal actions affecting religious freedom.

During visits and telephone discussions, the U.S. Consul General in Florence, Italy, discussed the importance of religious tolerance in meetings with officials of the Ministry of Foreign Affairs.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 34,000 (midyear 2021). While it does not collect statistics on the size of religious groups, the local government continues to report the vast majority of the population is Roman Catholic. Other religious groups present include Jehovah's Witnesses, the Baha'i Faith, Islam, Judaism, Orthodox Christianity, and the Waldensian Church. According to a 2021 report on religious freedom in the country by Roman Catholic organization Aid to The Church in Need International, the population is 91.5 percent Christian, 5.6 percent agnostic, 1.9 percent atheist, and 1 percent other.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The Declaration of Citizen Rights and Fundamental Principles, which holds constitutional status, provides for freedom of religion and prohibits religious-based discrimination and restrictions on religious freedom, except for the protection of public order and general welfare. The criminal code provides for possible prison terms of six months to three years for discrimination, including that based on religion. Discrimination on the basis of religion may also constitute an aggravating circumstance for other types of crime. In these cases, penalties may be increased. The law prohibits hate crimes and speech that defiles religious groups, with violators subject to imprisonment for a period of three months to one year.

A concordat signed in 1992 between the government and the Holy See provides that Catholic chaplains provide spiritual assistance to hospital patients, retirement home residents, and prison inmates, and makes reference to the establishment of a fund to support humanitarian, welfare, and social activities.

The law forbids media professionals from generating and spreading information that may discriminate against someone on the basis of religion, among other factors. Anyone may report a case to the Authority for Information, a government body, which may take disciplinary action. The authority may issue sanctions for a violation of the code, ranging from a warning to censure, suspension, and/or removal from the professional register. These sanctions are in addition to the ones already provided in the criminal code.

The law allows taxpayers to allocate 0.3 percent of their income tax payments to the Catholic Church or to other religious or secular groups recognized as nonprofit organizations. Taxpayers need not be members of a group to earmark a contribution. Religious organizations must be legally recognized in the country to receive this benefit. To obtain legal recognition, religious organizations are required to submit evidence to the government of nonprofit activities and annual reports, which include their budget, and the procedure required by the association for its approval. The government may periodically audit and inspect organizations, require them to submit additional documentation, and investigate any complaints from organization members or third parties.

There are no private religious schools, and the law requires religious education in public schools. Public schools offer only Catholic religious instruction. A 2018 addendum to the concordat signed with the Holy See grants Catholic instruction equal status with other subjects taught in schools. The Catholic curriculum includes comparisons between Christianity and other religions and between the Bible and other religious texts. The Church selects the teachers, who may be

religious or lay personnel, and the state pays their salaries. The law guarantees students the right to opt out of religious instruction without penalty. Students (or their parents, if the student is younger than 18) must choose to opt out at the beginning of each school year. The law requires students in primary and secondary schools who choose not to attend Catholic religious instruction to attend an alternative “ethics, culture, and society” class.

The country is party to the International Covenant on Civil and Political Rights.

### **Government Practices**

According to the Ministry of Foreign Affairs, in 2020, the last year for which data were available, 183 nonprofit organizations (the same number as in the previous year) received contributions from taxpayers, in accordance with the law. The government did not indicate how many of these organizations were religious, but among them were the Catholic Church, a number of Catholic associations, the Orthodox Church, Jehovah’s Witnesses, and the Baha’i Faith.

Catholic symbols remained common in government buildings, including schools and courtrooms. Crucifixes continued to hang on courtroom and government office walls. The government continued to maintain a public meditation and prayer site in the capital for use by worshippers of any religion.

In a September referendum, approximately 77 percent of voters approved a resolution legalizing abortion during the first 12 weeks of pregnancy, or beyond that period if the woman’s life or her physical or psychological health is at risk. The referendum overturned an 1865 law that criminalized abortion. After the referendum, political parties began debating the content of the new abortion law but parliament had not taken up the draft law for consideration by year’s end. Until such a law is enacted, abortions may not be performed in the country. The Catholic vicar general, Monsignor Ciccioni said he was disappointed with the result of the referendum and hoped that the resulting law would be “less permissive” than the text voters approved in the referendum. The Catholic Church strongly opposed abortion legalization, and some members of the Catholic community campaigned actively against legalization in the run-up to the referendum, stating that approval could lead to indiscriminate abortions, including in the final phases of pregnancy.

### **Section III. Status of Societal Respect for Religious Freedom**

There were no reports of significant societal actions affecting religious freedom.

#### **Section IV. U.S. Government Policy and Engagement**

During telephone discussions and her official visits throughout the year, for example, in May and October, the U.S. Consul General in Florence discussed the importance of religious tolerance with officials at the Ministry of Foreign Affairs.