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# SAN MARINO

## **LAW No. 59 of 8 July 1974 (published in the official gazette (Albo del Pubblico Palazzo) on 17 July 1974)**

### **Declaration of Citizens' Rights and of the fundamental principles of the San Marinese legal order**

We, Captains Regent

of the Republic of San Marino,

Promulgate and order the publication of the following law passed by the Great and General Council at its sitting of 8 July 1974.

The Great and General Council, conscious of the Republic's glorious traditions of freedom and democracy, having the firm intention of rejecting fascism and any totalitarian concept of the State, and with the aim of guaranteeing further civil, social and political progress for the people of San Marino, while ensuring the continuity of the State's affairs and of its fundamental institutions, adopts this declaration of citizens' rights and of the principles governing the organisation and exercise of constitutional powers.

#### Article 1

The Republic of San Marino recognises the general principles of international law as an integral part of its own legal order, rejects war as a means of settling disputes between States, subscribes to the international conventions on human rights and freedoms and reasserts the right of political asylum.

#### Article 2

The sovereignty of the Republic shall be vested in the people, who shall exercise it through statutory forms of representative democracy. The Arengo (electoral assembly) and other institutions of direct democracy shall be governed by law.

#### Article 3

The Captains Regent shall hold office as Heads of State on a collegial basis.

The Great and General Council shall have responsibility for political policy and shall exercise legislative power.

The Congress of State, which shall be politically answerable to the Great and General Council, shall exercise executive power. In cases of emergency, the Captains Regent may, after seeking the opinion of the Congress of State, adopt decrees having force of law, which shall be submitted to the Great and General Council for ratification within three months, failing which they shall become void.

The organs of judicial power established by law shall be guaranteed full independence in the exercise of their functions.

The authorities of the State shall operate with due regard for each other's independence and competence.

#### Article 4

Everyone shall be equal before the law, without any distinction as to personal, economic, social, political or religious status.

All citizens shall be eligible for public or elected office, according to the rules laid down by law.

#### Article 5

Human rights shall be inviolable.

#### Article 6

The Republic recognises civil and political liberties for all. The following shall be guaranteed, in particular: liberty of person and sanctity of the home, freedom of residence and of emigration, freedom of association, freedom of expression, freedom of conscience and religion. Privacy of communications, in whatever form, shall be safeguarded. The exercise of such rights may be limited by law only in exceptional circumstances and on serious grounds of public order or public interest.

There shall be artistic, scientific and educational freedom. The law shall guarantee citizens the right to study freely and free of charge.

#### Article 7

Suffrage shall be universal, secret and direct.

All citizens of voting age who satisfy the conditions prescribed by law shall have the right to vote and to stand for election.

#### Article 8

All citizens shall be entitled to form and join political parties and trade unions in a democratic manner.

#### Article 9

Each citizen shall have the right and the duty to work. The law shall guarantee workers fair remuneration, leave, weekly rest and the right to strike.

All citizens shall be entitled to social security.

#### Article 10

The rights of ownership and of private enterprise shall be guaranteed. The law may impose restrictions on these rights in the public interest.

Expropriation of private property shall be permitted in the forms prescribed by law for reasons of public interest and on payment of appropriate compensation.

The Republic shall safeguard the historical and artistic heritage and the natural environment.

#### Article 11

In the fields of study, work, sports and leisure, the Republic shall promote the development of young people's personalities and their preparation for the free, responsible exercise of fundamental rights.

#### Article 12

The Republic shall safeguard the institution of the family, having its basis in the spouses' moral and legal equality.

All mothers shall be entitled to the community's assistance and protection.

The law shall guarantee children born out of wedlock full spiritual, legal and social protection, affording them the same treatment as legitimate children.

#### Article 13

All citizens shall owe allegiance to the laws and institutions of the Republic and shall have a duty to participate in its defence and to contribute to public expenditure as they are able.

No form of financial or personal contribution may be imposed other than by law.

#### Article 14

Public authorities shall perform their tasks in accordance with the law and with impartiality and efficiency.

It shall be compulsory by law to give grounds for administrative decisions and to discuss measures with the persons concerned.

Public officials shall be liable for breaches of citizens' rights, in the ways and within the limits laid down by law.

#### Article 15

Judicial protection of individual rights and legitimate interests shall be guaranteed in the ordinary and administrative courts.

The right to a fair hearing shall be protected at all stages of judicial procedure.

The law shall ensure the speediness, cost-effectiveness and independence of legal proceedings. Save for statutory exceptions, judges cannot be San Marinese citizens.

Penalties, which shall be humane and rehabilitative in nature, may be imposed solely by a court established by law and only on the basis of legislation without retrospective effect.

A person charged with an offence shall not be considered guilty until finally convicted.

Article 16

The provisions of this declaration may be amended by the Great and General Council solely with a majority of two-thirds of its members.

Judges shall be required to abide by the principles set forth in this declaration when interpreting and applying the law. In cases where the lawfulness of legislation is in doubt or is disputed, a judge may refer the matter to the Great and General Council, which shall give its decision after seeking expert opinions.