



Strasbourg, 20 December 2017

GRETA(2017)40



Reply from the San Marino
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

Second evaluation round
(Reply submitted on 20 December 2017)



1. As of today, no case of trafficking in human beings or case of persons suspected of being involved in trafficking in human beings have been detected, prosecuted and reported. As regards the changes in the country's legislation, the new law on stay permits - whose adoption was announced in the comments on the first evaluation report - is now in force. This law allows caregivers to obtain an annual stay permit, thus filling legislative gaps. This law also provides for a stay permit for humanitarian reasons of social protection to be granted to victims of trafficking, as defined by international human rights instruments ratified by the Republic of San Marino, having regard to their personal situation and/or for the purpose of their co-operation in the investigation or criminal proceedings. This permit is renewed if necessary, in accordance with indications from the Authority for Equal Opportunities or the Judicial Authority. Moreover, progress has also been made in the framework of information to foreign workers, thanks to the establishment of a dedicated help desk.

With the adoption of the Law "Rules adjusting San Marino legal system to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence" entered into force on 6 May 2016, a new definition of violence has been adopted. According to the new definition, anyone (being a man, a woman or a child) is considered to be a victim of trafficking, thus including all potential victims. In addition, the law envisages that assistance measures should be ensured to all victims of all forms of violence, including the deprivation of liberty, coercion and threats of violence. Financial assistance, assistance in finding employment, legal advice and support services provided by experts, assistance with housing, education and training, psychological counselling are therefore granted to any victim. The law also provides for a State compensation for failure to adopt appropriate preventive and protective measures. As for other types of compensation, a Fund for financial assistance to victims of violence, managed by the Authority for Equal Opportunities, is to be established.

The crisis of the ruling Government in 2016 and the early dissolution of Parliament caused a slowdown - and sometimes even an interruption - of the planning and implementation of some activities, including legislative changes. Since then, a new Parliament was elected, and the current Government started its activity on 28 December 2016. Following these political changes, all members of the Authority for Equal Opportunities as well as those of the Equal Opportunities Commission were replaced.

In addition, the Ministry of Industry, Trade and Crafts and that of Labor were merged into one Ministry.

In the field of cooperation, on 20 December 2013 a Technical Agreement between the Police Department including the Interpol National Central Bureau of San Marino and the Department of Public Security of the Ministry of the Interior of the Italian Republic was concluded, with the aim of strengthening the cooperation in the fight against transnational organized crime.

In this Agreement, among the areas of cooperation listed in Article 2, human trafficking is explicitly mentioned.

On 31 March 2014, a new law on licenses to pursue industrial, service, handicraft and commercial activities was adopted. According to the law, licences should not be issued to people who have been convicted for felonies committed over the last 15 years or are subject to ongoing criminal proceedings for criminal conspiracy.

No national action plan to combat trafficking in human beings has been adopted in San Marino; the powers of the Authority for the Equal Opportunities have changed as a consequence of the adoption of the rules adjusting San Marino legal system to the provisions of the Istanbul Convention mentioned above. The extension of these powers shall be defined by a parliamentary decree before 31 December 2017.

2. Anything concerning gender equality between men and women, including awareness-raising and prevention, is taken care of by the Equal Opportunities Commission according to its mandate defined by law.

Given that no case of human trafficking has been reported to this Commission, gender issue in trafficking is a topic which the EOC has not considered separately from other gender issues.

To this day, this Commission actively promotes policies that support women's role in society and politics in order to reduce gender gap and help women be totally aware of the crucial role they play in our community.

The law against gender violence provides for protection measures of all victims regardless of sex.

3. Given that no case of trafficking has been reported to the competent authorities or to the Equal Opportunities Commission, we point out that the provisions of the Convention apply to all trafficking victims. In addition, no national minorities, except for small groups of foreign immigrants, live in San Marino.

4. Insofar as the Labour Office is concerned and insofar as inspectors were able to ascertain based on the provisions in force, there are no people "subject to trafficking who are irregular migrants".

The condition of migrant workers is defined and disciplined by Law 28 of June 2010 No. 118 "Law on the entry and stay of foreigners in the Republic of San Marino" and by subsequent substantial amendments and integrations. This Law "regulates the requirements for the entry of foreigners in the territory of the Republic of San Marino, the criteria and modalities for the granting to foreigners of stay permits and residence, control procedures and sanctions applicable in case of violation of the rules" (art.1).

To be entitled to work, migrant employees (and individuals in other forms of employment envisaged by law: secondment, occasional or ancillary work, project-based collaboration) must obtain a work permit from the Labour Office. Individuals entering the Republic for working purposes are subject to specific supervision, carried out through appropriate certifications.

The Labour Inspectorate is responsible for monitoring the implementation of laws on the protection of employment and workers. It carries out daily activities throughout the Republic (seven days a week, including night-time hours). About 4000 inspections are carried out every year (there are six inspectors and the Social Security Institute also collaborates by sending one inspector) and no issues referred to in the present paragraph have been detected.

San Marino has ratified ILO Convention No. 143 on migrant workers.

If any of the elements of the offences envisaged in Articles 167 and 168 of the Criminal Code (as amended by Law 97/2008) are in place, even in the abstract, the procedures envisaged in the above mentioned Law (97/2008) for victims of violence apply. This Law provides for the obligation to report to the Judicial Authority, to inform the victims of their rights (by activating the various State services forming the anti-violence network), to provide free legal assistance, to guarantee confidentiality, etc.

5. With the adoption of the Law "Rules adjusting San Marino legal system to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence" entered into force on 6 May 2016, a new definition of violence has been adopted. According to the new definition, anyone (being a man, a woman or a child) is considered to be a victim of trafficking, thus including all potential victims. In addition, the law envisages that assistance measures should be ensured to all victims of all forms of violence, including the deprivation of liberty, coercion and threats of violence. Financial assistance, assistance in finding employment, legal advice and support services provided by experts, assistance with housing, education and training, psychological counselling are therefore granted to any victim.

6. Law No. 97 of 2008 and subsequent amendments and integrations envisages compulsory training for all staff who, for various reasons, are concerned with gender violence within which the fight against THB, although not expressly mentioned, may be included. Professionals obliged to complete the training are: all healthcare professionals, law enforcement authorities, the Court, lawyers, psychologists and teachers of schools of all levels.

Such training deals with many forms of violence and discrimination and does not specifically explore the issue of action against THB.

As for teachers, the cross-sector working group on health education (composed of representatives of schools and the Social Security Institute - SSI) will explore the issue of THB and the related issue of sexual abuse and exploitation of minors starting from next year, 2018. In this framework, training will be

arranged for all school staff in San Marino. Individual schools will fund training projects using the specific budgets for teacher training.

The results of teacher training have been analysed and reported in the volume entitled "Against gender violence: training and intervention. Reflections following a research project in the Republic of San Marino". The publication will be presented to the public on 23 November 2017 on the occasion of celebrations planned on November 25. The publication was edited by Prof. Arianna Taddei and commissioned by the Authority for Equal Opportunities in collaboration with the Department of Human Sciences of the University of San Marino.

7. There are no institutions specifically responsible for dealing with trafficking in children. The public social and health services include the Minors' Service, which generally deals with the various forms of child protection. The Authority for equal opportunities confirmed that no case of trafficking has occurred in the territory of San Marino.

8. The San Marino law on vital statistics provides for the obligation to register all births. The declaration of birth must be made to the Registrar within 10 days after the birth.

The Registrar is required to verify that birth has actually occurred and in case he discovers that a declaration of birth has been omitted he shall report the fact to the Court.

The declaration of birth can be made by the father, the mother or by their special attorney; it can also be made by the doctor, the midwife or any other person attending the birth.

Where the person making the declaration is not the doctor or the midwife, the certificate of birth assistance issued by the doctor or the midwife shall be produced.

Concerning points b and c, see reply to question n. 6.

9. In case of police custody and in the absence of documents proving the identity of persons in custody and the reasons for their presence in the territory of San Marino, the Police Forces perform the appropriate controls in order to ensure that no international complaints or reports have been filed regarding the subjects in question. In case of doubt regarding the age, all the assistance measures concerning minors are applicable.

10. The answers to these questions are partly to be found in the previous answers.

- a) At the moment, identification procedures used for adults apply.
- b) In case of an unaccompanied minor a Guardianship Judge always intervenes by arranging for the protection of the interests of the child, according to the circumstances.
- c) The tracing of family members may be carried out through diplomatic channels, in addition to Interpol channels.
- d) According to Law 97/2008, severe sanctions are imposed if such information is made public or published in the media.
- e) This is regulated by Law 97/2008 and by the rules adjusting the San Marino legal system to the Istanbul Convention, as mentioned above.
- f) The issuance of a specific residence for minors is not envisaged: the Government may grant a special permit for extraordinary humanitarian and social protection needs to minors, as is the case with adults.
- g) As in case of adults, these protection measures are regulated by Law 97/2008 and Law 57/2016, Articles 4, 6, 8, 20.
- h) The Judicial Authority - Guardianship Judge - has the means to carry out these assessments.
- i) Special measures for minors who are victims of THB are not in place, but all the assistance measures concerning minors victims of violence are relevant.

If it is established that the victim is younger than 18, he/she is entrusted to the Minors' Service of the SSI (Social Security Institute), which provides suitable care and assistance. The Minors' Service identifies

the child who is a victim of THB and acts in the best interest of the unaccompanied minor, in order to traces his/her family members. In so doing, it rigorously respects the minor's privacy rights, makes an assessment of the case in question and its specificities and consequently of the measures to be adopted, namely the repatriation of the minor to his/her country of origin to stay with the family, if the requirements are met, or his/her placing in other facilities, once the best interest of the child has been ascertained.

" Article 14 L.118 / 2010

(Extraordinary stay permit for humanitarian reasons of social protection)

[amended by Article 19 of Law no. 118/2015]

1. Extraordinary stay permits may be granted to foreigners for specific humanitarian reasons of social protection. Holders of extraordinary stay permits for humanitarian reasons of social protection shall be entitled to receive health assistance and temporary economic benefits from the Social Security Institute and shall have the possibility to work in the Republic of San Marino.

1 bis. Extraordinary stay permits shall also be granted to victims of trafficking and victims of violence, as defined by international human rights instruments ratified by the Republic of San Marino, having regard to their personal situation and/or for the purpose of their cooperation in the context of criminal investigations or proceedings. The permits shall be granted following a favourable opinion from the Authority for Equal Opportunities which, supported by public services and offices, may carry out the necessary investigations.

2. Extraordinary stay permits shall be temporary. They may be renewed annually until the reasons for social protection exist. For the victims of trafficking and the victims of violence, they shall be renewed in accordance with instructions from the Authority for Equal Opportunities or the Judicial Authority."

11. No unaccompanied minors have reached San Marino on their own. The only migrant families which reached San Marino have used humanitarian corridors that have been arranged in collaboration with the Italian authorities. Therefore, such migrants had previously been identified.

12. No specific programmes or services have been established due to the absence of relevant cases. If, for any reason, parents/guardians are absent, the Minor's Service of the Social Security Institute ensures that minors are integrated or reintegrated into society. The category of victims of THB does not exist due to lack of cases. Nevertheless, for the situations above, although not specifically falling into that category, the Minors' Service of the Social Security Institute provides a wide range of possibilities beyond the reintegration of the child into his/her family, if the latter is not in the child's best interests.

13. These types of crime are envisaged by our Criminal Code but have not occurred. For this reason, no case law exists.

14. According to Article 168 of the Criminal Code of San Marino, the crime of trafficking occurs when "physical or psychological inferiority or a situation of need is exploited, or when money or other benefits are promised or given to the person who has authority over such person". There is no case law due to lack of cases.

15. Although no case of forced marriage or illegal adoption has occurred, even less in the context of THB, the forced marriage crime was introduced in the Criminal Code by Law no. 57 of 6 May 2016.

"Article 176 bis

(Forced marriage)

Anyone forcing a person to enter into a marriage shall be punished with third-degree imprisonment.

Anyone intentionally luring a person to the territory of a State other than the one she or he resides in with the purpose of forcing this person to enter into a marriage shall be punished with second-degree imprisonment".

The adoption of children is regulated by three laws: Law 49/1986, "Reform of family law", Law 83/1999, "Law on the adoption of foreign citizens", and Law 68/2008, "Rules on international adoption and protection of minors". In order to allow children to leave their countries legally, entrance for adoption purposes is granted only to minors eligible for adoption and after the administrative and judicial authorities of the child's country of origin have issued either an adoption provision, a pre-adoption foster care provision or any other provision similar to guardianship or other instruments for the protection of minors stating, in a clear and incontrovertible manner, that the child is authorised to leave his/her country. The provision must be accompanied by a consular certificate attesting to its conformity with the laws of the country where the provision was issued.

16. According to Article 168 of the San Marino Criminal Code, the key element of the crime of THB is forcing a person to "enter or stay on or leave the territory of the State or to move into such territory". Begging is a crime punishable in itself pursuant to art. 283 of the Criminal Code, whereas forced begging falls within the crime of "Coercion or maintenance in slavery or servitude", regulated by Art. 167 of the Criminal Code: "Anyone who exercises on a person powers corresponding to property rights or anyone who enslaves or keeps a person under continuous subjugation, forcing such person to work, to have sexual intercourse, to beg or provide any performance entailing exploitation, shall be punished by terms of fifth degree imprisonment and fourth degree disqualification."

17. According to Article 168 of the San Marino Criminal Code, the key element of the crime of THB is forcing a person to "enter or stay on or leave the territory of the State or to move into such territory". There is no case-law due to lack of cases.

18. No awareness-raising campaigns against THB have been organised, but rather against violence in general.

19. No research on trafficking appears to have been founded.

20. The main legislation on migration is Law no. 118 of 28 June 2010 and subsequent amendments. This Law sets forth the requirements for the entry of foreigners into the territory of the Republic of San Marino, the criteria and modalities for granting stay permits and residence, as well as control procedures and sanctions in case of violation of the rules.

The aforementioned Law governs the mechanisms implementing the migration policy for employment reasons and extraordinary needs. Indeed, Article 19 of Law no. 118 of 28 June 2010 and subsequent amendments envisages the annual adoption of a Decree by means of which the Government establishes the maximum number of stay permits or residences that can be issued, thus creating traceable legal channels of immigration for working reasons.

Moreover, in the face of the migration crisis, the Republic of San Marino has adhered to the humanitarian corridors organised by the Italian authorities in collaboration with the Community of Sant'Egidio to receive families of migrants, which have been previously identified.

21. a. On 21 January 2010 the "Framework Law on the use of blood, cells, tissues and organs" was adopted to regulate the collection, storage and use of human blood, cells, tissues and organs. The Health Authority is the control body. Delegated Decree no. 106 of 17 August 2016 "Implementation of European Directives concerning the quality and safety standards for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells" has specified the scope of application and competences of the different bodies responsible for monitoring the procedures and the accredited institutions, including the Bioethics Committee. The Decree has also defined the measures concerning inspection, supervision, control, import and export. Please note that in case of organ transplants San Marino citizens have resorted to healthcare infrastructures abroad.

b. Organ transplants are not carried out in San Marino. The body responsible for monitoring healthcare activities is the Authority for the authorisation, accreditation and quality of health, socio-health and socio-educational services. The public structure providing healthcare is the Social Security Institute. There are some private infrastructures that do not carry out organ transplants. Please note that transplant procedures take place abroad and the waiting lists and compatibility tests are conducted in the centres where transplants are carried out.

c. We are not aware of initiatives related to this training activity.

22. No specific activities have been carried out to discourage demand.

23. San Marino has ratified ILO Convention No. 150 concerning Labour Administration.

It should be noted that the work placement service is public and that recruitment agencies are not allowed and have not been reported.

The Labour Office is responsible for the preliminary verification of the requirements of those who intend to be registered in the employment list. Indeed, only San Marino citizens and residents of working age, who have completed compulsory schooling, can be registered.

To be eligible to work, workers must be in possession of the "Professional booklet" issued by the Labour Office, where registration details and personal data are recorded. Among the documents to be submitted to the Employment Section of the Labour Office is the certificate of residence.

Other verifications, in addition to those of the Labour Office, are carried out by the Labour Commission established by Law no. 131 of 29 September 2005 "Law for the promotion, support and development of employment and training". Among other tasks, the Commission monitors the enforcement of laws and other provisions on employment. To this end, the Commission closely cooperates with the Labour Inspectorate Office.

By 30 April of each year, the Labour Commission is required to draw up and transmit to Parliament a report on the general employment situation, also based on a reference document on the same issue that the Labour Office is requested to prepare and send to the Labour Commission every four months.

The Labour Inspectorate, established by Law no. 42 of 22 December 1955, is the Section of the Labour Office responsible for monitoring the enforcement of labour legislation, specifically with regard to recruitment issues in businesses of any kind and, in general, both in case of employment or self-employment. The Labour Inspectorate is entrusted with the function of ascertaining violations of the legislation in force and, to this end, it draws up minutes, which are submitted to the magistrate responsible for the application of sanctions.

No violation of the provisions of this Convention has emerged from the verifications carried out by San Marino Court. Therefore, the Labour Inspectorate has not drawn up any assessment reports evidencing cases of violations of the Convention's provisions.

24. There are no specific measures to strengthen the powers of the coastal guards, because the Republic of San Marino has no ports, airports and borders. It has a customs agreement on free movement with the neighbouring Italian Republic, of which San Marino is an enclave.

Against this background, as it will be explained more in detail hereinafter, San Marino and Italy have activated procedures and collaborations to combat and prevent that THB affect the small territory of the Republic of San Marino.

25. This does not apply to San Marino (no airports, no harbours).

26. As already mentioned, San Marino has no borders, ports or airports. The small size of the territory and of the population makes the Republic not attractive or at least reduces the attractiveness of the country for ill-intentioned people or organizations, because it would hardly be possible to prevent State Authorities from discovering the victims of trafficking.

There have been no concrete cases of fight against cross-border trafficking.

In order to ward off any risk and, in any case, to have in place operational instruments to counter trafficking, San Marino has concluded agreements and treaties with Italy to share information, to conduct investigations activities, also jointly, and to combat organized crime.

On 29 February 2012, a Cooperation Agreement for the prevention and combating of crime was signed between the Governments of the Republic of San Marino and of the Italian Republic. This Agreement is not yet in force since ratification by Italy is still pending. Article 2, letter c) of said Agreement provides for collaboration, in conformity with the respective domestic laws in force, to prevent, combat and

investigate unlawful immigration and all forms of trafficking in human beings, with particular reference to the exploitation of women and minors, including sexual exploitation.

On 18 July 2012, an Arrangement on enhancing exchange of information to prevent crime was signed between the Government of the Republic of San Marino and the Government of the United States of America. Such Arrangement provides for collaboration between the two States to prevent, detect and investigate serious criminal offences.

San Marino concluded bilateral agreements with Italy and France on legal cooperation in criminal matters.

On 20 November 2006, the Republic of San Marino accepted the Constitution and General Regulations of the International Criminal Police Organization (Interpol), as adopted by the General Assembly of the Organization during its 25th session (1956 - Vienna) and subsequent amendments. In conformity with the Constitution of the Organization, San Marino has established its own National Central Bureau, responsible for international police cooperation under the agreements in force. This Bureau, under the responsibility of the Minister of Foreign Affairs, liaises with the National Central Bureaus of the other member States, as well as with the General Secretariat of the Organization.

The Republic of San Marino ratified the following instruments in the field of transnational crime:

United Nations Convention against Transnational Organized Crime, done at Palermo on 15 November 2000, ratified on 1 June 2010;

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000, ratified on 1 June 2010;

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000, ratified on 1 June 2010.

Finally, San Marino ratified the following international instruments in the field of mutual legal assistance:

European Convention on Legal Assistance in Criminal Matters, done at Strasbourg on 20 April 1959, ratified on 4 March 2009;

European Convention on Extradition, done at Paris, on 13 December 1957, and relevant declarations and reserves, ratified with Parliamentary Decree no. 28 of 16 March 2009;

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, done at Strasbourg on 8 November 1990, ratified with Decree no. 92 of 18 September 2000.

European Convention on the International Validity of Criminal Judgements, done at The Hague on 28 May 1970, ratified on 17 April 2002.

27. No ad hoc mechanism is in place.

Nevertheless, the assistance network for victims created under Law no. 97/2008 and coordinated by the Authority for Equal Opportunities is a good example of the existing procedures, which are constantly updated and implemented.

In addition, Decree no. 33 of 23 March 2017 has amended the Regulation of the Gendarmerie by envisaging four departments. One of these is the Department of Administrative Police, Social Police, Studies and Statistics, which carries out activities related to the following divisions:

- a) immigration, foreigners and naturalisation under the legislation in force;
- b) guns, ammunition and pyrotechnics under the legislation in force;
- c) supervisory activities and private investigations under the legislation in force;
- d) gender violence and violence against children;

- e) issues related to the social police;
- f) research, collection, analysis and processing of data for statistical purposes.

This Department cooperates with the Social and Health Services, which are responsible for the care, support, social inclusion and protection of people in need.

28. No specific indicators are in place.

29. No examples can be made due to lack of cases. In case of suspicion, Police Forces shall ascertain the alleged victim's will, by resorting, if necessary, to the psychologists of the Minor Service of the Social Security Institute and the Court.

In any case, the presence, even though generic, of the elements provided by Articles 167 and 168 of the Criminal Code, as amended by Law 97/2008, may be considered sufficient by the Police Forces to involve the Authority for Equal Opportunities.

30. No special measures are known.

31. No specific procedure for asylum application exists in San Marino. A stay permit for humanitarian reasons may be applied for, as described in the answer to question no. 10.

In San Marino, the authorities responsible for the identification of victims of trafficking and immigration are the Police Forces, in particular the Gendarmerie.

32. Law No. 97 of 2008 and subsequent amendments envisages, in Article 16, that during civil or criminal proceedings related to violence against the individual, the victim's confidentiality and privacy, as well as his/her personal details, those of the victim's children or of any other person under his/her custody shall be protected.

The disclosure of this data is always prohibited by law. A sanction of € 12,000.00 applies in case of non-compliance with this rule.

According to Art. no. 19 of Law 97 of 2008 and subsequent amendments, Social Services, Law Enforcement Agencies and health professionals, both public or private, are required to report to the Law Commissioner acting as civil Guardianship Judge any act of violence of which they may have knowledge because of their activities or professions.

Teachers of any grade or level are required to report acts of violence to the Minors' Service.

The law envisages that reporting does not entail any violation of official or professional secrecy. The Law Commissioner ensures that the report and the records of the proceedings are kept confidential.

33. There are no NGOs in the Republic of San Marino. The Council of Associations confirms that there is no evidence of interventions to support victims of violence or witnesses of criminal acts in a structured and officially recognized manner. Over time, San Marino has hosted families (such as Syrian refugees) but the whole process has always been programmed with the intervention and joint planning of institutions, and has never been independently and continuously carried out by non-governmental bodies.

34. The stay permit for humanitarian reasons (see reply to question n.10) ensures a regular stay in the territory and all necessary health and social services. It can be renewed for the period necessary to the procedure.

35. The Social Security Institute has concluded an agreement with an Italian public body that provides secure accommodation to adult female victims of violence. In San Marino there is no such body, due to the small territorial size of the country. Similar agreements have been concluded between the San Marino Minors' Service and numerous Italian institutions - either near or distant from the Republic - that welcome children in difficult situations. It is therefore possible to refer a child to such centres when the judicial authority deems it in his/her best interest. The Minors' Service is entrusted with checking regularly that the centres concerned are adequate. Authorities have reported that women and minors victims of THB could benefit from such agreements without any difficulty, in case it is deemed

necessary. They also believe that similar ad-hoc solutions could be found with the Italian authorities to protect male victims of THB, in the context of the protection foreseen for victims of crime.

36. There is no assistance infrastructure in San Marino that would specifically and exclusively deal with victims of THB. However, Law no. 97/2008 envisages a significant number of assistance measures for victims of violence, especially for women, which could be adapted to cases of trafficking in women. A counselling centre for female victims of violence was opened in July 2013 within the Centre for women's health at the public health unit of Dogana. This day centre operates a toll-free number, welcomes women victims of violence in San Marino and provides psychological support and assistance on how to avoid situations of violence. The centre also works in close co-operation with law enforcement officials and social workers, including the Minors' Service.

The centre's staff can provide visitors with a list of attorneys for legal advice and assistance.

Any official who has been informed of a case of violence is required to report it to the relevant judicial authority and, once the judge has been informed, he/she can decide to issue a protection order in favour of the victim, if necessary.

With regard to healthcare access, victims of THB fall into the general scheme which applies to nationals and to foreigners who are in San Marino. Foreigners working in San Marino, including seasonal workers, are obliged to pay for public health insurance and would therefore be covered for all types of health assistance. Illegal foreigners have access to emergency health assistance.

A child victim of THB would be reported to the Minors' Service and, in the case of non-accompanied foreign minors, a legal guardian is designated by the judge for minors.

37. There is no evidence of follow-up provided after the termination of assistance programmes. The victims, however, can continue to receive assistance at the end of the criminal proceedings if needed. The type of assistance is assessed on a case-by-case basis according to the needs of each situation.

38. In this regard, see the already mentioned Article 14 of Law no. 118 of 28 June 2010, as amended by Article 19 of Law no. 118 of 30 July 2015, which envisages the "extraordinary stay permit for humanitarian reasons of social protection". The second paragraph of the article above reads: "The extraordinary stay permits shall be temporary. It may be renewed annually until the reasons for social protection exist. For the victims of trafficking and the victims of violence, it shall be renewed in accordance with the instructions from the Authority for Equal Opportunities or the Judicial Authority."

No concrete THB cases have been recorded since the entry into force of the law above.

39. The provisions on the stay permit for humanitarian reasons shall be applied also in this case. A case-by-case assessment is envisaged, also with the assistance of the Authority for Equal Opportunities.

40. Please see the explanations on the issuance of a stay permit for humanitarian reasons in our answer to question 10, in particular paragraph 1 bis of Article 14.

41. Please see the explanations on the issuance of a stay permit for humanitarian reasons in our answer to question 10, in particular paragraph 1 bis of Article 14.

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

access to free legal assistance and legal aid during investigations and court proceedings. In cases of violence against women and children and gender violence in general, all victims of a crime are entitled to legal aid, should they lack the means to pay for it. The Association of Lawyers is tasked with providing such assistance. Legal costs are paid by the State, which tries to take action against the offenders once they have been convicted.

compensation from the perpetrator. The law envisages that those found guilty of the offence are also convicted to pay damages.

compensation from the state. It does not appear to be envisaged, apart from the cases where public authorities have failed to fulfil due diligence requirements.

compensation for unpaid wages to victims of trafficking. It does not appear to be envisaged, but possible civil actions may be brought following the criminal conviction of the trafficker.

43. No specific measures are envisaged. A judgement of conviction by San Marino Court may envisage the obligation for the offender to compensate the victim for the moral and material damage suffered and also the confiscation of the assets of criminal associations.

44. The San Marino Criminal Code envisages such possibility which, however, never occurred.

45. Pursuant to Article 4 of Law no. 57 of 6 May 2016, the Authority for Equal Opportunities is required to implement all measures, assistance and rehabilitation forms envisaged for the victims. In case of victims of trafficking, such assistance would cover the protection of their rights, safety and dignity, including the non repatriation to countries where these people could be subject to human rights violations. Consequently, the Authority would look after them in the Republic or in places of their liking, where the victims would be protected in all respects.

Article 14 of Law 118/2010, as amended by Article 19 of Law 118/2015, provides that the stay permit for humanitarian reasons may be renewed on the basis of the indications of the Authority for Equal Opportunities or the Judicial Authority.

46. N/A.

47. Law 99/2013 "Liability of legal persons" also envisages liability for the case mentioned. If the crime was committed by the governing body of the legal person, such body is punishable; whereas the sub-contractor is liable for the crime committed by him/her.

48. No cases.

49. The non-punishment provision is incorporated in Article 33 of our Criminal Code. Article 24 disciplines the causal link between the behaviour and the damage or danger; Article 25 provides for the exclusion of such a link in case of multiple causes.

50. In accordance with Article 5 of the Criminal Code, anyone, including a foreigner or a stateless person, who commits an offence within the territory of the State is subject to San Marino legislation (and therefore prosecuted regardless of the individual or country which has communicated the *notitia criminis*), subject to the exceptions established by international conventions.

51. a) No specialised investigation units have been created. Investigation activities are carried out by the Operational and Judicial Police Department, with the assistance of the Foreigners' Office of the Department of Administrative and Social Police.

b) Interpol is the channel usually used to exchange information and, if necessary, obtain evidence from other parties. It should be noted that, thanks to the agreements concluded with neighbouring Italy, a privileged collaboration is envisaged for the timely exchange of information and planning of joint investigative operations, including the possibility of forming joint investigation teams.

c) San Marino legislation does not envisage the possibility of informants, cover agents, wire-tapping, controlled deliveries, except for what provided in Article 7 of the "Law on the repression of the sexual exploitation of children", exclusively with respect to the field covered by the law.

As for other special investigation techniques, such as wire-tapping, paragraph 1 point 1) of Art. 3

(Admissibility of wire-tapping) of Law no. 98 of 21 July 2009, provides that wire-tapping is allowed in case of crimes punishable by no less than third degree imprisonment; while Article 167 (Coercion or maintenance in slavery or servitude) and Article 168 (trafficking in persons) of the Criminal Code provide for imprisonment penalties which are much more rigorous.

d) The Operational and Judicial Police Department of the Gendarmerie (forensic police, prevention of and fight against cyber crime) acts on its own initiative and upon report. In case of positive results, it performs the necessary investigations and requests the closure of the interested websites located in the

territory of San Marino by means of a decision of the Judicial Authority. In case of websites located abroad it sends requests for cooperation, through the Interpol, to the competent counterparts.

e) The Operational and Judicial Police Department of the Gendarmerie is responsible for both proactive and delegated investigations to prevent and counter organised crime, corruption and terrorism, with functions aimed at the prevention and repression of money laundering, terrorist financing and financial crimes.

f) Under the agreements in force, joint investigation teams may be established with Italy. In addition, under the legislation on letters rogatory, the Law Commissioner of San Marino, if so requested, may authorise the presence of investigators of the requesting State during the investigation activities requested in the rogatory.

52. The Health Authority is not aware of any such cases.

53. As mentioned above, there are no NGOs working in this field, nor prevention programs in place.

Pursuant to Article 5 of Law no. 93 of 17 June 2008, the Magistrate may give special protection status to the proceedings, as well as decide for special protection measures for victims or witnesses, by instructing the police to act accordingly. Such measures apply in general and are not specifically related to THB. The Social Security Institute has signed agreements with shelters outside the territory of San Marino to host victims of violence, abuse, etc.

54. Under Law no. 57 of 6 March 2016, the activity carried out by the Authority for Equal Opportunities for the protection of victims and witnesses, including support and assistance measures, is aimed at encouraging victims and witnesses to report the violence and to protect them from any threats or retaliation in the course of the criminal proceedings resulting from the complaint. Under the aforementioned law, the Authority may sign ad hoc protocols with the Association of Lawyers and Notaries on the provision of assistance and consulting services, also out of court, and of information on access to the channels used for individual and collective complaints. Similar protocols may be signed: with the SSI relevant structures for the provision of psychological support services; with the offices providing services and support for access to education, training courses and job placement; with adequate reception facilities for placement in suitable accommodation in emergency situations.

55. According to Article 6 of the Criminal Code, "Offences committed abroad", San Marino law applies to anyone committing the crimes envisaged by the Convention, even outside the territory of the State".

56. See answer to question 26.

57. No such cases have occurred in practice. The measures referred to in the question are normally taken by the Judicial Authority within the ordinary activities of mutual legal assistance between countries, which takes place both on the basis of international agreements and national legislation.

58. About a year ago, the Inter-agency Operations Centre of the Police Forces (COI) was established in San Marino. The Centre can be reached at the emergency numbers 112-113-115 for reporting any kind of emergency except for health-related ones. The number for health emergencies, which are managed by a different body, is 118. Due to the small size of the territory, no other emergency number is in use. The search for missing children is forwarded outside of the small territory of San Marino through two channels:

- the Rimini Police Headquarters Operations Centre (according to the Agreement on Cooperation in preventing and combating crime, signed by Italy and San Marino in 2012, and to the related technical arrangement of 2013) forwards reports on missing children to the whole Italian territory and receives reports by the COI;
- the Interpol forwards reports through notices (search requests directly sent by the Interpol Secretary General upon request by an Interpol member country); diffusion (search requests directly inserted in the Interpol database by Interpol member countries), and search requests following Police messages sent to the I-24/7 system.

59. As mentioned above, no NGOs are active in the fight against THB. Trade unions collaborate with the police forces and the Labour Office, for example, in assisting family caregivers and disseminating information on the requirements, rights and duties of workers.

60. See reply to question n. 26.

61. Not applicable.

62. The following institutions and offices replied to these questions: Labour Inspectorate, San Marino Court, Authority for Equal Opportunities, Equal Opportunities Commission, Health Authority, Minor Service, Police Forces, Ministry for Education, and Directorate for Juridical Affairs of the Department for Foreign Affairs.

63. Sylvie Bollini, Contact point, Department for Foreign Affairs.

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