



DECLARATION OF THE CITIZENS' RIGHTS AND FUNDAMENTAL PRINCIPLES OF SAN MARINO LEGAL SYSTEM

Consolidated text of Law no. 59 of 8 July 1974 with the amendments introduced by Law no. 95 of 19 September 2000, Law no. 36 of 26 February 2002, Constitutional Law no. 61 of 28 April 2005, Constitutional Review Law no. 182 of 14 December 2005, Constitutional Law no. 1 of 22 July 2011, Constitutional Review Law no. 1 of 28 March 2019 and Constitutional Law no. 2 of 26 September 2025

(updated as of 26 September 2025)

LAWS MENTIONED IN THE CONSOLIDATED TEXT

- [Law no. 59 of 8 July 1974](#)
- [Law no. 95 of 19 September 2000](#)
- [Law no. 36 of 26 February 2002](#)
- [Law no. 26 of 25 February 2004](#)
- [Constitutional Law no. 61 of 28 April 2005](#)
- [Constitutional Review Law no. 182 of 14 December 2005](#)
- [Constitutional Law no. 1 of 22 July 2011](#)
- [Constitutional Review Law no. 1 of 28 March 2019](#)
- [Regency Decree no. 93 of 4 June 2019](#)
- [Constitutional Law no. 2 of 26 September 2025](#)



Preamble¹

The Great and General Council, aware of the Republic's glorious traditions of freedom and democracy, with the firm intention of rejecting any totalitarian conception of the State and in order to guarantee to San Marino people further civil, social and political progress in the continuity of the State and its fundamental institutions, hereby adopts this Declaration of the citizens' rights and of the principles on which the organisation and action of the constitutional powers are based.

Art. 1²

The Republic of San Marino shall adopt generally recognised rules of international law as an integral part of its legal system and shall conform its acts and conduct thereto. It shall comply with the provisions set forth in international declarations on human rights and fundamental freedoms.

It shall reaffirm the right to political asylum. It shall reject war as a means of settling disputes between States and shall adhere, in its international policy, to the principles enshrined in the Charter of the United Nations.

San Marino legal system shall recognise, guarantee and enforce the rights and fundamental freedoms set forth by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

¹ Original text (Law no. 59/1974):

The Great and General Council, aware of the Republic's glorious traditions of freedom and democracy, with the firm intention of rejecting Fascism and any totalitarian conception of the State and in order to guarantee to San Marino people further civil, social and political progress in the continuity of the State and its fundamental institutions, hereby adopts this Declaration of the citizens' rights and of the principles on which the organisation and action of the constitutional powers are based.

Legislative amendments:

Law no. 36 of 26 February 2002, Article 1:

The preamble to Law no. 59 of 8 July 1974 shall be replaced by the following:

"The Great and General Council, aware of the Republic's glorious traditions of freedom and democracy, with the firm intention of rejecting any totalitarian conception of the State and in order to guarantee to San Marino people further civil, social and political progress in the continuity of the State and its fundamental institutions, hereby adopts this Declaration of the citizens' rights and of the principles on which the organisation and action of the constitutional powers are based."

² Original text (Law no. 59/1974):

The Republic of San Marino shall adopt generally recognised rules of international law as an integral part of its legal system, shall reject war as a means of settling disputes between States, shall adhere to international Conventions on human rights and freedoms and shall reaffirm the right to political asylum.

Legislative amendments:

Law no. 36 of 26 February 2002, Article 2:

Article 1 of Law no. 59 of 8 July 1974 shall be replaced by the following:

"The Republic of San Marino shall adopt generally recognised rules of international law as an integral part of its legal system and shall conform its acts and conduct thereto. It shall comply with the provisions set forth in international declarations on human rights and fundamental freedoms.

It shall reaffirm the right to political asylum. It shall reject war as a means of settling disputes between States and shall adhere, in its international policy, to the principles enshrined in the Charter of the United Nations.

San Marino legal system shall recognise, guarantee and enforce the rights and fundamental freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Regularly signed and enforced international agreements on the protection of human rights and freedoms shall prevail over domestic legislation in case of conflict."



Regularly signed and enforced international agreements on the protection of human rights and freedoms shall prevail over domestic legislation in case of conflict.

Art. 2₃

The Republic's sovereignty shall be vested in the people, who shall exercise it through the statutory forms of representative democracy. The law shall regulate the Arengo and the other institutions of direct democracy.

Art. 2-bis₄

(Official flag, coat of arms and anthem)

1. The flag of the Republic of San Marino bears the official coat of arms in the middle of two horizontal bands: the upper one white and the lower one light blue.
2. The official coat of arms of the Republic is surmounted by a closed crown, which is a symbol of sovereignty. In the light blue shield, the black contour silver towers with windows and merlons stand on three green mounts and have a silver ostrich feather on their top. The shield is adorned with a green laurel branch and a green oak branch, which have golden fruits and intersect under the lower shield point. On the silver band, the motto LIBERTAS stands out in black capital letters.
3. The Republic's official anthem is entitled "Land of Freedom" and its lyrics, technical specifications and musical arrangements are laid down in a specific ordinary Law.

₃ Original text (Law no. 59/1974):

The Republic's sovereignty shall be vested in the people, who shall exercise it through the statutory forms of representative democracy. The law shall regulate the Arengo and the other institutions of direct democracy.

₄ Original text (Constitutional Law no. 1/2011):

Art. 1

The following Article shall be added to Law no. 59 of 8 July 1974:

"Art. 2 bis

(Flag and coat of arms)

The flag of the Republic of San Marino bears the official coat of arms in the middle of two horizontal bands: the upper one white and the lower one light blue.

The official coat of arms of the Republic is surmounted by a closed crown, which is a symbol of sovereignty.

In the light blue shield, the black contour silver towers with windows and merlons stand on three green mounts and have a silver ostrich feather on their top. The shield is adorned with a green laurel branch and a green oak branch, which have golden fruits and intersect under the lower shield point. On the silver band, the motto LIBERTAS stands out in black capital letters."

Legislative amendments:

Constitutional Law no. 2 of 26 September 2025, Article 1:

1. Article 2-bis of Law no. 59 of 8 July 1974 shall be replaced by the following:

"Art. 2-bis

(Official flag, coat of arms and anthem)

1. The flag of the Republic of San Marino bears the official coat of arms in the middle of two horizontal bands: the upper one white and the lower one light blue.
2. The official coat of arms of the Republic is surmounted by a closed crown, which is a symbol of sovereignty. In the light blue shield, the black contour silver towers with windows and merlons stand on three green mounts and have a silver ostrich feather on their top. The shield is adorned with a green laurel branch and a green oak branch, which have golden fruits and intersect under the lower shield point. On the silver band, the motto LIBERTAS stands out in black capital letters.
3. The Republic's official anthem is entitled "Land of Freedom" and its lyrics, technical specifications and musical arrangements are laid down in a specific ordinary Law."



Art. 3⁵

⁵ Original text (Law no. 59/1974):

The Captains Regent shall jointly perform the functions of Heads of State.

The Great and General Council shall direct the national policy and shall be vested with the legislative power.

The Congress of State, politically responsible before the Great and General Council, shall act as Government. In urgent cases, the Captains Regent, after hearing the opinion of the Congress of State, may adopt decrees having force of law which shall be submitted to the Great and General Council for ratification within three months, under pain of nullity.

The bodies of the judiciary, established by law, shall be guaranteed full independence in the fulfilment of their functions.

The powers of the State shall act by mutually respecting their autonomy and competence.

Legislative amendments:

Law no. 36 of 26 February 2002, Article 3:

Article 3 of Law no. 59 of 8 July 1974 shall be replaced by the following:

The Office of Head of State shall be held by two Captains Regent based on the principle of collegiality.

The Captains Regent, appointed by the Great and General Council, shall represent the State in its unity.

They shall be the supreme guarantors of the constitutional order.

They shall preside over the Great and General Council, which they shall represent in its entirety.

They shall preside over other bodies according to law provisions and in compliance with the separation of powers.

In case of urgency, after hearing the opinion of the Congress of State, they shall issue Regency Decrees, which shall be ratified by the Great and General Council within three months, under penalty of forfeiture.

The Captains Regent shall be regularly informed by the Congress of State of any matter concerning the State.

The constitutional law shall establish the guarantees and responsibilities of the Captains Regent, on whom it may also confer additional powers. The appointment, organisation, functioning and incompatibilities of the Captains Regent shall be governed by a law passed by a qualified majority.

The Great and General Council, made up of 60 members, shall exercise the legislative power, provide policy direction and perform control functions.

The electoral law, adopted by an absolute majority, shall regulate the election, the causes of ineligibility and disqualification, as well as the incompatibilities of the Council's members. A law passed by a qualified majority shall regulate the responsibilities and guarantees of the Council's members.

The Council's members shall be elected by universal and direct suffrage for the duration of the legislature. Their mandate shall end with the dissolution of the Council or for the causes referred to in the preceding paragraph.

The internal organisation and the functions of the Great and General Council shall be governed by the Council's Rules of Procedure, adopted by an absolute majority of its members. Such Rules of Procedure shall provide for the division of the Council into Commissions. The Rules of Procedure shall also govern the role of the Council's Groups and Representations.

The Congress of State shall be vested with the executive power, according to the principles of collegiality and accountability. It shall be politically responsible, both collegially and individually, to the Great and General Council on the basis of a constitutional law.

The members of the Congress of State shall be appointed by the Great and General Council. The constitutional law shall specify and regulate their powers. A law passed by a qualified majority shall regulate the organisation and functioning of the Congress of State, shall specify eligibility requirements, appointment procedures, incompatibilities, causes for disqualification of individual members and of the Congress of State as a whole, and shall govern the cases in which it can only deal with ordinary matters.

The Congress of State may issue legislative acts in the form of regulations, which shall be subject to law provisions. It shall issue reasoned administrative decisions in conformity with the law.

The transparency and publicity of the acts of the Congress of State shall be guaranteed.

The Congress of State shall direct the public administration, while respecting its autonomy.

The public administration shall serve the general interest and shall be subject to the law and to the principles set out in Article 14 below.

The bodies of the judicial power shall be established by constitutional law, which shall also regulate their responsibilities. They shall be subject exclusively to the law. They shall be guaranteed full independence and freedom of judgement in the fulfilment of their functions.

All judicial functions shall be exercised by the bodies belonging to the judicial system.

A law passed by a qualified majority shall regulate the recruitment, appointment and incompatibilities of magistrates, as well as the organisation and functioning of the judiciary.

State bodies shall act by mutually respecting their autonomy and competence.



The Office of Head of State shall be held by two Captains Regent based on the principle of collegiality.

The Captains Regent, appointed by the Great and General Council, shall represent the State in its unity. They shall be the supreme guarantors of the constitutional order.

They shall preside over the Great and General Council, which they shall represent in its entirety.

They shall preside over other bodies according to law provisions and in compliance with the separation of powers.

The Captains Regent shall be regularly informed by the Congress of State of any matter concerning the State.

The constitutional law shall establish the guarantees and responsibilities of the Captains Regent, on whom it may also confer additional powers. The appointment, organisation, functioning and incompatibilities of the Captains Regent shall be governed by a law passed by a qualified majority.

The Great and General Council, made up of 60 members, shall exercise the legislative power, provide policy direction and perform control functions.

The electoral law, adopted by an absolute majority, shall regulate the election, the causes of ineligibility and disqualification, as well as the incompatibilities of the Council's members. A law passed by a qualified majority shall regulate the responsibilities and guarantees of the Council's members.

The Council's members shall be elected by universal and direct suffrage for the duration of the legislature. Their mandate shall end with the dissolution of the Council or for the causes referred to in the preceding paragraph.

The internal organisation and the functions of the Great and General Council shall be governed by the Council's Rules of Procedure, adopted by an absolute majority of its members. Such Rules of Procedure shall provide for the division of the Council into Commissions. The Rules of Procedure shall also govern the role of the Council's Groups and Representations.

The Congress of State shall be vested with the executive power, according to the principles of collegiality and accountability. It shall be politically responsible, both collegially and individually, to the Great and General Council on the basis of a constitutional law.

The members of the Congress of State shall be appointed by the Great and General Council. The constitutional law shall specify and regulate their powers. A law passed by a qualified majority shall regulate the organisation and functioning of the Congress of State, shall specify eligibility requirements, appointment procedures, incompatibilities, causes for disqualification of individual members and of the Congress of State as a whole, and shall govern the cases in which it can only deal with ordinary matters.

The Congress of State may issue legislative acts in the form of regulations, which shall be subject to law provisions. It shall issue reasoned administrative decisions in conformity with the law.

The transparency and publicity of the acts of the Congress of State shall be guaranteed.

The Congress of State shall direct the public administration, while respecting its autonomy. The public administration shall serve the general interest and shall be subject to the law and to the principles set out in Article 14 below.

Constitutional Review Law no. 182 of 14 December 2005, Article 1:

The fourth paragraph of Article 3 of Law no. 59 of 8 July 1974 (Declaration of the Citizens' Rights and Fundamental Principles of San Marino Legal System), as amended by Article 3 of Law no. 36 of 26 February 2002, shall be repealed.



The bodies of the judicial power shall be established by constitutional law, which shall also regulate their responsibilities. They shall be subject exclusively to the law. They shall be guaranteed full independence and freedom of judgement in the fulfilment of their functions.

All judicial functions shall be exercised by the bodies belonging to the judicial system.

A law passed by a qualified majority shall regulate the recruitment, appointment and incompatibilities of magistrates, as well as the organisation and functioning of the judiciary.

State bodies shall act by mutually respecting their autonomy and competence.

Art. 3 bis⁶

The fundamental principles enshrined in this Declaration shall be implemented through constitutional laws. Constitutional laws shall be approved in their entirety by a two-thirds majority of the members of the Great and General Council. If approved by an absolute majority, they shall be subject to a confirmatory referendum within ninety days from their approval.

Laws passed by a qualified majority shall regulate the functioning of constitutional bodies, as well as the institutions of direct democracy. Such laws shall be approved by the Great and General Council by an absolute majority of its members.

Ordinary laws shall be approved by the Great and General Council by simple majority. The same majority shall be required for the ratification of decrees.

Legislative initiative shall be entrusted to each Council's member, to the Parliamentary Commissions, to the Congress of State, to the Township Councils and to citizens, on the basis of a law passed by a qualified majority.

The Great and General Council may, by means of a law, delegate to the Congress of State the adoption of decrees having force of law, which shall be ratified by the Great and General Council.

Customary law and *ius commune* shall constitute supplementary sources of law in the absence of legislative provisions.

⁶ Original text (Law no. 36/2002):

Art.4

The following Article 3-bis shall be added to Law no. 59 of 8 July 1974:

"The fundamental principles enshrined in this Declaration shall be implemented through constitutional laws.

Constitutional laws shall be approved in their entirety by a two-thirds majority of the members of the Great and General Council. If approved by an absolute majority, they shall be subject to a confirmatory referendum within ninety days from their approval.

Laws passed by a qualified majority shall regulate the functioning of constitutional bodies, as well as the institutions of direct democracy. Such laws shall be approved by the Great and General Council by an absolute majority of its members.

Ordinary laws shall be approved by the Great and General Council by simple majority. The same majority shall be required for the ratification of decrees.

Legislative initiative shall be entrusted to each Council's member, to the Parliamentary Commissions, to the Congress of State, to the Township Councils and to citizens, on the basis of a law passed by a qualified majority.

The Great and General Council may, by means of a law, delegate to the Congress of State the adoption of decrees having force of law, which shall be ratified by the Great and General Council.

Customary law and *ius commune* shall constitute supplementary sources of law in the absence of legislative provisions.

Draft laws and amendments entailing, with regard to the budget law, a reduction in revenues, new expenditure or an increase in expenditure shall indicate the means necessary thereto."



Draft laws and amendments entailing, with regard to the budget law, a reduction in revenues, new expenditure or an increase in expenditure shall indicate the means necessary thereto.

Art. 4⁷

All shall be equal before the law, without any distinction based on sex, sexual orientation or personal, economic, social, political and religious conditions.

All citizens shall have the right of access to public offices and elective posts, in the manner laid down by law.

The Republic shall guarantee equal social dignity and equal protection of rights and freedoms. It shall promote the conditions for the effective participation of citizens in the economic and social life of the country.

⁷ Original text (Law no. 59/1974):

All shall be equal before the law, without any distinction based on personal, economic, social, political and religious status.

All citizens shall have the right of access to public offices and elective posts, in the manner laid down by law.

Legislative amendments:

Law no. 95 of 19 September 2000, Article 1:

Article 4 of Law no. 59 of 8 July 1974 shall be amended as follows:

“Art.4

All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status.

All citizens shall have the right of access to public offices and elective posts, in the manner laid down by law”.

Law no. 36 of 26 February 2002, Article 5:

Article 4 of Law no. 59 of 8 July 1974 shall be replaced by the following:

“All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status.

All citizens shall have the right of access to public offices and elective posts, in the manner laid down by law.

The Republic shall guarantee equal social dignity and equal protection of rights and freedoms. It shall promote the conditions for the effective participation of citizens in the economic and social life of the country.”.

Constitutional Review Law no. 1 of 28 March 2019

Art. 1

(Amendments to Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments)

1. The first paragraph of Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments shall be replaced by the following: “All shall be equal before the law, without any distinction based on sex, sexual orientation or personal, economic, social, political and religious status.”

Regency Decree no. 93 of 4 June 2019

Art. 1, paragraph 2

“2. “In accordance with the provisions of Article 28, paragraph 2 of Qualified Law no. 1 of 29 May 2013 and subsequent amendments, the proposal of the confirmatory referendum referred to in paragraph 1 above was accepted, having obtained a majority of the votes validly cast in favour.”

Art. 2

1. The Constitutional Review Law no. 1 of 28 March 2019 (Amendment to Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments – Declaration of the Citizens’ Rights and Fundamental Principles of San Marino Legal System) shall enter into force on the date of publication of this Regency Decree.



Art. 5₈

Human rights shall be inviolable.

Art. 6₉

The Republic shall recognise civil and political freedoms for all. In particular, personal freedom, freedom of residence, establishment and expatriation, freedom of assembly and association, freedom of thought, conscience and religion shall be guaranteed. The secrecy of any form of communication shall be protected. The law may limit the exercise of these rights only in exceptional cases for serious reasons of public order and interest.

Art, science and teaching shall be free. The law shall guarantee citizens the right to free education at no cost.

Art. 7₁₀

Suffrage shall be universal, secret and direct.

Every citizen, at the age and under the requirements laid down by law, shall have the right to vote and be voted.

Art. 8₁₁

All citizens shall have the right to democratically associate in political parties and trade unions.

Art. 9₁₂

⁸ **Original text (Law no. 59/1974):**
Human rights shall be inviolable.

⁹ **Original text (Law no. 59/1974):**
The Republic shall recognise civil and political freedoms for all. In particular, personal freedom, freedom of residence, establishment and expatriation, freedom of assembly and association, freedom of thought, conscience and religion shall be guaranteed. The secrecy of any form of communication shall be protected. The law may limit the exercise of these rights only in exceptional cases for serious reasons of public order and interest.
Art, science and teaching shall be free. The law shall guarantee citizens the right to free education at no cost.

¹⁰ **Original text (Law no. 59/1974):**
Suffrage shall be universal, secret and direct.
Every citizen, at the age and under the requirements laid down by law, shall have the right to vote and be voted.

¹¹ **Original text (Law no. 59/1974):**
All citizens shall have the right to democratically associate in political parties and trade unions.

¹² **Original text (Law no. 59/1974):**
Work shall be the right and duty of every citizen. The law shall guarantee workers fair remuneration, holidays, weekly rest and the right to strike.
All citizens shall be entitled to social security.



Work shall be the right and duty of every citizen. The law shall guarantee workers fair remuneration, holidays, weekly rest and the right to strike.
All citizens shall be entitled to social security.

Art. 10¹³

Private property and economic initiative shall be guaranteed. The law shall establish the relevant limitations for the purpose of protecting general interest.

Expropriation of private property shall be allowed, in the forms envisaged by the law, in the public interest and against just compensation.

The Republic shall protect its historical and artistic heritage, as well as its natural environment.

Art. 11¹⁴

The Republic shall promote, in the field of education, work, sports and leisure activities, the development of the personality of young people and shall educate them to a free and responsible exercise of fundamental rights.

Art. 12¹⁵

The Republic shall protect the institution of the family, based on moral and legal equality of spouses. Every mother shall have the right to be assisted and protected by the community.

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

Art. 13¹⁶

¹³ **Original text (Law no. 59/1974):**

Private property and economic initiative shall be guaranteed. The law shall establish the relevant limitations for the purpose of protecting general interest.

Expropriation of private property shall be allowed, in the forms envisaged by the law, in the public interest and against just compensation.

The Republic shall protect its historical and artistic heritage, as well as its natural environment.

¹⁴ **Original text (Law no. 59/1974):**

The Republic shall promote, in the field of education, work, sports and leisure activities, the development of the personality of young people and shall educate them to a free and responsible exercise of fundamental rights.

¹⁵ **Original text (Law no. 59/1974):**

The Republic shall protect the institution of the family, based on moral and legal equality of spouses. Every mother shall have the right to be assisted and protected by the community.

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

¹⁶ **Original text (Law no. 59/1974):**

All citizens shall have an obligation to abide by the laws and be loyal to the institutions of the Republic, to participate in its defence and to contribute to public expenditure in accordance with their ability to pay.

No financial or personal contribution shall be imposed except by law.



All citizens shall have an obligation to abide by the laws and be loyal to the institutions of the Republic, to participate in its defence and to contribute to public expenditure in accordance with their ability to pay.

No financial or personal contribution shall be imposed except by law.

Art. 14¹⁷

The activities of the public administration shall be governed by criteria of legality, impartiality and efficiency.

The law shall establish the obligation to state reasons for administrative measures and to guarantee that the interested parties are heard.

Public officials shall be liable for any acts detrimental to citizens' rights, in the manner and within the limits laid down by law.

Art. 15¹⁸

Everyone shall be entitled to jurisdictional protection of subjective rights and legitimate interests before the bodies of ordinary and administrative jurisdiction and before the Guarantors' Panel on the Constitutionality of Rules.

The right of defence shall be protected at any stage of judicial proceedings.

The law shall ensure that judgements are pronounced by independent judges within a reasonable time, are not subject to undue financial burden and are made public.

¹⁷ Original text (Law no. 59/1974):

The activities of the public administration shall be governed by criteria of legality, impartiality and efficiency.

The law shall establish the obligation to state reasons for administrative measures and to guarantee that the interested parties are heard.

Public officials shall be liable for any acts detrimental to citizens' rights, in the manner and within the limits laid down by law.

¹⁸ Original text (Law no. 59/1974):

Jurisdictional protection of subjective rights and legitimate interests shall be guaranteed before the bodies of ordinary and administrative jurisdiction.

The right of defence shall be protected at any stage of judicial proceedings.

The law shall ensure that judgements are pronounced by independent judges within a reasonable time and are not subject to undue financial burden. Unless otherwise provided for in the law, judges shall not be citizens of San Marino.

Humane and rehabilitation punishments shall be imposed only by the lawful judge and only according to non-retroactive rules.

Anyone charged with an offence shall not be considered guilty until a final conviction is imposed.

Legislative amendments:

Law no. 36 of 26 February 2002, Article 6:

Article 15 of Law no. 59 of 8 July 1974 shall be amended as follows:

"Everyone shall be entitled to jurisdictional protection of subjective rights and legitimate interests before the bodies of ordinary and administrative jurisdiction and before the Guarantors' Panel on the Constitutionality of Rules.

The right of defence shall be protected at any stage of judicial proceedings.

The law shall ensure that judgements are pronounced by independent judges within a reasonable time, are not subject to undue financial burden and are made public.

Humane and rehabilitation punishments shall be imposed only by the lawful judge according to non-retroactive rules. Their retroactive application shall be possible only if they are more favourable.

Anyone charged with an offence shall not be considered guilty until a final conviction is imposed. Any form of restriction of personal liberty, even as a precautionary measure, shall only be permissible in conformity with the law."



Humane and rehabilitation punishments shall be imposed only by the lawful judge according to non-retroactive rules. Their retroactive application shall be possible only if they are more favourable.

Anyone charged with an offence shall not be considered guilty until a final conviction is imposed. Any form of restriction of personal liberty, even as a precautionary measure, shall only be permissible in conformity with the law.

Art. 16¹⁹

¹⁹ Original text (Law no. 59/1974):

The provisions of this Declaration may be reviewed by the Great and General Council exclusively by a two-thirds majority of its members.

Judges shall be required to comply with the principles of this Declaration in the interpretation and application of the law. If the legitimacy of a rule is doubtful or controversial, the judge may ask the Great and General Council for an opinion, after it has heard experts.

Legislative amendments:

Law no. 36 of 26 February 2002, Article 7:

Article 16 of Law no. 59 of 08 July 1974 shall be replaced by the following:

"The Guarantors' Panel on the Constitutionality of Rules is hereby established. It shall be composed of three full members and three alternates, initially appointed by the Great and General Council for a four-year term, by a two-thirds majority of its members, from among university professors of law, magistrates and law graduates with at least 20-year professional experience in the field of law. After the first mandate, one-third of its members shall be renewed every two years. Alternates shall replace full members whenever the latter become incompatible for any reason, also on account of functions previously performed, or in case of impediments or absence.

The Panel shall appoint its President from among its full members for a two-year mandate, according to the rotating principle. The Guarantors' Panel shall:

- a) upon direct request of at least twenty Council's members, the Congress of State, five Township Councils, a number of voting citizens representing at least 1.5% of the electorate resulting from the last and final annual review of the electoral lists, or in case of proceedings pending before the Republic's jurisdictional bodies, upon request of the judges or of the parties to the proceedings, verify the conformity of laws, regulatory acts having force of law and rules, including customary rules, having force of law, with the fundamental principles of the legal system referred to in this Law or recalled herein;
- b) decide, in the cases provided for by law, on the admissibility of referenda;
- c) decide on conflicts between constitutional bodies;
- d) perform the review action on the acts or omissions of the Captains Regent during their six-month mandate.

Additional functions may be provided for by constitutional law. The constitutional law shall establish the responsibilities of the Guarantors' Panel and its individual members.

A law passed by a qualified majority shall regulate incompatibilities, the functioning and the organisation of the Guarantors' Panel, forms of appeals and procedures, the effects of decisions and the manner in which they are enforced.

The effect of the annulment resulting from unconstitutionality decisions shall be postponed for a period of six months, without prejudice to the immediate effect of *res judicata* between the parties. Within this period, the Great and General Council may legislate on the matter in accordance with the decisions on unconstitutionality."

CONSTITUTIONAL LAW no. 61 of 28 April 2005, Article 1:

In accordance with the provisions of Article 8 of Law no. 26 of 25 February 2004, Article 16 of the Declaration of the Citizens' Rights and Fundamental Principles of San Marino Legal System, as amended by Law no. 36 of 26 February 2002, shall be amended as follows:

"Art.16

The Guarantors' Panel on the Constitutionality of Rules is hereby established. It shall be composed of three full members and three alternates, initially appointed by the Great and General Council for a four-year term, by a two-thirds majority of its members, from among university professors of law, magistrates and law graduates with at least 20-year professional experience in the field of law. After the first mandate, one-third of its members shall be renewed every two years. Alternates shall replace full members whenever



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The Guarantors' Panel shall appoint the President from among its full members on a rotating basis for a two-year term.

The Guarantors' Panel shall:

- a) upon direct request of at least twenty Council's members, the Congress of State, five Township Councils, the Commission for Equal Opportunities, a number of voting citizens representing at least 1.5% of the electorate resulting from the last and final annual review of the electoral lists, or in case of proceedings pending before the Republic's jurisdictional bodies, upon request of the judges or the parties to the proceedings, verify the conformity of laws, regulatory acts having force of law and rules, including customary rules, having force of law, with the fundamental principles of the legal system referred to in this Law or mentioned herein;
- b) decide, in the cases provided for by law, on the admissibility of referenda;
- c) decide on conflicts between constitutional bodies;
- d) perform the review action on the acts or omissions of the Captains Regent during their six-month mandate.

Additional functions may be provided for by constitutional law. The constitutional law shall establish the responsibilities of the Guarantors' Panel and its individual members.

A law passed by a qualified majority shall regulate incompatibilities, the functioning and the organisation of the Panel, forms of appeals and procedures, the effects of decisions and the manner in which they are enforced.

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The Guarantors' Panel shall:

- a) upon direct request of at least twenty Council's members, the Congress of State, five Township Councils, the Commission for Equal Opportunities, a number of voting citizens representing at least 1.5% of the electorate resulting from the last and final annual review of the electoral lists, or in case of proceedings pending before the Republic's jurisdictional bodies, upon request of the judges or the parties to the proceedings, verify the conformity of laws, regulatory acts having force of law and rules, including customary rules, having force of law, with the fundamental principles of the legal system referred to in this Law or mentioned herein;
- b) decide, in the cases provided for by law, on the admissibility of referenda;
- c) decide on conflicts between constitutional bodies;
- d) perform the review action on the acts or omissions of the Captains Regent during their six-month mandate.

Additional functions may be provided for by constitutional law. The constitutional law shall establish the responsibilities of the Guarantors' Panel and its individual members.

A law passed by a qualified majority shall regulate incompatibilities, the functioning and the organisation of the Panel, forms of appeals and procedures, the effects of decisions and the manner in which they are enforced.

The effect of the annulment resulting from unconstitutionality decisions shall be postponed for a period of six months, without prejudice to the immediate effect of *res judicata* between the parties. Within this period, the Great and General Council may legislate on the matter in accordance with the decisions on unconstitutionality.”.



The effect of the annulment resulting from unconstitutionality decisions shall be postponed for a period of six months, without prejudice to the immediate effect of *res judicata* between the parties. Within this period, the Great and General Council may legislate on the matter in accordance with the decisions on unconstitutionality.

Art. 17²⁰

The provisions of this Declaration may be reviewed by the Great and General Council by a two-thirds majority of its members.

If the laws reviewing the provisions of this Declaration have been approved by the Great and General Council by an absolute majority, they shall be submitted to a confirmatory referendum within ninety days of their approval.

*Transitional provision*²¹

²⁰ **Original text (Law no. 36/2002):**

Art. 8

The following Article shall be added to Law no. 59 of 8 July 1974:

“The provisions of this Declaration may be reviewed by the Great and General Council by a two-thirds majority of its members.

If the laws reviewing the provisions of this Declaration have been approved by the Great and General Council by an absolute majority, they shall be submitted to a confirmatory referendum within ninety days of their approval.”

²¹ Decree no. 79 of 8 July 2002 refers to the Transitional Provision set out in Article 9 of Law no. 36/2002; for the text of this provision, please refer to OTHER PROVISIONS.



OTHER PROVISIONS

LAW NO. 36 OF 26 FEBRUARY 2002

REVIEW OF LAW NO 59 OF 8 JULY 1974 - “DECLARATION OF THE CITIZENS’ RIGHTS AND FUNDAMENTAL PRINCIPLES OF SAN MARINO LEGAL SYSTEM”

Art. 9

Transitional Provision

Constitutional laws and laws passed by a qualified majority referred to in the first and second paragraphs of Article 3 bis of the Declaration of the Citizens’ Rights, introduced by this Law, shall be proposed within three years of the entry into force of this constitutional review.

The law passed by a qualified majority referred to in the fifth paragraph of Article 16 of this Declaration shall be proposed within six months.

Until the entry into force of the new Judicial System, the members of the Guarantors’ Panel shall decide:

- a) on conflicts of jurisdiction in proceedings initiated before the Republic’s jurisdictional bodies;
- b) on the abstention and objection of Judges and the *Procuratore del Fisco*;
- c) as a last resort, on appeals lodged in criminal proceedings and concerning the legitimacy of precautionary measures taken during the proceedings, or on the enforcement of punishments;
- d) upon request of the parties concerned, in case of discrepancy between civil and administrative judgements of first and second instance;
- e) on appeals for the review of criminal judgements, on *querela nullitatis* and on appeals for *restitutio in integrum*.

The functions referred to in the preceding paragraph shall be assigned by the President of the Guarantors’ Panel to individual members, either full or alternate members, according to predetermined criteria and taking into account any reasons for incompatibility.



LAW NO. 26 OF 25 FEBRUARY 2004

Establishment of the Commission for Equal Opportunities

Art. 1

(Establishment of the Commission)

With a view to ensuring the full implementation of the principle laid down in Article 4 of Law no. 59 of 9 July 1974, as amended by Law no. 36 of 26 February 2002, the Commission for Equal Opportunities is hereby established with the function of promoting and guaranteeing full legal equality and equal opportunities for all citizens.



CONSTITUTIONAL LAW NO. 61 OF 28 APRIL 2005

**Review of Article 16 of the Declaration of the Citizens' Rights and
Fundamental Principles of San Marino Legal System**

Art.2

Any provision in contrast with this Law shall be repealed.



CONSTITUTIONAL REVIEW LAW NO. 182 OF 14 DECEMBER 2005

**REPEAL OF PARAGRAPH 4 OF ARTICLE 3 OF LAW NO. 59 OF 8 JULY 1974
(DECLARATION OF THE CITIZENS' RIGHTS AND FUNDAMENTAL
PRINCIPLES OF SAN MARINO LEGAL SYSTEM) AS AMENDED BY
ARTICLE 3 OF LAW
NO. 36 OF 26 FEBRUARY 2002**

Art. 2

Any provision in contrast with this Law shall be repealed.



CONSTITUTIONAL LAW NO. 1 OF 22 JULY 2011

**FLAG AND OFFICIAL COAT OF ARMS OF THE REPUBLIC OF SAN MARINO
INTEGRATING LAW NO. 59 OF 8 JULY 1974 ²²**

Art. 2

(Flag)

The flag of the Republic of San Marino shall be defined by the graphic model contained in Annex A to this Law.

Art.3

(Official coat of arms)

The official coat of arms of the Republic of San Marino shall be defined by the graphic model contained in Annex B to this Law.

Art. 4

(Reservations)

The use of the official coat of arms shall be regulated by ordinary law.
The use of the flag shall be regulated by delegated decree.

²² Annexes A and B to Constitutional Law no. 1 of 22 July 2011, setting out the official flag and coat of arms of the Republic of San Marino, are available on the website of the Great and General Council (www.consigliograndeegenerale.sm), or in the paper version of the Official Bulletin, Vol. 28, Part II (2011).



CONSTITUTIONAL REVIEW LAW NO. 1 OF 28 MARCH 2019

AMENDMENT TO ARTICLE 4 OF LAW NO. 59 OF 8 JULY 1974 AND SUBSEQUENT AMENDMENTS "DECLARATION OF THE CITIZENS' RIGHTS AND FUNDAMENTAL PRINCIPLES OF SAN MARINO LAGAL SYSTEM"

Art.1

(Amendments to Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments)

1. The first paragraph of Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments shall be replaced by the following:

"All shall be equal before the law, without any distinction based on sex, sexual orientation or personal, economic, social, political and religious status."

Art.2

(Entry into force)

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



REGENCY DECREE NO. 93 OF 4 JUNE 2019

**RESULT OF THE CONFIRMATORY REFERENDUM HELD ON 2 JUNE 2019 AND
ENTRY INTO FORCE OF CONSTITUTIONAL REVIEW LAW NO. 1 OF 28 MARCH 2019**

Art. 1

1. The result of the confirmatory referendum on Constitutional Review Law no. 1 of 28 March 2019 (Amendment to Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments – Declaration of the Citizens’ Rights and Fundamental Principles of San Marino Legal System), called by Regency Decree no. 56 of 28 March 2019, is as follows:

Total number of registered voters	Total voters	Blank ballots	Invalid ballots	Votes in favour	Votes against
34,458	14,460	302	150	10,016	3,992

2. In accordance with the provisions of Article 28, paragraph 2 of Law no. 1 of 29 May 2013 and subsequent amendments, the proposal of the confirmatory referendum referred to in paragraph 1 above was accepted, having obtained a majority of the votes validly cast in favour.

Art. 2

1. The Constitutional Review Law no. 1 of 28 March 2019 (Amendment to Article 4 of Law no. 59 of 8 July 1974 and subsequent amendments – Declaration of the Citizens’ Rights and Fundamental Principles of San Marino Legal System) shall enter into force on the date of publication of this Regency Decree.