



FACTSHEET – SAN MARINO

Lanzarote Committee Implementation Report on:

"The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)"

This factsheet was prepared by the Secretariat in March 2023.

It has been updated with information submitted by the Government of San Marino in March 2025 displayed in orange and blue text boxes.

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I. Introduction

One of the main functions of the Lanzarote Committee (“the Committee”) is to monitor the effective implementation of the Lanzarote Convention (“the Convention”). The monitoring procedure is divided into rounds, each concerning a specific thematic area and involving all State Parties (“the Parties”) simultaneously. The monitoring rounds start with the launch of a thematic questionnaire, to which the national authorities are asked to respond, and which other relevant stakeholders can comment on. After carrying out its evaluation procedure, consisting of the analysis of such replies, the Committee adopts an implementation report where it draws conclusions about the different national frameworks, strategies and policies in place, makes recommendations to Parties, and highlights promising practices as well as some challenges. Sometime after the adoption of the implementation report, the Committee conducts a compliance procedure with the aim of assessing whether Parties comply with the recommendations made by the Committee as part of the evaluation procedure.

The compliance procedure seeks to assess the follow-up given by Parties to the recommendations made by the Committee in the evaluation procedure. In the [implementation report of its 2nd monitoring round concerning the challenges raised by child self-generated sexual images and/or videos](#), the Committee made three types of recommendations:

- “Require”: when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by its explanatory report.
- “Request”: when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by documents adopted by the Committee (such as previous monitoring round findings, opinions or other documents).
- “Invite”: when the steps the Committee recommends Parties to take correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Convention.

At its 41st meeting (13-15 February 2024), the Lanzarote Committee agreed on a new methodology for the assessment of State Parties’ compliance with the 2nd monitoring round recommendations ([see point 4 of the Appendix to the List of decisions](#)). It entrusted the Secretariat to insert boxes in the 2nd monitoring round country [factsheets](#) to highlight where information on follow-up measures taken or changes occurred may be inserted. It is recalled that these factsheets are a synthesis of the Committee’s implementation report findings with respect to specific Parties. The factsheets are structured along the lines of the implementation report and the footnotes in this document refer to the specific paragraphs of the implementation report.

The orange boxes contain information submitted by the State Party regarding progress made towards the implementation of the recommendation.

The blue boxes contain examples of national promising practices that respond to “invite” recommendations made by the Committee.

II. Legal frameworks

Interpreting the Convention, in conjunction with its [Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children](#) (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to San Marino

What constitutes “child pornography” under the Lanzarote Convention?

The Committee observes that San Marino does not have a legislative definition of child sexual abuse material (CSAM), prosecutorial practice or case law are therefore relied upon.¹

Therefore, the Committee invites San Marino:

- to introduce a definition of CSAM for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child, following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)^{2 3}
- to introduce explicit references in its respective legal frameworks to conduct concerning CSGSIV, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.⁴
- to rather use the term “child sexual abuse material” for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the [“Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse”](#)⁵ in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term “child pornography” can undermine the gravity of the crimes it refers to.⁶

Criminalisation of conduct related to the production and possession of CSAM and its relationship with CSGSIV

The Committee emphasises that the Lanzarote Convention (Article 20(1)(e) requires the criminalisation of the possession of “child pornography”. Indeed, even merely “accessing child pornography” online (without downloading it) should be criminalised under the Convention thus situations where mere possession is not criminalised are not in conformity with the Convention.⁷ The Committee observes that mere possession of “child pornography” is not yet criminalised in San Marino but the legal situation is under review. The Committee encourages San Marino to complete the review bearing in mind Recommendation II-5 if exemptions for adults from criminal liability for the possession of CSGSIV are contemplated.⁸

- Therefore, the Committee requires San Marino to ensure that:
 - the child depicted on such images has reached the legal age for sexual activities and has given his/her consent for the possession of such images and/or videos, and that
 - the person possessing the child-self generated images and/or videos and the child depicted on them are of similar ages and maturity (e.g., by setting a maximum age difference among them) in line with para. 129 of the Lanzarote Convention’s Explanatory Report, and that
 - the production and possession of the

¹ Para. 50.

² The Terminology Guidelines also refer to the term “child sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular](#)

³ Recommendation II-3.

⁴ Recommendation II-2.

⁵ The Terminology Guidelines also refer to the term “child

sexual exploitation material”, indicating that this term can be used in a broader sense, see [“Luxembourg Terminology Guidelines”, pages 38-40 in particular](#).

⁶ Recommendation II-1.

⁷ See paras 139 and 140 of the Explanatory Report to the Convention.

⁸ Para. 53.

mentioned images and/or videos did not involve any abuse.⁹

Follow-up actions:

As noted by the Authorities, no legislative amendments appear to have been introduced to address the aforementioned observations, except as specified in the following sections.

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

The Committee observes that the production of CSGSIV by children themselves are criminalised in San Marino.¹⁰ Children who are below the age of criminal responsibility, which is 14, and above the legal age for sexual activities cannot be held criminally liable in San Marino for production and possession of CSGSIV.¹¹ However, the Committee notes that relying on the age of sexual consent, to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, younger children may not be covered from the exemption of criminal responsibility.¹² The Committee also highlights that particular attention must be paid where there is a gap between the age of criminal responsibility and the age of consent (particularly where the age of criminal responsibility is relatively low, or the age of sexual consent relatively high)

Therefore, the Committee requests San Marino to ensure in its legal framework¹³ that:

- a child will not be prosecuted when he/she possesses:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without

actively asking for them.¹⁴

Follow-up actions:

As observed by the Judicial Authority, no legislative amendments appear to have been introduced to take into account the aforementioned remarks, except as specifically outlined below.

The exemption from criminal liability for the mere possession of sexually explicit or suggestive images and/or videos - even if self-generated - is not applicable in the case of minors under the age of 14, pursuant to Article 10, paragraph 1 of the Criminal Code (a point already raised by the Committee). In all other cases, such exemption shall apply only where the self-generated material pertains exclusively to the minor him or herself, in accordance with Article 177-ter of the Criminal Code, which, by requiring the 'use' of a minor, necessarily implies the involvement of another individual.

The mere receipt by a minor of sexually explicit material concerning another minor shall, in any case, not constitute a criminal offence, including in light of the introduction of Article 181-ter into the Criminal Code (*Unlawful dissemination of sexually explicit images or videos – the so-called “revenge porn”*), enacted by Law No. 16/2021. It criminalises only active conduct, such as the sending, delivery, publication, or dissemination of sexually explicit content.

Criminalisation of conduct related to “offering or making available” CSAM and its relationship with the sharing their own other children’s self-generated material

The Committee observes that children are potentially criminally liable for the distribution or transmission of their own CSGSIV in San Marino.¹⁵ San Marino also has rules that lead to the criminalisation of the distribution by children of CSGSIV of *other* children.¹⁶

⁹ Recommendation II-5.

¹⁰ Para. 67.

¹¹ Paras. 71, 73.

¹² Para. 73.

¹³ The expression “legal framework” is not limited to legislation

but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁴ Recommendation II-6.

¹⁵ Para. 78.

¹⁶ Para. 82.

Therefore, the Committee requests San Marino to ensure in its legal framework¹⁷ that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.¹⁸

Follow-up actions:

As observed by the Authorities, no legislative amendments appear to have been introduced to take into account the aforementioned observations; however, attention may be drawn to the matter outlined in the following section.

- the distribution or transmission by

children of sexual images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) Lanzarote Convention.¹⁹

Follow-up actions:

With the introduction of Article 181-ter into the Criminal Code by Law No. 16/2021 (*Revenge Porn*), the unlawful dissemination of sexually explicit material by any person has been criminalised. However, exemptions from criminal liability continue to apply to minors under the age of 14, as previously outlined in the preceding sections.

¹⁷ The expression “legal framework” is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.

¹⁸ Recommendation II-8.

¹⁹ Recommendation II-9.

Generic recommendations of the Committee on the legal framework

On the legal framework, the Committee invites all Parties, including San Marino:

- to contemplate appropriate legal responses to conduct involving non-visual sexual images and/or videos produced by children in the context of offences covered by the Lanzarote Convention.²⁰
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.²¹
- to consider criminalising the offence of "grooming" (solicitation of children for sexual

purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.²²

- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional child self-generated sexual images and/or videos, other sexual favours, a financial gain or other gain to the offenders by:
 - either creating a specific incrimination to address this situation,
 - or prosecuting both the initial detention of CSGSIV and the act of extortion.²³
- to ensure that sexual extortion of children involving CSGSIV is investigated and prosecuted.²⁴

Promising practices:

With regard to promising practices in the protection of minors who are victims of abuse or violence, the following additional information is provided:

- Since 2022, the official statistics of San Marino, published annually by the Equal Opportunities Authority as the national monitoring body for the implementation of the Istanbul Convention and concerning trends in violence against women, have also included data relating to violence against minors and witnessed violence. This development has contributed to increased awareness of the phenomenon of violence and abuse against children, fostering a better understanding of the importance of adopting measures to prevent and combat such incidents.
- In response to the Committee's suggestion on the second point, it is noted that children and adolescents attending schools in San Marino participate in training and awareness-raising initiatives on emotional and sexual education. In particular, regular school-based sessions are held with a psychologist, and students also take part in meetings at the Centro Salute Donna (Women's Health Centre), where they have the opportunity to explore topics related to emotional well-being and sexuality in greater depth.
- Furthermore, for several years now, students have been meeting with Law Enforcement authorities to discuss the risks associated with the internet and uncontrolled online access. Members of the police force are also actively engaged in raising public awareness by disseminating information through national television, including public interviews and in-depth TV programmes
- With regard to the consideration of the criminalisation of the offence of child grooming, it is important to note that Delegated Decree No. 161 of 29 October 2024 recently introduced Article 177-quinquies (*Child Grooming*) into the San Marino Criminal Code. The article, which is fully in line with the provisions of the Recommendation, establishes that: *"Anyone who, for the purpose of committing the criminal offences referred to in Articles 171, 171-bis, 172-bis, 173, 177, 177-bis, 177-ter and 177-quater, solicits a child shall be punished, by second degree imprisonment, if the fact does not constitute a more serious offence. Solicitation of children shall mean any act aimed at gaining the trust of a minor through artifice, deceptions, flattery or threats, including through the use of the Internet or other networks or means of communication."*

²⁰ Recommendation II-4.

²¹ Recommendation II-7.

²² Recommendation II-10.

²³ Recommendation II-11.

²⁴ Recommendation II-12.

III. Investigations and prosecution

In its [Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies](#) (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on Investigations and Prosecution specific to San Marino

The Committee observes that San Marino does not have specialised units in law enforcement. Cases of ICT facilitated sexual offences against children are managed by units specialised in child abuse in general.²⁵

- Therefore, the Committee requests San Marino to establish specialised law enforcement units, services or persons in charge of dealing with ICT facilitated sexual offences against children.²⁶

Follow-up actions:

San Marino currently has two specialized units dedicated to addressing sexual offences against minors.

First, within the Gendarmerie Corps, there is the Gender Violence and Child Abuse Office, which is responsible for receiving reports or complaints concerning cases of gender-based violence or violence against minors. These cases are subsequently forwarded to either the Civil Guardianship Judge or the Investigating Judge.

With particular regard to offences committed through information and communication technologies, the Gendarmerie Corps also includes the Judicial Police Operational Unit, within which specifically trained and dedicated personnel are engaged in intelligence gathering and proactive investigations aimed at preventing and combating cybercrime.

In addition, the Child Protection

Operational Unit, established within the Social Security Institute, carries out a range of activities in collaboration with the judiciary in both civil and criminal matters, and in the prevention and suppression of offences against minors. This Unit operates under a specific Operational Protocol (Ref. No. 68/D/2024), signed on 1 February 2023.

In any case, the governmental authorities remain highly attentive to this matter and are prepared to strengthen existing services should the need arise.

- The Committee also invites San Marino to have units, sections or persons specialised in ICT-facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.²⁷

The Committee observes that San Marino's investigation, prosecution, and legal services are already in line with some of its recommendations as San Marino has its own training programmes, used either in full or in part to carry out training for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.²⁸

On the other hand, the Committee observes that San Marino has no specialised training in place for judges,²⁹ and no victim identification function.³⁰

²⁵ Para. 117.

²⁶ Recommendation III-1.

²⁷ Recommendation III-11.

²⁸ Paras. 145, 146.

²⁹ Para. 169.

³⁰ Para. 181.

Therefore, to improve the effective implementation of the Convention, the Committee requires San Marino:

- to put training in place for prosecutors on aspects of child sexual exploitation and sexual abuse.³¹

Follow-up actions:

Further to the above-mentioned Recommendation, it should be noted that, pursuant to Article 4 (*Assistance to Victims of Violence*) of Law No. 97 of 20 June 2008, the State guarantees *"specific training for Judges assigned to the proceedings referred to in this law and for Law Enforcement authorities,"* for victims of any form of violence, regardless of whether they are adults or minors.

In addition, periodic training courses are provided for all public sector personnel involved in managing cases of child abuse, as set forth in Article 4 (*Professional Training Courses*) of Delegated Decree No. 60 of 31 May 2012, which stipulates: *"Mandatory professional training courses shall be established on an annual basis to provide appropriate tools and train specialised personnel, including Judges, Law Enforcement, Professional Associations, Socio-Health Services, School Staff, and Family Mediators. The Department of Education of the University of the Republic of San Marino shall be responsible for organizing such courses."*

With specific regard to ongoing training for the Judiciary, the Committee is informed that a mandatory training plan, renewed annually, is in place for all Judges.

The Chief Magistrate of the Single Court of San Marino annually submits a proposal to the Judicial Council outlining potential topics to be addressed in upcoming training sessions. Training is delivered through participation in courses organized by the Italian High Council for the Judiciary (Scuola Superiore della Magistratura) in Italy, as well as through initiatives, seminars, and

conferences organised independently or in cooperation with the San Marino Institute of Legal Studies (*Istituto Giuridico Sammarinese*).

In this regard, the following is noted:

- In 2023, criminal Judges attended training courses on *"forensic computing, digital searches and seizures, and cyber-related offenses"* and *"gender-based violence and protection measures for victims of abuse."*
- In 2024, civil Judges participated in a training course on *"family and minors,"* while criminal Judges received advanced training on *"gender-based violence and protection measures for victims of abuse"* and *"judicial and legal information technology, digital searches and seizures, and computer-related offenses"*.
- On 14 May 2024, an information session was held on Delegated Decree No. 62 of 20 March 2024, amending Law No. 97 of 20 June 2008 on *"the prevention and suppression of violence against women and gender-based violence, and amendments to the Criminal Code."* Judges, healthcare professionals, educators, psychologists, law enforcement officers, and social services personnel, both as speakers and as participants, attended the event. The proceedings of the conference were subsequently published in a scientific journal.

Lastly, it should be noted that the Child Protection Unit, in its role as an auxiliary to the Judge, is composed of psychologists and social workers, all of whom have received specialised training in the various forms of violence involving minors.

- to take measures to enable units or investigative services to identify the victims of the offences established in accordance with Article 20 of the Lanzarote Convention, in particular by analysing child sexual abuse

³¹ Recommendation III-15.

material.³²

Follow-up actions:

Within the Gendarmerie Corps, the Operational Unit of the Judicial Police is established.

As part of its investigative activities, specifically trained and dedicated personnel within the Unit are responsible for proactive intelligence gathering aimed at the prevention and suppression of cybercrime.

In carrying out these activities, the Unit collaborates with the *National Center for Missing and Exploited Children* (NCMEC). Through this collaboration, any activity of a pornographic or child pornographic nature that passes through or is transmitted via a San Marino-based IP address is reported to the San Marino Law Enforcement authorities.

Following such reports, an internal investigative phase is initiated to verify the information received and to rule out potential false positives. This is followed by the seizure of the material and, where applicable, the broadening of the investigation in cooperation with the Judicial Authority.

Additionally, the Committee requests San Marino to ensure that:

- ICT facilitated sexual offences against children are included in training of law enforcement agents who are likely to come into contact with such cases.³³

Follow-up actions:

In this regard, the Committee is informed that members of the Gendarmerie Corps - within which the Operational Unit of Judicial Police and the Gender Violence and Child Abuse Office are established - regularly attend numerous training and

refresher courses on the subject.

Below is a list of relevant courses attended by Gendarmerie personnel from 2019 to the present:

- In Vienna (OSCE): Annual Police Experts Meeting – Artificial Intelligence and Law Enforcement;
- In France: Training course at the French National Gendarmerie on undercover operations;
- In Italy (Caserta): Training course by the International Advanced Training Centre for the Prevention and Fight against Organized Crime on “*Cyber Crime and Digital Investigation*”;
- In San Marino: Training course preparatory to the use of software for OSINT activities;
- In Italy (Caserta): Training course by the International Advanced Training Centre for the Prevention and Fight against Organized Crime on “*Combating Cyber Crime*”;
- In Italy (Velletri): Training course at the Higher Institute of Investigative Techniques of the Carabinieri on gender-based violence and minors.

- training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.³⁴

Follow-up actions:

As part of the training courses organized by the Italian High Council for the Judiciary (*Scuola Superiore della Magistratura*), which are also open to Judges and Prosecutors from San Marino, specific educational modules on the subject in question are included.

The Committee also invites San Marino:

- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving child self-generated

³² Recommendation III-22.

³³ Recommendation III-13.

³⁴ Recommendations III-16, III-18.

sexual images and/or videos.³⁵

- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.³⁶
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving CSGSIV.³⁷
- to provide specific training³⁸ on ICT facilitated sexual offences against children, including when such offences CSGSIV, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.³⁹
- to ensure that training on the challenges raised by CSGSIV and ICT-facilitated coercion or extortion of children⁴⁰ is available to prosecutors and judges.⁴¹
- to offer joint (or "joined-up") training for professionals, and particularly law enforcement, prosecutors and judges, involved in legal proceedings involving ICT-facilitated child sexual exploitation and sexual abuse, in order to ensure consistency at all stages.⁴²
- to ensure that training on ICT-facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.⁴³
- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflecting current practices across Parties, include the establishment and use of national child abuse material databases, and that resources are sufficiently allocated.⁴⁴

The Committee observes that San Marino is connected to the INTERPOL's ICSE database but does not actively contribute to it.⁴⁵

- Therefore, the Committee invites San Marino to ensure that any obstacles to active contribution to INTERPOL's ICSE's database are removed and that national contributions are implemented in practice, regardless of the nationality of the victims.⁴⁶

- Additionally, the Committee requests San Marino to take the necessary legislative or other measures, in conformity with the fundamental principles of their internal law, to ensure an effective investigation and prosecution of ICT facilitated sexual offences against children, allowing, where appropriate, for the possibility of covert operations.⁴⁷

Follow-up actions:

With regard to the previous point concerning the ICSE database, it should be specified that San Marino is not directly connected to this database. However, when necessary, a request for cooperation is submitted by NCB Interpol San Marino to the Interpol General Secretariat, which hosts the *Crimes Against Children Unit*. This unit conducts the investigation on behalf of San Marino. It is also noted that the most recent request of this nature was submitted on 17 March 2025.

In October 2024, Delegated Decree No. 161/2024 was adopted, introducing significant amendments to Law No. 97/2008 and to the San Marino Criminal Code. Among other provisions, the offence of child grooming was introduced, with particular attention to the risks associated with the improper use of social networks.

³⁵ Recommendation III-5.

³⁶ Recommendation III-9.

³⁷ Recommendation III-10.

³⁸ Such trainings can also be part of broader training programmes.

³⁹ Recommendation III-14.

⁴⁰ Such trainings can also be part of broader training programmes.

⁴¹ Recommendations III-17, III-19.

⁴² Recommendation III-20.

⁴³ Recommendation III-21.

⁴⁴ Recommendation III-24.

⁴⁵ Para. 188.

⁴⁶ Recommendation III-27.

⁴⁷ Recommendation III-28.

Additionally, an aggravating circumstance was introduced for cases of sexual violence committed against a minor (Article 172 of the Criminal Code).

As for undercover operations, Article 7, paragraph 1, of Law No. 161/2002 (Law for the Suppression of the Sexual Exploitation of Minors) provides that:

"...the Law Commissioner may authorize specialized law enforcement personnel to carry out simulated purchases of

pornographic material, to intervene in intermediary activities, to take part in tourist initiatives, including abroad, involving the sexual exploitation of minors, to use cover identities to create websites on the internet, and to participate in online exchanges."

San Marino indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.⁴⁸

⁴⁸ Para. 203.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities

- Mindful of the different contexts in the Parties as recalled in para. 235 of the Explanatory Report, the Committee requests those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.⁴⁹

Follow-up actions:

The Units currently operating within the territory (the Single Court, the Gender Violence and Child Abuse Office within the Gendarmerie Corps, and the Child Protection Unit within the Social Security Institute) are adequately resourced to carry out their designated activities. It is noted that these offices are part of the Public Administration and are therefore funded by state resources.

- The Committee also invites all Parties, including San Marino to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.⁵⁰

On measures to ensure the effective investigation and prosecution

- The Committee requires all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.⁵¹

Follow-up actions:

The Law Enforcement Agencies and Judicial

authorities of the Republic of San Marino are bound to ensure the prioritization and prompt handling of investigations and criminal proceedings, including those concerning sexual offences against minors facilitated through ICT. Article 23, paragraph 4, of Law No. 97/2008, as amended by Delegated Decree No. 161/2024, stipulates that all investigative acts must be carried out in the shortest possible time. In particular, the Investigating Judge is required to take statements from the victim or the complainant within a maximum period of 48 hours (or two working days).

It should also be noted that, by means of an internal circular issued by the Chief Magistrate of the Single Court, specific criteria for prioritization have been adopted for the handling of certain matters, including all forms of violence against minors.

Furthermore, in February 2024, the Single Court of San Marino signed a Protocol with the Child Service and the Child Protection Unit. The aim of the Protocol is to establish shared operational models between the Child Protection Unit and the Court, *"in order to facilitate the exchange of information on ongoing cases, ensure prompt responses in situations where minors may be at risk, and monitor the implementation of ordered interventions. It also aims to support effective approaches, procedures, evaluations, and the selection of appropriate measures to ensure the effective protection of minors' rights in accordance with applicable legal and international standards. The objective of the Protocol, therefore, is to promote best practices and shared rules, while respecting the respective competencies of each body."* The Protocol provides a detailed description of the judicial responsibilities assigned to the Child Protection Unit, specifying the content of the required activities and the timeframes for their execution.

⁴⁹ Recommendations III-3, III-7.

⁵⁰ Recommendation III-4.

⁵¹ Recommendation III-30.

As for the Gendarmerie Corps, and in order to ensure maximum efficiency in investigations, the Corps has long established a dedicated office staffed by specialized personnel.

It also invites all Parties, including San Marino:

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.⁵²
- to take the necessary legislative or other

measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.⁵³

- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.⁵⁴

Promising practices:

With the adoption of Delegated Decree no. 161/2024, the San Marino Legislator wished to extend ex officio prosecution for all crimes related to violence. In this regard, Article 178 of the San Marino Criminal Code has been entirely reformulated, merely specifying the start of the statute of limitations in the event that the offence is committed against a minor, i.e. from the twenty-fifth birthday of the offended person.

⁵² Recommendations III-25, III-29.

⁵³ Recommendation III-31.

⁵⁴ Recommendation III-32.

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations and recommendations of the Committee on jurisdiction rules specific to San Marino

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))

The Committee notes that San Marino has established laws clarifying the circumstances in which their national criminal law will apply to a transnational situation following the territoriality principle. In San Marino, law no. 61/2002 has extended its territorial jurisdiction to include offences committed abroad by or to the detriment of a San Marino citizen, without prejudice to Art. 7 of the Criminal Code.⁵⁵

- To improve the effective implementation of the Lanzarote Convention, the Committee requests San Marino to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual exploitation and abuse facilitated by ICTs, when one of the constituent elements of the offence has taken place in their territory.⁵⁶

Follow-up actions:

Based on the information provided and the absence of publicly available records indicating recent legislative changes, it appears that the Authorities has not introduced new legislative amendments to address the aforementioned observations.

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

The Committee observes that San Marino does not establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in their territory.⁵⁷

- Therefore, the Committee requires San Marino to establish jurisdiction over offences established in accordance with the Lanzarote Convention committed abroad by persons who have their habitual residence in their territory.⁵⁸

Follow-up actions:

Based on the information provided, it appears that no legislative amendments have been introduced to address the aforementioned observations.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

According to Article 25(6) of the Convention, with regard to the two aforementioned jurisdictional grounds (offence committed by one of their nationals or by a person who has his or her habitual residence in their territory), Parties shall take the necessary measures to ensure that jurisdiction is not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed for the prosecution of offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21). The Committee observes that San Marino did not provide information as to whether it subordinates its jurisdiction to this condition.

⁵⁵ Para. 214.

⁵⁶ Recommendation IV-1.

⁵⁷ Para. 217.

⁵⁸ Recommendation IV-4.

- Therefore, to improve the effective implementation of the Convention, the Committee requires San Marino to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State of the place where the offence was committed for offences of sexual abuse (Article 18), offences concerning child prostitution (Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals or by a person who has his or her habitual residence in its territory.⁵⁹

Follow-up actions:

Based on the information provided, it appears that no legislative amendments have been introduced to address the aforementioned observations.

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

For offences committed abroad by one of their nationals, Article 25(4) of the Convention provides that Parties should take the necessary legislative or other measures to ensure that its jurisdiction is not subordinated to the condition that the acts are criminalised at the place where they were performed, i.e. subject to the dual criminality principle. This concerns the following offences: sexual abuse (Articles 18), offences concerning child prostitution (Article 19), the production of child pornography (Article 20(1)(a)), and offences concerning the participation of a child in pornographic performances (Article 21(1)(a) and (b)).

The Committee observes that in San Marino, the

national criminal law will apply to any acts committed outside the territory of San Marino regardless of the law of the territory where the offence was committed by a national or a stateless person, if the act is criminalised as a result from an international obligation binding on San Marino. This exception does not apply to offences committed by persons who have their habitual residence in San Marino’s territory.⁶⁰

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

The Committee notes that as detailed in the Explanatory Report of the Lanzarote Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed against one of its nationals or a person having habitual residence in the territory under Article 25(2). The passive personality principle is applied in San Marino in respect of offences committed against a national.⁶¹

- The Lanzarote Committee requests Parties that are not already doing so, including San Marino, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.⁶²

Follow-up actions:

Based on the information provided, it appears that no legislative amendments have been introduced to address the aforementioned observations.

Promising practices:

⁵⁹ Recommendation IV-5.

⁶⁰ Para. 226.

⁶¹ Para. 231.

⁶² Recommendation IV-9.

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Recommendation of the Committee on international cooperation specific to San Marino

- The Committee requires San Marino to ensure that victims of sexual exploitation or sexual abuse in matters related to CSGSIV in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.⁶³

Follow-up actions:

In this case, as well, no specific initiatives appear to have been adopted; however, the general principles regarding the prosecutability of offences remain applicable and do not, in principle, exclude such a possibility.

Generic recommendations of the Committee on international cooperation

- On international cooperation, the Committee requests all Parties, including San Marino to extend their international cooperation with other Parties to improve the effective implementation of the Lanzarote Convention.⁶⁴

Follow-up actions:

No noteworthy practices are reported, aside from the ongoing commitment of the San Marino Authorities to reinforcing international cooperation across all areas of jurisdiction.

The Committee invites all Parties, including San Marino:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to child self-generated sexual images and/or videos.⁶⁵
- to expand international cooperation with countries which are not Parties to the Lanzarote Convention to disseminate the standards of the Lanzarote Convention, including for the purpose

of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Lanzarote Convention, in matters related to child self-generated sexual images and/or videos.⁶⁶

- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.⁶⁷
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to child self-generated sexual images and/or videos.⁶⁸
- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to

⁶³ Recommendation V-17.

⁶⁴ Recommendation V-3.

⁶⁵ Recommendations V-6, V-11.

⁶⁶ Recommendations V-4, V-7, V-12, V-15.

⁶⁷ Recommendation V-5.

⁶⁸ Recommendations V-8, V-13.

child self-generated sexual images and/or videos.⁶⁹

- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.⁷⁰
- to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Lanzarote Convention, in investigation and proceedings concerning the offences established in

accordance with the Lanzarote Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to child self-generated sexual images and/or videos.⁷¹

- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.⁷²

Promising practices:

⁶⁹ Recommendation V-9.

⁷⁰ Recommendation V-10.

⁷¹ Recommendations V-14, V-16.

⁷² Recommendation V-19.

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to San Marino

San Marino provided general information to the Committee, not specifically related to the question without referring to the number of calls received by helplines on the issue raised by CSGSIV and without indicating what kind of follow-up was given to these calls.⁷³

Therefore, the Committee requires San Marino to take the necessary legislative or other measures:

- to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. Furthermore, these information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, especially the child, can understand, and it is free of charge.⁷⁴

Follow-up actions:

The national helpline for victims of all forms of violence - whether adults or minors, male or female - is the free and anonymous number 0549994800. This number is regularly promoted through national campaigns aimed at preventing and combating violence. A psychologist from the Listening Center answers calls during service hours, while during nighttime or public holidays, calls are handled by the Law Enforcement Authorities. With regard to the calls managed by the operators of the anti-violence helpline, it is reported that a total of 15 calls* were received in 2024, specifically:

- 5 requests for information on available services and dynamics of gender-based violence;
- 3 related to workplace harassment (mobbing);
- 2 concerning disputes between neighbors;
- 2 involving (suspected) physical, psychological, and economic violence;
- 1 related to stalking;
- 1 involving (suspected) psychological violence;
- 1 involving (suspected) economic, psychological, and witnessed violence.

None of the 15 calls listed above were made by a minor. This trend is also reflected in the statistics of previous years.

In addition, informational leaflets are produced containing details about a dedicated anti-violence helpline specifically for minor victims. These are distributed at all access points of the social and healthcare facilities.

- to assist child victims of sexual exploitation and abuse, in the short and long term, in their physical and psycho-social recovery, these measures must take due account of the child's views, needs and concerns.⁷⁵

Follow-up actions:

It is reported that in 2024, a 24-hour on-call system for Social Workers and Psychologists was activated. In the event that a minor victim of violence or abuse is admitted to the Emergency Centre, the on-call Social Worker is immediately contacted to carry out a preliminary assessment of the situation and determine whether an urgent temporary

⁷³ Para. 296.

⁷⁴ Recommendation VI-1.

⁷⁵ Recommendation VI-3.

placement of the minor in the social shelter is necessary. In this regard, the Social Security Institute signs annual agreements with social shelters and foster homes in neighbouring areas, in order to ensure the safe placement of minors in these shelters.

In cases involving minor victims of abuse or violence, the multidisciplinary team of the Child Protection Unit, under a mandate from the Single Court (civil or criminal division), carries out the following:

- a social and psychological investigation of the minor and the family unit;
- a psychodiagnostic evaluation of the minor;
- an assessment of parental capacity;
- the implementation and management of the minor's removal in cases of out-of-

home placement or placement in a residential care facility;

- the drafting of a support plan for the minor and the family, including referrals to other specialized services if needed.

Medium- and long-term psychosocial treatment and support measures for the minor and the original family unit are provided by the multidisciplinary team of the Child Service – Support for Children, Adolescents, and Parenting, and include:

- psychological and psychopathological evaluation of the minor;
- psychological and psychotherapeutic sessions for the minor;
- social and educational interventions;
- parenting support.

*: Source - Counselling Center for victims of all forms of violence

Generic recommendations of the Committee on assistance to victims

The Committee also invites all Parties, including San Marino:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children –including the risks associated with child self-generated sexual images and/or

videos– and how to provide appropriate support to victims and to those who wish to help them.⁷⁶

- to ensure that the assistance measures are available to child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of child self-generated sexual images and/or videos.⁷⁷

Promising practices:

⁷⁶ Recommendation VI-2.

⁷⁷ Recommendation VI-4.

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Recommendations of the Committee on civil society involvement and cooperation specific to San Marino

- To improve the effective implementation of the Lanzarote Convention, the Committee requires San Marino to involve civil society bodies in the implementation of preventive measures in the field of sexual exploitation and abuse of children.⁷⁸

Follow-up actions:

It should be noted that in San Marino there are no NGOs which provide direct assistance to minors who are victims of violence (such as non-profit organizations, associations which manage shelters, a network of volunteers for psychological/legal support, etc.), but there are only associations engaged in the promotion of rights in general. In fact, there are numerous associations protecting the rights of women, persons with disabilities, animals and environmental rights. These associations have among their statutory purposes, for example, the support of the social role of women, the pursuit of gender equality, the active participation of persons with disabilities and women in social and political life,...

However, there is close cooperation between the public and private sectors, in particular with regard to the implementation of specific projects or initiatives.

By way of example, we would like to mention the provision of a space within the Gender Violence and Child Abuse Office to accommodate those who have to file a complaint for crimes of violence. The project came about thanks to the cooperation between the Soroptimist Club San Marino and the Gendarmerie Corps; under the protocol signed, an encouraging and protected environment has been set up to help the victim of violence at the time of filing a

complaint, through a less traumatic approach. It includes an entertainment space for children who are often victims of witnessing violence in the family, entirely financed, designed and furnished by Soroptimist Club. The project was also implemented under the auspices of the Equal Opportunities Authority with the involvement of the relevant offices.

- The Committee also requests San Marino to encourage the financing of projects and programmes carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.⁷⁹

Follow-up actions:

On 2 April 2023, an association (Union of San Marino Women), in order to obtain the adoption of measures to support and recognise civil society organisations working to prevent and combat violence against women and gender-based violence, submitted a Popular Petition – known as Istanza d'Arengo –.

By Decision no. 8 of 29 August 2023, the Parliament approved the Petition, recognising the value and experience that these organisations bring and for the establishment of cooperation mechanisms to consult and cooperate with civil society organisations for the purpose of designing, monitoring, evaluating and implementing policy measures to prevent and combat violence against women.

In order to be able to fully comply with the suggestions of the international bodies on the subject, as well as to be more aware of the civil society associations and organisations that are statutorily involved in assistance,

⁷⁸ Recommendation VII-1.

⁷⁹ Recommendation VII-2.

prevention and awareness raising, the Equal Opportunities Authority has proposed to set up a list to which the aforementioned social realities can subscribe.

The Equal Opportunities Authority also suggested - on the subject of access to public funding by civil society organisations for the organisation of initiatives and events on the subject, in line with Article 1 of Delegated Decree No. 60/2012 - that these civil society actors should present their own projects of initiatives, sharing them with the anti-violence network, thus ensuring synergy between all the actors in the network and better

integrating the policy objectives in the area of combating violence against women.

It is not excluded that awareness-raising activities in the field of violence and sexual abuse against children will be included in the subsequent evaluations concerning access to public funding by civil society.

For the time being, it remains possible for the Ministries, even jointly, to fund events and initiatives proposed by civil society to prevent and combat gender violence, which they consider worthy.

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee invites all Parties, including San Marino:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of child self-generated sexual images and/or videos.⁸⁰
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.⁸¹
- to support civil society to carry out

projects and programmes that include the issue of child self-generated sexual images and/or videos.⁸²

- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives⁸³ and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards child self-generated sexual images and/or videos.⁸⁴

Promising practices:

⁸⁰ Recommendation VII-3.

⁸¹ Recommendation VII-4.

⁸² Recommendation VII-5.

⁸³ Parties are also invited to provide example(s) of how

children's views are taken into account in the context of the participation of children.

⁸⁴ Recommendations VII-6, VII-7.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee invites all Parties, including San Marino:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.⁸⁵
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is “adapted to their evolving capacity” or, in other words, their age and degree of maturity.⁸⁶
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.⁸⁷
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.⁸⁸
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.⁸⁹
- to promote themselves and to encourage the information and communication of the technology sector, the media, and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁹⁰
- to step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁹¹
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.⁹²
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.⁹³

⁸⁵ Recommendation VIII-1.

⁸⁶ Recommendation VIII-2.

⁸⁷ Recommendation VIII-3.

⁸⁸ Recommendation VIII-4.

⁸⁹ Recommendation VIII-5.

⁹⁰ Recommendation VIII-6.

⁹¹ Recommendation VIII-7.

⁹² Recommendation VIII-8.

⁹³ Recommendation VIII-9.

Promising practices:

- On the occasion of 11 February 2025, the date on which World Internet Safety Day – “Safer Internet Day” - was celebrated, the newly elected president of the San Marino Professional Order of Psychologists announced the launch of an observatory “*on psychological well-being in San Marino, to listen, monitor, involve*” (<https://www.sanmarinortv.sm/radio/music-news-c25/11-febbraio-e-il-safe-internet-day-a270943>).
- Recently, the figure of the school psychologist was introduced in schools to support students and teachers. In particular, the school psychology service is active in all the schools of the Republic of San Marino. It operates in a network with headmasters, teachers and families and it offers activities and interventions to promote the well-being of children and young people. The service includes the activities of a listening desk for teachers and educators, group observation, a listening desk for families and a listening space for boys and girls to better understand their feelings and emotions. A child's access to the listening desk is only possible with the informed consent of both parents (and the guardian, if so appointed) at the beginning of the school year in which they declare that they have read the information sheet prepared.
- In 2022, the awareness-raising and information campaign on the phenomenon of violence against women was also extended to the consideration of the phenomenon of witnessing violence and child sexual abuse.

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendation of the Committee on education for children specific to San Marino

The Committee observes that San Marino explicitly address the challenges raised by CSGSIV within the information on the prevention of sexual exploitation and sexual abuse of children provided as a part of the national curriculum.⁹⁴

On the other hand, the Committee observes that in San Marino information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided only during secondary education.⁹⁵

- Therefore, the Committee requires San Marino to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.⁹⁶

Follow-up actions:

Delegated Decree No. 164/2024 – “Provisions for the Prevention and Combating of Bullying and Cyberbullying” – aims to “prevent and counter all forms of bullying and cyberbullying, particularly through preventive measures and a strategy focused on the protection and care of minors, prioritizing educational and training actions. It ensures the implementation of interventions - regardless of age - within schools, local entities, sports organizations, and Third Sector bodies carrying out educational activities, including non-formal ones, as well as among those exercising parental responsibility, who are required to guide their children toward the appropriate use of technology and to

supervise its use” (Article 1).

Delegated Decree No. 164/2024 also provides for: the signing of international agreements between San Marino Law Enforcement Authorities and those of other states; the obligation to report incidents placed on school principals, social services, and law enforcement authorities; the establishment of a Committee for the Prevention and Combating of Bullying and Cyberbullying, which includes the Coordinator of the School-Based Group for Bullying and Cyberbullying Prevention and Response; the promotion of specific projects aimed at supporting minors who are victims of bullying and cyberbullying; the availability of a free and continuously operating helpline.

Furthermore, the Ministry for Education and Culture is responsible for promoting and organizing initiatives aimed at combating bullying, cyberbullying, and fostering legal awareness. Educational institutions of all levels, including the Vocational Training Center, are required to integrate the prevention and combating of bullying and cyberbullying as a cross-disciplinary element within their curricula.

The Committee also invites San Marino:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).⁹⁷

⁹⁴ Para. 383.

⁹⁵ Para. 393.

⁹⁶ Recommendation IX-3.

⁹⁷ Recommendation IX-2.

- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards child self-generated sexual images and/or videos, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.⁹⁸

Finally, the Committee observes that in San Marino, the teaching programme “Education to a conscious use of social networks” includes awareness-raising meetings with families on sexting and its legal and psychological implications. Such meetings are held by legal and technical experts.⁹⁹

Generic recommendations of the Committee on education for children

The Committee invites all Parties, including San Marino:

- to consistently involve children in the development of internet safety awareness

programmes.¹⁰⁰

- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.¹⁰¹

Promising practice

In San Marino, the teaching programme “Emotional education” includes a 2-hour module held by the science teacher with the assistance of a psychologist and a physician and a series of educational initiatives within other disciplines whose subjects are related to the project (physiological aspects, analysis of feelings, emotions and interpersonal relationships). As part of this programme, students in thirds classes focus on psychological changes related to adolescence and on the use and abuse of new social tools offered by ICTs, including sexting.

Promising practices:

⁹⁸ Recommendation IX-6.

⁹⁹ Para. 403.

¹⁰⁰ Recommendation IX-4.

¹⁰¹ Recommendation IX-5.

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to San Marino

The Committee observes that in San Marino some persons working in contact with children receive awareness of the protection and rights of children, in different frameworks and on different topics such as the rights of children in the digital environment.¹⁰²

- To improve the effective implementation of the Lanzarote Convention, the Committee request San Marino to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs, for example through education or continuous training.¹⁰³

Follow-up actions:

As part of the *"qualification course for teaching in lower and upper secondary schools, and for teaching English and physical education in schools of all levels in the Republic of San Marino"*, seminars are also scheduled on topics such as gender-based violence, bullying, and gender stereotypes. With regard to the sports sector, and in light of the need to foster a culture of gender respect in every social context, the Authority for Equal Opportunities has worked on the development of a tool that includes measures for the prevention, awareness, and training concerning violence occurring in sports

settings.

In April 2023, a valuable collaboration was initiated between the San Marino National Olympic Committee (CONS) and the Authority for Equal Opportunities, with the aim of preparing a shared tool. In this regard, a draft protocol has been drawn up in collaboration with the competent Secretariats of State and the San Marino National Fair Play Committee. The protocol provides for the extension of the regular annual training (proposed by the Authority in collaboration with the Department of Human Sciences of the University of San Marino) to include both coaches and athletes, with the goal of fostering personal awareness of what constitutes violence and sensitizing the entire sports world to the issue.

In addition to the above, it is reported that on April 15, 2025, the draft law entitled *"Provisions to Combat Gender-Based Violence and Child Abuse in the Sports Sector"* was presented to the San Marino Government. This represents a preliminary step in initiating the legislative discussion process, and the relevant San Marino Authorities will ensure that the Committee is informed of future developments.

The Committee also invites San Marino to ensure that:

- the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to

¹⁰² Para. 432.

¹⁰³ Recommendation X-1.

sport, culture and leisure activities), have an adequate knowledge of the risks associated with child self-generated sexual images and/or videos, for example through education or continuous training.¹⁰⁴

- all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with child self-generated sexual images and/or videos.¹⁰⁵

Additionally, the Committee requires San Marino to ensure that:

- teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.¹⁰⁶

Follow-up actions:

The Department of Human Sciences of the University of San Marino (DSU) is particularly active in promoting equal opportunities and preventing gender-based violence, especially in the field of professional training, with a strong focus on teacher education.

In accordance with Article 4 of Law no. 97/2008, as subsequently amended, the Department organizes professional training courses. These courses, which are mandatory and held annually, are aimed at Judges, Law Enforcement Officers, Professional Associations, Social and Health Services, School Personnel, and Family Mediators. They provide specific training and appropriate tools for intervention in cases of violence against women and minors, as well as addressing gender stereotypes.

- the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children and are informed of the possibility for them to report to the services responsible for child protection any situation

where they have “reasonable grounds” for believing that a child is a victim of sexual exploitation and sexual abuse of children:

- in the education sector
- in the health sector
- in the social protection sector
- in areas relating to sport, culture and leisure activities.¹⁰⁷

Follow-up actions:

The existing collaboration between DSU and the Authority for Equal Opportunities has led to the development of an annual training plan on gender-based violence, resulting in the establishment of a Center for Advanced Training (CAF), made possible also thanks to the support of the Italian association *Telefono Rosa*.

As part of the training jointly coordinated by the DSU and the Authority for Equal Opportunities, health and social-health personnel will also be included. Additionally, the DSU, in collaboration with the heads of the various sectors of relevant state personnel, has directly organized training proposals that were previously agreed upon with the different professional categories, and has also validated training projects independently proposed by those groups.

In 2022, the Authority for Equal Opportunities and the DSU implemented the following initiatives, which will be continued in the coming years:

- Basic training for non-teaching staff on the topic “*Prevention and suppression of violence against women and gender-based violence: Law no. 97/2008 and subsequent amendments.*”
- Training sessions for teaching staff of all school levels on “*Gender-sensitive teaching - Educating for respect through inclusive pedagogy.*” Some of the most prominent Italian experts in pedagogy and gender studies led these sessions.

According to Delegated Decree no. 161/2024, Social Services, Law Enforcement, all healthcare professionals (both public and

¹⁰⁴ Recommendation X-2.

¹⁰⁵ Recommendation X-3.

¹⁰⁶ Recommendation X-4.

¹⁰⁷ Recommendations X-5, X-6.

private), as well as teachers at all levels, are required to report to the competent authorities any cases of violence against women, minors, or gender-based violence that come to their attention in the course of their professional duties. Such reporting does not constitute a breach of professional or official secrecy.

Furthermore, Delegated Decree no. 161/2024 amended the composition of the Technical

Working Group established by Delegated Decree no. 60/2012, by including, among the representatives of the anti-violence network, the Director of the Department of Education and Culture and the Director General of the University of San Marino.

Promising practices:

It is hereby announced that the Department of Education and Culture is in the process of finalizing a Protocol with the Child Protection Unit, which will include guidelines for teachers regarding the reporting of episodes of violence against minors, in accordance with Delegated Decree no. 161/2024.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to San Marino

The Committee observes that in San Marino, the Parliament adopted a decision on 20 March 2017 to, *inter alia*, conduct research on the subject at the national level. However, no information was provided as to any research undertaken subsequently to this decision.¹⁰⁸

Therefore, the Committee invites San Marino:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of child self-generated sexual images and/or videos.¹⁰⁹
- to ensure that data on the phenomenon of CSGSIV and the risks associated with it is regularly collected and research on the issue is regularly undertaken.¹¹⁰
- to build on the findings from existing research on child self-generated sexual images and/or videos, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by child self-generated sexual images and/or videos.¹¹¹
- to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from child self-generated sexual images and/or videos, with due respect for the requirements of personal data protection.¹¹²

Promising practices:

Since 2022, official statistics of San Marino - published annually by the Authority for Equal Opportunities, as the national monitoring body for the implementation of the Istanbul Convention and relating to trends in violence against women - have also included data on violence against minors and witnessed violence. This addition has helped to raise awareness of the phenomenon of violence and abuse against minors, and has contributed to a better understanding of the importance of adopting effective prevention and response measures.

¹⁰⁸ Para. 445.

¹⁰⁹ Recommendation XI-1.

¹¹⁰ Recommendation XI-2.

¹¹¹ Recommendation XI-3.

¹¹² Recommendation XI-4.