



REPUBBLICA DI SAN MARINO

We the Captains Regent of the Most Serene Republic of San Marino

Having regard to Article 4 of Constitutional Law no. 185/2005 and to Article 6 of Qualified Law no. 186/2005;

Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 16 July 2021:

LAW no. 136 of 19 July 2021

PROTECTION OF PEOPLE WITH SENSORY DISABILITIES AND INTERVENTIONS TO REMOVE BARRIERS TO COMMUNICATION

Art. 1

(Principles and definitions)

1. In order to protect people with sensory disabilities and their fundamental rights and freedoms, the Republic of San Marino shall promote the removal of the barriers to understanding and communication, which limit the full development of individuals and the effective participation in community life. It shall guarantee those forms of support that allow everyone to fully live their life in its multiple aspects. It shall work proactively on the environmental factors, both individual and social, so that they may have a positive impact on the improvement of the person, human residual capacities and potential.

2. For the purposes of this law, "sensory disabilities" shall mean deficits, incapacitating diseases or significant visual or auditory impairments such as:

- mutism;
- blindness or low vision with visual acuity of no more than 3/10 in both eyes;
- deafness or hypoacusis with a hearing loss of more than 25 decibels in both ears;
- deafblindness characterised by the coexistence of both visual and auditory sensory disabilities.

3. For the purposes of this law, deficits in verbal and non-verbal communication resulting from, for example, syndromes, autism spectrum disorders and the like shall also be considered "sensory disabilities".

Art. 2

(Protection of freedom of expression)

1. Without prejudice to the teaching of the spoken and written Italian language, the Republic of San Marino shall recognise, promote and protect the Italian sign language (LIS), with a view to bilingualism between the spoken and written Italian language and the LIS, and the tactile LIS. The oralist method and the bimodal method shall also be recognised, promoted and protected.

2. The Republic of San Marino shall promote and protect different communication systems, including the Braille system, the Malossi method, gestural, object, behavioural and pictographic communication, dactylogy, the Tadoma method as well as augmentative and alternative communication modalities.

3. The Republic of San Marino shall promote the dissemination and accessibility of all technological tools, services and resources aimed at ensuring social inclusion and access to information through subtitling systems, audio description, LIS and tactile LIS interpreting services, Braille system and any other action aimed at achieving full autonomy, inclusion and human development, while respecting the choices of individuals and their families, pursuant to Article 3.

Art. 3

(Freedom of choice and non-discrimination)

1. The right of persons with sensory disabilities and their families or guardians to freely choose the communication methods, education and aids to achieve the person's full development and social inclusion shall be recognised. The Republic of San Marino shall also provide the necessary guarantees to have free access to the teaching methods and communication systems referred to in Article 2, paragraphs 1 and 2 and to use them in all public and private contexts.

2. No person shall be discriminated against or treated unequally, either directly or indirectly, in the exercise of his or her right to opt for the use of means of communication support referred to in paragraph 1 in any context, whether public or private.

Art. 4

(Prevention and early identification of sensory disabilities and tools to mitigate or correct auditory and visual deficits)

1. The use of appropriate tools to prevent and identify sensory disabilities at an early stage shall be promoted, such as, in particular, preventive tests during pregnancy, universal neonatal screening, paediatric audiological and ophthalmological diagnosis and, more generally, any early diagnosis, habilitation and rehabilitation intervention for all minors with congenital or acquired sensory disabilities, with a view to appropriate early auditory and visual fitting of prostheses, interventions of cochlear implantology and speech therapy.

2. From the diagnosis of the disability, correct, clear and step-by-step health information shall be guaranteed, so as to enable a global understanding of the event that causes the disability, the possibilities for recovery, and accompany people with disabilities, their families or guardians in a constructive way.

3. Psychological, pedagogical, educational and inclusive support interventions shall be promoted for all minors with congenital or acquired sensory disabilities, as well as information and psychological support interventions for their families, to be initiated when the diagnosis is communicated.

4. The Minors' Service, together with the Paediatrics Unit, shall take care of the child and the family at an early stage, through appropriate interventions with the help, if necessary, of typhological consultants and experts in sensory disabilities. The Minors' Service shall also monitor families composed of parents with sensory disabilities in order to check the development of their children's communication skills.

5. Rehabilitation and psychological support shall also be promoted in cases of sensory disabilities arising during adulthood as a result of traumas, injuries or age-related disabilities.
6. Access to technical tools and solutions, hardware and software, shall be promoted in order to enable people with sensory disabilities to overcome or minimise their disadvantages.
7. Scientific and technological research on sensory disabilities in the fields of language, pedagogy, education, psychology and neuropsychology shall be promoted.

Art. 5

(Accessibility to communication, information, public and private places and spaces and relations with the public administration)

1. The universal accessibility of spaces, processes, goods, products and services, including objects, tools, utensils and devices, shall be promoted, so as to be understandable, usable and accessible for all persons under safe conditions and as autonomously and naturally as possible.
2. The accessibility of buildings and their surroundings shall be promoted, in particular by removing barriers to understanding and communication and the adaptation of equipment and tools. To this end, the implementation in buildings of construction and technological solutions that facilitate access to and use of indoor and outdoor spaces, as well as of automation and domotic systems, shall be encouraged.
3. In order to provide full access to information and communication, within the framework of the available resources, the Overall Public Sector shall take the necessary measures to ensure that health information and prevention campaigns, are accessible to persons with sensory disabilities, in particular institutional and health messages, internet pages and portals of public interest or financed with public funds. This shall be achieved by activating one or more of the communication systems referred to in Article 2.
4. Access to health facilities and health and information, first aid and care services shall be promoted through LIS interpreting services, the Braille system as well as through the use of all communication and linguistic channels and technologies to facilitate access to communication and information.
5. Within the framework of available resources, the congresses, study days, symposia, seminars and training courses promoted or sponsored by the public administration shall be accessible to people with sensory disabilities.
6. In the relations with the Overall Public Sector, the use of any accessible and inclusive communication method referred to in Article 2 or any accessible and inclusive technical or information technology tool, including smartphones, tablets and similar devices, shall be promoted. The provision of LIS interpretation, audio description and Braille services and the availability of all communication channels and tools to facilitate the full use of the services and resources offered to all citizens, shall be encouraged.
7. Access by people with sensory disabilities to all emergency services through the use of new technologies, including mobile applications, shall be promoted. Access to messages addressed to citizens, concerning possible declarations of a state of emergency and of alert for exceptional events, shall also be promoted.
8. In order to ensure that people with sensory disabilities have effective access to justice both directly and indirectly, including as witnesses, at all stages of judicial proceedings and within the prison administration, the Congress of State shall be mandated to follow the necessary procedure for the creation, at the Single Court, of a specific register for LIS legal interpreters as well as to provide, where necessary, the transcription of court documents in Braille. Training activities shall also be promoted for those working in the field of the administration of justice, the police forces and prison staff. Such measures shall be included in the delegated decree on access to justice, freedom and safety of the person referred to in Article 23, paragraph 3, of Law no. 28 of 10 March 2015.

Art. 6
(School inclusion)

1. Within the framework of the principles and purposes set forth in Articles 1 and 2 of Law no. 28 of 10 March 2015, the State shall guarantee services aimed at the support and inclusion of pupils with sensory disabilities, including the presence, depending on the type of disability and the needs of each pupil, of an autonomy and communication assistant who shall operate through an Individualised Educational Plan. The Congress of State shall be mandated to issue, within ninety days of the entry into force of this law, a special delegated decree regulating the position of the autonomy and communication assistant and defining its requirements and functions.
2. The Department of Education shall promote LIS and Braille training in schools, as well as specific training courses for the teaching staff.

Art. 7
(University and post-university education)

1. Access to university and post-university education shall be promoted through all tools and services aimed at removing barriers to understanding and communication, including by providing inclusive measures and tools to ensure equal opportunities and autonomy, according to personal needs.
2. With due respect for university autonomy, the teaching and use by students of the LIS and of Braille system, as well as of techniques, methods and resources, including IT, suitable for facilitating communication by and with people with sensory disabilities shall be promoted, both within university and post university education.
3. In order to have duly qualified professionals for the teaching of the LIS, tactile LIS and the Braille system and for the position of autonomy and communication assistant and LIS and tactile LIS interpreter, the University of San Marino shall offer specific training courses.

Art. 8
(Work inclusion and in-service training)

1. In order to achieve full social inclusion in the workplace, the Republic of San Marino shall promote equal opportunities and accessibility to spaces, workstations, resources, training and refresher courses, interviews, meetings, interactions with management and colleagues and to everything related to working life, through the use of the LIS, the Braille system and, in general, the communication systems referred to in Article 2, appropriate tools and aids as well as new technologies, including applications, chats, e-mails and videoconferences.
2. For the purposes of paragraph 1, the Minister of Labour shall be mandated to draw up, within one hundred and eighty days of the entry into force of this Law, guidelines for the work inclusion of persons with sensory disabilities.

Art. 9
(Art, culture, leisure)

1. The full accessibility of San Marino's historical, artistic and cultural heritage, as well as accessible tourism and the participation in cultural, sports and recreational events shall be encouraged through the communication systems referred to in Article 2.
2. For the purposes of paragraph 1, the Cultural Institutes Organisational Unit shall promote initiatives aimed at increasing the knowledge and accessibility of San Marino cultural heritage for

people with sensory disabilities, such as staff training, guided tours with LIS interpreting, Braille system, video-guides, accessible explanatory panels, technological applications and any other suitable way to improve the accessibility of sports, culture and leisure activities.

Art. 10
(Political participation)

1. To ensure the full accessibility of legislation, information campaigns, election fora, programmes and calendars concerning electoral events to persons with sensory disabilities, measures shall be promoted by transmitting communications and information through the LIS, the Braille system, subtitling systems and other means of communication support.

Art. 11
(Monitoring of the conditions of people with sensory disabilities)

1. In the performance of the functions referred to in paragraph 1 of Article 5 of Law no. 28 of 10 March 2015, and in any case within the limits of the resources available under the legislation in force, the CSD-ONU (San Marino Commission for the Implementation of the UN Convention), shall monitor the conditions of persons with sensory disabilities and prepare a report on the state of implementation of this Law to be sent to the IV Permanent Parliamentary Commission by 31 January of each year.

2. The IT, Technology, Data and Statistics Office together with the Health and Socio-Health Authority shall implement the statistical tools for measuring disability taking into account the ICF-International Classification of Functioning, Disability and Health by the World Health Organisation.

Art.12
(Subsidised loans for housing interventions)

1. The persons covered by this law, may access the benefits of Article 154 of Law no. 140 of 14 December 2017 for subsidised loans aimed at removing architectural barriers, in order to adapt residential buildings with technologies, devices, tools and works aimed at the removal of understanding and communication barriers, including hardware, software, automation and domotic systems.

Art. 13
(Implementing provisions)

1. The Congress of State shall be authorised to issue appropriate delegated decrees to implement the provisions of this Law pursuant to Article 23 of Law no. 28 of 10 March 2015, upon proposal of the Minister of Health, Social Security and Equal Opportunities, in consultation with the other Ministers concerned for the matters falling within their respective competences and after having consulted the University, the most significant associations for the protection and promotion of the rights of persons with sensory disabilities at a national level, as well as the professional associations of the sector and the CSD-ONU.

Art. 14
(Entry into force)

1. This Law shall enter into force on the fifth day following that of its legal publication.

Done at Our Residence, on 19 July 2021/1720 since the Foundation of the Republic.

THE CAPTAINS REGENT
Gian Carlo Venturini – Marco Nicolini

THE MINISTER
OF INTERNAL AFFAIRS
Elena Tonnini