

SAN MARINO 2022 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.

In September, the Grand and General Council (parliament) passed a law legalizing abortion during the first 12 weeks of pregnancy, which reflected the country's vote on the issue in a 2021 referendum. The Catholic Church strongly opposed the new law for taking life and also criticized certain provisions of the law.

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

The U.S. Consulate General in Florence, Italy, oversees bilateral relations with San Marino. During visits and telephone discussions, the U.S. Consul General 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 34,682 (midyear 2022). While it does not collect statistics on the size of religious groups, the San Marino 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 the 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 deliver spiritual assistance to hospital patients, retirement home residents, and prison inmates. A fund established under the concordat in 1993 and drawn from citizens' voluntary income tax allocations supports the Catholic Church's humanitarian, welfare, and social activities as well as the maintenance of religious sites. 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 to the government evidence 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.

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, or removal from the professional register. These sanctions are in addition to the ones already provided in the criminal code.

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 Catholic Church selects the religious education 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 most recent data from the Ministry of Foreign Affairs, in 2021, 189 nonprofit organizations, six more than in 2020, 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.

Following a referendum in 2021 in which 77 percent of those voting approved legalizing abortion, in September, parliament passed a law legalizing abortion during the first 12 weeks of pregnancy after a medical consultation, and after 12 weeks under certain circumstances, including if serious anomalies of the fetus put the woman's health or life at risk. The local Catholic Church strongly criticized the new law, stating that "no law can make the taking of human life morally licit." The Catholic Church also said it opposed specific provisions of the law, such as the one removing the 12-week time limit on abortions in cases of physical anomalies or malformation of the fetus, and the one limiting conscientious objection for doctors who oppose abortion.

The government approved a decree in October that further specified the national Catholic curriculum by detailing the objectives of Catholic instruction for all grades, from kindergarten to senior high school.

In their inauguration speech in April, the newly elected Captains Regent (heads of state) Oscar Mina and Paolo Rondelli stressed the importance of the professional media avoiding any kind of discrimination, including religious discrimination, in its reporting.

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

The U.S. Consulate General in Florence, Italy, oversees bilateral relations with San Marino. During telephone discussions throughout the year and official visits in April and October, the Consul General discussed religious issues, including the Catholic Church's reaction to the new abortion law, with officials at the Ministry of Foreign Affairs.