

Reference: C.N.146.2020.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
NEW YORK, 16 DECEMBER 1966

SAN MARINO: NOTIFICATION UNDER ARTICLE 4 (3)

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 23 April 2020.

(Original: English)

“Ref. no. 35303/2020

The Ministry of Foreign Affairs of the Republic of San Marino presents its compliments to the Honourable Secretary-General of the United Nations and, in consideration of the conditions of health necessity and urgency due to the spread of COVID-19 (Coronavirus), informs that the Republic of San Marino has declared a state of public emergency with the following Decree-Laws:

- Decree-Law no. 43 of 5 March 2020 entitled “Urgent measures to reduce the spread of COVID- 19 (Coronavirus)”;
- Decree-Law no. 44 of 8 March 2020 entitled “Urgent measures to reduce the spread of COVID- 19 (Coronavirus)”;
- Decree-Law no. 51 of 14 March 2020 entitled “Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)”;
- Decree-Law no. 52 of 20 March 2020 entitled “Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)”;
- Decree-Law no. 55 of 29 March 2020 entitled “Further measures related to the COVID-19 (Coronavirus) epidemiological emergency”;
- Decree-Law no. 56 of 29 March 2020 entitled “Provisions on the use of teleconference/videoconference in the shareholders’ meetings of legal persons”;
- Decree-Law no. 59 of 4 April 2020 entitled “Extension of Decree-Law no. 52 of 20 March 2020 entitled “Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)” and further measures to manage the emergency”;
- Decree-Law no. 61 of 10 April 2020 entitled “Amendments to Decree-Law no. 52 of 20 March 2020 entitled “Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)” and subsequent amendments”;
- Decree-Law no. 62 of 17 April 2020 entitled “Urgent measures to reduce and manage the spread of COVID-19 (Coronavirus)”.

The Ministry of Foreign Affairs of the Republic of San Marino informs the Honourable Secretary-General of the United Nations that the measures adopted involve derogations from the obligations laid down in the International Covenant on Civil and Political Rights; in particular, such measures entail derogations from the freedom of movement of persons (Article 12 of the Covenant), the freedom of assembly (Article 21 of the Covenant) and the freedom of association (Article 22 of the Covenant). The specific measures provided for in the above-mentioned Decree-Laws to counter and reduce the spread of COVID-19 (Coronavirus) in the Republic of San Marino derogate from said rights and freedoms laid down in the Covenant since they envisage that:

- Mass gatherings shall be prohibited in parks, squares and public gardens;
- Natural persons shall avoid entering and leaving the territory of the Republic and moving within such territory, except for proven work needs, situations of necessity or health reasons or to return to their domicile, home or residence;
- Anyone showing symptoms of respiratory infection and fever (over 37.50 C) shall be obliged to stay at home and limit social contacts as much as possible and shall contact the appropriate telephone number established at the State Hospital;
- No persons subject to quarantine or positive for the virus shall be allowed to move from their home or residence;
- Sporting events and competitions of any level and discipline organised in any place, whether public or private, both on the territory and abroad shall be suspended; any sport and/or motor activity, even non-competitive, in a public place shall also be suspended;
- All organised events, congresses, meetings, assemblies, as well as events in public or private places, including social, cultural, recreational, sporting and religious events and fairs, even if held in closed places but open to the public, shall be suspended; worth specifying is that, in all possible cases, remote meetings shall be held, with particular reference to health and socio- health bodies, public utility services and coordination groups in the context of the COVID-19 emergency, as well as in all shareholders' meetings, meetings of the boards of directors and of managers of all legal persons and entities;
- Civil and religious ceremonies shall be suspended, including funeral ceremonies, without prejudice to the minimum service for burials in accordance with the instructions given for essential public services.

It is hereby declared that, pursuant to Article 4, paragraph 1 of the Covenant, the measures taken by the Republic of San Marino are consistent with the State's other obligations under international law and do not involve a violation of the prohibition of discrimination.

In addition, it is hereby declared that, in accordance with Article 4, paragraph 2 of the International Covenant on Civil and Political Rights, the measures have been taken in full compliance with the rights and obligations set out in Articles 6, 7, 8 (paragraphs 1 and 2) and Articles 11, 15, 16 and 18 of the Covenant.

As provided for by Decree-Law no. 62 of 17 April 2020, such measures shall remain in force until midnight of 4 May 2020. In accordance with Article 4, paragraph 3 of the International Covenant on Civil and Political Rights, the Ministry of Foreign Affairs of the Republic of San Marino shall keep the Honourable Secretary-General of the United Nations informed of any developments and shall send an appropriate notification when the measures have ceased to operate and all provisions of the International Covenant on Civil and Political Rights are again being fully executed.

The Ministry of Foreign Affairs of the Republic of San Marino avails itself of this opportunity to reiterate San Marino's deep commitment to the protection of Human Rights and Fundamental Freedoms and therefore to the obligations under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The Ministry of Foreign Affairs of the Republic of San Marino avails itself of this opportunity to renew to the Honourable Secretary-General of the United Nations the assurances of its highest consideration.

San Marino, 21 April 2020”

29 April 2020

A handwritten signature in black ink, consisting of stylized letters that appear to be 'DN' with a horizontal line underneath.