

**Answers of the Republic of San Marino to OHCHR's requests for information on discrimination against women in nationality-related matters**

**28 November 2012**

1. The legislation currently in force does not provide for the transmission of San Marino citizenship if a San Marino citizen marries a foreigner. The spouse of a San Marino citizen may obtain San Marino citizenship by naturalisation.

The provisions for the naturalisation of San Marino citizens' foreign spouses apply equally to men and women without discrimination.

Law no. 114 of 30 November 2000 "Law on Citizenship" provides that San Marino citizenship may be acquired by naturalisation by those persons to whom citizenship is granted by the Great and General Council (San Marino Parliament), through special laws to be approved by qualified majority of two thirds of its members.

On 30 March 2012, the Great and General Council adopted Law no. 35 "Special provisions on naturalisation", which sets forth new criteria to apply for San Marino citizenship by naturalisation. Under such Law, the foreign spouse of a San Marino citizen who, as of 1 April 2012 and at the time of applying, has been registered in the San Marino population registers for at least 15 years, may apply to be naturalised as a San Marino citizen, provided that no separation, nullity, divorce or cessation proceedings are pending or are terminated.

The naturalised citizen shall swear an oath of allegiance to the Republic and renounce his/her other citizenships.

2. Under Law no. 84 of 17 June 2004, amending preceding Law governing such matter (no. 114 of 30 November 2000), San Marino citizens by origin are children: *"1. born of parents who are both San Marino citizens, 2. born of a San Marino parent, provided that within 12 months from reaching full age they declare their intention to maintain the San Marino citizenship. 3. born of a San Marino parent, the other parent being unknown or stateless; 4. adopted by a San Marino citizen in accordance with adoption rules and what stated above; 5. born on the territory of the Republic, both parents being unknown or stateless."* The transmission of citizenship by only one parent shall take place regardless of the fact that the parent concerned is the father or the mother.

Children born of a San Marino mother and a foreign father, who had already reached full age upon the entry into force of Law no. 84/2004 and were not San Marino citizens pursuant to the legislation previously in force, may apply for San Marino citizenship after 10 years of continuous residence in San Marino.

3. Recent San Marino laws on citizenship and naturalisation have addressed any factor giving rise to discrimination between men and women.

