

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**

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**Report submitted by San Marino  
pursuant to Article 68, paragraph 1  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(First thematic evaluation round)**

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## Introduction

In accordance with Article 66, paragraph 1, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) shall monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Following its baseline evaluation procedure which provided an overview of the implementation of the full spectrum of provisions of the convention by each state party, Article 68, paragraph 3, of the convention and Rule 30 of the Rules of Procedure of GREVIO (the Rules of Procedure) mandate GREVIO to carry out subsequent evaluation procedures divided into rounds. At the beginning of each round, GREVIO shall select the specific provisions on which the evaluation procedure shall be based and shall send out a questionnaire (Rule 31 of the Rules of Procedure).

For its 1<sup>st</sup> thematic evaluation round, GREVIO adopted this questionnaire to be sent to all states parties which have undergone the baseline evaluation procedure, according to an order approved by GREVIO. States parties are requested to transmit to GREVIO a reply to this questionnaire within five months from the date it was sent.

GREVIO decided to focus its 1<sup>st</sup> thematic evaluation round on the theme of building trust by delivering support, protection and justice. To address this overarching theme, the present questionnaire aims, in its first section, to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. In its second section, it sets to obtain more in-depth information on the implementation of selected provisions in the area of prevention, protection and prosecution, in respect of which baseline evaluation procedures and the Conclusions on the Recommendations of the Committee of the Parties to the Istanbul Convention have revealed significant challenges and the need for further sustained implementation. In its third section, it brings its attention to emerging trends in the area of violence against women and domestic violence. Its fourth and last section requests annual statistics for two complete calendar years prior to receiving this questionnaire on specific administrative and judicial data.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French) and should contain all the relevant information on the implementation of the Istanbul Convention since GREVIO's first baseline evaluation report, including copies or extracts of relevant legislation, regulations, case law and strategic documents or action plans referred to (Rule 33 of the Rules of Procedure).

## **PART I Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence**

### **Article 7 Comprehensive and co-ordinated policies**

1. Please provide information on any new policy development since the adoption of GREVIO's baseline evaluation report on your country to ensure comprehensive policies covering the areas of prevention, protection, and prosecution in relation to stalking, sexual harassment and domestic violence, including their digital dimension, rape and sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilisation, thereby demonstrating further implementation of the convention. Please specify the measures taken particularly in relation to those forms of violence against women that have not been addressed in past policies, programmes and services encompassing the four pillars of the Istanbul Convention.

In response to this question, the main developments in the implementation of the Istanbul Convention are reported hereunder.

On 2 October 2022, at the suggestion of the *Union of San Marino Women*, civil society proposed, through the direct democratic instrument of the *Istanza d'Arengo*<sup>1</sup> (popular petition), the inclusion in San Marino's legislation of all forms of violence against women, as defined in the Istanbul Convention. The content of the Popular Petition was then discussed during the session of the Great and General Council (Parliament) on 23 February 2023; as a result of the Council's debate, a Decision was approved, whereby the Great and General Council committed the Congress of State (Government) to take the most appropriate measures to meet the requests made by civil society in the Popular Petition.

Similarly, on 1 December 2023 the Great and General Council adopted a further Decision, attached to the questionnaire and submitted by all the parliamentary groups. Such Decision requested the Government to continue to update San Marino's legislation in line with that of European countries with regard to the prevention of gender violence and increasing protection of its victims. The same Decision proposed to provide decisive support to the Authority for Equal Opportunities in organising and coordinating initiatives and events for awareness-raising, prevention, information and in-depth studies on gender violence and emotional education.

In order to implement the Decisions of the Great and General Council, the Congress of State has recently adopted Delegated Decree no. 109 of 9 August 2024 "*Amendments to Law no. 97 of 20 June 2008 "Prevention and Repression of Violence against Women and Gender" and to the Criminal Code*", which is attached to this questionnaire. The Delegated Decree is aimed at amending Law no. 97/2008 and the Criminal Code in order to comply with the principles set out by GREVIO and to further strengthen the existing prevention instruments.

The Delegated Decree, which consists of 19 articles, defines in detail the concept of psychological violence (Article 1) in accordance with Recommendation no. 149 of the Baseline Evaluation Report as follows: "*Psychological violence shall include any intentional behaviour that seriously harms the psychological integrity of another person, carried out through various means and methods such as isolation, control, coercion, intimidation, denigration and humiliation, including in respect of persons close to the victim.*".

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<sup>1</sup> This is an instrument of direct democracy that allows citizens to submit requests of public interest to Their Excellencies the Captains Regent, who, after declaring the admissibility on the basis of the fulfilment of the requirements established by Law no. 72 of 24 May 1995 and subsequent amendments, have the duty to transmit such requests to the Great and General Council for their possible approval. These requirements include the following: the petitions shall be submitted by San Marino citizens; they shall relate to issues of public interest; petitions with similar content shall not have been rejected by the Great and General Council in the previous three semesters. If the Popular Petition is approved, the Congress of State will have six months to implement its provisions.

In addition, in order to provide greater protection for victims of violence, perpetrators are prohibited from approaching places usually visited by the victim by keeping a distance of at least 500 metres (Article 6), while it was established that in cases of violence police forces may enter, even forcibly, the home or other places where the perpetrator is located (Article 9).

Article 19-bis of Law no. 97/2008 establishes the cases when the protection measures and programmes provided for in the protocols in force for victims of violence must be put in place.

With regard to the conduct of criminal proceedings for violence against women, children or gender-based violence, Article 4 of the above-mentioned Delegated Decree amends Law no. 97/2008 by providing for the victim's free access *"to the case file at any stage and instance of the proceedings, irrespective of whether or not he/she has joined the proceedings as a civil party, upon a reasoned request for access by means of a public prosecutor"*.

In terms of prevention, verbal reprimand (Article 5) before the Commander of the Gendarmerie was introduced. This is a preventive administrative measure intended only for the perpetrators of crimes that cannot be prosecuted *ex officio*, such as beatings, injuries, threats, persecutory acts and sexual harassment.

Among the amendments and integrations to the San Marino Criminal Code by Delegated Decree no. 109/2024, worth mentioning are: the fact that, pursuant to Article 11, punishments are applied according to different degrees in relation to the seriousness of concrete cases for the crimes provided for in Article 171 of the Criminal Code (Sexual violence); the introduction of the crime of sexual harassment (Article 12); the revision of the threshold required to classify conduct as stalking (Article 16), in full compliance with the requirements of Recommendation no. 152 of the Baseline Evaluation Report.

Under Article 18 of Delegated Decree no. 109/2024, the Court, the Police Forces, the Authority for Equal Opportunities, the Mental Health Complex Operational Unit and the Minors' Protection Simple Operational Unit draw up, within three months from the adoption of the aforesaid Delegated Decree, specific protocols containing procedures for securing and taking care of victims of violence.

With regard to the protection of children who are victims of violence, worth mentioning is the amendment to Article 32 of Law no. 97/2008 by Delegated Decree no. 109/2024. In this regard, once the Minors' Protection Service has established that parents are unsuitable/unable, even temporarily, to exercise parental responsibility, it will order to place the child in a shelter care facility, in accordance with existing protocols, if it deems it necessary to take the child into protective custody.

In addition, with the introduction of Article 32-bis of Law no. 97/2008, in order to better identify suitable accommodation for children temporarily deprived of a family environment suitable to guarantee their upbringing, as well as for children who are victims of violence, a register of persons available to receive such children in need has been established at the Minors' Protection Service. A contribution has been envisaged for those who take a child into foster care.

Finally, a new type of crime has been introduced into the Criminal Code, i.e. solicitation of children (Article 177-quinquies), which is defined as a criminal conduct consisting of any act aimed at gaining the trust of children by means of deception, flattery or threats.

In order to better disseminate the content of the recent Delegated Decree and to highlight the changes in the legislation, the Ministry of Justice, in collaboration with the Authority for Equal Opportunities, organised a training day which was open not only to the operators of the anti-violence network and legal professionals, but also to civil society.

Worth mentioning are also two pieces of legislation that were adopted after the GREVIO's Baseline Evaluation Report:

- Law no. 16 of 1 February 2021 *"Amendments to the Criminal Code - Introduction of the crime of illicit dissemination of sexually explicit images or videos (revenge porn)"*. The purpose of this Law is to better align San Marino legislation with the provisions of the Istanbul Convention.

- Recently adopted Delegated Decree no. 77 of 29 March 2024 *“Provisions to prevent and combat cyberbullying”*, aimed at *“creating means to combat cyberbullying in all its forms, through preventive actions and a strategy based on attention, protection and education of the children involved, both as victims and perpetrators”*. (Article 1).

Other recent comprehensive policies include the adoption of two national plans for the prevention of violence.

Specifically, on 28 December 2023, the Congress of State of the Republic of San Marino adopted the **“Comprehensive National Plan to Combat Violence against Women 2024/2026”** (hereinafter referred to as the Plan), which is attached to this questionnaire. This document aims to involve all institutions, the Government, associations and socio-economic partners in the prevention and management of violence.

The Plan is divided into four sections: knowledge of the phenomenon, the current relevant legal framework and the way forward for implementation of the Plan. A very important section includes the lines of action, which are divided into five sub-sections:

- Creation of a Hub for Equal Opportunities to better respond to the requests related to the work of the Authority and the Commission for Equal Opportunities, the UN CSD Commission (Commission implementing the UN Convention on Persons with Disabilities) and the Bioethics Committee.
- Prevention, which is considered one of the most effective tools in the fight against gender-based violence, thus reinforcing efforts to combat discrimination and stereotypes related to gender roles and sexism.
- Protection and support, in order to provide tools ensuring that victims of violence are fully taken into care and can escape from situations of violence.
- Punishment of conducts, thus allowing for the swift application of justice.
- Monitoring of the Plan so that specific action can be taken in the area of violence through appropriate data collection and statistics.

The **“National Multi-Year Plan on the Elimination of Violence, Harassment and Discrimination in the World of Work”** (hereinafter referred to as the National Plan) was signed on 20 March 2024 by the Ministry of Labour, the Ministry of Health with responsibility for Equal Opportunities, the Ministry of Internal Affairs, Trade Unions - CSdL, CDLS and USL - and the employers' associations - Anis, Osla, Usc, Usot. The above-mentioned document is also attached to this questionnaire.

It is a Plan to implement International Labour Organisation Convention no. 190 on the elimination of violence and harassment in the world of work.

The parties to the National Plan recognise that any form of violence, harassment or discrimination is a violation of human rights and fundamental labour rights; it is also an obstacle to the enjoyment of free and safe citizenship.

At the same time, the signatories undertake to promote appropriate training in public and private companies and to launch communication campaigns on the prevention of gender-based violence in the workplace.

2. Where relevant, please provide information on any measures taken to ensure the alignment of any definitions of domestic violence and of violence against women in national legislation or policy documents with those set out under Article 3 of the Istanbul Convention and provide the relevant applicable provisions in English or French.

In order to answer this question, Article 1 of Delegated Decree no. 109 of 9 August 2024, which amends the definition of violence against women and gender violence, is reported hereunder:

**“Art. 1**

*(Amendments to Article 2 of Law no. 97 of 20 June 2008 and subsequent amendments)*

1. Article 2 of Law no. 97 of 20 June 2008 and subsequent amendments shall be replaced by the following:

“Art. 2

*(Definition of violence against women, gender violence and domestic violence)*

1. Violence against a person shall mean any act of sex or gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life.
2. The term “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.
3. Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners considered equivalent to spouses, whether or not the perpetrator shares or has shared the same residence with the victim.
4. The term woman shall also include girls under the age of 18.
5. Psychological violence shall include any intentional behaviour that seriously harms the psychological integrity of another person, carried out through various means and methods such as isolation, control, coercion, intimidation, denigration and humiliation, including in respect of persons close to the victim.”

3. Please provide information on how your authorities ensure that policies on violence against women and domestic violence put women’s rights and their empowerment at the centre and on any measure taken to enhance the intersectionality of such policies, in line with Articles 4 paragraph 3 of the convention<sup>2</sup>.

An example of intersectionality can be found in Law no. 28 of 10 March 2015 *“Framework Law for the Assistance, Social Inclusion and the Rights of Persons with Disabilities”*, which establishes the San Marino Commission for the Implementation of the Convention (known as the UN CSD Commission). In particular, Article 5 stipulates that the members of the UN CSD Commission shall work in close cooperation with the Authority for Equal Opportunities, thus creating an operational link between the two national institutional bodies which are responsible for the protection of the rights of persons with disabilities and the rights of women victims of violence respectively. Such cooperation is effective in situations where women face discrimination or violence not only as women, but also as women with disabilities.

In addition, the Republic of San Marino has embarked on a path aimed at strengthening and facilitating respect for human rights at national level, through the establishment of a *“Hub for Equal Opportunities and for the Prevention and Fight against Discrimination and Intolerance”*, which is being developed by the current Working Group referred to in Congress of State Decision no. 29 of 12 March 2024. This is a recently launched project which would make it possible to identify a single public entity of reference in the field of equal opportunities, bringing together the Authority for Equal Opportunities, the Commission for Equal Opportunities and the UN CSD Commission.

From the first evaluations, the involvement of the UN CSD Commission within the Hub for Equal Opportunities was not foreseen, since it does not have executive powers by law. However, it was decided to involve this body in order not only to guarantee the social inclusion of persons with disabilities in San Marino social, educational and occupational context, but also to protect them with particular attention when they are victims of violence, in accordance with the principle of intersectionality.

The Authority and the Commission for Equal Opportunities would remain separate and would maintain their current functions, but with a different composition and competences compared to the current ones. Indeed, they would have to cover all forms of intolerance and racism, incitement to hatred and violence, and also include further competences on matters related to international conventions signed by the Republic of San Marino, for which no domestic reference body has been identified yet.

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<sup>2</sup> The concept of intersectionality refers to the fact that “individuals (and groups) are affected by multiple inequalities based on various grounds of distinction rather than by discrimination based on one ground at a time. Therefore, discrimination, inequality and gender-based violence cannot be examined in relation to only one category of difference – for instance, gender – while precluding others – such as race, class, age, disability, sexual orientation or gender identity – because social categories intersect and interlock in multiple systems of discrimination that simultaneously affect an individual’s life.” See in this respect the study *Ensuring the Non discriminatory Implementation of Measures against Violence against Women and Domestic Violence: Article 4, paragraph 3, of the Istanbul Convention*, A collection of papers on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, p.12-13.

Within the framework outlined above, the Commission for Equal Opportunities would have proposal and guidance functions, while the Authority for Equal Opportunities would have purely executive functions, in addition to the functions already recognised by current legislation.

At the same time, the call for the establishment of a National Human Rights Guarantor to promote, safeguard and protect human rights has been made by various international bodies under different forms and names, such as Ombudsman or Institution for the Protection of Human Rights.

On several occasions, the Republic of San Marino has expressed its intention to create a body dedicated to the protection and guarantee of human rights. This body will have to be integrated into the institutional system, taking into account the specificities of San Marino.

Following the discussion on the third cycle of the Universal Periodic Review in 2019, San Marino accepted two recommendations on the establishment of the Ombudsman and the creation of a national human rights institution in line with the Paris Principles, but has not yet followed up and effectively implemented the two recommendations.

Recently, on 18 March 2024, the Great and General Council approved a Popular Petition for the establishment of the National Human Rights Guarantor, committing the Congress of State to take the necessary measures within the limits of its powers.

The Working Group for the establishment of the Hub for Equal Opportunities suggested and expressed its willingness to set up the Ombudsman in parallel with the establishment of the Hub as part of a comprehensive draft legislation.

### **Article 8 Funding**

4. Please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country concerning the allocation of appropriate and sustainable financial and human resources for the implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the Istanbul Convention.

Delegated Decree no. 28 of 20 February 2024 established the Technical and Administrative Office for Equal Opportunities, Bioethics and Social Inclusion, which performs secretariat functions and provides technical, legal and accounting support to the Authority for Equal Opportunities and to the bodies operating in the field of equality and inclusion in the Republic of San Marino, in order to facilitate and implement their activities. In addition to the staffing requirements of the Office, the Delegated Decree regulates its specific functions, which are outlined hereunder in general terms.

This new Office is established to respond to Recommendation 40, letter a) of the Baseline Evaluation Report, by increasing the human resources devoted not only to preventing and combating violence against women, but also to promoting equal opportunities issues more generally.

Indeed, pursuant to the above-mentioned Delegated Decree, the human resources of the Office should include an administrative expert in the legal field, an accounting officer and a secretary in order to provide effective support to the Authority for Equal Opportunities and other relevant bodies.

Annex A of Budget Law no. 194 of 22 December 2023 sets the amount of salaries allocated to the resources of the new Technical and Administrative Office, which is equal to EUR 170,000.

Remuneration has also been introduced for the members of the Authority for Equal Opportunities, in accordance with Article 74 of Law no. 207/2021, to be paid quarterly: EUR 400 is paid to the member appointed as legal representative and EUR 200 to the other members.

An expenditure chapter of the State Budget is dedicated to the Office, in which all the expenses related to the activity of the Authority for Equal Opportunities are entered, including: the victims assistance fund, the expenses related to the fulfilment of professional training obligations, the remuneration of members introduced by Law no. 207 of 22 December 2021, based on Recommendation no. 40 letter a) of the Baseline Evaluation Report, and any other activity aimed at strengthening the prevention of violence against women and gender violence.

The allocation of this expenditure chapter is established annually from:

- Funds allocated by the State upon adoption of the State and Public Entities Budget Laws;
- Amounts of donations from private citizens, economic operators, Entities, Associations and any other donors;



- Amounts from compensation resulting from criminal proceedings joined by the Authority for Equal Opportunities as a civil party pursuant to Article 29 of Law no. 160 of 3 November 2015.

Pursuant to Article 5 of Law no. 57 of 2016 and Article 2 of Delegated Decree no. 56 of 2018, a special fund in favour of the Department of Institutional Affairs and Justice has been established for the financial assistance to victims of gender violence provided by the Authority for Equal Opportunities and managed in accordance with its instructions and directives.

The management of the fund has recently been entrusted to the Technical and Administrative Office for Equal Opportunities, Bioethics and Social Inclusion, on the basis of Congress of State Decision no. 13 of 2 July 2024.

The fund is designed to allow for more streamlined management of the amounts allocated for the assistance of victims for urgent expenses such as, for example, the purchase of clothing, the payment of facilities to accommodate victims on a temporary and immediate basis, and in any case for all urgent expenses.

The fund, with an annual availability of EUR 5,000, is linked to a special current account established together with the fund by the above-mentioned Decision.

This Decision also authorises the use of a credit card in favour of the Director of the Technical and Administrative Office, to be used for urgent and unavoidable expenses incurred by the Authority for Equal Opportunities in assisting victims of violence. The credit card has been made available for a faster and more effective response.

A protocol will be signed very soon between the Association of Lawyers and Notaries of the Republic of San Marino and the Authority for Equal Opportunities.

This protocol will guarantee free legal aid for victims of gender-based violence, while recognising the professional's remuneration for the work performed.

The fees, as well as any expenses, will be borne by the Authority and it is planned to increase the financial resources at its disposal to pay such expenses.

The lawyer shall reimburse the Authority for Equal Opportunities in the event that the fees and expenses are subsequently paid by the offender and/or the person who committed the act, in the manner and within the time limits set out in Article 17, paragraph 5 of Law no. 97/2008.

5. Please provide information on any development concerning the provision of appropriate and sustainable financial and human resources for women's rights organisations that provide specialist support services to victims, including those supporting migrant women and girls.

As a preamble, there are no NGOs in San Marino that provide direct assistance to women victims of violence (e.g. non-profit organisations of social utility, associations managing shelter facilities, network of volunteers providing psychological/legal support, etc.). However, there are associations that promote women's rights and have as one of their objectives the support of women's social role and the achievement of gender equality, also in women's participation in social and political life.

On 2 April 2023, a Popular Petition was submitted by the *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.

By Decision no. 8 of 29 August 2023, the Great and General Council, with the favourable opinion of the Authority, approved the Popular Petition, recognising the value and experience of such organisations. It was also decided to establish cooperation mechanisms for consultation and cooperation with civil society organisations in designing, monitoring, assessing and implementing measures and policies to prevent and combat violence against women.

The Authority expressed a favourable opinion on the Petition, thus agreeing with the content of GREVIO Recommendations nos. 29, 30 and 31 on the involvement of civil society in preventing and combating gender violence and violence against women.

In this regard, it is also noted that Article 1 of Delegated Decree no. 60 of 31 May 2012 establishes that the Authority for Equal Opportunities "*shall favour and monitor the activity of the Associations promoting the knowledge of services granting assistance and starting prevention projects*".

In the spirit of this legislative provision, and in full compliance with GREVIO's call for the recognition of associations, in order to fully comply with the suggestions of international organisations in this field and to have a better knowledge of the associations and civil society

organisations that are legally involved in assistance, prevention and awareness-raising, the Authority for Equal Opportunities has proposed the creation of a list in which the aforementioned social associations can register.

With regard to access to public financing by civil society organisations for the arrangement of initiatives and events in this field, the Authority for Equal Opportunities also proposed, in accordance with aforementioned Article 1 of Delegated Decree no. 60/2012, that these civil society stakeholders should submit their initiative projects to the Authority for Equal Opportunities and share them with the anti-violence network, thus ensuring synergy between all actors in the network and better integrating the policy objectives in the area of combating violence against women.

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.

## **Article 11 Data collection and research**

6. Please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country on the introduction of data collection categories such as type of violence, sex and age of the victim and the perpetrator, the relationship between the two and where it took place, for administrative data of relevance to the field of violence against women and domestic violence emanating from law enforcement agencies, the justice sector, social services and the public health care sector.

The Authority for Equal Opportunities, in accordance with the provisions of Article 34 of Law no. 97/2008, is responsible for the keeping and dissemination of data on gender violence; in this respect and with regard to the statistical analysis of data, it coordinates with the Health Authority of the Social Security Institute (SSI), pursuant to the provisions of Article 5 of Delegated Decree no. 60/2012.

The data are provided by all the institutions that come into contact with women victims of violence, in particular the Court (both civil and criminal jurisdictions), the Mental Health Service and the Counselling Centre, the Minors' Protection Service and all three police forces - the Gendarmerie, the Civil Police and the Fortress Guard.

Data is collected separately by each actor of the anti-violence network and then collected and processed by the Authority for Equal Opportunities.

Since 2022 several meetings have been held with the participation of the IT Office and representatives of the anti-violence network to consider the possibility of developing a common database for data collection, with due regard to the protection of privacy and sensitive data. The meetings revealed the difficulty in identifying the person responsible for keeping and protecting the data contained in the database, which belonged to different interlocutors with different public functions. Since the Authority for Equal Opportunities is not part of the State administrative structure, it cannot to date identify a body responsible for the privacy of the data collected.

In order to address this issue, it has been proposed that all data on gender violence be channelled to the Technical and Administrative Office mentioned in the previous answers. Within the Office, it will be possible to identify a person from among the administrative staff who can collaborate not only in the collection and keeping of such data, but also in their processing, always under the close supervision of the Authority for Equal Opportunities, which is mandated by law.

As part of the reorganisation of the IT system of the San Marino Criminal Court, meetings are being held to formalise a new disaggregated data collection for all pending criminal proceedings, which should include not only data provided over time on victims of violence, with corresponding data on age, sex, nationality, type of violence, perpetrator and relationship of the perpetrator to the victim, but also a cross-cutting observation to follow all the stages of the judicial proceedings in cases of violence, from complaint to the final outcome of the proceedings.

Since 2022, the Authority has extended the collection of data presented and published in the annual report. In addition, since 2023 data collection has been further extended by requesting information on the number of protection orders applied for and possible violations thereof, injunction and removal orders.

With regard to violence against women with disabilities, a hidden and complex phenomenon, the Authority for Equal Opportunities has recently called on the relevant Institutions and Offices to take concrete measures to promote the systematic collection of disaggregated data on violence against women with disabilities.

7. Where relevant, please provide information on any new development since the adoption of GREVIO's baseline evaluation report on your country to enable disaggregated data collection:

- a. on the number of emergency barring and protection orders and the number of breaches and the resulting sanctions;

Hereunder is a detailed overview of the emergency protection measures taken by the criminal Judge from 2020 to 2024, as well as the cases of breach and the sanctions imposed.

**In 2020, 7 protection and barring orders** were adopted by the Judicial Authority in the following criminal proceedings:

- 197/RNR/2020 (Articles 235, 155 and 184, paragraph 1 of the Criminal Code), opened on the basis of a complaint lodged by the victims with the Gendarmerie and transmitted to the Court; the victims were of age; one was in a romantic relationship with the perpetrator, the other was the mother of the first victim. The perpetrator was of age. The Judge ordered the perpetrator of the violence not to approach the victim, not to enter her home and not to speak to her. The proceedings were concluded by a first instance judgement of conviction, which was not appealed against.
- 374/RNR/2020 (Article 181-bis of the Criminal Code), opened following a report of the Gendarmerie to the Judicial Authority; the victim was of age and was in a romantic relationship with the perpetrator. The perpetrator was of age. The Judge warned the perpetrator not to carry out the behaviour complained of (protection order). The proceedings were concluded by a first instance judgement, not appealed against, not to continue the proceedings due to the withdrawal of the complaint.
- 436/RNR/2020 (Article 181-bis of the Criminal Code), opened following the victim's report transmitted by the Civil Police to the Judicial Authority; the victim was of age and had previously been in a romantic relationship with the perpetrator. The perpetrator was of age. The Judge's order consisted of a contact ban. The proceedings were concluded by a first instance judgement of conviction; the appeal is pending.
- 448/RNR/2020 (Articles 155, paragraphs 2 and 4, and 181-bis of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The facts in question took place partly in San Marino and partly in Italy (in Rimini). The perpetrator and the victim were of age and had previously been in a romantic relationship and cohabitants. The order consisted of a contact ban. The proceedings were concluded by a first instance judgement of conviction on count 2 (Article 155, paragraphs 2 and 4 of the Criminal Code) and by an acquittal on the other counts. An appeal is pending.
- 574/RNR/2020 (Articles 184, paragraphs 1 and 2, and 155 of the Criminal Code), opened following the victim's report transmitted by the Civil Police to the Judicial Authority. Both the perpetrator and the victim were of age and the perpetrator was the landlord of the flat where the victim (tenant) lived. A contact ban was issued. The proceedings were concluded by a first instance judgement, not appealed against, not to continue the proceedings due to the withdrawal of the complaint.
- 619/RNR/2020 (Articles 155 and 156, paragraph 2 of the Criminal Code), opened following the victim's complaint. Both the victim and the perpetrator were of age and had previously been married. A contact ban was issued with respect to both the victim and their daughter of age. The proceedings were concluded by a first instance judgement of conviction, not appealed against.
- 702/RNR/2020 (Article 181-bis of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. Both the perpetrator and the victim were of age and former housemates. A contact ban was issued. The proceedings were concluded by a first instance judgement of acquittal on the grounds of insufficient evidence of

the alleged crime.

In all 7 cases in which a Judge's order was adopted, the incidents of violence covered by the proceedings took place in San Marino and only one [448/RNR/2020] partly in Italy. In 1 case [criminal proceedings no. 702/RNR/2020], the victim was male and the alleged perpetrator was female; in all other cases (6) the victim was female and of age, and the alleged perpetrator was male and of age.

**In 2021, 8 protection and barring orders** were adopted in the following proceedings:

- 9/RNR/2021 (Articles 155, paragraph 1 and 203, paragraph 1, of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. Both the perpetrator and the victim were of age and had previously been married. The Judge ordered the perpetrator not to approach the victim and her family members. The case was filed due to the withdrawal of the complaint.
- 206/RNR/2021 (Article 172-bis of the Criminal Code and others), opened following a report by the Gendarmerie to the Judicial Authority. At the material time, the victim was a minor and the perpetrators were of age. The Judge ordered the perpetrators not to approach the victim. The proceedings were concluded by an appeal judgement of conviction.
- 284/RNR/2021 (Article 181-bis of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and worked together at the material time. The Judge ordered the perpetrator not to approach the victim and not to remain at the workplace, where the conduct partly took place, for the time strictly necessary and coinciding with the work shift. The case was filed due to the withdrawal of the complaint.
- 288/RNR/2021 (Article 235 of the Criminal Code), opened following a report by the Gendarmerie. The victim and the perpetrator were both of age and father and daughter respectively. The Judge issued an order prohibiting the daughter from approaching her father, which was revoked following his death. The proceedings were concluded by a first instance judgement, not appealed against, not to continue the proceedings due the perpetrator's incapacity.
- 325/RNR/2021 (Article 181-bis of the Criminal Code and others), opened following a report lodged by the victim with the Fortress Guard and transmitted to the Court. The victim and the perpetrator were of age and former spouses at the material time. The contact ban was issued to protect the victim and the children thereof. The proceedings were concluded by a first instance plea bargain judgement, which was not appealed against.
- 345/RNR/2021 (Articles 157 and 181, paragraph 1 of the Criminal Code), opened following the victim's complaint. The victim and the perpetrator were of age and former spouses at the material time. The Judge issued a contact ban in order to protect the victim and the minor children thereof. The proceedings were concluded by a first instance plea bargain judgement, which was not appealed against.
- 496/RNR/2021 (Article 179 of the Criminal Code), opened following the victim's report transmitted by the Civil Police to the Court. The victim and the perpetrator were married at the material time. The Judge ordered the perpetrator not to approach the victim. The proceedings were concluded by a first instance judgement that reclassified the crime of private violence as a crime of beating and threat under Articles 157 and 181 of the Criminal Code, declaring that the proceedings should not be continued due to the withdrawal of the complaint.
- 747/RNR/2021 (Article 157 of the Criminal Code), opened following the victim's report transmitted by the Fortress Guard to the Court. The victim and the perpetrator were married at the material time. The contact ban and barring order from the family home was issued in order to protect the victim and family members thereof. The case was filed due to the withdrawal of the complaint by the injured party.

In all 8 cases where a barring and protection order was issued, the incidents of violence being prosecuted took place in San Marino. Except in one case (288/RNR/2021), in all other cases the victim was female and the perpetrator was male. In all cases, the victims and the perpetrators were of age.

**In 2022, 4 protection orders** were adopted in the following proceedings:

- 211/RNR/2022 (Article 181-bis of the Criminal Code and other crimes), opened following a report lodged by the victims with the Gendarmerie and transmitted to the Court. The victim and

the perpetrator were of age and were ex-partners at the material time. The Judge ordered the perpetrator not to approach the victim and the places frequented by her. The proceedings were concluded by a first instance judgement of conviction, which was not appealed against.

- 493/RNR/2022 (Article 181-bis of the Criminal Code), opened following the victim's complaint. The victim and the perpetrator were of age and were ex-partners at the material time. The Judge ordered the perpetrator not to approach the victim and the places frequented by her. The proceedings were concluded by a first instance plea bargain judgement, which was not appealed against.
- 550/RNR/2022 (Articles 181-bis, paragraph 4, and 235, paragraph 1, of the Criminal Code), opened following a report lodged by the victims with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and were cohabitants at the material time. The Judge ordered the perpetrator not to approach the victim (and their child) and the places frequented by them. The first instance hearing is under way.
- 574/RNR/2022 (Articles 181-bis, paragraph 1, and 235, paragraph 1, of the Criminal Code), opened following the victim's report transmitted by the Fortress Guard to the Court. The victim and the perpetrator were of age and were former spouses at the material time. The Judge ordered the perpetrator not to approach the victim and the places frequented by her. The proceedings were concluded by a first instance judgement of conviction, and the relevant appeal is pending.

In all 4 cases where a barring and protection order was issued, the incidents of violence being prosecuted took place in San Marino. In all cases the victim was female and the perpetrator was male. In all cases, the victims and the perpetrators were of age.

**In 2023, 7 protection orders** were adopted in the following proceedings:

- 610/RNR/2023 (Article 181-bis of the Criminal Code), opened following a report lodged by the victims with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and were married at the material time. The incidents partly took place in Italy. The Judge ordered the perpetrator not to approach the victim. Investigations are currently pending.
- 624/RNR/2023 (Articles 155, 156, paragraph 2, and Article 235 of the Criminal Code), opened following a report by the Social Security Institute. The victim and the perpetrator were both of age and were cohabitants. The incidents took place in Italy (Santarcangelo di Romagna). The Judge ordered the perpetrator not to approach the victim and the places frequented by her. The hearing is pending.
- 777/RNR/2023 (Articles 171, 172 and 177-bis of the Criminal Code), opened following a report lodged by the victim's parents with the Gendarmerie and transmitted to the Court. The victim was a minor at the material time and the perpetrator was of age (he was also a minor at the time of some incidents). The Judge ordered the perpetrator not to approach the victim. Investigations are pending.
- 779/RNR/2023 (Articles 171, paragraph 1, 173, paragraph 1, and 73, paragraph 1 of the Criminal Code), opened following a report by the Minors' Service. The victim was a minor, the perpetrator was of age and lived with the minor and the mother thereof. Participation of the minor's mother is alleged. The Judge ordered the perpetrator (and the victim's mother) not to approach the victim. The proceedings were filed due to lack of evidence, and the acts were transmitted to the Guardianship Judge.
- 806/RNR/2023 (Article 235 of the Criminal Code), opened following a complaint lodged by the victim's mother. The victims were mother and daughter (the daughter was not of age at the material time), while the perpetrator was the spouse and the father respectively. The Judge issued a barring order from the victims' home and a contact ban. Investigations are pending.
- 818/RNR/2023 (Article 181-bis of the Criminal Code), opened following a report lodged by the victim's parents with the Gendarmerie and transmitted to the Court. The perpetrator was the father and grandfather of the victims respectively. One of the two victims was a minor at the material time. The barring order was issued to the perpetrator in order to protect the victim and the child thereof. Investigations are pending.
- 861/RNR/2023 (Articles 235 and 160 of the Criminal Code and others), opened following a report by the Minors' Service. The victims were mother and daughter (the daughter was a minor at the material time). The perpetrator was the spouse and the father. The barring order and

contact ban was issued to protect the victims and the child. The measure also suspended parental rights for three months. The hearing is pending.

In 2 of the 7 cases where the Judge issued an order, the incidents of violence took place in Italy (partially in proceedings no. 610/RNR/2023 and fully in proceedings no. 624/RNR/2023).

In 5 cases the victim was a minor and in all other cases the victim was of age and female. In all cases, perpetrators were of age and male.

**In 2024, 9 protection orders** were adopted in the following proceedings:

- 42/RNR/2024 (Articles 235, 184, 181 and 182 of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and former spouses. The incidents of violence took place partly in San Marino and partly in Italy. The order was issued by the Judge to protect the victim and the child thereof. Investigations are pending.
- 45/RNR/2024 (Articles 184 and 181 of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The Gendarmerie also transmitted the verbatim record of the perpetrator's arrest. The victim and the perpetrator were of age and were married. The contact ban was issued by the Judge to protect the victim and the minor children thereof, who witnessed the violence. The case was filed due to the withdrawal of the complaint.
- 195/RNR/2024 (Article 235 of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and were married. The barring order was adopted by the Judge to protect the victim. Investigations are pending.
- 236/RNR/2024 (Articles 235 and 181-bis of the Criminal Code), opened following a report by the Gendarmerie, which was transmitted to the Court. The victim was of age. The perpetrator was the aunt, who was the custodian of the victim. The Judge's contact ban was violated by the perpetrator; therefore, the Judge extended the duration of the previous ban and updated the charge. Investigations are pending.
- 239/RNR/2024 (Articles 181-bis, 183 and 185 of the Criminal Code), opened following a report lodged by the victim with the Fortress Guard and transmitted to the Court. The perpetrator and the victim, both of whom are of age, are former spouses. The Judge ordered the perpetrator not to approach the victim. The case was filed due to the withdrawal of the complaint.
- 289/RNR/2024 (Articles 181-bis, paragraphs 1 and 4, 155, 184 and 181, paragraph 1 of the Criminal Code), opened following a report lodged by the victims with the Fortress Guard and transmitted to the Court. The victims and the perpetrator were of age. The victims were the perpetrator's ex-girlfriend and her new boyfriend. The barring order was issued to protect exclusively the ex-girlfriend, as it was requested only by her. The hearing is pending.
- 341/RNR/2024 (Article 181-bis of the Criminal Code), opened following a report by the Social Security Institute (Mental Health Complex Operational Unit). The victims were the mother and the partner of the perpetrator; they were all of age. A barring order from the victims' home and a contact ban were issued. Investigations are pending.
- 496/RNR/2024 (Articles 155, 156, paragraph 2, and 184, paragraph 2, of the Criminal Code), opened following a report lodged by the victim with the Gendarmerie and transmitted to the Court. The victim and the perpetrator were of age and were cohabitants at the material time. The barring order was issued to protect the victim and the family members thereof (minor daughter). Investigations are pending.
- 502/RNR/2024 (Articles 155, 156, paragraph 2, and 184, paragraph 1 of the Criminal Code), opened following a report by the Gendarmerie, which was transmitted to the Court. The victim and the perpetrator were both of age and were married. The Judge issued a barring order from the victim's home and prohibited him from approaching places frequented by her and by her family members (minor children). Investigations are pending.

In all cases, the Judge's order was adopted in relation to conduct that took place in San Marino, except in one case where the conduct partially took place in Italy (42/RNR/2024). In all cases, the victims were of age and the perpetrators were of age and male.

The cases of **breach of protection and barring orders** adopted in criminal proceedings from

#### 2020 to 2024 are 4:

- 747/RNR/2021 (Article 157 of the Criminal Code), following a breach of the contact ban and of the barring order from the family home, the Judge summoned the victim to obtain information. However, almost simultaneously, the victim withdrew the complaint and the case was filed. Indeed, the alleged crime (beating, under Article 157 of the Criminal Code) is not prosecutable *ex officio*.
- 325/RNR/2021 (Article 181-bis of the Criminal Code and others), following a breach of the contact ban and of the barring order from the family home, the Judge alleged the crime referred to in Article 259 of the Criminal Code (failure to comply with a legitimate order of the Authority) With regard to the breach of Article 259 of the Criminal Code, a first instance judgement of conviction was adopted, which was not appealed against.
- 211/RNR/2022 (Article 181-bis of the Criminal Code and other crimes), following a breach of the order prohibiting the perpetrator from approaching the victim and the places frequented by her, the Judge alleged the crime referred to in Article 259 of the Criminal Code (failure to comply with a legitimate order of the Authority). With regard to the breach of Article 259 of the Criminal Code, a first instance plea bargain judgement was adopted, which was not appealed against.
- 236/RNR/2024 (Articles 235 and 181-bis of the Criminal Code), following a breach of the contact ban, the Judge extended the duration of the previously issued ban and updated the charge, also alleging the crime of persecutory acts.

Hereunder is a detailed overview of the **emergency protection measures** taken by the civil Judge from 2020 to 2024, as well as of the cases of breach and the sanctions imposed.

#### 4 protection/barring orders were adopted in civil proceedings **between 2020 and 2024**.

- Non-contentious proceedings concerning minors no. 13/2019 (protection of minors): following the reported incidents, the Judge ordered that the child be temporarily placed with his maternal aunt and uncle for protection reasons. The Judge then issued a decree granting the mother sole custody of the child and, at the same time, a barring order from the family home against the father, as well as a contact ban with respect to the child and the places frequented by him. The Judge, upon the opinion of the Minors' Service, ordered that the father's visits to the child should take place in a protected manner, according to a schedule drawn up by the Minors' Service.
- Non-contentious proceedings concerning violence no. 2/2019 (family dispute): proceedings opened following a report by the Gendarmerie. The Judge ordered that the child be placed with a family, following an assessment of the parents' unsuitability by the Minors' Service. The Judge then ruled that visits by the mother should take place in a protected manner. The Judge then gradually ordered the placement of both the daughter and the mother in a shelter facility, the suspension of the father's parental rights, his expulsion from the territory and a contact ban with respect to the child.
- Civil proceedings no. 532/2020 (separation), opened following a request for separation of a spouse. Considering the violent conduct of one of the spouses (ex-husband), a barring order was issued from the places usually frequented by the ex-spouse and her home, as well as from close relatives and the minor daughter's school. The Judge, upon the opinion of the Minors' Service, ordered that the father's visits to the child should take place in a protected manner, according to a schedule drawn up by the Minors' Service.
- Civil proceedings no. 490/2021 (separation), opened following a request for separation of a spouse. In the course of the proceedings, a barring order was issued from the home and the places usually frequented by the ex-spouse and by the minor son. It was also ordered that the father's visits to the son should only take place upon indication and under the conditions laid down by the Minors' Service. The file includes a notification from the Civil Police concerning the breach of the order (the person subject to the measure allegedly approached his ex-spouse and threatened her).

Between 2020 and 2024, no criminal proceedings under Article 366 of the Criminal Code have been registered for breaching protection or barring orders issued in civil proceedings<sup>3</sup>.

<sup>3</sup> Article 29 of Law no. 97/2008 provides that the breach of protection orders issued by the civil Judge or of measures

- b. on the number of times custody decisions have resulted in the restriction and withdrawal of parental rights because of violence perpetrated by one parent against the other.

In **8 cases**, alleged violence perpetrated by one parent against the other resulted in the forfeiture and restriction of parental rights:

- Non-contentious proceedings concerning minors no. 27/2020 (protection of minors), opened following a notification by the Investigating Judge, who adopted a contact ban against the perpetrator, who was the daughter's boyfriend and the victim's son-in-law. The Guardianship Judge, without declaring the forfeiture of parental rights, ordered the perpetrator to pay periodic alimony for the child and the victim's daughter, who lives with the victim.
- Non-contentious proceedings concerning minors no. 92/2020 (protection of minors), opened following a report by the Minors' Protection Simple Operational Unit. This is a minor who, due to neglect and incidents of psychological, witnessing and physical violence, was placed in a shelter facility ("Il Segno" Cooperative in Montefiore); pursuant to Article 58, paragraph 2 of Law no. 49 of 26 April 1986, the minor was indeed temporarily placed in out-of-home care for *"at least one year"*, with the contextual assignment to the Minors' Service of the task of supervising the progress of the placement.
- Non-contentious proceedings concerning minors no. 69/2021 (protection of minors), opened following a report by the Minors' Protection Simple Operational Unit. This is a child showing anxiety and distress at school. A neuropsychiatry specialist was identified to follow the child. The child was placed with the father, with no forfeiture of the mother's parental rights.
- Non-contentious proceedings concerning minors no. 96/2021 (protection of minors), opened following a notification by the Investigating Judge, who adopted a barring order against the father. The Guardianship Judge - with no forfeiture of parental rights - ordered protected visits by the father at the Minors' Service and with the assistance of support associations. The Judge also specified that any attempt by the father to breach the order would be relevant to the assessment of the forfeiture of parental rights.
- Non-contentious proceedings concerning minors no. 129/2021 (protection of minors), opened following a report by the Minors' Protection Simple Operational Unit. This is a minor who - with no forfeiture of the mother's parental rights, with her consent and upon the opinion of the Minors' Service - was placed at "*Il Maggese*" shelter facility, under the supervision of the Minors' Service.
- Non-contentious proceedings concerning minors no. 19/2022 (protection of minors), opened following a report by the Minors' Protection Simple Operational Unit. The Guardianship Judge, referring to Articles 86 et seq. of Law no. 49/1986, "*orders the mother to accept and comply with the support and control measures proposed by the Minors' Service, subject to further measures following the hearings to be held subsequently*", with no forfeiture of parental rights.
- Non-contentious proceedings concerning minors no. 110/2022 (protection of minors), opened following a report by the Minors' Protection Simple Operational Unit, after the father alleged unlawful conduct by the mother against the child. The Judge confirmed the mother's custody of the child, after the Minors' Protection Service had been involved and the parents had been summoned.
- Non-contentious proceedings concerning minors no. 108/2023 (protection of minors), opened following a notification by the Investigating Judge, who had issued a protection order for the child and, as a result, suspended the mother's parental rights and prohibited her and her partner, the alleged perpetrator of the violence, from approaching the child; at the same time, the Investigating Judge instructed the Minors' Service to supervise the child. The Guardianship Judge provisionally ordered the father to have sole custody of the child, instructed the Minors' Service to prepare a schedule of protected visits for the mother, and instructed other family members (the grandmother) to provide assistance. After filing the criminal proceedings, the Guardianship Judge nevertheless ordered the continuation of the supervision by the Minors' Service, allowing the mother to visit the child according to a schedule to be drawn up, and

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having the same content adopted in proceedings for the personal separation of spouses or in proceedings for the dissolution or the termination of the civil effects of marriage is subject to the punishment provided for by Article 366 of the Criminal Code, i.e. first degree imprisonment and third degree daily fine.



prohibiting meetings involving also her partner. In the order, the Guardianship Judge specified the following: *“Parents are responsible for strict compliance with the measure taken in the criminal proceedings and any breach found [...] will be taken into account negatively also in the assessment of parental rights”*.

8. Please provide information on measures taken to allow cases of violence against women and domestic violence to be tracked from reporting to conviction, at all stages of the law-enforcement and judicial proceedings.

The Social Services, from the moment they take charge of the woman victim of violence as well as for the whole duration of the violence, are in close connection with the other actors of the anti-violence network. They therefore carry out constant monitoring of the victim, providing her with support from the moments preceding the complaint and until the conclusion of the process, assisting her in all stages of coming out of the violence.

## **Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution**

### **Article 12 General obligations**

9. Please provide information on any primary prevention measures aiming to change mentalities and attitudes in relation to violence against women and to reduce women’s exposure to gender-based violence by:

As a preamble, worth emphasising is that every year on 25 November, the International Day for the Elimination of Violence against Women, the Republic of San Marino organises numerous meetings and initiatives to raise awareness of this issue.

This calendar of events is coordinated by the Authority for Equal Opportunities and is included in a programme with special graphics. The posters and related programmes of initiatives for 2021-2023 are attached to this questionnaire.

However, many awareness-raising and training initiatives are organised throughout the year, some of which are listed below:

- a. addressing harmful gender stereotypes and prejudices, customs and traditions based on the idea of the inferiority of women;
  - On 10 and 11 May 2022, the University of San Marino organised a conference on **"Gender identity in the media, between danger and progress"**, with the participation of 30 academics providing analyses on topics related to modern influencers, fashion and TV series. The conference was aimed at fostering a constructive dialogue on how gender identities are addressed and proposed by the media, discussing male, female, non-binary and LGBTQIA+ representations, with studies on femininity, masculinity and sexuality. The aim was to enable participants to share new theories and research methods on the subject, as well as ideas and perspectives, by stimulating discussion on a topic that is today a key issue in society and in the media.
  - In December 2022, at the request of civil society, the Authority for Equal Opportunities warned a company in San Marino for using, for advertising purposes, an image depicting a very young girl in a bathing costume in an undignified and excessively explicit pose. Therefore, the Authority for Equal Opportunities recommended the company to remove the image from posters and online. This recommendation was subsequently complied with by the company.
  - Meetings in the form of panel discussions, organised by the Soroptimist Single Club of San Marino under the patronage of the Authority for Equal Opportunities, have been held since March 2022:

- 22 March 2022: **“Je suis Artemisia. Gender violence, let's take stock of how to prevent it”**. It was an opportunity to raise citizens' awareness of violence against women.
  - 6 December 2022: **“Je suis Artemisia. Recognising the signs of violence in a relationship”**. The meeting was designed to educate, inform and raise awareness on issues related to the awareness process, the services offered and the role of associations and voluntary organisations.
- With regard to the use of correct terminology when writing press articles on acts of violence against women, and thus in order to eliminate the risk of secondary victimisation through the media, worth highlighting is the content of the **Code of Conduct for Media Operators**, approved by the Assembly of the San Marino Council for Information on 22 June 2016. Article 6 prohibits the publication of the names of victims of sexual violence and of details that could lead to their identification. It should also be noted that a training course was held on 24 April 2022 specifically to address the issue of words to be used, particularly when reporting gender violence, given that words themselves can fuel hatred or secondary victimisation.
- In March 2023, a public meeting on inclusive writing and the use of feminine in language was held under the title **“Doing well with words”**. This initiative was promoted and organised by the Union of San Marino Women, and the guest speaker, Vera Gheno, a well-known sociolinguist, stressed that the excessive use of the masculine gender is the result of a linguistic tradition that has superimposed the concept of masculine on neuter. After centuries, this tradition has no place in a society that has understood the value of gender equality.
  - b. addressing the heightened exposure to gender-based violence by women and girls at risk of intersectional discrimination;
- The Observatory for Security against Acts of Discrimination, in synergy with the Ministry of Foreign Affairs and the Gendarmerie Corp, organised the seminar **“Victims of hatred”** on 28 April 2022, an awareness-raising meeting for civil and military authorities of the Republic and the surrounding areas, as well as for Upper Secondary School students. Numerous testimonies were presented on the main forms of discrimination and violence stemming from hatred, such as bullying and cyberbullying, racism, prejudice related to sexual orientation and disability, integralism and gender discrimination.
- On 24 November 2022, the University of San Marino promoted a seminar entitled **“Gender violence in the international framework”**, aimed at exploring the elements that characterise gender violence in different cultures, as well as the main differences and similarities.
- Following the outbreak of the Russian-Ukrainian conflict and the subsequent reception of more than 300 Ukrainian citizens, mostly women, on the territory of San Marino, the Authority for Equal Opportunities promoted an awareness-raising and information project addressed in particular to Ukrainian women and children. National violence help lines in Ukrainian, which can be contacted to report any violence or exploitation, were displayed on **posters**. These posters were then distributed throughout the territory of San Marino, in particular in the most frequented places and in the public Offices responsible for processing stay permits. The Italian and Ukrainian versions of the posters are attached to this questionnaire.
- Considering the need to create a culture of respect for gender in all social contexts, the Authority for Equal Opportunities created an instrument that could provide for prevention, awareness-raising and training measures against violence perpetrated in sports contexts. In April 2023, a valuable collaboration was launched between the San Marino National Olympic Committee (CONS) and the Authority for Equal Opportunities to develop a joint instrument. In this regard, a **draft protocol** was prepared and shared with the competent Ministries, as well as with the San Marino National Fair Play Committee, which provides for the extension of the customary annual training (proposed by the Authority in cooperation with the Department of Human Sciences of the University of San Marino) to male and female coaches and athletes, in order to increase personal awareness of what constitutes violence and to raise the awareness of the entire sports world on this issue.
  - c. encouraging all members of society, including men and boys, to contribute actively to preventing all forms of violence against women covered by the scope of the

Istanbul Convention, and promoting the empowerment of women and girls in all areas of life, notably their participation in politics at all levels and in the labour market.

- On 25 November 2022, the Authority for Equal Opportunities launched an awareness-raising and information campaign on violence against women entitled "**AGATHA is**". This media communication initiative, named after the co-patroness of San Marino, Saint Agatha, who was a victim of violence during her lifetime, is aimed at raising awareness using both online and offline instruments. The initiative was implemented through the distribution of brochures and information posters on women's rights, the anti-violence network that supports victims of violence, and online communication through social media. The AGATHA campaign will culminate with the activation of a web portal that will enable women victims of violence to get in touch with institutions and the anti-violence network.
- On 21 January 2023, the men's section of the Mutual Aid Society (SUMS) promoted a round table entitled "**Through Women's Eyes**" with the aim of raising awareness of violence against women. The speakers presented the topic by analysing not only the perspective of women victims of violence, but also that of perpetrators.
- On 12 and 13 April 2024, the University of San Marino, together with the competent Ministries, organised a seminar entitled "**Work and Gender Issues**" with the aim of analysing the gender gap in employment.

### Article 14 Education

10. Please provide a few examples of promising teaching or prevention programmes, materials, or initiatives for use in formal education (from pre-school to higher education) that:

- a. educate children and youth about equality between women and men, the right to personal integrity, mutual respect and non-violent conflict resolution in interpersonal relationships, including the notion of freely given consent;
  - b. address some or all the forms of gender-based violence against women and girls covered by the Istanbul Convention;
  - c. promote the inclusion of digital literacy and online safety in formal curricula as foreseen under GREVIO General Recommendation No. 1 on the digital dimension of violence against women;
  - d. ensure that teaching material used in school does not convey negative gender stereotypes of women and men of all ages;
  - e. offer tailored interventions aimed at preventing gender-based violence and empowering all girls, including those at risk of intersectional discrimination.
- The art competition "**Even the walls say it. Stop the violence**" took place in 2021. It was sponsored by the competent Ministries and promoted by the Trade Union and Consumer Association, Usl and Ucs, in collaboration with the Department of Human Sciences of the University of San Marino and the Township Councils. The aim of the competition was to create nine murals, one for each Township, on the enhancement of gender equality and the fight against violence. The initiative was addressed to students enrolled in degree courses at the University of San Marino, as well as students from Upper and Lower Secondary Schools, Elementary School, Kindergarten and Vocational Training Centre and young citizens up to the age of 25, residing and/or staying in San Marino.
  - As part of the awareness-raising initiatives for the International Day for the Elimination of All Forms of Violence against Women (24 November), the Confine Association promoted the event "**WORDS AGAINST GENDER VIOLENCE: The role of the media, in-depth analyses among generations**". The first part of the meeting was a debate challenge among the students of the San Marino Upper Secondary School. Guest speaker of the event was Giulia Blasi, writer, trainer and public speaker, who led a highly educational debate for the young people.

- In line with the requirements of the Istanbul and Lanzarote Conventions, an interactive workshop called **#Respect** was launched in 2022 to discuss stereotypes, prejudice and violence. This initiative targeted Elementary School children (in their final year), as well as students from the Lower and Upper Secondary Schools and Vocational Training Centre. This project, carried out during the 2020-2021 school year, contributed to raising awareness, promoting and reflecting on these issues; it was also important in strengthening critical sense and personal/social responsibility with regard to the many forms in which violence can occur. Finally, it made it possible to understand young people's views on this subject.
- The "**BLUEBEARD**" project, launched every year on 25 November by the Commission for Equal Opportunities and now in its third year, was created to raise awareness among the students of Lower and Upper Secondary Schools in the Republic, in collaboration with the Vocational Training Centre. Taking its name from Henry VIII, who killed his first two wives, the competition aims to create a synergy with schools to promote preventive behaviour towards violence in general and towards women in particular.

### Article 15 Training of professionals

11. Please complete tables I and II included in the Appendix in order to provide a comprehensive overview of the professional groups that receive initial and in-service training on the different forms of violence against women and domestic violence. Please specify the frequency and scope of the training and whether it is compulsory.

12. Please specify if the expertise of women's rights organisations or specialist support services is integrated in the design and/or implementation of the training.

Based on the mandate given by San Marino Law (Delegated Decree no. 60 of 31 May 2012 in implementation of Article 4 of Law no. 97 of 20 June 2008 "**Prevention and Repression of Violence against Women and Gender Violence**"), the Department of Human Sciences of the University of San Marino is entrusted with training activities related to the prevention of violence against women. Since the adoption of the aforementioned Delegated Decree, the Department has been strongly committed to organising annual training courses for the operators of the institutions of the Republic of San Marino (Magistrates, police forces, professional Associations, school Staff, etc.).

The training activities, developed in agreement with the Authority for Equal Opportunities according to the needs identified with it, have been designed to ensure the adequate development of the Anti-Violence Network, composed of the operators of key services.

Training and activities carried out in this area, as shown in the tables, were planned in consultation with the Authority for Equal Opportunities and financed annually by the various Ministries with responsibility for equal opportunities, through the conclusion of a consultancy agreement.

It should also be noted that all the training activities carried out by the University of San Marino and the Authority for Equal Opportunities are also conducted thanks to the collaboration of San Marino and/or neighbouring organisations that provide support and assistance to women victims of violence (for example, several meetings have recently been held with the *Casa delle Donne* in Bologna<sup>4</sup>).

### Article 16 Preventive intervention and treatment programmes

13. Please provide information on measures taken to increase the number of available preventive intervention and treatment programmes for perpetrators of domestic and sexual violence both for voluntary and mandatory attendance.

The main organisation in San Marino dealing with the rehabilitation of violent men and/or perpetrators of violence against women is the "Confine" Association, composed of mainly male

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<sup>4</sup> <https://www.casadonne.it/>

psychologists. For several years, the Association has been offering support to men through the following services:

- Setting up a counselling centre to enable them to talk about their situation with another man, with the possibility of finding information and support, in order to understand together the acts committed and the way forward for personal improvement.
- Arranging individual interviews to analyse in depth and observe the overall situation and the possibilities for transformation, also based on subjective resources.
- Creating working groups on change and on fatherhood, in order to make it possible for men to share their experience with violence, considering its consequences. It is also an opportunity to talk about their struggle for change, their children and responsibilities as fathers.
- Launching the “Men’s Circle” format, i.e. free monthly small group meetings where issues of the male inner world are explored by sharing thoughts, experiences and everyday life, in an atmosphere of dialogue, privacy, acceptance and absence of judgement.

At present, the Confine Association reports that it has not yet activated any preventive intervention programmes. However, in the past the Association was involved in planning a programme of meetings on male parenting for the partners of women who have recently given birth, in cooperation with the Obstetrics and Gynaecology Unit of the State Hospital.

The Confine Association signed an agreement with the SSI for the treatment of perpetrators referred by the Mental Health and Minors’ Protection Services. The programme is also available to SSI users on a voluntary basis and by court order. This programme includes some introductory meetings with perpetrators and the collection of information on the case through the referring Services, followed by a psycho-educational process of about 6 months, through individual or group meetings.

This can be followed by personalised clinical and psychological or psychotherapy treatments as required. It is important to emphasise that throughout the process, networking is done by exchanging views on the perpetrator’s progress with the competent Services.

14. Please provide information on measures taken to:

- a. increase the number of men and boys attending perpetrator programmes for domestic and sexual violence;

The Confine Association is currently preparing an amendment to the Protocols with the Social Services so that the way in which perpetrators of domestic violence are referred to them can be simplified and at the same time the privacy of abused women is not violated.

- b. ensure that the perpetrator programmes apply standards of best practice;

The operators of the Confine Association attend events promoted by the *RELIVE* network and have frequent contacts with supervisors who are experts in dealing with perpetrators.

- c. ensure the safety of victims and co-operation with specialist support services for victims;

Close encounters with the perpetrators after intake (once a week) allow good monitoring of such men’s attitude towards their victims. If alarming attitudes or thoughts emerge during these interviews, the operators, in addition to intervening directly with the perpetrators, inform the Social Services in charge of the women victims of violence about the development of the situation. The same applies if the perpetrators decide to stop meetings or no longer attend them.

- d. ensure that the outcomes of the programmes are monitored and evaluated.

At present, when perpetrators enter the programme, they complete a questionnaire which records their behaviour considered violent/abusive and highlights any conduct that has a greater impact on the violent attitude.

## Article 18 General obligations

15. Please provide information on any multi-agency co-operation mechanisms, structures or measures in place designed to protect and support

victims of any of the forms of gender-based violence against women covered by the Istanbul Convention (e.g., interdisciplinary working groups, case-management systems, cross-sectoral protocols/ guidelines...). Please describe:

- a. the state agencies involved in their functioning (law-enforcement agencies, judiciary, public prosecutor, local authorities, healthcare services, social services, educational institutions etc.);
- b. whether they involve specialist support services provided by civil society organisations, especially women's rights organisations;
- c. how they adopt a gender-sensitive approach to violence against women, including the prioritisation of the safety of women and girl victims, their empowerment and a victim-centred approach;
- d. the financial and human resources dedicated to their implementation; and
- e. any available information on the evaluation of their outcome or impact.

Article 6 of Delegated Decree no. 60 of 31 May 2012 "*Delegated Decree implementing Article 4 of Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence"*" establishes the Technical and Institutional Panel. This mechanism makes it possible to coordinate the anti-violence network and to share projects, legislation and internal operational protocols directly with professionals who deal with violence-related issues on a daily basis. In addition, Article 13 of Delegated Decree no. 56 of 17 May 2018 "*Provisions for the operational autonomy of the Authority for Equal Opportunities*" provides that the Technical and Institutional Panel is convened and coordinated by the Authority for Equal Opportunities. It is also emphasised that the aim of this mechanism is to improve the functioning of the anti-violence network.

Recently, Article 17 of the aforementioned Delegated Decree no. 109/2024 replaced the aforementioned Article 6, modifying the composition of the Technical and Institutional Panel to include a member of the Fortress Guard and the Director General of the University of San Marino or a delegate thereof. This decision stems from the desire to expand the anti-violence network to include representatives of all police forces and the University, which organises the annual training courses for the same network, in accordance with Article 4 of Delegated Decree no. 60/2012.

Following the recent amendment, the Technical and Institutional Panel is composed as follows:

- a) a member from the Authority for Equal Opportunities;
- b) a member from the Gendarmerie Corps;
- c) a member from the Civil Police Corps;
- d) a member from the Fortress Guard Corps;
- e) a member from the SSI Directorate-General;
- f) a member from the Professional Association of Lawyers;
- g) a member from the Professional Association of Psychologists;
- h) the Director of the Department of Education or his/her delegate;
- i) the Director-General of the University of San Marino or his/her delegate;
- l) a representative of the Court of the Republic of San Marino.

In addition to the Technical and Institutional Panel, the Social Services plan interventions in multidisciplinary teams made up of medical, nursing and social assistance personnel, in order to ensure comprehensive care of women victims of violence.

The competent Authorities and Offices that form part of the anti-violence network may also draw up operational protocols, which are then brought to the attention of the whole network. Some examples are attached hereto: the "***Protocol between the Single Court of the Republic of San Marino and the Minors' Protection Organisational Unit of the Social Security Institute on the protection of minors***", the "***Agreement between the Social Security Institute and the Confine Association for the rehabilitation of perpetrators***", the "***Agreement between the Professional Order of Psychologists and the Authority for Equal Opportunities*** concerning free psychological assistance for women victims of violence.

16. Please detail whether any such co-operation mechanisms or structures set up for the delivery of support services for a specific form of violence covered

by the Istanbul Convention is based on a legal or policy document advocating for or requiring such approaches.

The cooperation instruments and mechanisms mentioned in the answer to question 15, as well as the support systems for women victims of violence, are provided for in the reference legislation attached to this questionnaire.

In particular, Article 4 of Law no. 97/2008 lists victim support services:

**“Art. 4**  
*(Assistance to victims of violence)*

For victims of domestic and sexual violence, the State shall:

- a) provide information on the measures envisaged by the law for the protection, safety and right to assistance and support for victims of violence;
- b) provide specialised social services that are conveniently located and easily accessible to victims and employing specifically trained staff;
- c) ensure that these services are able to face emergency situations and provide immediate support, also of psychological nature, and be responsible for medium-term cases, also for the purpose of family reunification;
- d) provide social support, protection, support for education, training and professional re-integration;
- e) ensure that, in the most serious cases, in which continuing to live in the family is deemed to be dangerous, victims are admitted to a family-sized community for the time necessary to develop a social reintegration project;
- f) create, if necessary, programs for the protection and social integration of the victims of violence, - which also address housing needs and ensure that their residence permit is prolonged, should it expire during the proceedings, at least for the whole duration of the proceedings - professional reintegration, care and support for dependent children;
- g) provide specific training for the judges presiding over judicial proceedings described in this Law and for law enforcement agencies.

The planning and creation of services and the actual definition of the measures to be taken shall be set forth through a specific Delegate Decree to be issued six months after the entry into force of this Law.”

17. Please explain whether all or some of the services of protection and support offered for victims of the different forms of violence against women are provided on the basis of a one-stop-shop approach.

Article 2 of Delegated Decree no. 60 of 31 May 2012 provides for the establishment of a Counselling Centre at the Women's Health Simple Operational Unit for victims of violence. Psychologists are on hand to provide support and counselling to victims.

The Counselling Centre for victims of gender violence:

- provides psychological support by direct access or appointment by phone;
- provides information on the rights of victims of violence and the measures provided for in Laws no. 97/2008, no. 57/2016 and Delegated Decree no. 56/2018 for their protection and on violence against women and gender violence;
- works in a network with the SSI Services and relevant stakeholders to activate protection programmes;
- provides contacts with dedicated legal services;
- cooperates for the implementation of educational interventions concerning violence prevention in schools;
- collaborates with national Associations in promoting public awareness-raising initiatives on the issue.

Another service of major importance is the Gender and Child Abuse Office of the Gendarmerie.

This Office receives complaints/reports concerning gender violence or child abuse cases and it is part of a comprehensive network of public offices providing support and assistance to victims of violence.

A project called **“A room for you”** was launched thanks to the cooperation between the Soroptimist Club San Marino and the Gendarmerie to foster the reception of and reporting by victims

of gender violence. Based on the protocol signed, an encouraging and protected environment has been created assisting victims of violence when reporting through a less traumatic approach.

The Gendarmerie readily accepted the proposal and provided a room, including an entertainment area for accompanying children, which was entirely financed, designed and furnished by Soroptimist.

In this dedicated and welcoming environment, women can feel that attention is being paid to their experience and painful report and, if minors are present, they can be guaranteed psychological protection in conditions of privacy and safety. The project was also implemented under the auspices of the Authority for Equal Opportunities with the involvement of the competent offices.

## **Article 20 General support services**

18. Please provide information on programmes and measures aimed at ensuring, through general services, the recovery of victims of violence, including in the health and social areas, financial assistance, education, training and assistance in finding employment and affordable and permanent housing.

In order to implement Law no. 97/2008 and its subsequent amendments and integrations, as well as the legal framework for preventing and combating violence against women and gender violence in general, taking into account the tasks assigned to the Authority for Equal Opportunities, a protocol on financial support for victims of violence is being drafted.

On the basis of this protocol, the Authority would commit itself to supporting victims for the necessary period of time, for a maximum of three months, within the framework of an intervention to be carried out in case of exceptional and urgent need, certified by the Social Services.

The financial assistance would be provided to women who are resident in the Republic of San Marino, or in any case holders of a regular stay permit, and who are in a situation of economic difficulty, even temporary.

The contribution would be paid for as long as necessary, up to a maximum of three months, with an amount and duration to be determined by the Authority in consultation with the social services, following an assessment of the applicant's economic situation.

In the event of a need to secure victims, upon report by the police forces and/or social services, the Authority would guarantee immediate financial assistance.

In the light of the above, applications would be considered in chronological order and the funding will be aimed at enabling victims to make a living, in terms of securing housing and personal autonomy, and support for the care and education of minor children.

Pursuant to Article 3 of Delegated Decree no. 56/2018, the disbursement of assistance contributions is determined to meet relevant needs, according to the availability of the fund and based on the principle of gradual release over time, until the completion of the rehabilitation process, or as otherwise ordered by the competent Judge.

Once entitlement to the financial assistance has been established, it may take various forms, to be defined when the protocol is drawn up, and would in any case provide for exemption from taxation and non-incompatibility with other guaranteed support instruments.

At the procedural level, the application may be submitted by the competent services, if necessary in agreement with the Court, accompanied by a detailed report on the victim's status and a declaration of the victim's acceptance of the empowerment and autonomy process devised, to which the victim must commit. If a victim did not comply with the above, the Authority for Equal Opportunities would withdraw the benefits.

In order for financial assistance to be granted, the victim should submit a statement in which she declares, under her own responsibility, that she is experiencing economic difficulties, even if they are temporary.

With regard to the search for accommodation after leaving violence, Article 5 of Delegated Decree no. 56/2018 establishes that the competent Services, through the Authority for Equal Opportunities, may report such cases to the Commission for the Management of Housing, which provides for the temporary allocation of accommodation.

### **Questions specific to the public health sector:**



19. Have specific measures been taken to ensure that public health services (hospitals, health centres, other) respond to the safety and medical needs of women and girls victims of all forms of violence covered by the Istanbul Convention on the basis of national/regional standardised protocols?

Public health services (such as the State Hospital and community health centres) respond to the safety, medical and health needs of women and girls victims of all forms of violence covered by the Istanbul Convention, on the basis of the protocols implementing Law no. 97/2008 and subsequent integrations and amendments.

Reference materials include SSI Procedure PA 48 "*Taking charge of adult victims of violence*" and SSI Operational Instruction IO 11 "*Sheltered accommodation for adult victims of ill-treatment/abuse*", both updated and in force since July 2024 (attached to this questionnaire).

Specifically, the above-mentioned procedure aims at the following: defining and coordinating the social-health process which, upon access to any SSI Operational Unit, provides for a defined and shared procedure for appropriate and effective care; standardising the actions to be taken to protect the victims of violence; providing clear and unambiguous indications to all actors involved in this process regarding stages, timing, methods, responsibilities and regulatory and legal obligations.

20. Do such protocols detail the procedure to:

- a. identify victims through screening;
- b. provide treatment for all the medical needs of victims in a supportive manner;
- c. collect forensic evidence and documentation;
- d. ensure that a clear message of support is conveyed to the victim;
- e. refer to the appropriate specialist support services that form part of a multi-agency co-operation structure; and
- f. identify children who may have been exposed to domestic violence or other forms of gender-based violence against women and girls and require further support.

The daily activities of the SSI Services, regulated by the existing protocols, guarantee appropriate care for women victims of violence, offering assistance and support within their competence.

In particular, SSI Operational Instruction IO 11 specifies the activities and operating conditions for taking care of victims who are single adults or have dependent children. In addition, this document clearly outlines the professionals involved in each stage of leaving violence, including possible placement in a shelter.

SSI Procedure PA 48 also sets out the arrangements for taking care and dealing with adult victims, the reporting procedures, the reporting process for SSI operators and access to the Emergency Care Unit. In the latter case, and if a woman has been sexually abused, the emergency physician will activate Operational Instruction IO-UO OST 89 "*Collection of evidence from women who have been sexually abused*", attached hereto.

The Unit responsible for collecting evidence in case of proven or suspected sexual violence is the Obstetrics and Gynaecology Complex Operational Unit, but other Units may also be involved if there is a need to bring multidisciplinary expertise to the situation, such as the Dermatology and Legal Medicine Units.

21. Please provide information on the procedures in place for the documentation and collection by actors of the public health sector of forensic evidence in relation to victims of domestic violence, victims of sexual violence, including rape, and victims of female genital mutilation.

As mentioned in the previous answer, the SSI Operational Instruction IO-UO OST no. 89 "*Collection of evidence from women who have been sexually abused*" contains the procedure that is in force 24 hours a day, 365 days a year for the treatment of women victims of sexual violence.

Before proceeding with the collection of evidence, it is essential to inform the woman and request her consent, verbal and written, for all the procedures that will be performed, from collecting

biological samples to taking photographs and acquiring clothing.

The health professional responsible for accepting the consent and all the subsequent procedures is the doctor of the Obstetrics and Gynaecology Complex Operational Unit, who listens to the victim's story in a suitable place and at a time appropriate to the need.

The above procedure indicates how biological material will be collected, and sent to the Transfusion Medicine and Clinical Pathology Operational Unit, where it will be stored in the appropriate freezer.

The victim's clothing and all the material collected in the search, placed in paper bags, sealed with a paper bandage and signed, will be handed over to the Analytical Laboratory for safekeeping in a dedicated freezer, for a minimum of 18 months, and in any case until otherwise indicated by the Judicial Authority.

22. Are all women victims of violence, irrespective of any of the grounds listed in Article 4 paragraph 3 of the Istanbul Convention, in particular asylum-seeking women, refugee women, migrant women, women from national or ethnic minorities, women with irregular residence status, women with disabilities and LGBTI women, able to benefit on an equal footing from existing healthcare services? Please describe any measure taken to reduce legal or practical barriers to their accessing regular healthcare services.

In response to this question, the SSI Socio-Health Department would like to point out that women victims of violence are guaranteed emergency medical and psychosocial care, even if they are not entitled to health care.

Therefore, there is no discrimination on the basis of residence status in San Marino, origin or other characteristics.

23. Please provide information on the measures in place to facilitate the identification and care of victims of violence against women in institutions for persons with disabilities and for the elderly as well as for those in closed reception facilities for asylum-seekers and to respond to their safety and protection needs.

The measures in place to identify and assist victims of all forms of violence against women and in institutions for persons with disabilities and for the elderly are in line with the protocols signed after the entry into force of Law no. 97/2008 and subsequent amendments and integrations.

24. Please provide information on how the authorities ensure that different groups of women and girls, *inter alia* women with disabilities, Roma women and other women belonging to national or ethnic minorities, migrant women and intersex persons are fully informed, understand and freely give their consent to procedures such as sterilisation and abortion.

The Republic of San Marino has recently enacted Law no. 127 of 7 September 2022 *regulating voluntary termination of pregnancy*, following a popular referendum on the decriminalisation of abortion in September 2021 (77.28% in favour and 22.72% against).

Article 1 (*Purposes and general principles*) of the aforesaid Law specifies that the SSI shall guarantee access to voluntary termination of pregnancy “to women assisted by the SSI who request it, in accordance with this Law, also through the conclusion of special agreements with accredited public and private hospital and health facilities, inside and outside the Republic of San Marino”.

Below is Article 2 of Law no. 127/2022, which regulates the creation and operation of a Counselling Centre to which women can turn for support in the event of voluntary termination of pregnancy:

**“Art. 2**

*(Establishment and functions of the Counselling Centre)*

1. A Counselling Centre managed entirely by the SSI shall be established, either by setting up a new facility or reorganising existing units.

2. Through the Counselling Centre, the Social Security Institute shall provide psychological, gynaecological and andrological advice and assistance for women and men, including minors, at all stages of their lives and according to their sexual orientation, ensuring the utmost confidentiality and resorting to specifically trained SSI personnel. That no mention shall be made in the electronic health file of any access to the Counselling Centre for information purposes. Access to the Counselling Centre shall be free, optional and free of charge.

The Counselling Centre shall provide the following services:

- a) Reception, assistance and support for both women and couples choosing VTP or motherhood through health and gynaecological counselling services and programmes. It shall inform about the social, health and welfare services offered and the methods of performing voluntary termination of pregnancy. It shall provide outpatient care and/or a connection with the hospital unit, by guaranteeing continuity of the process chosen while fully respecting privacy;
- b) Psychological assistance to pregnant women and during the postpartum period, women or couples choosing motherhood, women or couples choosing VTP in all phases before and after VTP, menopausal women, and all those who need psychological counselling related to gender orientation;
- c) Counselling and information aimed at the prevention of unwanted pregnancies, sexually transmitted diseases, guidance on contraceptive methods, and the promotion of safe sex;
- d) Access and assistance to minors, including those unaccompanied by their parent or guardian, on the safest and most effective methods of contraception, including emergency methods, in order to avoid unwanted pregnancies, as well as information on safe sex in order to prevent sexually transmitted diseases or infections. Access to emergency contraception shall not require any authorisation by the parents or guardians, nor any prescription. Emergency contraception shall be provided free of charge by the Counselling Centre to minors who request it, by recording the doctor's prescription;
- e) Planning of andrological and urological counselling activities for youth and adults, in order to ensure the prevention, diagnosis and treatment of andrological diseases and dysfunctions;
- f) Planning of screening activities to monitor female and male sexual and reproductive health.

3. The woman's partner or other trusted person may take part, with her consent, in the care and health activities supported by the Counselling Centre.

4. The SSI shall guarantee that within the Counselling Centre all personnel directly involved, at every stage of VTP-related procedures, are not conscientious objectors within the meaning of Article 15."

Article 3 (*Prevention of unwanted pregnancies and sexuality education*) of the same Law also provides for the development of initiatives and programmes necessary for the prevention of unwanted pregnancies and the promotion of sex, reproductive and emotional education in schools.

In order to make the content of the above-mentioned information campaigns more inclusive and disseminable, it is emphasised that the same Article provides that such campaigns "*shall be drafted and updated by the SSI, made accessible to persons with sensory disabilities and translated into English and the main foreign languages, according to the nationality of origin of the migrants living in the Republic of San Marino*".

With regard to consent, Article 4 (*Common provisions*) of Law no. 127/2022 states that "*The request for voluntary termination of pregnancy shall only be accepted with the woman's informed consent*" and that "*At any time prior to the performance of voluntary termination of pregnancy, women shall have the right to withdraw their consent already given to such termination*".

In addition, and only with the woman's consent, the woman's partner or another person she trusts can take part in her healthcare and social and health procedures.

## **Article 22 Specialist support services**

25. Please describe the type of specialist support services dedicated to women victims of the forms of gender-based violence covered by the Istanbul Convention (e.g., stalking, sexual harassment and domestic violence, including their digital dimension, female genital mutilation, forced marriage, forced sterilisation, forced abortion), including those specialist support services providing:

- a. shelters and/or other forms of safe accommodation

It should be noted that the “Emergency Centre” has recently been established and is now operating, also in response to Recommendation 109 of the GREVIO’s Baseline Evaluation Report. It is a social shelter that makes it possible to give up the practice of "social hospitalisation" of women victims of violence and any dependent children in the State Hospital.

As stated in the 2023 report of the Authority for Equal Opportunities, attached hereto, the “Emergency Centre” is a protected and hospitable place where victims can be accommodated for the time needed to start social/healthcare and legal assistance procedures, with any dependant minors. The functions of the Centre are to:

- a) urgently host victims for 24/48 hours or, in some cases, until the judge rules on the incident and the possible accommodation of the victim(s);
- b) provide the necessary protection in risky situations;
- c) provide immediate assistance from specialised socio-health personnel.

The facility can operate on call and is ready to urgently receive both victims of violence (adults and/or minors), giving them support and adequate protection at any time, and unaccompanied minors and/or minors removed from home before they are transferred to suitable relatives, an approved centre or foster family. It should also be noted that this shelter guarantees the availability of social workers and psychologists 24 hours a day.

Finally, San Marino regularly signs agreements with sheltered accommodation and shelter facilities outside its territory, since the territorial, social and proximity characteristics of a small State like San Marino could compromise the anonymity of victims.

#### **b. medical support**

SSI procedure PA 48 and the associated operational instructions define the medical support to the victims of violence who access specialised Units such as the Mental Health Complex Operational Unit, the Obstetrics and Gynaecology Complex Operational Unit, the Emergency Care Complex Operational Unit and the Women's Health Simple Operational Unit.

For children victims of violence, the Minors’ Protection Simple Operational Unit is responsible for providing support services.

#### **c. short- and long-term psychological counselling**

#### **d. trauma care**

Initial psychological counselling and long-term psychological care can be provided by the Women's Health Simple Operational Unit and the Mental Health Complex Operational Unit according to their expertise and the needs of the victim.

It should also be specified that the Mental Health Complex Operational Unit can activate psychotherapy processes for victims of violence, if the case so requires.

#### **e. legal counselling**

Under Article 17 of Law no. 97/2008, in all proceedings legal assistance shall be ensured to the victims of violence when they cannot objectively afford their own legal defence, also outside the conditions to grant legal assistance free of charge.

In addition, a list of contact details of lawyers who can provide legal assistance to women victims of violence is available at all the facilities of the anti-violence network. This list is drawn up and updated by the Professional Association of Lawyers and Notaries of the Republic of San Marino.

#### **f. outreach services**

The Social Service of the Mental Health Complex Operational Unit can activate the following outreach services after assessing the case and designing the personalised project:

- social support measures;
- education support;
- job placement support;
- housing support;
- placement in sheltered accommodation;
- drafting of intervention plans for the protection of children, in collaboration with the Minors’ Service Complex Operational Unit and the Minors’ Protection Simple Operational Unit;

- participation in the home visiting team (prevention of child maltreatment and support for fragile parenting);
- cooperation with voluntary bodies/associations/social cooperatives;
- assistance in applying for income support measures.

**g. telephone helpline**

Since 2020, the telephone number 0549 994800 has been active 24 hours a day, 7 days a week.

The Counselling Centre, in synergy with the Inter-Agency Operations Centre of the Police Forces, has activated a procedure according to which the operators of the Women's Health Simple Operational Unit answer incoming calls during the opening hours of the service, while the Inter-Agency Operations Centre answers during the closing hours and on weekends. Depending on the need, the Inter-Agency Operations Centre may take urgent action in accordance with internal protocols or refer the matter to the Centre's psychologist.

Accepting the GREVIO Recommendation, which strongly encourages San Marino authorities to provide adequate human resources to the Social Services, the Delegated Decree no. 109 of 9 August 2024 established the on-call service for social workers. The management of the number 0549 994800 during on-call hours is currently being defined; in this way, women calling the above emergency number will always be able to speak to a trained social worker, no longer diverting calls to the Interforce Operations Centre.

**h. other forms of support (e.g. socio-economic empowerment programmes, online assistance platforms etc.)**

The Social Security Institute, in cooperation with the Authority for Equal Opportunities, is involved in the validation of socio-economic empowerment programmes for victims of violence. At the same time, as already established by GREVIO during the previous baseline evaluation visit, the "TECUM" application is available for free download on all mobile phones, both Android and Apple systems.

26. Which type of specialist support service includes child psychologists or other professionals specialised in supporting children who have been exposed to domestic violence, including violence perpetrated by one parent against the other?

The Minors' Protection Simple Operational Unit has professionals specialised in supporting and caring for minors who have been exposed to domestic violence or who have witnessed it. Interventions include individual psychological support interviews, family psychological support interviews, educational interventions to support the household, and psychotherapy.

27. Do specialist support services exist that cater to the specific needs of migrant women and girls or those belonging to national or ethnic minorities who are victims of violence against women, including women and girls seeking asylum and those granted refugee or international protection status?

The reference law on the entry and stay of foreigners in San Marino is Law no. 118 of 28 June 2010 "*Law on the entry and stay of foreigners in the Republic of San Marino*" and subsequent amendments.

More specifically, with regard to the treatment of foreign women victims of violence in San Marino, Article 14 of the aforementioned Law, as amended by Article 19 of Law no. 118 of 30 July 2015 "*Amendment to Law no. 118 of 28 June 2010 and subsequent amendments (Law on the entry and stay of foreigners in the Republic of San Marino)*" and included hereunder, explicitly extends the granting of the extraordinary stay permit for humanitarian reasons of social protection also to victims of violence and victims of trafficking in human beings.

**"Art. 14**

*(Extraordinary stay permit for humanitarian reasons of social protection)*

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. 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.”.

In the light of the above, the extraordinary stay permit for humanitarian reasons of social protection, in the case of victims of violence and human trafficking, is issued to foreign women whether or not they have a stay permit, domicile or residence in San Marino.

By obtaining the above-mentioned stay permit, all cases of violence committed against these women will fall within the scope of the anti-violence network and will be treated in the same way as women of San Marino nationality, in accordance with the principle of non-discrimination laid down in Article 4, paragraph 3 of the Istanbul Convention.

At the same time, with regard to Ukrainian women received in San Marino and holding the provisional stay permit referred to in Article 2 of Decree Law no. 41 of 22 March 2022 "*Actions to ensure international peace and security and extraordinary and temporary introduction of the provisional residence permit for the Ukrainian emergency*" and subsequent amendments, this permit explicitly provides for free access to health, social and medical care and, more generally, to other necessary social services for the entire period of stay.

In order to provide a specific support service to women victims of violence and to break down any language barriers, the anti-violence network may use an interpreter to assist the victim at each stage of the procedure.

An information brochure is also being prepared to be handed out to foreign nationals who resort to the authorities and immigration offices in the territory. The brochure will contain all useful information and contacts to learn about and recognise violence and the details needed to report it. This brochure will be translated into the main languages of the countries whose citizens are statistically more requested for work purposes.

Finally, work is underway on the creation of a web portal accessible from PCs and smartphones containing all the information to protect victims of violence, also translated into the main languages as mentioned above. This portal will contain not only the legislation protecting victims of violence, but also the contacts of the relevant services. Both the portal and the brochure will give indications on how to anonymously contact the San Marino 24-hour anti-violence hotline to obtain all information concerning such problems.

## **Article 25 Support to victims of sexual violence**

28. Please indicate if any of the below services are available in your territory:
- a. sexual violence referral centres (e.g. specialist support services offering immediate medical care, forensic examination and crisis intervention to victims of sexual violence);

The reference Organisational Units for the management and care of women victims of sexual violence are the Emergency Care and Short Stay Complex Operational Unit, which can refer such women to the Obstetrics and Gynaecology Complex Operational Unit, in accordance with the provisions of the Operational Instruction OI OST no. 89 "*Assistance to women victims of sexual violence*", attached to the questionnaire, for medical treatment and forensic examinations. It is also possible to rely on the Mental Health Complex Operational Unit for psychosocial support, and other Operation Unit and services in case of clinical need.

- b. rape crisis centres (e.g. specialist support services offering long-term counselling, therapy and support to victims of sexual violence regardless of whether the sexual violence occurred recently or in the past);

Specialist support services that include counselling, therapy and long-term support to women victims of sexual violence are provided by the Mental Health Complex Operational Unit and the Counselling Centre at the Women's Health Simple Operational Unit.

- c. any other specialised services offering short-term and/or long-term medical, forensic and psycho-social support to victims of sexual violence.

At present, it is reported that there are no support services specifically for women victims of sexual violence on the territory of San Marino; however, there are agreements with shelter facilities in Italy for such cases.

29. Please provide information on the number of such services and the number of women and girls supported annually.

There are four services specialised in supporting women who have been victims of sexual violence: the Mental Health Complex Operational Unit, the Counselling Centre at the Women's Health Simple Operational Unit, the Obstetrics and Gynaecology Complex Operational Unit and the Emergency Care and Short Stay Complex Operational Unit, each within their own sphere of competence. It is also specified that all these services belong to the Social Security Institute.

Below is the number of cases handled and consultations provided by the Mental Health Complex Operational Unit in 2023:

Number of **cases** handled in 2023

- sexual violence: 0
- gender violence: 11

Number of **consultations** in 2023

- sexual violence: 0
- gender violence: 7

30. Please indicate the procedures and time frames for collecting and storing forensic evidence in cases of sexual violence (e.g. existence of protocols, use of rape kits) in the relevant services.

As mentioned in the previous answer to question 21, the procedures and time frame for collecting and storing forensic evidence in cases of sexual violence are defined in the attached SSI Operational Instruction IO-UO OST no. 89.

The material used to collect evidence consists of the following:

- 1 pack of gloves;
- a ready-to-use gynaecology kit, large paper towels;
- 3 specula;
- an ayre spatula;
- 1 cytobrush;
- An HPV THIN PREP G test small container;
- Swabs for diseases such as Chlamydia and Gonococcus (verified by endocervical sampling), Trichomonas, Mycoplasma and common germs (verified by vaginal sampling). SSI Operational Instruction IO-UO OST no. 89 also specifies the timeframe within which swabs should be taken and biological material be collected;
- Indelible pen/pencil;
- A camera requested in the Emergency Care Unit, with a special memory card and labelled with the code of the report written by the Emergency Care Unit, which is then stored in a safety box in the Emergency Care Unit. SSI Operational Instruction IO-UO OST no.89 also provides recommendations for the production of photographic images useful for forensic purposes.

The above-mentioned Operational Instruction sets out how biological material is to be collected

for judicial purposes in order to avoid contamination or alteration of evidence.

The clothes of the victim and all the material collected, placed in paper bags, sealed with a paper band and signed, must be handed over to the analysis laboratory for storage in a dedicated freezer, after its activation by the Director of the analysis laboratory (or a deputy), who holds the key.

All material taken from the victim is kept under judicial custody by the person in charge of the laboratory, in the dedicated freezer for a minimum of 18 months. The Health Authority will dispose of such material, after requesting the Criminal Registry of the Court and obtaining authorisation, at the end of this period, if the woman or the judicial authorities do not request it.

31. Please describe any applicable access criteria for use of these services (e.g. affiliation with a national health insurance, residence status, prior reporting of the case to the police, other).

For access to the services mentioned in the answers to questions 25 and 30, please note that it is not necessary to have health insurance or a stay permit if the services to be provided are urgent.

Otherwise, long-term medical or psychosocial support requires entitlement to healthcare under the provisions laid down by law.

### **Article 31 Custody, visitation rights and safety**

32. Please indicate whether under national law incidents of violence covered under the scope of the convention must be taken into account in the determination of custody and visitation rights of children. If this is the case, please clarify to what extent these provisions:

- a. explicitly list domestic violence as a criterion to be taken into account when deciding on custody and/or visitation rights in the applicable legislation. If so, please clarify whether this criterion is/has been applied in practice in the determination of both custody and visitation rights;
- b. acknowledge the harm that witnessing violence by one parent against the other has on a child;
- c. ensure that custody with the non-violent parent is preferred over foster-care;
- d. foresee the screening of civil proceedings related to the determination of custody or visitation rights for a history of domestic violence among the parties;
- e. foresee that judges conduct risk assessments or request the disclosure of risk assessments drawn up by law-enforcement agencies or other competent stakeholders for victims of domestic violence, with a view to taking them into account and determining the best interest of the child in the context of custody and visitation decisions.

In national law, incidents of violence are taken into account in the determination of custody and rights of children. Even in the absence of specific legislation, the Judges have recognised that witnessing violence by one parent against the other is harmful to the child; they ensure that custody with the non-violent parent is preferred over foster-care. In civil proceedings, the Judge also takes into account any incidents of violence that have occurred and requests information from other authorities responsible for preventing and combating gender-based violence in order to determine the best interest of the child when deciding on custody and visitation rights.

With regard to letters a) and d), GREVIO had noted in its Baseline evaluation Report that in San Marino, as in other countries, *"there was no explicit reference to domestic violence among the legal criteria to be taken into account when determining custody and/or visitation rights"*. In order to better comply with GREVIO's recommendation, the Judicial Offices have drawn up a protocol to regulate relations between the civil and criminal divisions, thus strengthening the links between them. On 29 February 2024, the *Operational Protocol for cooperation and exchange of information between civil and criminal magistrates for the protection and defence of victims of domestic violence, in agreement*



with the Judicial Police and the Corps of the Gendarmerie, the Fortress Guard and the Civil Police, and the Lawyers' Association, attached to the questionnaire, was adopted. This Protocol stipulates that, when a report of violence is received, the police authorities, in cooperation with the Registries, shall verify the existence of any pending proceedings relating to divorce, separation, custody or guardianship of children and, if possible, identify the details of the file (Article 1). The existence of any proceedings shall be noted in the case file of the criminal proceedings. The Investigating Judge in charge of the case file on violence, after verifying whether civil proceedings are pending, shall transmit to the competent civil Judge: a) during the preliminary investigation, the acts that he/she deems can be shown, possibly also at the request of the parties; b) the decrees applying precautionary measures (protection orders or other measures) and any subsequent decrees, which may, however, be requested by the civil/guardianship and juvenile Judge if they are considered useful for the adoption of the decision; c) the indictment request.

The Protocol provides for maximum cooperation among criminal and civil Judges.

With reference to letter d), the civil/guardianship and juvenile judge shall transmit any *notitia criminis* prosecutable ex officio and resulting from the case file, for which criminal proceedings are not already pending. Protection orders issued by the civil Judge or the guardianship measures taken by the guardianship and juvenile Judge shall be transmitted to the Judge in charge of any pending criminal proceedings and shall be assessed for the purpose of their registration as *notitia criminis*.

The same cooperation among criminal and civil Judges also applies to the adoption of measures related to forfeiture and restriction of parental rights (Article 3).

Moreover, the defence lawyer representing a party in a civil case, who is alleged to be a victim of domestic violence, may, after the case has been entered in the register, submit a request to the Judge in charge of the criminal proceedings - enclosing a copy of the application or summons, and any other documents deemed useful - for the transmission of the documents to the civil division (Article 4).

As a general rule, with regard to letter e), the Investigating Judge in criminal matters, in order to take the measures falling within his/her competence, obtains information and analyses from the police forces or, in the case of minors, from the Minors' Protection Service and the other authorities concerned.

33. Please describe the measures in place to ensure that judges, court-appointed experts and other legal professionals:

- a. have sufficient knowledge of the law and understanding of the dynamics of intimate partner violence, including the psychological impact of witnessing violence on the child;
- b. duly take into account victims' grievances in cases of domestic violence and hear children victims/witnesses, where applicable, in the determination of custody and visitation rights;
- c. are informed of the unfoundedness of notions of "parental alienation"<sup>5</sup> or analogous concepts that are used to overshadow the violence and control exerted by perpetrators of domestic violence over women and their children.

With regard to letters a) and c) of the question, the Judicial Council, which adopts the annual

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<sup>5</sup> In its baseline evaluation reports GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of "parental alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists. Moreover, in February 2020 the World Health Organisation (WHO) published its new draft International Classification of Diseases, 11th Revision (ICD-11) and confirmed that it had removed parental alienation from index term in the final ICD-11. See also the Platform of Independent Expert Mechanisms on Discrimination and Violence against Women (EDVAW Platform) statement of May 2019 "[Intimate partner violence against women is an essential factor in the determination of child custody, say women's rights experts](#)".

training plan for judges pursuant to Article 13 of Constitutional Law no. 1/2021, has planned training initiatives for civil Judges on matters of interest to GREVIO for 2023 and 2024. In particular, the 2023 training plan for civil Judges focused on “*minority rights and non-marital relationships*” and for criminal Judges on “*gender-based violence and protection instruments for abused persons*”.

In 2024, the training of civil Judges included the topics of “*family and minors*” and “*minority rights and non-marital relationships*”, while in the criminal field the topic of “*gender-based violence and protection instruments for abused persons*” was dealt with and further explored. It is specified that such training takes place through participation in courses organised by the Italian School for the Judiciary, as well as through the organisation of initiatives, seminars and meetings, either in-house or in collaboration with San Marino Legal Institute. In addition, the adoption of the Operational Protocol on cooperation and exchange of information helped to strengthen the professional skills and ethics of Judges in the field of gender-based violence and violence against children.

The Minors’ Service supports the Judge and consists of psychologists and social workers who have received special training on domestic violence and are aware of the concept of parental alienation. If necessary, the Judge appoints an expert from among specialist psychologists. Likewise, lawyers receive specific training. The University of San Marino organises special training courses.

In relation to letter b), the Judge may obtain, ex officio, any information that may be useful to ensure the safety of the vulnerable person: for example, if necessary, by interviewing the child or the victim of violence, or even by requesting a report from the Minors’ Service or the police forces. Children and victims are supported by psychologists during the interview.

34. Please provide details on the procedures in place to ensure that the competent court for family-related issues co-operate/communicate with other relevant bodies/professionals, including, but not limited to, criminal courts, law-enforcement agencies, health and education authorities and specialist women’s support services when taking decisions on custody and visitation or when offering family law mediation. Please specify whether the law provides a legal framework for any of the procedures in place.

The Operational Protocol for cooperation and exchange of information between civil and criminal magistrates of the Court of the Republic of San Marino, in agreement with the Judicial Police and the Corps of the Gendarmerie, the Fortress Guard and the Civil Police, as well as the Lawyers’ Association, enables a dialogue and exchange of information aimed at providing more effective protection against gender-based violence and violence against minors. In this respect, reference is made to Article 31. Worth mentioning is that Law no. 97/2008 (“*Prevention and repression of violence against women and gender violence*”) has been further strengthened with regard to the protection of minors and victims of violence by Delegated Decree no. 109 of 9 August 2024, which regulates the powers of the Judge in both civil and criminal matters and cooperation with other competent Authorities in this field.

The Court also signed a Protocol with the Minors’ Service and the Minors’ Protection Organisational Unit (1 February 2024) for the exchange of operational models between the SSI Minors’ Protection Organisational Unit and the Court “*in order to facilitate the exchange of information on the existing cases, to ensure prompt responses in case of situations detrimental to minors and to monitor the implementation of the measures ordered. It shall also be aimed at facilitating the process of approaching and dealing with a case and evaluating and choosing appropriate measures to ensure effective protection of minors’ rights in accordance with the applicable legal and convention-related provisions. Therefore, the aim of the Protocol is to promote good practices and shared rules, while respecting each other’s competences*”. The Protocol describes in detail the judicial tasks of the Minors’ Service, specifying the activities to be carried out and the relevant time frame.

35. Please provide detailed information on the procedures in place (including, if applicable, the relevant personnel used, the specific infrastructure available), in the exercise of custody and visitation rights, to:

- a. eliminate the risk for the abused parent to be subjected to further violence;

- b. eliminate the risk for the child to witness or experience violence;
- c. ensure that the responsible personnel are trained and that the facilities are suited to enable safe supervised visitation.

The adoption of measures such as protection orders or barring orders for perpetrators by the Judge is accompanied by the supervision of the police forces. This is aimed at eliminating the risk of further violence, as indicated in point a). Moreover, in some cases, in order to eliminate the risk for the child to witness or experience violence (letter b), the child may be placed, together with the non-violent parent, in shelter facilities identified by the Minors' Protection Simple Operational Unit, in agreement with the Social Security Institute, which provides for the payment of services, or the removal of the violent parent (protection order) may be ordered under the supervision of the police forces. In regulating custody and visitation rights, the Judge may, after appropriate investigation, suspend the violent parent's visitation rights or allow visitation to take place in a protected and supervised environment (usually at the Minors' Service).

With regard to letter c), the Minors' Service is responsible for monitoring the situation and reporting to the Judge any facts that may be relevant for the adoption of further protection measures. The psychologists of the Mental Health Service take care of the non-violent parent.

36. Please indicate whether national provisions foresee the withdrawal of parental rights in criminal sentences if the best interest of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

In criminal proceedings, Article 82 of the Criminal Code provides for the withdrawal of parental rights as an accessory punishment when the best interests of the child so require. The judgement is transmitted to the civil Judge, who takes the appropriate measures to enforce the order, prohibits contact between the child and the perpetrator and imposes supervision measures to ensure compliance. Withdrawal of parental rights does not remove the obligation to maintain children.

### **Article 48 Prohibition of mandatory alternative dispute resolution processes or sentencing**

#### **Criminal law:**

37. Please provide information on the measures taken to ensure that mandatory alternative dispute resolution processes are prohibited in criminal proceedings related to cases involving the different forms of violence against women covered by the Istanbul Convention.

Article 136-bis of the Code of Criminal Procedure provides for plea bargaining. The application thereof is subject to the favourable opinion of the *Procuratore del Fisco* (prosecuting magistrate) (paragraph 5), which is not given if the seriousness of the conduct does not allow for a reduction of the punishment. In any case, for the purposes of the civil proceedings, a plea bargain judgement is considered to be a conviction and therefore does not prevent the Judge from taking measures to protect victims of violence.

38. Where voluntary alternative dispute resolution processes exist for any criminal offences within the remit of the Istanbul Convention, such as conciliation or mediation, please provide information on the safeguards incorporated to ensure the free and informed consent of the victim to such processes and the measures taken to avoid that direct or indirect pressure is placed on the victim. Please also state whether the offer of alternative dispute resolution processes may result in the discontinuation of criminal investigation and prosecution or other consequences for the victim.

There are no voluntary conciliation or mediation procedures in criminal justice. Victims may withdraw the complaint in proceedings which cannot be carried out ex officio. Victims of violence are assisted by specially trained lawyers, as provided for in Article 17 of Law no. 97/2008, and the public services support them to ensure that any decision to withdraw a complaint is made freely and consciously. If a complaint is withdrawn and the crime cannot be prosecuted ex officio, the proceedings are discontinued as the condition for prosecution is no longer met: the case is nevertheless reported to the civil Judge and taken into account for the assessment of further protection measures. The withdrawal of the complaint by victims never applies to crimes that can be prosecuted ex officio, where the investigation continues even without or against the victims' will.

### **Civil law:**

39. Please provide information on the measures taken to ensure that alternative dispute resolution processes such as mediation or procedures which can be considered tantamount to the latter are not used in family law proceedings such as divorce proceedings or proceedings related to custody and visitation of children, where there is a history of violence.

Law no. 57 of 29 May 2013 ("Family Mediation") introduces the instrument of family mediation in order to "*concretely implement the provisions of the Convention on the Rights of the Child*", so that mediation is carried out with the aim of better protecting the child. Therefore, it is never applied in the event of a violent incident. On the contrary, in such a case, the services responsible for assisting injured parties are involved, also ex officio. Moreover, family mediation is never compulsory. If the parties have resorted to mediation, the Judge does not take into account the results of the mediation: indeed, the Judge is never bound by the agreement reached by the parents if this is to the detriment of the child, who must be given the utmost consideration even without or against the parents' will.

### **Articles 49 and 50: General obligations and immediate response, prevention and protection**

40. Please describe the human, financial and technical resources provided to law enforcement agencies to diligently respond to and investigate all cases of violence against women, including their digital dimension.

San Marino police forces consist of three police corps: the Gendarmerie Corps, the Civil Police Corps and the Fortress Guard - Uniformed Unit. The members of the three Corps take part in the Institutional and Technical Panel mentioned in the answer to question 15 and receive regular training on gender violence and violence against women.

The Gendarmerie Corps, in particular, has been actively involved in the fight against all forms of violence against women for many years, using specific human and technical resources. In this regard, it is reported that in 2016 (by Delegated Decree no. 108/2016), the Administrative and Social Police Unit was created, incorporating the Gender Violence and Child Abuse Office and the Foreigners Office, thus ensuring greater synergy among the offices and, at the same time, a significantly higher availability of human resources, to be allocated according to the complexity of the cases dealt with.

In particular, the Gender Violence Office can count on the presence of one Gendarmerie agent for the ordinary running of the office. In the event of reports or complaints, and for the subsequent judicial police activities, such Gendarmerie agent is immediately supported by a colleague. These resources, which in most cases are already sufficient, can be supplemented with other resources that can easily be drawn from within the Unit or, otherwise, from the other Units of the Gendarmerie. This type of cooperation is most common with the Information, Investigation and Criminal Police Unit, especially when investigations involve the Internet or require special scientific investigations.

41. Which measures have been taken to ensure that the premises of police stations are accessible and suitable for receiving and interviewing victims of violence while ensuring their privacy? Is it possible to report cases of violence

against women elsewhere than in police stations, including through digital means?

Since 30 October 2005, the Gendarmerie has had an office for violence against women and children, staffed by dedicated and specially trained personnel. In addition, on 8 March 2021, a special room called "**A room for you**" was inaugurated within the Gender Violence Office of the Gendarmerie.

Complaints of gender violence can also be collected and formalised at the social services or in the Emergency Care Unit, where the assigned Gendarmerie agents meet the victim, if she is already there.

In addition to a police station, cases of violence against women can also be reported to the Counselling Centre or the SSI Social Services.

In this respect, reference is also made to Article 19 of Law no. 97/2008, as amended by Article 2 of Delegated Decree no. 109/2024, which reads as follows: "[...] *Social Services, Police Forces and health professionals, both public or private, as well as teachers of all school levels shall report to the competent bodies any act of violence against women, children or gender violence of which they may have knowledge because of their activities or professions*".

Finally, the smartphone application "**TECUM**", which allows a victim of gender violence to send a request for intervention to the police forces, has been active since 2020. In addition, this application will be upgraded and renewed, including the introduction of new sections dedicated to both access to the services available to victims and information on the relevant legislation.

42. Please explain whether specialist police/prosecution units exist to investigate and prosecute violence against women and specify:

- a. which forms of violence against women they are competent for;
- b. whether such units exist in all police/prosecution districts throughout the country.

As mentioned in the previous answers, the Gendarmerie Corps has a dedicated Office to investigate and prosecute perpetrators of violence against women, which is responsible to the Social Police Unit. Over the years, in order to ensure that action is increasingly timely and effective, selected staff have taken part in specific courses, organised both in San Marino and abroad, with a view to receiving multidisciplinary training and gaining a broad and integrated experience in this field.

In recent years, following the Technical Co-operation Agreement between the General Command of the Italian Carabinieri and the Gendarmerie Corps, signed by their respective Commanders on 10 July 2020, highly specialised training has also been provided on gender-based violence. In this regard, it should be noted that from 4 to 15 March 2024, a Gendarmerie agent took part in a training course in Velletri on combating gender violence at the Higher Institute of Investigative Techniques of the Italian Carabinieri. The aim of this course is to train highly qualified Judicial Police officers in the field of gender-based violence crimes and in dealing with victims in particularly vulnerable conditions. The training also covered inspection techniques and methods of finding biological traces.

It should also be recalled that the Gendarmerie agents of the Gender Violence Office are Judicial Police Officers and, as such, are competent to carry out investigations provided for by law into all forms of violence against women.

43. Please describe any measures taken to ensure swift investigation into and effective prosecution of cases of violence against women and domestic violence such as prioritization through fast-tracking, benchmarking or other initiatives, without compromising the thoroughness of the investigation.

Given that any crime gives rise to criminal proceedings, which are essentially a matter of public law, although in some cases a complaint by the offended party is required for the proceedings to be initiated (Articles 1 and 2 of the Code of Criminal Procedure), the police forces are obliged to immediately transmit to the competent Law Commissioner the judicial reports of facts constituting crimes of which they have knowledge (see Article 22 of the Code of Criminal Procedure).

More specifically, as regards the Gendarmerie Corps, speed of action is guaranteed by the very organisation of the Corps. Indeed, the Corps is structurally organised into 4 Units, each commanded by an Officer, which perform separate tasks in homogeneous functional areas, including those of guidance, coordination and control of their subordinate units, to which they provide the necessary technical, logistical and administrative support. This type of organisation includes the allocation of staff necessary to carry out any investigation activities without delay. In addition, teams of on-call Gendarmerie agents (Officers and Non-commissioned Officers) are set up during evening/night hours or weekends; they are organised to meet any operational/investigative needs, including in the field of gender-based and child violence.

44. Are any measures taken to encourage women and girls who experience any of the forms of violence against women covered by the Istanbul Convention to report incidents of violence to the authorities? Please provide examples of any measures taken to instill confidence in law-enforcement officials, including those aimed at addressing any language or procedural difficulties they encounter when lodging complaints, in particular those of migrant women, asylum-seeking women, women with disabilities, women with addiction issues and other women and girls at risk of intersectional discrimination.

The establishment of an office specialised in dealing with cases of violence against women more than ten years ago guarantees competence, confidentiality and speed of intervention. In order to ensure this, the focus has been on the specialised training of Gendarmerie agents in charge of assisting women in every step of the way out of violence, so that they can deal with such cases with the necessary sensitivity and competence. This includes training and professional experience on the so-called “cycle of violence”, including aspects related to both “primary victimisation” and “secondary victimisation” (such as communicating with victims, recognising signs of abuse, understanding the dynamics of gender-based violence, managing the way victims are received, listening attentively and without prejudice).

It is believed that the establishment of a dedicated office and the employment of specially trained staff certainly encourage women to report incidents of violence.

In addition, there are social services and a counselling centre on the territory, to which victims can turn to report incidents of violence and receive qualified and immediate support. Social Services and the Gender Violence Office of the Gendarmerie cooperate effectively and concretely in cases of violence, as provided for in Law no. 97/2008, recently amended by Delegated Decree no. 109/2024.

Interpreters are also available for victims who do not speak Italian, so as to ensure that they can communicate effectively with the police forces.

Free legal assistance is also provided to help victims navigate the justice system and lodge formal complaints.

45. Please indicate whether protocols/standard operating procedures or guidelines for police officers are in place providing guidance on how to receive reports, interview victims, investigate and collect evidence in cases of rape and sexual violence, domestic violence, psychological violence, stalking, sexual harassment (including their online manifestation), forced marriage, female genital mutilation and forced sterilization/abortion. Please provide information on how the authorities ensure the comprehensive collection of evidence beyond the victim's testimony.

The Gendarmerie Corps has for years adopted an operational protocol (the last update, which is annexed to this document, was adopted in dated August 2024 following the introduction of Delegated Decree no. 109/2024) for reports of gender-based violence requiring the intervention of the police forces, which is the result of training and experience gained over the years.

In case of rape and sexual violence, in addition to referring to the aforementioned protocol, police operational procedures are followed for the inspection, search, acquisition and proper collection of traces and evidence. The gathering of evidence is fully regulated by Article 78 of the Code of Criminal Procedure.

More generally, for conducting interrogations and recording testimonies, the judicial police officers have acquired the necessary skills through a constant training activity both in San Marino and abroad.

46. Please describe the efforts taken to identify and address all factors that contribute to attrition (the process whereby cases drop out of the criminal justice system) in cases of violence against women and domestic violence.

In order to avoid and prevent cases of attrition for acts of violence against women and domestic violence, with specific reference to cases where the victim may be subject to pressure or threats from the perpetrator to withdraw the complaint, an amendment to the Criminal Code has been proposed and is being considered, so that all crimes related to gender-based violence, violence against women and domestic violence will be prosecuted *ex officio* and no longer upon complaint. It should be noted, however, that at present the majority of the above crimes are already prosecutable *ex officio*.

In this regard, it should also be noted that, in order to prevent victims of violence from withdrawing the complaint due to their lack of financial resources or for other reasons, including economic ones, an implementing protocol for financial assistance to victims of violence is currently being defined between the Authority for Equal Opportunities, the Mental Health Complex Operational Unit and the Technical and Administrative Office for Equal Opportunities, Bioethics and Social Inclusion (hereinafter also referred to as the Office), in order to define the procedures and conditions for the provision of financial assistance by the Authority for Equal Opportunities through the Office, in application of the provisions of Article 5 of Law no. 57 of 6 May 2012 and Article 3 of Delegated Decree no. 56 of 17 May 2018. In this context, it should be noted that Congress of State Decision no. 13 of 2 July 2024 has established a fund to meet the needs of the Authority for Equal Opportunities for an amount of EUR 5,000.00 (five thousand) for urgent and unavoidable expenses necessary to assist the victims of gender-based violence. Moreover, pursuant to the aforementioned Decision, a credit card has also been activated on the current account opened for the management of the above fund in favour of the Director of the Office for Equal Opportunities, to be used, for the same purposes, for expenses with a per unit amount of less than EUR 500.00 (five hundred).

47. Please indicate if legislative or other measures have been taken to issue a renewable residence permit to migrant women who have become a victim of any of the forms of violence covered by the Istanbul Convention if the competent authority considers that their stay is necessary for the purpose of their co-operation in investigation or criminal proceedings<sup>6</sup>.

As reported in the answer to question no. 27, Article 14 of Law no. 118 of 28 June 2010 "*Law on the entry and stay of foreigners in the Republic of San Marino*" introduced the extraordinary stay permit for humanitarian needs of social protection, which may be granted to foreigners in case of special humanitarian and social protection needs or to victims of trafficking and violence, considering their personal situation and for the purpose of their co-operation in criminal investigations or proceedings.

Holders of the above-mentioned extraordinary stay permit are entitled to receive health assistance and temporary economic benefits from the Social Security Institute and to work in the Republic of San Marino. Such permit is valid for one year and may be renewed until the reasons for social protection apply. The stay permit is issued/renewed by the Congress of State also on the basis of the indications provided by the Authority for Equal Opportunities or the Judicial Authority.

## **Article 51: Risk assessment and risk management**

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<sup>6</sup> This question refers to the obligation contained in Article 59, paragraph 3. State parties that have entered a reservation in respect of Article 59 may reply to this question but are not required to do so.

48. Please describe any standardized and mandatory risk assessment tools in use by all relevant authorities in all regions for forms of violence against women such as stalking, violence committed in the name of so-called honor and domestic violence and to what extent these tools are being used in practice to assess the lethality risk, the seriousness of the situation and the risk of repeated violence with a view to preventing further violence. Please specify whether the following elements are considered as red flags when carrying out the risk assessment:

- a. the possession of or access to firearms by the perpetrator;
- b. the filing for separation/divorce by the victim or the break-up of the relationship;
- c. pregnancy;
- d. previous acts of violence;
- e. the prior issue of a restrictive measure;
- f. threats made by the perpetrator to take away common children;
- g. acts of sexual violence;
- h. threats to kill the victim and her children;
- i. threat of suicide;
- j. coercive and controlling behavior.

In relation to this question, it is specified that all the above indicators are considered as red flags when health and socio-health operators assess risks. In particular, the “SARA” questionnaire is used as a tool to carry out the risk assessment.

49. Please specify how effective co-operation is ensured between the different statutory authorities and specialist women’s support services in making risk assessments and whether the risks identified are managed by law enforcement agencies on the basis of individual safety plans that also include the safety of the victim’s children.

With a view to ensuring effective co-operation between the different authorities and specialist women’s support services, a protocol of co-operation between police forces, health and social services is being finalised, in order to clearly define the roles and responsibilities of each body in the protection of victims of violence.

At the same time, frequent meetings of the Technical and Institutional Panel are promoted under the coordination of the Authority for Equal Opportunities, where representatives of the different authorities and support services meet regularly to discuss specific cases, share information and develop common strategies.

The Authority for Equal Opportunities also promotes joint training programmes for the staff of police forces and support bodies, aimed on the one hand at improving skills in dealing with gender-based violence, and, on the other, at implementing the knowledge necessary for the effective use of risk assessment tools (such as SARA), and at facilitating the involvement of multidisciplinary teams (police forces, social workers, psychologists, doctors, lawyers) working together to fully assess cases.

For each case of violence, individual safety plans are drawn up by the police forces, taking into account the specific circumstances. These plans include practical measures to ensure, as far as possible, the daily safety of the victims and, where appropriate, of their children, such as patrols passing and stopping at their home or work place, schools (for example, if the victim to be protected is a minor) or other places frequented by the victims, monitoring through territorial video surveillance systems and priority procedures for emergency contacts. Sometimes safety measures may also include the temporary transfer of victims to protected and safe locations. Indeed, if the risk assessment also includes the victim’s children, individual safety plans are implemented, with the police forces liaising with the Minors’ Protection Simple Operational Unit.

50. Please describe the efforts made to analyze retrospectively all cases of gender-based killings of women, in the context of domestic violence and other forms of violence against women to identify the existence of possible systemic



gaps in the institutional response of the authorities with the aim of preventing such acts in the future.

In San Marino there have never been any cases of killings of women as a result of gender-based violence or domestic violence.

### **Article 52: Emergency barring orders**

51. Have any legislative or other measures been taken to introduce and/or amend the legal framework governing emergency barring orders in order to align it with the requirements of Article 52? If yes, please specify whether:

The Judge may order emergency barring measures for perpetrators or protection measures for victims in both criminal and civil cases.

As far as civil jurisdiction is concerned, the Judge, having collected ex officio all the relevant information, can order the removal of children and victims of violence and place them in shelter facilities or with the non-violent parent (protection order), or the removal of violent parents.

Articles 26 et seq. of Law no. 97 of 20 June 2008 ("*Prevention and repression of violence against women and gender violence*") provide for civil protection measures. If the violent conduct does not constitute a criminal offence prosecutable ex officio, or if no complaints have been lodged, the Judge may, at the request of one of the parties, take measures against the spouse or cohabiting partner responsible for the violent conduct, including barring orders from the family home and a ban on approaching places usually frequented by the applicant. The Judge may also order, if necessary, the involvement of Social Services or family mediation centres, and the payment of a periodic allowance in favour of cohabitants who are left without adequate means of subsistence. The Judge sets the duration of the protection order and determines how it is to be enforced, providing for the assistance of the police forces in cases of forced removal for non-compliance and in the prevention of further breaches.

The Judge may obtain, ex officio, any information that may be useful to ensure the safety of the injured party: for example, if necessary, by interviewing the child or the victim of violence, or even by requesting a report from the Minors' Service or the police forces.

If, on the other hand, criminal jurisdiction is invoked, Law no. 97 of 20 June 2008, recently amended by Delegated Decree no. 109 of 9 August 2024, stipulates that, at the request of the victim and in the case of proceedings for a crime against personal safety, personal freedom or family abuse committed by a cohabiting partner, the Investigating Judge may impose a barring order from the family home on suspects or defendants, ordering them not to return or enter it without the Judge's authorisation and specifying, if necessary, the ways in which visits should take place (Article 22, paragraph 1).

In addition to or in replacement of the previous measure, the Judge may also prohibit the suspect from approaching places usually frequented by the victim (such as the workplace or the home of the family of origin or of relatives) (Article 22, paragraph 2). At the victim's request, the Judge may also order the payment of a periodic allowance to the cohabitants who have been deprived of adequate means of subsistence as a result of the precautionary measure.

Recent Delegated Decree no. 109 of 9 August 2024 specifies that the prohibition to approach places frequented by the victim must not be less than five hundred metres, except for duly substantiated reasons indicated by the Judge.

- a. emergency barring orders may remain in place until a victim can obtain a court-ordered protection order in order to ensure that gaps in the protection do not arise;

In order to ensure continuity of protection for victims of violence, if the measure is not revoked because the beneficiary's circumstances have changed, the protection measures remain in force until protection orders or other appropriate measures to protect victims are issued. Emergency measures are taken without any adversarial procedure, which is subsequently applied. At the end of the procedure, the Judge makes the final decision.

- b. support and advice are made available to women victims of domestic violence in a pro-active manner by the authority competent to issue an emergency barring order;

The Court is usually seized by the competent Social Services, and victims of violence receive psychological support from the public service. The public service identifies suitable temporary accommodation for victims even before the Court's intervention as a preventive measure. In some cases, where there is a real and present danger of repeated violence, victims and minor children can be accommodated in homes provided by third parties, in hotels or in public reception facilities following the conclusion of agreements, at the expense of the Authority for Equal Opportunities, before the Judge intervenes.

- c. children are specifically included in contact bans issued under the emergency barring order;

The Judicial Authority can take urgent measures to protect victims of violence and children, in both criminal and civil proceedings. In any event, the best interests of children are always taken into account by including them in the protection order and in the emergency measures (see answer to Article 11, number 7, letter a), which states that orders may also include children and family members). The Minors' Service, which is responsible for the psychological support and ongoing monitoring of children, intervenes immediately in the event of emergency measures ordered by the Judge

- d. any exceptions to contact bans are made and in which circumstances.

The Judge may order, by way of partial derogation from the barring order, that the person subject to such measure shall approach the family home only with the authorisation of the Judge, who shall determine the relevant modalities (Article 22, paragraph 1). In such cases, the family home can be approached also under police escort, if necessary. If the recipient of the measure prohibiting him/her from approaching places frequented by the victim has to approach such places for professional reasons, the Judge shall determine the relevant modalities and restrictions (Article 22, paragraph 2).

52. Please provide information on the measures taken to enforce emergency barring orders and on responses to any violations of such orders.

In addition to the above, reference is made to Law no. 97 of 20 June 2008, as recently amended by Delegated Decree no. 109 of 9 August 2024, attached hereto.

### **Article 53: Restoring or protection orders**

53. Have any legislative or other measures been taken to introduce and/or amend the legal framework governing restraining and protection orders in order to align it with the requirements of Article 53? If yes, please specify whether:

- a. Restraining or protection orders are available – in the context of criminal proceedings and/or upon application from civil courts - to women victims of all forms of violence covered by the Istanbul Convention, including domestic violence, stalking, sexual harassment, forced marriage, female genital mutilation, violence related to so-called honor as well as digital manifestations of violence against women and girls;

Protection by means of protection orders provided for by Law no. 97 of 2008 and subsequent amendments is guaranteed in both criminal and civil proceedings for the crimes referred to in letter a).

- b. children are specifically included in protection orders;

As mentioned in the answer to question no. 51, the Judicial Authority can take urgent measures to protect victims of violence and children, both in criminal and civil proceedings, known as "protection orders", which can consist of both prohibitions to approach the family home and places frequented by victims. In all cases, children may be included in protection orders.

- c. any exceptions to contact bans are made and, if so, in which circumstances

these may be made.

The Judge may order, by way of partial derogation from the barring order, that the person subject to such measure shall approach the family home only with the authorisation of the Judge, who shall determine the relevant modalities (Article 22, paragraph 1). In such cases, the family home can be approached also under police escort, if necessary. If the recipient of the measure prohibiting him/her from approaching places frequented by the victim has to approach such places for professional reasons, the Judge shall determine the relevant modalities and restrictions (Article 22, paragraph 2).

54. Please provide information on the measures taken to enforce protection orders and on responses to any violations of such orders.

Breach of the protection orders issued by a Judge in civil or criminal matters, as provided for by Article 29 of Law no. 97/2008, as recently amended by Article 8 of Delegated Decree no. 109 of 9 August 2024, is subject to the punishment set out in Article 366 of the Criminal Code, i.e. first-degree imprisonment (from three months to one year) and third-degree daily fine (from twenty to sixty days).

Hereunder is the text of Article 29 of Law no. 97/2008 and subsequent amendments:

**“Art. 29**  
(*Sanctions*)

1. Anyone breaching the protection order provided for in Article 22, paragraphs 1 and 2, and Article 27 of this Law, or a measure of equal content taken in the context of proceedings for legal separation, dissolution or termination of civil effects of marriage shall be subject to the punishment established in Article 366 of the Criminal Code.”.

Art. 366 of the Criminal Code:

**“Art. 366**  
(*Failure to comply with civil obligations imposed by the Judge*)

Anyone who breaches or otherwise evades the enforcement of a Judge’s order concerning the custody of minors or other incapacitated persons, or prescribing precautionary measures for the protection of property, possessions or credit, shall be punished with first-degree imprisonment and third-degree daily fine.”

If the measure imposed by the criminal Judge is breached, Article 53-quater of the Code of Criminal Procedure may also be applied. In particular, in the event of a breach of a protection order, replacement or combination with a more severe measure may be ordered.

Below is the text of Article 53-quater of the Code of Criminal Procedure:

**“Art. 53 quater**  
(*Violation of measures*)

1. In case of violation of a personal precautionary measure by the defendant, the Investigating Judge may order its replacement or combination with a more severe measure, taking into account the circumstances of the violation. In case of violation of a disqualification measure, the Judge may order the replacement or combination also with a coercive measure.”

### **Article 56: Measures of protection**

55. Please provide information on the measures taken to ensure the following:

- a. that the relevant agency inform the victim when the perpetrator escapes or is released temporarily, at least when they or their family might be in danger (paragraph 1 *b*);

If protection or personal coercive measures are taken against the perpetrator, the police forces are responsible for monitoring and reporting any non-compliance, including escape, to the Judicial Authority.

In this case, as in the case of revocation of a personal precautionary measure, the criminal Judge

shall take all appropriate measures for the protection of the victim, who shall be informed and protected, including, if necessary, by means of protection orders.

In the case of minor children, the criminal Judge shall inform the civil Judge, as provided for in the aforementioned Operational Protocol, so that the latter may take the necessary measures for the protection of the child.

In the event of the subsequent return of the violent person who escaped to circumvent personal coercive measures, the police forces enforce the precautionary measure and inform the Judicial Authority thereof. In the event of release, the Judge may issue a barring order from the territory and an unauthorised re-entry ban. As a preventive measure and also independently of the Judge's decision, police forces may order foreigners who do not have the appropriate authorisation to stay or reside in the territory of the Republic of San Marino not to return there, in accordance with Article 33 of Law no. 118 of 28 June 2010, if such foreigners "c) carry out illegal trafficking or habitually earn a living, also partially, from the proceeds of illegal activities. The report relative to the barring order shall be transmitted within 48 hours to the Law Commissioner, who will validate it - if the conditions are fulfilled - within the following 96 hours. Foreigners shall be entitled to stay in the Republic until the order is validated. Foreigners shall be entitled to lodge an appeal against barring measures, adopted under this Article, within the mandatory time-limit of 10 days following their notification to the Administrative Judge of Appeal and in the forms envisaged by Article 34 of Law no. 68 of 28 June 1989. Appeal proceedings shall not suspend the enforcement of the relevant measure". This is closely related to the task of preventing crime and maintaining public order: removal is therefore not the result of establishment of criminal liability, but of the foreseeability that criminal acts will occur on the basis of past behaviour. Therefore, it is not necessary for the behaviour to be current, but it is sufficient that it is likely to happen again in the future. As a consequence, the legal system responds to a situation of potential danger to the community in order to prevent crime. This measure was taken, for example, against a foreigner with a criminal record for domestic violence and breach of protection orders who visited his partner who lived in San Marino and was the mother of three children (see judgement of the Judge of Appeal of 11 May 2023, in the appeal against administrative sanctions no. 8/2023).

b. the protection of the privacy and the image of the victim (paragraph 1 f);

The legal framework allows for the protection of the victim's privacy and image in pending Court proceedings. Article 16 of Law no. 97/2008 establishes that *"during civil or criminal trials for violence against the individual, including domestic violence, the victim's confidentiality and privacy, his/her personally identifying information, that of the victim's children or of any other person under his/her custody shall be protected. The release of personal information, as well as circulation of images of the victim, shall be prohibited in any case"*. Indeed, *"anyone who releases or publishes data, information or images, thus breaching the prohibitions mentioned above, shall be punished with a fine of EUR 12,000.00"*.

Article 16 of the aforementioned Law no. 97/2008 is reported hereunder:

**"Art. 16**

*(Protection of victims' confidentiality)*

During civil or criminal trials for violence against the individual, including domestic violence, the victim's confidentiality and privacy, his/her personally identifying information, that of the victim's children or of any other person under his/her custody shall be protected.

The release of personal information, as well as circulation of images of the victim, shall be prohibited in any case.

Anyone who releases or publishes data, information or images, thus breaching the prohibitions mentioned above, shall be punished with a fine of EUR 12,000.00."

c. the possibility for victims to test in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available (paragraph 1 i);

Article 23 of Law no. 97/2008, recently amended by Delegated Decree no. 109 of 9 August 2024, provides that, in proceedings for crimes of violence against women and children, psychological

support of victims is always guaranteed by experts, either when victims are heard as witnesses or during the confrontation with the suspect or other witnesses (paragraph 1). In addition, victims' interviews are organised in such a way as to avoid repetition, including through the use of technologies such as video recording (paragraph 3). In order to complete the investigation within a short time frame, Delegated Decree no. 109 of 9 August 2024 amended Article 23 of Law no. 97/2008, stipulating that the Investigating Judge must receive information from the injured party or the complainant within forty-eight hours, unless an extension is granted for justified reasons. It also stipulates that investigations must be completed "as soon as possible".

Lastly, if the perpetrator is a minor, the proceedings are conducted using a mirror glass and an interphone device, or any other suitable equipment that ensures confidentiality. A video recording is always made and minors must always be assisted by a child psychology expert who assists the Judge (paragraph 5).

- d. the provision of appropriate support services for victims so that their rights and interests are duly presented and taken into account (paragraph 1 e).

In all proceedings (civil, criminal or administrative) legal assistance is ensured to victims when they cannot objectively afford their legal defence, also outside the conditions to grant free legal aid (Article 17 of Law no. 97/2008).

Indeed, victims can be represented by a lawyer registered on a special list drawn up by the Professional Association of Lawyers and notified to the competent social services, the police forces, the Court and the Authority for Equal Opportunities. The Professional Association of Lawyers and Notaries is responsible for the ongoing and specialised training of those listed and organises interdisciplinary training courses. Lawyers included in the list shall not refuse to provide assistance, unless for serious and proven reasons.

In any case, procedural steps taken in the interest of victims of violence are exempt from any duty. The State advances the expenses incurred to take or participate in procedural steps, including expert reports, necessary to protect victims of violence.

Moreover, in criminal proceedings, victims of violence have always access to the case file, regardless of whether they have joined the proceedings as civil parties (Article 20, paragraph 3 of Law no. 97/2008).

### **Part III: Emerging trends on violence against women and domestic violence**

56. Please provide information on new developments since the adoption of GREVIO's baseline evaluation report on your country concerning:

- a. emerging trends in violence against women and domestic violence, including its digital manifestations (types of perpetration, groups of victims, forms of violence);
- b. emerging trends in domestic case law related to violence against women;
- c. emerging trends in the allocation of funding and budgeting by your state authorities;
- d. innovative approaches to primary prevention, for example new target audiences and means of communication, public/private partnerships etc.
- e. emerging trends related to access to asylum and international protection for women victims of violence against women.

With regard to the emerging trends in violence against women and gender violence, it should be pointed out that, also as a result of the recent case-law of the Court of the Republic of San Marino, there is considerable confirmation in terms of the crimes committed, which in most cases relate to Articles 155 (*Bodily injury*), 156 (*Aggravating circumstances*) and 181-bis (*Persecutory acts*) of the Criminal Code.

The most frequent cases of violence against women are related to crimes of injury or persecution committed against women by the spouse or person who is or was bound by a similar emotional relationship (see aggravating circumstances envisaged by Article 156 of the Criminal Code).

With reference to the crimes recently established in the Republic of San Marino in relation to gender-based violence and against women, it is also considered appropriate to highlight some cases related to the crime envisaged by Article 235 (Maltreatment of family members and cohabitants, domestic violence) and by Article 259 (Failure to comply with a legitimate order of the Authority) of the Criminal Code, the latter in cases where the perpetrator has violated the precautionary measures and the provisions of the protection orders issued by the Judge.

With regard to emerging trends in national case-law, worth highlighting is also a case known to the Authority for Equal Opportunities pertaining to the crime envisaged by Article 171 (Violation of sexual freedom) of the Criminal Code committed in a school by a teacher.

The perpetrator is in half of the cases a San Marino citizen. The document instituting criminal proceedings in 2021 was predominantly the Gendarmerie's judicial report, in 2022 and 2023 the complaint transmitted by the Gendarmerie, while in 2023 the report by the Minors' Service was also relevant.

With regard to judicial data on crimes of violence against women, it should be noted, in this context, that Delegated Decree no. 109/2024 also introduced the crime of sexual harassment, by punishing, upon a complaint lodged by the offended person, "*Unless the act constitutes a more serious crime, anyone who, by means of acts or behaviour of a sexual nature, including by means of social communications, seriously violates the freedom and dignity of the person who suffers them [...]*". This crime may be prosecuted ex officio if the act is committed against a person incapacitated by reason of age or insanity.

With regard to emerging trends in terms of funding allocation and budgeting by State authorities, it should be noted that the Authority for Equal Opportunities holds a Fund in a special Expenditure Chapter in the State Budget, established pursuant to Article 7 of Delegated Decree no. 60/2012, in which all charges related to the application of the relevant legislation are recorded, including the victims assistance fund, professional training obligations, remuneration of members introduced by Law no. 207 of 22 December 2021, and any other activities aimed at strengthening the prevention of violence against women and gender-based violence.

The allocation of this expenditure chapter is established annually from:

- Funds allocated by the State upon adoption of the State and Public Entities Budget Laws ;
- Amounts of donations from private citizens, economic operators, entities, associations and any other benefactors;
- Amounts from compensation resulting from criminal proceedings joined by the Authority for Equal Opportunity as a civil party pursuant to Article 29 of Law no. 160/2015.

Finally, it should also be noted that Article 20 of Law no. 97/2008, as amended by Delegated Decree no. 109/2024, expressly provides that, in cases of violence against women, minors or gender violence, the Authority for Equal Opportunities has the right to intervene and join the proceedings as a civil party, thereby being able to request that the defendant, finally convicted for crimes of violence against women, pays damages to the Authority to support activities for victims of violence.

In addition, the "Agatha is" awareness-raising campaign, promoted by the Authority for Equal Opportunities, was carried out in 2021/2022 as part of the various Anti-Violence Projects supported by the Authority. The "Agatha is" campaign used various communication tools: from information leaflets delivered to every home in the Republic to posters affixed on the walls of the various Townships, but also in public offices; from social media campaigns to the preparation of articles and reportages on the State television broadcaster. The project is now coming to an end with the creation of a web portal with direct communication methods that can inform, raise awareness and connect the victim with the anti-violence network more quickly.

Furthermore, the Congress of State of the Republic of San Marino, with Decision no. 83 of 28 December 2023, in order to increase the instruments to combat violence against women, adopted the Comprehensive National Plan of Action on Violence against Women.

With regard to foreign women victims of violence, worth highlighting is that the Republic of San Marino, despite being a small State, has welcomed an increasing number of foreign female citizens in recent years, including, due to its territorial proximity, many Italian women. Some of them are unfortunately victims of domestic or gender-based violence.

Foreign women who marry or cohabit in San Marino are granted residence but not citizenship, which may be obtained only after a certain period of time. Since the Republic of San Marino is a small enclave State within Italy, there is a constant presence of Italian citizens, who are therefore

considered foreigners. It should be specified that non-Italian foreign women victims of violence in the years 2021-2023 amounted to 11 out of 112, namely, 5 Romanian, 2 Ukrainian, 1 Brazilian, 1 Moldavian, 1 Slovakian and 1 Russian. This number is not sufficient to infer any particular suffering of these women compared to San Marino or Italian women.

## PART IV: Administrative data and statistics

57. Please provide annual statistics for two complete calendar years prior to receiving this questionnaire on administrative and judicial data on:

- a. the number of reports, investigations opened, prosecutions, final convictions secured and sanctions imposed in respect of all forms of violence against women and domestic violence covered by the Istanbul Convention;

The following data have been provided by the Civil and Criminal Registries of the Single Court of San Marino, updated as of 31 July 2024.

In **2022, 25 criminal proceedings for violence** were registered. Of these, 8 are pending (5 at the hearing stage, 2 at the appeal stage and 1 at the preliminary investigation stage). The other 17 concluded as follows: 5 with a first instance judgement (3 convictions; 2 plea bargain judgements) and 12 were filed.

Below are the exact figures:

1. Criminal case no. 28/2022 (Article 366, Article 184, paragraph 1 with continuation under Article 50 of the Criminal Code) was filed;
2. Criminal case no. 163/2022 (Article 179 of the Criminal Code and other crimes) concluded with a conviction at first instance for the crime referred to in Article 282 of the Criminal Code and an acquittal for the crime referred to in Article 179 of the Criminal Code, currently pending on appeal; The sentence was a daily fine of EUR 2,000.00 with the benefit of not mentioning the conviction in the criminal record certificate, payment of the costs of the proceedings and damages to the civil party to be settled in civil proceedings, as well as reimbursement of the costs for assistance and legal aid to be settled by separate measure at the request of the civil party.
3. Criminal case no. 170/2022 (Article 184, paragraph 1, Article 181, paragraph 1 and Article 181-bis, paragraph 1 of the Criminal Code) was filed;
4. Criminal case no. 176/2022 (Article 156, paragraph 2 and Article 155, paragraph 1 of the Criminal Code and other crimes) was filed;
5. Criminal case no. 183/2022 (Article 157 of the Criminal Code) was filed.
6. Criminal case no. 211/2022 (Article 181, paragraphs 1 and 4, and Article 259 of the Criminal Code) concluded with a first-instance and unappealed sentence of conviction of the crime referred to in Articles 259 and 155 of the Criminal Code and with a decision not to continue proceedings for the crime referred to in Article 181-bis of 10 April 2024; A prison sentence of one year and four months was imposed, as well as the payment of the costs for assistance and legal aid incurred by the civil parties (EUR 6,306.50 in favour of the victim and EUR 1,900.00 in favour of the Authority for Equal Opportunities);
7. Criminal case no. 296/2022 (Article 181-bis, Article 184 and Article 181 of the Criminal Code) concluded with an unappealed plea-bargaining sentence of first instance of 20 April 2023; The punishment imposed under plea bargaining was six months imprisonment and a fine of EUR 400.00. The defendant was also sentenced to pay the costs incurred by the victim and the Authority for Equal Opportunities respectively for assistance and for joining the proceedings;
8. Criminal case no. 307/2022 (Article 196, paragraph 1 and Article 204-ter of the Criminal Code) was filed;
9. Criminal case no. 312/2022 (Article 156, paragraph 1 and Article 155, paragraph 1 of the Criminal Code) concluded with an unappealed conviction of first instance of 18 January 2023; The sentence imposed was four-month imprisonment, with the benefit of suspension of enforcement of the sentence and of not mentioning the conviction in the criminal record

certificate;

10. Criminal case no. 313/2022 (Article 235, paragraph 1 of the Criminal Code) was filed;
11. Criminal case no. 366/2022 (Article 184, paragraph 1, Article 157 and Article 181, paragraph 1 of the Criminal Code) was filed;
12. Criminal case no. 493/2022 (Article 181-bis of the Criminal Code) concluded with an unappealed plea-bargaining sentence of first instance of 19 October 2023;
13. Criminal case no. 537/2022 (Article 171, paragraph 1 of the Criminal Code) is being investigated;
14. Criminal case no. 539/2022 (Article 157 and Article 181, paragraph 1 of the Criminal Code) was filed;
15. Criminal case no. 540/2022 (Article 172-bis of the Criminal Code) was filed;
16. Criminal case no. 550/2022 (Article 235 and Article 181-bis, paragraph 4 of the Criminal Code), at the hearing stage;
17. Criminal case no. 480/2022 (Article 235) was filed;
18. Criminal case no. 482/2022 (Article 172, paragraph 1, Article 171, paragraph 1, with continuation under Article 50 of the Criminal Code) at the hearing stage;
19. Criminal case no. 490/2022 (registered under Article 157 and reclassified under Articles 157 and 181 of the Criminal Code) at the hearing stage;
20. Criminal case no. 555/2022 (Article 171, paragraph 1 with continuation under Article 50 of the Criminal Code) at the hearing stage;
21. Criminal case no. 560/2022 (Article 155, paragraphs 1 and 3, Article 203, paragraph 1, Article 181, paragraph 1, Article 184, paragraph 2, with continuation under Article 50 of the Criminal Code) at the hearing stage;
22. Criminal case no. 574/2022 (Articles 235, paragraph 1 and 181-bis of the Criminal Code) concluded with a conviction at first instance, an appeal is currently pending; The sentence imposed at first instance was one year and six months imprisonment and a fine of EUR 1,000.00. The suspension of imprisonment and fine imposed above was ordered for a period of three years, to be carried out in the form of probation, which provides for strict compliance with any interventions decided by the Minors' Protection Service in the civil proceedings and the participation, at the offender's expense, in a rehabilitation programme pursuant to Article 25 of Law no. 97/2008 and in courses for improving parenting skills under the supervision of the Judicial Educator and the Minors' Service. In addition, the defendant was sentenced to pay the costs of the proceedings; to pay damages to the civil parties (the victim and the Authority for Equal Opportunities) to be settled in civil proceedings, recognising to the victim a provisional award of EUR 5,000.00; and to pay the costs and fees for joining civil proceedings and for assistance to civil parties.
23. Criminal case no. 583/2022 (Article 181-bis, Article 181-ter and Article 182 of the Criminal Code and other crimes) concluded with an unappealed conviction of first instance of 20 September 2023; The defendant was sentenced to ten months' imprisonment and a fine of EUR 1,335.00. The benefit of suspension of enforcement of the sentence and of not mentioning the conviction in the criminal record certificate was granted. It was ordered to pay EUR 6,702.20 in favour of the victim as civil party (of which EUR 5,819.50 for costs and fees for assistance and legal aid and EUR 882.70 for costs incurred) and EUR 1,980.00 in favour of the Authority for Equal Opportunities as civil party for costs and fees for assistance and legal aid.
24. Criminal case no. 590/2022 (Article 171, paragraph 1 of the Criminal Code) was filed;
25. Criminal case no. 733/2022 (Article 157 of the Criminal Code) was filed.

In **2023, 24 criminal proceedings for violence** were registered. Of these, 11 are pending (5 at the hearing stage and 6 at the preliminary investigation stage). The other 13 concluded as follows: 1 with a criminal conviction and 12 were filed.

Below are the specific data:

1. Criminal case no. 24/2023 (Article 181, paragraph 1 and Article 157 of the Criminal Code) was filed;
2. Criminal case no. 46/2023 (Article 181-bis, Article 181, paragraph 1, and Article 184, paragraph 1 of the Criminal Code), at the hearing stage;



3. Criminal case no. 86/2023 (Article 157 of the Criminal Code) was filed;
4. Criminal case no. 101/2023 (Article 181-bis of the Criminal Code) was filed;
5. Criminal case no. 137/2023 (Article 155, paragraph 1 of the Criminal Code and other crimes) was filed;
6. Criminal case no. 282/2023 (Article 155, paragraphs 1 and 2, Article 235, paragraph 1, and Article 181, paragraph 1 of the Criminal Code) was filed;
7. Criminal case no. 332/2023 (Article 235, paragraph 1 of the Criminal Code) was filed;
8. Criminal case no. 495/2023 (Article 155, paragraph 1 of the Criminal Code) was filed;
9. Criminal case no. 500/2023 (Article 155, paragraph 1 of the Criminal Code) was filed;
10. Criminal case no. 610/2023 (Article 181-bis, paragraph 1 of the Criminal Code) is being investigated;
11. Criminal case no. 624/2023 (Article 156, paragraph 2, Article 155, paragraph 1, and Article 235, paragraph 1, of the Criminal Code), at the hearing stage;
12. Criminal case no. 678/2023 (Article 155, paragraph 1 and Article 157 of the Criminal Code) was filed;
13. Criminal case no. 707/2023 (Article 155, paragraph 1 of the Criminal Code) was filed;
14. Criminal case no. 747/2023 (Article 235, paragraph 1 of the Criminal Code) is being investigated.
15. Criminal case no. 760/2023 (Article 181-bis of the Criminal Code) at the hearing stage;
16. Criminal case no. 761/2023 (Article 155, paragraph 1, and Article 157 of the Criminal Code) at the hearing stage;
17. Criminal case no. 777/2023 (Article 171 of the Criminal Code and other crimes) is being investigated;
18. Criminal case no. 779/2023 (Article 171, paragraph 1, Article 173, paragraph 1, and Article 73, paragraph 1 of the Criminal Code) was filed;
19. Criminal case no. 804/2023 (Article 181-bis of the Criminal Code) was filed;
20. Criminal case no. 806/2023 (Article 235, paragraph 1 of the Criminal Code) is being investigated;
21. Criminal case no. 818/2023 (Article 181-bis of the Criminal Code) is being investigated;
22. Criminal case no. 861/2023 (Article 160, paragraph 1, and Article 235, paragraph 1, of the Criminal Code), at the hearing stage;
23. Criminal case no. 905/2023 (Article 181, paragraph 1, and Article 184, paragraph 1 of the Criminal Code) concluded with a criminal conviction; The Judge imposed a daily fine of EUR 150.00 and an administrative pecuniary sanction of EUR 25.00, granting the benefit of not mentioning the conviction in the criminal record certificate.
24. Criminal case no. 916/2023 (Article 179, paragraph 1, and Article 181-bis, paragraph 1 of the Criminal Code), at the hearing stage;

With reference to the 24 total cases filed in 2022 and 2023 above, the following should be specified:

- 10 proceedings were filed due to the lack of the condition for prosecuting the crime (i.e. complaint by the victim). Indeed, in four cases (500/2022; 24/2023; 332/2023; 678/2023) no complaint was submitted;
- In five cases, the complaint was withdrawn by the victim (176/2022; 183/2022; 539/2022; 137/2023; 282/2023);
- In 1 case, the complaint was submitted late (beyond the statutory six months) (313/2022);

In some cases, no allegations of violence were found even after the conclusion of the preliminary investigation stage (170/2022; 86/2023; 101/2023; 707/2023);

In some cases, there was a lack of evidence of violence due to contradictory statements by the victim and a lack of objective evidence (307/2022; 366/2022; 480/2022; 540/2022; 733/2022; 804/2023; 495/2023; 590/2023);

In one case, it was found that the crime of ill-treatment did not exist and that the threats were not punishable due to their reciprocity (28/2022);

In one last case, after establishing that there was no criminal behaviour as alleged, the documents were nevertheless sent to the civil Judge for monitoring (779/2023).

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- b. the number of emergency barring orders issued by the competent authorities, the number of breaches of such orders, and the number of sanctions imposed as a result of these breaches;
  - c. the number of protection orders issued, the number of breaches of such orders and the number of sanctions imposed as a result of such breaches;

In the criminal field, **4 protection orders were issued in 2022 and 7 protection orders in 2023**, as better described in the answer to question 7.

The protection order was breached only in one case (211/RNR/2022), which is more fully described in the answer to question 7, to which reference is made. In this respect, one year and four months' imprisonment was imposed, as well as an order to pay assistance and legal aid costs incurred by the civil parties (EUR 6,306.50 in favour of the victim and EUR 1,900.00 in favour of the Authority for Equal Opportunities).

In the **civil field, 0 protection orders were issued** for proceedings registered in **2022** and **0 protection orders were issued** for proceedings registered in **2023**.

There were no breaches leading to criminal proceedings for the crime referred to in Article 366 of the Criminal Code

- d. data on the number of decisions issued by family courts on custody/visit/residence of children that have expressly taken into account incidents of domestic violence.

See answer to question 7, letter b).

## APPENDIX

**Table 1 Initial training (education or professional training)**

*Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media/journalism and support services) which have received initial training on violence against women. Please place each category of professional in a separate line.*

Professionals	Do they benefit from initial training on violence against women and domestic violence?	Is this training mandatory?	Are training efforts supported by guidelines and protocols?	Who funds the training?	Please describe the content and the duration of the training
<b>HEALTH AND SOCIO-HEALTH PERSONNEL OF THE SSI</b>					
Psychologists and psychotherapists of the SSI Socio-Health Department	Yes	Yes	Training material	Department of Human Sciences of the University of San Marino;	The phenomenon of gender-based violence against minors Violence and parenthood. Working on trauma with women suffering violence  One-day training
Psychologists and psychotherapists, social workers and educators of the SSI Socio-Health Department	Yes	Yes	Training material	Department of Human Sciences of the University of San Marino;	The phenomenon of gender-based and the methodology of reception  One-day training
SSI Units in charge of issues pertaining to violence against women, minors and gender violence*	Partly	Yes	Training material	SSI	Gender-based violence as a public health problem: suggestions for reception and treatment  Six-day training
SSI Units in charge of issues pertaining to violence against women, minors and gender violence*	Partly	Yes	Training material	SSI	Prevention of child abuse and promotion of positive parenting  Nine-day training

SSI Units in charge of issues pertaining to violence against women, minors and gender violence*	Partly	Yes	Training material	SSI	Reception and health assistance to women victims of sexual violence One-day training
SSI Units in charge of issues pertaining to violence against women, minors and gender violence*	Partly	Yes	Training material	SSI	Medical semiotics of sexual abuse of prepubertal children
<b>PSYCHOLOGISTS' PROFESSIONAL ASSOCIATION AND CONFINE ASSOCIATION</b>					
Psychologist of the Confine Association	Yes	Yes	Yes	Participation at a fee	150-hour course, promoted by the CAM in Florence within the "RELIVE" network aimed at training professionals in the management of perpetrators and the application of the European protocols adopted by the "RELIVE" network.
<b>TEACHING STAFF OF SCHOOLS OF ALL LEVELS - STUDENTS</b>					
Prospective Lower Secondary School and Upper Secondary School teachers, prospective English teachers in elementary school and prospective physical education teachers in schools of all levels for 2021/2022 (41 people in total)	Yes	Yes	Yes	Activity designed by the Department of Human Sciences of the University of San Marino in collaboration with the Authority for Equal Opportunities. Financed annually by the various Ministries responsible for Equal Opportunities through the conclusion of a consultancy agreement.	Gender and disability, rebirth educational projects to overcome discrimination. Two-hour seminar. Reflection on women's disability highlighting the lack of recognition and interpretation of the multiple identities of women with disabilities, both by feminist studies and by studies on disability. Attention has often been focused exclusively on the female dimension or psycho-physical disadvantage, neglecting other significant facets. The seminar aimed at framing this theoretical debate, examining its epistemology and outlining possible inclusive ways forward.
Theatre performance for the students from Lower and	No	No	No	Activity designed by the Department of Human Sciences of the	Diversià moci Review: Theatre performance "Inside. A true story, if you like"

Upper Secondary Schools and Vocational Training Centre				University of San Marino in collaboration with the Authority for Equal Opportunities. Financed annually by the various Ministries responsible for Equal Opportunities through the conclusion of a consultancy agreement.	Theatre performance included in the Diversiàmoci Review of the Department of Human Sciences. Giuliana Musso has sifted through the most unmentionable taboos, tackling the issues of abuse and domestic violence.
Teaching and non-teaching staff of the University of San Marino, students on degree courses, school managers and teachers, social workers	Partly	No	No	Activity designed by the Department of Human Sciences of the University of San Marino in collaboration with the Authority for Equal Opportunities. Financed annually by the various Ministries responsible for Equal Opportunities through the conclusion of a consultancy agreement.	“Body positivity and media: a new season for the representation of bodies”. Two-hour seminar. With the participation as speaker of Professor Lucia Tralli, a scholar of the interconnections between media and gender studies, the seminar proposed a reflection on the ways in which the media influence the perception of the body and self-perception, as well as the potential psychological and social implications of such representations.
Students from Lower and Upper Secondary Schools and Vocational Training Centre	Yes	No	No	Activity designed by the Department of Human Sciences of the University of San Marino in collaboration with the Authority for Equal Opportunities. Financed annually by the various Ministries responsible for Equal Opportunities through the conclusion of a consultancy agreement.	“Diversiàmoci Review: Theatre performance “Story of a NO”. Two theatre performances. Theatre performance included in the Diversiàmoci Review of the Department of Human Sciences about romantic relationships and so-called toxic love.
Students, families, socio-health workers, local associations	Partly	No		Activity designed by the Department of Human Sciences of the University of San Marino	“Words against gender-based violence: the role of the media, intergenerational insights”. Three-hour meeting.

				in collaboration with the Authority for Equal Opportunities. Financed annually by the various Ministries responsible for Equal Opportunities through the conclusion of a consultancy agreement.	Debate by the students from the Upper Secondary School on the topic of gender violence, followed by an in-depth discussion by the speakers on the issues raised in the debate.
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\* The following SSI Units are in charge of issues pertaining to violence against women, minors and gender violence:

- Mental Health Complex Operational Unit** (doctors, psychologists/psychotherapists, social workers, educators);
- Minors' Service Complex Operational Unit** (psychologists/psychotherapists, social workers, educators);
- Minors' Protection Simple Operational Unit** (psychologists/psychotherapists, social workers, educators);
- Women's Health Simple Operational Unit** (psychologist, doctors, obstetricians, nurses);
- Paediatrics Complex Operational Unit** (doctors, nurses);
- Obstetrics and Gynaecology Complex Operational Unit** (doctors, nurses, obstetricians);
- Primary Health Care Complex Operational Unit** (doctors, nurses);
- Emergency Care Complex Operational Unit** (doctors, nurses);
- Territorial Home Care Service Complex Operational Unit** (social workers, educator, social and health operators);
- Residential Elderly Care Complex Operational Unit** (social workers, social and health operators, nurses);
- Disability Simple Operational Unit** (social workers, psychologist, educator, social and health operators)
- Legal Medicine Complex Operational Unit** (doctor).

**Table 2 In-service training**

Please fill in the table and list the professionals (in the area of healthcare, law enforcement, criminal justice, social welfare, education, asylum and migration, media/journalism and support services) which receives in-service training on violence against women. Please place each category of professional in a separate line.

Professionals	Number of professionals trained	Is this training mandatory?	Frequency	Training efforts supported by guidelines and protocols	Please describe the content and duration of the training
<b>MENTAL HEALTH COMPLEX OPERATIONAL UNIT</b>				PA 48; IO Iss 11; IO Ost. 89; PR-UO SAL.men.04 rev.01; IO Sal.D 3; Home visiting team	
Doctors	3	Yes	In-service training		See the attached SSI Training Plan
Psychologists/Psychotherapists	3	Yes	In-service training		See the attached SSI Training Plan
Social Workers	3	Yes	In-service training		See the attached SSI Training Plan
<b>MINORS' SERVICE COMPLEX OPERATIONAL UNIT</b>					
Psychologists/Psychotherapists		Yes	In-service training		See the attached SSI Training Plan
Social Workers		Yes	In-service training		See the attached SSI Training Plan
Educators		Yes	In-service training		See the attached SSI Training Plan
<b>WOMEN'S HEALTH SIMPLE OPERATIONAL UNIT</b>					
Doctors	2	Yes	In-service training		See the attached SSI Training Plan
Psychologist	2	Yes	In-service training		See the attached SSI Training Plan
Obstetricians	2	Yes	In-service training		See the attached SSI Training Plan
Nurses	2	Yes	In-service training		See the attached SSI Training Plan
<b>PAEDIATRICS COMPLEX OPERATIONAL UNIT</b>		Yes			

Doctors	2	Yes	In-service training		See the attached SSI Training Plan
Nurses	2	Yes	In-service training		See the attached SSI Training Plan
<b>PRIMARY HEALTH CARE COMPLEX OPERATIONAL UNIT</b>					
Doctors		Yes	In-service training		See the attached SSI Training Plan
Nurses		Yes	In-service training		See the attached SSI Training Plan
<b>DISABILITY COMPLEX OPERATIONAL UNIT</b>			In-service training		See the attached SSI Training Plan
Psychologists/Psychotherapists	2	Yes	In-service training		See the attached SSI Training Plan
Social Workers	2	Yes	In-service training		See the attached SSI Training Plan
<b>OBSTETRICS AND GYNAECOLOGY COMPLEX OPERATIONAL UNIT</b>					
Doctors	2	Yes	In-service training		See the attached SSI Training Plan
Nurses	2	Yes	In-service training		See the attached SSI Training Plan
Obstetricians	2	Yes	In-service training		See the attached SSI Training Plan
Residential Elderly Care Complex Operational Unit		Yes	In-service training		See the attached SSI Training Plan
Nurse		Yes	In-service training		See the attached SSI Training Plan
Social Workers	3	Yes	In-service training		See the attached SSI Training Plan
<b>TERRITORIAL HOME CARE SERVICE COMPLEX OPERATIONAL UNIT</b>					
Social Workers	3	Yes	In-service training		See the attached SSI Training Plan
Educators	1	Yes	In-service training		See the attached SSI Training Plan
Social and Health Operators		Yes	In-service training		See the attached SSI Training Plan
<b>EMERGENCY CARE COMPLEX OPERATIONAL UNIT</b>					
Doctors		Yes	In-service training		See the attached SSI Training Plan
Nurses		Yes	In-service training		See the attached SSI Training Plan
<b>LEGAL MEDICINE COMPLEX OPERATIONAL UNIT</b>					
Doctor	1	Yes	In-service training	See the attached SSI Training Plan	



SSI Operators	32	Yes	In-service training	Data and material relating to the prevention of violence against women	<p>"1st meeting/4 - Gender violence phenomenon".</p> <p>Three-hour meeting.</p> <p>Overview of the phenomenon, data and history and methodology of anti-violence centres, the cycle of violence, theoretical principles and a snapshot of the social context and related changes in the perception of the phenomenon</p>
SSI Operators	28	Yes	In-service training		<p>"2nd meeting/4 – Methodology of reception".</p> <p>Three-hour meeting.</p> <p>The feminist view of women's helping relationship, active listening and the suspension of judgement. The woman's decision to seek help, routes out of violence and networking</p>
SSI Operators	8	Yes	In-service training		<p>"3rd meeting/4 - Knowledge of the phenomenon and dynamics of gender-based violence against children and related stereotypes".</p> <p>Three-hour meeting.</p> <p>Understanding family dynamics and parenting in the context of domestic violence, food for thought and sharing good practices.</p>
SSI Operators	9	Yes	In-service training		<p>"4th meeting/4 - Trauma dynamics and CAV methodology in the clinical approach".</p> <p>Three-hour meeting.</p> <p>Clinical approach to women victims of violence.</p>

POLICE FORCES (Gendarmerie Corps, Civil Police, Fortress Guard)					
Police Forces	15	Yes	In-service training	Procedures have been set out for professional encounters with the perpetrator and on how to use the network of local operators.	"Men, stereotypes and violence. Towards taking responsibility."  Role and treatment of men
Police Forces	105	Yes	In-service training	Legislation in force on the prevention and repression of violence against women	"Training on prevention and repression of violence against women and gender violence".  Two meetings for a total of four hours.  In-service training for the officers of San Marino police forces. The training was aimed at studying more in depth the legislative and procedural aspects of first intervention.
Police Forces	10	Yes	In-service training	Data and material relating to the prevention of violence against women	1st meeting/4 - Gender violence phenomenon.  Three-hour meeting.  Overview of the phenomenon, data and history and methodology of anti-violence centres, the cycle of violence, theoretical principles and a snapshot of the social context and related changes in the perception of the phenomenon
Police Forces	10	Yes	In-service training		"2nd meeting/4 – Methodology of reception".  Three-hour meeting.  The feminist view of women's helping relationship, active listening and the suspension of judgement. The woman's decision to seek help, routes out of

					violence and networking
<b>TEACHING AND NON-TEACHING STAFF OF SCHOOLS OF ALL LEVELS - STUDENTS</b>					
Teachers and Psychologists		No	In-service training		<p>“Inside Project. Our silences”</p> <p>Three meetings lasting two hours each.</p> <p>The theatre performance “Inside. A true story, if you like” on 18 November 2021 was followed by three online meetings to explore with Giuliana Musso, in a participatory way, some of the themes that emerge from the text of INSIDE: the normalisation of violence in patriarchal culture, the taboo of victims' pain, the feeling of compassion as a cognitive tool.</p>
Teaching staff of schools of all levels	292	Yes	In-service training		<p>“Gender education – educating for respect through plural education”.</p> <p>Two meetings for a total of nine hours.</p> <p>Specialised training aimed at teaching staff of schools of all levels, aimed at developing critical awareness of the forms and contents that representations and ideas on gender differences currently take on in everyday life, as well as the need for a change that sees in the recognition of the other the possibility of developing models that are freer from stereotypes, more capable of promoting choices and building plural identities.</p>
Non-teaching staff of schools of all levels	266	Yes	In-service training	Legislation in force on the prevention and repression of violence against women	<p>Prevention and repression of violence against women and gender violence: Law no. 97 of 20 June 2008 and subsequent decrees.</p> <p>In-depth study of Law no. 97/2008.</p> <p>Two meetings for a total of nine hours.</p>

Teachers from Nursery School, Kindergarten and Elementary School	Approx. 500	Yes	In-service training		<p>“Educating for respect through plural education”</p> <p>Two meetings for a total of six hours.</p> <p>The training, aimed at teachers in the early years of schooling, concerned the study of stereotypes and prejudice conveyed through language, games and toys, books and storytelling and media representations. Mass media, family, institutions, ideas and habits unknowingly create a very powerful symbolic-cultural system in which the individual is born and grows. Gender education models have been explored</p>
Teachers from Lower and Upper Secondary Schools and Vocational Training Centre	10	No	In-service training		<p>Insight into the theatre performance “Story of a No”.</p> <p>Three meetings of two hours each.</p> <p>In-depth study on the issues raised by the theatre performance “Story of a No”, designed for teachers from Lower and Upper Secondary Schools and Vocational Training Centre.</p>
<b>PSYCHOLOGISTS’ PROFESSIONAL ASSOCIATION AND CONFINE ASSOCIATION</b>					
San Marino Psychologists’ Professional Association	24	Yes	In-service training		<p>“The man perpetrator of violence: reception and intervention”</p> <p>Two meetings for a total of nine hours.</p> <p>Training on issues related to the treatment and care of victims of violence and the criteria for identifying perpetrators and relevant therapeutic approaches.</p>
San Marino Psychologists’ Professional Association	7	Yes	In-service training	Data and material relating to the prevention of violence against	<p>“1st meeting/4 - gender violence phenomenon”.</p> <p>Three-hour meeting.</p>

				women	Overview of the phenomenon, data and history and methodology of anti-violence centres, the cycle of violence, theoretical principles and a snapshot of the social context and related changes in the perception of the phenomenon
San Marino Psychologists' Professional Association	5	Yes	In-service training		<p>"2nd meeting/4 – Methodology of reception".</p> <p>Three-hour meeting.</p> <p>The feminist view of women's helping relationship, active listening and the suspension of judgement. The woman's decision to seek help, routes out of violence and networking</p>
San Marino Psychologists' Professional Association	13	Yes	In-service training		<p>"3rd meeting/4 - Knowledge of the phenomenon and dynamics of gender-based violence against children and related stereotypes".</p> <p>Three-hour meeting.</p> <p>Understanding family dynamics and parenting in the context of domestic violence, food for thought and sharing good practices.</p>
San Marino Psychologists' Professional Association	12	Yes	In-service training		<p>"4th meeting/4 - Trauma dynamics and CAV methodology in the clinical approach".</p> <p>Three-hour meeting.</p> <p>Clinical approach to women victims of violence.</p>
<b>TRAINING OPEN TO THE PUBLIC</b>					
Event open to the public – Council for Information of the Republic of San Marino and Journalists' Professional	30	Yes	In-service training for San Marino media operators and open to the	Legislation in force on the prevention and repression of violence against	<p>"Mass media and gender-based violence: are women double victims?"</p> <p>Two-and-a-half hour seminar.</p>

<p>Association of Emilia Romagna Region</p>			<p>public</p>	<p>women</p>	<p>Mandatory training for San Marino journalists and open to the public. The Seminar explored the good and bad practices of Mass Media in dealing with cases of gender-based violence.</p>
<p>Psychologists' Professional Association, SSI Operators, Territorial Associations, Lawyers' and Notaries' Professional Association, Police Forces, Family Mediators, Trade Unions, Teachers, Doctors' Professional Association, Nurses' Professional Association, civil society</p>	<p>13 Associations; 38 SSI Operators; 2 Family Mediators; 45 Officers of Police Forces; 27 members of Lawyers' Professional Association; 7 members of Psychologists' Professional Association; 16 belonging to the education sector.</p>	<p>Mandatory for: Listed psychologists providing psychological support in case of violence; Family Mediators; SSI Operators for Minors' Protection, Colore del Grano, Minors' Service, Mental Health, Emergency Care and Short Stay Complex Operational Unit, Gynaecology Complex Operational Unit; Listed Lawyers providing support in case of violence; Police Forces; Documentation Centres in Schools.</p>	<p>In-Service Training</p>	<p>New Delegated Decree no. 109/2024 adopted by the Congress of State</p>	<p>"Training day/conference: Amendments to Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence" and subsequent amendments and to the Criminal Code".  Three-hour meeting.  The training day was designed to illustrate the main amendments introduced by Delegated Decree no. 62/2024, as well as the implementing protocols and the reasons behind the amendments.</p>

**List of annexes to the questionnaire on GREVIO's first thematic monitoring cycle on the Republic of San Marino**

**ANNEX A**

1. Law no. 97 of 20 June 2008 *Prevention and elimination of violence against women and gender violence*;
2. Delegated Decree no. 60 of 31 May 2012 *Delegated decree implementing article 4 of Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence"*;
3. Law no. 57 of 6 May 2016 *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 (Istanbul Convention)*;
4. Delegated Decree no. 56 of 17 May 2018 *Provisions for the operational independence of the Authority for Equal Opportunities*;
5. Law no. 16 of 1 February 2021 *Amendments to the Criminal Code - introduction of the offence of illicit dissemination of sexually explicit images or videos (Revenge porn)*;
6. Delegated Decree no. 109 of 9 August 2024 *Amendments to Law no. 97 of 20 June 2008 "Prevention and Elimination of violence against women and gender violence" and subsequent amendments and to the criminal code.*

**ANNEX B**

1. Comprehensive National Plan to Combat Violence against Women 2024/2026;
2. National Multi-Year Plan on the Elimination of violence, Harassment and Discrimination in the world of work;
3. 2022 Annual Report and Data Statistics on violence;
4. 2023 Annual Report and Data Statistics on violence.

**ANNEX C**

1. Popular petition no. 16 of 2 October 2022;
2. Popular petition no. 8 of 2 April 2023;
3. Order of the Day of the Great and General Council of 1 December 2023.

**ANNEX D**

1. Protocol between the Single Court of the Republic of San Marino and the Minors' Protection Organisational Unit of the Social Security Institute on the protection of minors;
2. Agreement between the Social Security Institute of the Republic of San Marino and the "Confine" Association for the provision of counselling and intervention services to male perpetrators of violence to stop gender-based violence;
3. Protocol between the Psychologists' Association and the Authority for Equal Opportunities;
4. Guidelines for activities related to incidents of gender-based violence and violence against minors;
5. Operational Protocol between the Single Court, the Judicial Police, the Corps of the Gendarmerie, the Fortress Guard, the Civil Police, and the Lawyers' Association;
6. SSI Training Violence against women, minors and gender;
7. SSI OI-UO OST n.89 "Operational Instruction for the assistance to women who have been sexually abused";
8. SSI PA 48 "Taking charge of adult victims of violence";
9. SSI OI n.11 "Placement of adult victims of ill-treatment/abuse in a sheltered facility".

**ANNEX E**

1. 2021's program for the National Awareness Campaign for the International Day for the Elimination of Violence Against Women;
2. 2022' program for the National Awareness Campaign for the International Day for the Elimination of Violence Against Women;

3. 2023's program for the National Awareness Campaign for the International Day for the Elimination of Violence Against Women;
4. Brochures dedicated to Ukrainian female refugees in San Marino.



Popular petition  
n.16 of  
02/10/2022

San Marino, 2 October 2022

Your Excellencies the Captains  
Regent,

Maria Luisa Berti

Manuel Ciavatta

**Subject: Popular petition to ensure that all forms of violence against women defined in the Istanbul Convention are codified in San Marino legislation and prosecuted.**

The undersigned San Marino citizens submit this popular petition to their Excellencies the Captains Regent stating what follows.

GREVIO is an independent human rights monitoring body responsible for monitoring the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (known as the *Istanbul Convention*) by countries that have signed it.

The Republic of San Marino signed the *Istanbul Convention* on 30 April 2014, and ratified it on 28 January 2016.

In September 2020, GREVIO carried out the first monitoring of the implementation of the Convention in our country and, exactly one year later, published its Evaluation Report.

The GREVIO Evaluation Report states the following:

**"8. GREVIO encourages the San Marinese authorities to ensure that San Marinese legislation, policies and programmes aimed at preventing and combating violence against women address all forms of violence against women covered by the Istanbul Convention, in particular sexual violence and sexual harassment.**

149. GREVIO strongly encourages the authorities to introduce a **specific criminal offence of psychological violence** to effectively criminalise all acts that seriously impair the psychological integrity of a person as required by Article 33 of the Istanbul Convention.

152. GREVIO encourages the San Marinese authorities to review the threshold required for a behaviour to qualify as stalking in order to ensure that

*threatening conduct causing the victim to fear for her or his safety, irrespective of any severe moral suffering and harm, is criminalised*

156. GREVIO strongly encourages the San Marinese authorities to investigate, prosecute and punish effectively **acts of intimate partner violence** by making full use of the available provisions in the San Marinese Criminal Code, including by ensuring prosecution under Article 235 of the Criminal Code.

163. GREVIO urges the San Marinese authorities to **reform the Criminal Code in order to base all legal provisions covering sexual violence on the notion of freely given consent** as required by Article 36 of the Istanbul Convention. It further strongly encourages the authorities to take measures to **increase reporting levels of sexual violence**.

171. GREVIO urges the San Marinese authorities to take the necessary measures to ensure that any form of unwanted verbal, non-verbal or physical conduct **of a sexual nature** with the purpose or effect of **violating the dignity of a person** is subject to criminal or other legal sanction.

The persons submitting the popular petition demand that all forms of violence against women defined in the Istanbul Convention be codified in San Marino legislation and prosecuted.

Best regards.

**AGREEMENT BETWEEN THE SOCIAL SECURITY INSTITUTE OF THE REPUBLIC OF SAN MARINO AND THE "CONFINE" ASSOCIATION FOR THE PROVISION OF COUNSELLING AND INTERVENTION SERVICES TO MALE PERPETRATORS OF VIOLENCE TO STOP GENDER-BASED VIOLENCE**

BETWEEN

The Social Security Institute - with registered office in Via Scialoja n. 20 - Borgo Maggiore (RSM), represented by its legal representative Dr. Francesco Bevere, appointed by Congress of State Decision No 37 of 13 December 2021;

AND

The "Confine" Association with registered office in Via Adone n.41 - Borgo Maggiore (RSM), represented by its legal representative, Mr. Mauro Masini.

The following shall be hereby agreed.

**Art. 1**

The purpose of this agreement shall be to engage, at the premises of the Association, with men who have used or are using violence inside and outside family (physical, psychological, economic, sexual, stalking, mobbing, etc.) against women and children or against people in general, given that all types of violence are detrimental to the freedom and psychophysical integrity of the person. The purpose shall also be to generate a change in the perpetrator and in the culture that feeds gender-based violence - as stated in the Charter for Services, which forms an integral part of this agreement.

**Art. 2**

The "Confine" Association shall provide qualified and specific assistance depending upon the situation, developing its interventions based on the guiding principles of the victims' safety and the responsibility of perpetrators for their violent behaviour, in line with the European and international regulations in force.

**Art. 3**

Users shall have access to the services of the "Confine" Association autonomously or in collaboration with SSI Services.

The intervention programmes carried out by the "Confine" Association, their duration and termination shall be decided by the Association's team of professionals and planned with a view to networking with the SSI Services, in order to ensure adequate coordination between treatment programmes for men and those intended to protect and support women and children.

**Art. 4**

The "Confine" Association shall undertake to provide its users with the following services:



Creating channels for abusers to access and contact the Association and its external services, through

A handwritten signature in blue ink, appearing to be 'Mauro Masini'.

- o Dedicated hotlines with qualified professionals to accept voluntary requests, offer counselling services to perpetrators and address them to the intervention programmes provided for by the Association;
- o Creating and managing social media platforms providing information and contact details.

Individual assessment interviews aimed at:

- o evaluating the perpetrator's motivation to change;
- o check for the presence of coexisting problems: alcoholism, drug addiction, psychiatric distress, etc. and assessment of the need for a referral to the relevant specialist services;
- o risk assessment;
- o Assessment of eligibility for access to the services of the Association;
- o Conclusion of the "aid contract".

Contact with the partner: after two to three interviews, one (female) operator will get in touch with the partner. Contacting the partner is a prerequisite for participation in the change programme. Contact will be made only if perpetrators voluntarily request for help and not in case of referral by the bodies taking care of the partner and children.

The aims of contacting the partner shall be:

- o to inform the woman of the treatment provided by our center;
- o to inform the woman of possible support for her on the territory (anti-violence centers);
- o to have a feedback about the type of ill-treatments suffered and their level of severity;
- o to inform the woman that she will be contacted in case of danger or whether the partner leaves the treatment programme;

to propose well-defined intervention programmes both individual and group ones, to the perpetrator of violence aimed at stopping ongoing violence and protecting victims;

- o Individual change programmes;
- o Psychoeducational groups;
- o groups of mind-body interventions for emotional self-control;
- o Follow-up interviews



#### **Art.5**

The "Confine" Association will ask users to pay a fee of Euro 40 for each individual interview and Euro 30 for each group interview.

#### **Art. 6**

The "Confine" Association shall undertake to participate in intervision meetings on cases that sending entities consider necessary; to request such meetings from the entities if it deems them necessary, always within the limits of professional secrecy.

#### **Art. 7**

The "Confine" Association shall undertake to provide assistance also in summer and on bank holidays.

#### **Art. 8**

By signing this agreement, the parties shall acknowledge that personal data will be processed in accordance with the provisions of EU Reg. 679/2016 and the Italian Legislative Decree no. 196/2003 and subsequent amendments, by the Italian Legislative Decree no. 101/2018 and by San Marino Law no.171/2018.

In particular, by signing this agreement, each party shall declare that it has been informed of the processing of its personal data and that such data will be processed for the activities necessary to the conclusion of this agreement and for the management of the consequent relationship. Therefore, each party shall grant its explicit consent.

The parties shall also take note of the rights granted to them by Articles 15 to 21 of EU Reg. 679/2016. The processing of the personal data covered by this agreement, although not mandatory, shall be necessary to conclude this agreement and to carry out the resulting administrative tasks. Data will be processed both by paper and by electronic means, in compliance with the provisions contained in EU Reg. 679/2016 and in Italian Legislative Decree no. 96/2003 as amended by Legislative Decree no. 101/2018 and in San Marino Law no.171/2018 and will be kept for the time provided for by law. Data will be transmitted to the organisational structures of the Institute and its employees, to the insurance company or other public institutions, for the purposes expressly indicated herein only.

The provisions of this Article shall comply with the disclosure and consent requirements set out by Arts. 6 and 13 of EU Reg. 679/2016.

#### **Art. 9**

The "Confine" Association shall undertake to send every month to the Secretariat of the Directorate General of the SSI the names, in the form of initials, of the people who access its services independently and the number of accesses. This shall be done to complete the number of autonomous accesses with that of people referred by the SSI Services and to properly settle the fees for the services provided by the Association.

#### **Art.10**

The "Confine" Association shall undertake to take out a collective insurance policy for operators and users for civil liability for damages to persons or property within the scope of this agreement.

#### **Art. 11**

The parties shall reserve the right to amend, supplement or correct the contents of this agreement at any time.

#### **Art. 12**

The Court of the Republic of San Marino shall have jurisdiction to settle disputes under this agreement

**Art. 13**

For anything else not explicitly provided for in this agreement, reference shall be made to the Charter for Services, which forms an integral part thereof.

**Art. 14**

This agreement shall be valid from 1 January 2023 to 31 December 2023

Read, approved and signed.

San Marino, 24 November 2022

Confine-Association  
Its Legal Representative

The Social Security Institute  
Its Legal Representative



Republic of San Marino  
Gendarmerie Corps  
Social Police, Administrative Police, Studies and Statistics Unit

Guidelines to be adopted in activities related to incidents of gender-based violence and violence against minors for which police intervention is required.

Version 2.3 of 12/08/2024 provision no. 20

Captain Gian Luca Dolcini

Purpose: establish clear and standardised procedures for immediate action in cases of gender-based violence.

Recipients: the entire Gendarmerie Corps

Activation procedure: it is defined following a request for intervention of the military personnel of the Gendarmerie in relation to a report of gender-based violence.

**Procedure and arrangements.**

## INTRODUCTION

Art. 32 of Law no. 97 of 20 June 2008, as amended by art. 9 of Delegated Decree no.109 of 9 August 2024, provides, among other things, that Law Enforcement agencies, having become aware of a violence “shall immediately take action , moreover,”may enter, also coactively, the victim’s house or other privately owned places or premises where the victim is to be found, and they shall curb the violent behaviour; they shall inform the victim of his/her rights, including the right to request protection orders ...”.

1. **Request for intervention following a report received at the Police Inter-agency Operations Centre.**

1.1 Each operator, during the reception of a call about an ongoing case of violence within the family, shall be able to obtain as much information as possible to ensure timely and effective intervention . In particular, the operator shall establish **the surname , forename and telephone number of the reporter, the exact place where intervention is required** and how it can be reached. If the reporter is the victim, the operator shall be empathetic and reassuring at the same time, avoiding irrelevant and inappropriate personal assessments.

**CHECK LIST OF USEFUL INFORMATION IN CASE OF ONGOING VIOLENCE**

- Reporter/victim
- Where he/she is located (*street/floor/house number/name on intercom*)
- Mobile phone number
- Reason for the request
- Presence of minors
- Presence of weapons
- Possibility of taking shelter/leaving the house/asking for help from passers-by.

Reassure the victim (if he/she is the one who requested the intervention) by providing him/her with initial guidance on how to behave, depending on the seriousness of the incident and the conditions reported (*e.g. the possibility of taking shelter in a different room or at a neighbour's house, taking along any minors present, keeping a calm tone as far as possible, obstructing the opening of the door of the room in which the victim has taken refuge*).

1.2 The report should be immediately forwarded to the nearest patrol, also considering the possibility of sending a second one for support.

1.3 If the situation requires it and if the conditions are met, operators shall suggest to the victim to leave the house (taking the children with him/her, if there are any), taking the mobile phone and documents with him/her, and to take refuge at a neighbor's house while



waiting for the patrol to arrive; this means to take refuge in a public place frequented by other people or to take shelter in a car. In case conditions to do so are not met, operators shall suggest to the victim to take shelter in one of the rooms of the house or in the bathroom (along with any minors present) and lock themselves in.

1.4 The operator of the Police Inter-agency Operations Centre should remain in telephone contact with the victim for as long as it takes the patrol to arrive at the site.

1.5 Operators shall access the databases of the Operations Centre, in order to establish: “*the household composition*”;

whether any person in the household is in possession of weapons registered in his/her name;

whether there have been any previous calls/interventions for similar episodes, harassment, beatings, etc.

1.6 Operators shall inform the patrol carrying out the intervention of all the information collected.

## 2. **The duties of the patrol carrying out the on-site intervention.**

2.1 Upon arrival at the location concerned, the patrol should carry out a quick external check, detecting any noise, voices, screams.

2.2 Enter the building observing the state of the surroundings. Establish how many and which people are involved and immediately informing the Operations Centre.

2.3 If still in progress, stop the violence immediately. Make sure who is actually in the house, without relying on what is reported by those present.

2.4 Ensure the safety of the people present and the environment in which they are located (e.g. check for weapons in the house and take the necessary precautions to ensure that no one can come into possession of objects that could be used to injure the person).

2.5 If necessary, ask for support from other operating units.


2.6 Check the state of health of the victim and, more generally, of all those present. If necessary, promptly call for an ambulance.

- 2.7 If there are minors present, check their state of health (if they are agitated, crying, quiet, playing, etc.). Talk to them in a reassuring way and place them in a protected space. If it appears that the parties have children but they are not present, ask where they are and then check through the Operations Centre.
- 2.8 If present, never lose sight of the perpetrator of the violence by assessing his/her psycho-physical conditions (if he/she is accommodating, aggressive, has allegedly used drugs, is in a state of intoxication, threatens to harm him/herself, does not allow the alleged victim to speak, says meaningless sentences, etc.).
- 2.9 Update the Operations Centre and, if necessary, request the intervention of the Non-commissioned officer on stand-by duty or competent by jurisdiction.
- 2.10 If the situation requires it, through the Operations Centre, contact the Emergency Care Unit to request the intervention of the Social Services operators.
- 2.11 Facilitate the transfer of the victim (and minor children if present) to the Emergency Care Unit of the State Hospital where all the parties making up the "network" of assistance to victims of violence are to be gathered.
- 2.12 In any case, the parties shall be heard separately. The patrol shall let the victim speak freely and ask questions for clarification only afterwards. Verbalize everything (including the questions) by accurately reporting the words and lexical expressions used by the victim (the exact same words in quotation marks). Do not try to correct or improve the language. Do not express judgments, accusations, reproaches, etc.
- 2.13 If the victim is a foreigner and is unable to express him/herself in Italian or in any language comprehensible to the Gendarmerie members involved, try, as far as possible and through the Operations Center, to find a person who can translate. Avoid translation done by relatives or friends.
- 2.14 Consider the opportunity of verbalising, if possible, the statements of minor teenage children (ages between 14 and 18).
- 2.15 Inform the victim of his/her rights, pursuant to Art. 4 of Law no. 97 of 20 June 2008:

- a) provide information on the measures envisaged by the law for the protection, safety and right to assistance and support
- b) possibility of contacting the Counselling Centre at the Women's Health Centre in Dogana;
- c) have the support of qualified medical personnel (both health and psychological);
- d) be able to benefit from the free legal support of Lawyers who have provided their availability to assist victims of violence;
- f) be temporarily and immediately transferred and supported in an appropriate protected facility;
- g) possibility for the victim of violence to submit a request for a “*verbal warning*” to the Commander of the Gendarmerie.

2.16 Take note, even through a picture, of the status of both people (e.g. signs of struggle, bruises, torn clothes - with the consent of the victim) and places (blood stains, damaged objects and furniture, soiled walls, etc.).

2.17 Write a service report.

 3. **The duties of the Non-commissioned officer on stand-by duty or competent by jurisdiction. and/or by subject matter.**

3.1 The Non-commissioned officer will have to go to the site of the patrol's intervention, or to the emergency care unit if the victim of violence has already arrived at the above-mentioned facility, also for the prompt formalisation of the complaint if the victim expresses the will to lodge it.

3.2 Consider the possibility of an immediate removal of the victim (and possibly minors, if present) with placement in a specially provided shelter, through Social Services.

It is not always appropriate to place the victim at the house of relatives or friends (resident or domiciled in the territory) as the safety of other people besides the victim may be at risk.

This solution can only be adopted, after the activation of the 'support network for victims of violence', only if the victim expresses his/her approval and if these relatives or friends provide guarantees of extreme safety.

3.3 Proceed with the seizure of any weapons found by the patrol at the place of intervention (according to Art. 32 of Law no. 97 of 20 June 2008 and subsequent amendments). Note that there may be weapons that are not regularly reported and therefore not registered in the Operations Centre database. If the weapons are not part of the *corpus delicti*, the above-mentioned seizure shall be an administrative act and shall not be subject to validation by the Judicial Authority. However, Article 32 of Law 97/2008 as amended by Art. 9 of Delegated Decree 109/2024, provides that the Investigating Judge and the Command of the Gendarmerie shall be notified for the suspension/revocation of the weapons licence.

3.4 If the circumstances lead to facts constituting a criminal offence, seize everything relevant to the offence and useful to the investigation. If among the objects relevant to the offence, there are weapons, these should obviously be seized (according to art. Art. 58-*quinquies* of the Code of Criminal Procedure) and, in this case, the required validation should be requested to the Law Commissioner – Investigating Judge, transmitting within 48 hours the report of the operations carried out.

- 3.5 If the victim is found to have suffered voluntary injuries, with a prognosis of more than 10 days and the perpetrator is caught in the act of committing an offence, the latter shall be arrested (according to art. 155 and paragraph 2 of Art. 156 of the Criminal Code). Alternatively, assess whether the conditions for preventive detention by the Judicial Police are met.

**Art. 156**  
*(Aggravating Events)*

When the injury leads to abortion, life threat, illness healed in more than sixty days or incurable, permanent disfigurement of the face, loss or considerable weakening of a sense, an organ or its functioning, loss of the capacity to procreate or genital mutilation, third-degree imprisonment and disqualification shall apply.

The same penalty shall apply if the victim is or was the spouse or a person who is or was linked by a similar affective relationship, even without cohabitation, or if the victim is a particularly vulnerable person who lives with the offender.

- 3.6 If the circumstances verified concern persecutory acts, as defined by law, (art. 181 bis of the Criminal Code - a complaint by the offended party is required for prosecution), it is mandatory to remove the harasser, submitting the reports required by law (*see point 4.6 of this document*), even regardless of the complaint by the offended party.



#### **4. Drafting of acts.**

- 4.1 Any complaint should be recorded at the same time as the victim expresses his/her will, and should not be postponed.
- 4.2 The victim shall be heard in a welcoming, confidential place that provides an open space between the victim and the operator. The victim shall be heard alone, without the possible presence of children or other people, even if they belong to the Anti-violence “*network*”. At the request of the person concerned, a lawyer and, if necessary, a psychologist may be present.

- 4.3 Establish a relationship of trust with the victim by listening attentively, free of preconceptions and prejudices.
- 4.4 If there are grounds for an offence, according to Article 19 bis of Law 97/2008, introduced by Delegated Decree 109/2024, draw up a Judicial Report to be sent, without delay, to the Law Commissioner – Investigating Judge, attaching the complaint received (in cases where the alleged offence is prosecutable upon complaint), the report of the preventive seizure (if carried out) with the consequent request for validation, any medical report, photographic file, service reports, any report of seizure of the weapons found (unless the weapons have not been used to commit the offence or are relevant to the offence, the latter report is not subject to validation by the Law Commissioner). The report shall also include any request for protection orders made by the victim at the time the complaint is formalised.
- 4.5 In the case of injuries with a prognosis of more than 10 days, if the perpetrator is caught in the act of committing an offence, proceed ex officio and with the arrest of the perpetrator, drawing up specific reports (pursuant to art. 93 of the Code of Criminal Procedure). A copy of the report on arrest shall be given to the person concerned and another copy shall be given to the defence counsel or, if not appointed, to the public defender.
- 4.6 If a prosecutable offence is not established or if the victim's complaint has not been finalised in cases where it is required for admissibility, send an appropriate report to the competent services (Mental Health Unit and/or Minors' Protection Unit, if minors are involved), in accordance with the provisions of art. 19 bis of Law 97/2008, introduced by Delegated Decree 109/2024.
- 4.7 Even in cases of ex officio prosecution, pursuant to Art. 32 of Law 97/2008, as amended by Delegated Decree 109/2024, taking into account the confidentiality requirements of the investigation phase and, where appropriate, the possibility that the Investigating Judge may keep all or part of the documents secret, after having sent a report to the Judicial Authority, a further report shall be drawn up to be sent to the Mental Health Unit, the Minors' Protection Unit (if minors are involved) and the Gender and Child Abuse Office of the Gendarmerie Corps.

prot M. 114 /D /2024

**Operational protocol**  
**for cooperation and exchange of information between civil and criminal magistrates of the Single Court of the Republic of San Marino for the protection and defence of victims of domestic violence**  
**in agreement**  
**with the Judicial Police and the Corps of the Gendarmerie, the Fortress Guard and the Civil Police, and the Lawyers' Association.**

HAVING REGARD TO THE FOLLOWING

UN Convention on the Rights of the Child of 20 November 1989;

European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, signed in Lanzarote on 25 October 2007;

Council of Europe Convention on preventing and combating violence against women and domestic violence, signed in Istanbul on 11 May 2011;

Law no. 97 of 20 June 2008 and subsequent amendments, in particular Law no. 57 of 6 May 2016 and Delegated Decree no. 56 of 17 May 2018;

HAVING READ

Grevio's evaluation report on the implementation of the Istanbul Convention in the Republic of San Marino dated 23 June 2021, in which it was noted that in San Marino, as in other countries, *“there was no explicit reference to domestic violence among the legal criteria to be taken into account when determining custody and/or visitation rights”*;

## RECALLING

Article 31 of the Istanbul Convention, which establishes that: "*Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account, together with measures to ensure that the exercise of any visitation and custody rights does not jeopardise the rights and safety of the victim or children*".

## WHEREAS

-in order to correctly apply the above provision and Grevis's recommendations, it is necessary to formalise a practice, which is *de facto* already followed and existing, aimed at exchanging knowledge and coordinating the interventions of judges called upon to rule on domestic and gender-based violence, child custody and guardianship, separation and divorce;

-it is necessary to prevent acts relating to criminal proceedings from being unknown to civil judges, in particular where precautionary measures have been taken against the violent spouse, including for child protection, in order to enable the civil judge to adopt decisions on the basis of the actual and concrete management of the family. Similarly, it must be excluded that also the assistants and experts responsible for verifying "parental capacity and suitability" are not informed of the results of investigations ordered in criminal proceedings, which could entail the risk of adopting decisions inconsistent with the underlying facts.



The aim is also to avoid the effects of “secondary victimisation” of spouses or children victims of violence, as they may be questioned or heard several times and in different places to give testimony on the same facts;

#### NOTING

-that, although this is good practice, it does not appear sufficient to rely on the cooperation of the victims’ defence lawyers, from whom documents and submissions containing the necessary information shall be requested; it is necessary, on the contrary, to conclude agreements among all judicial authorities - criminal, civil and guardianship - in order to share their respective information, to exchange in real time information and documents of mutual interest and to concentrate the collection of victims’ testimonies;

#### CONSIDERING

that it is good practice for judicial authorities to adopt an integrated approach to the protection of victims of gender-based violence;  
that such an approach is required by the Istanbul Convention (e.g. Articles 1, 18, 20-26, 56) and by Law no. 97/2008 and subsequent amendments;

#### TAKING INTO ACCOUNT

-that, pursuant to the provisions on judicial work adopted by the Head of the Single Court on 5 October 2022, Ref. 415/D/2022, in point II.5, the priority criteria include proceedings concerning: “cases involving child victims or civil parties and persecutory acts” (point 7) and “acts of violence against women or domestic violence and family abuse” (point 8);

- that, even in the civil division, family and child protection has been identified as a priority area;
- that there is the intention to draw up a protocol governing the relationship between the civil and criminal divisions of the Single Court in this field;
- that meetings have been organised to further explore the connection modalities, also taking into account an already existing practice;
- that the active cooperation of the Registries appears necessary, also with regard to the use of existing computer programmes, for the rapid collection and transmission of information, as well as for the processing of statistical data;

it is agreed as follows

#### Art. 1

##### (Information transmission)

- 1) The Judicial Police, or other police authorities (Gendarmerie, Civil Police, Fortress Guard), upon receipt of the *notitia criminis*, shall ask the victim and the competent civil Registry of the Court whether civil proceedings are pending for divorce, separation, child custody and guardianship, also acquiring, where possible, the registry number of the relevant file;
- 2) once the Court receives the *notitia criminis*, the criminal Registrar shall note "civil proceedings no. \_\_\_ exists" on the file; if the registry number is not indicated, the criminal Registrar shall request it from the civil Registrar;
- 3) the Law Commissioner acting as Investigating Judge, who is in charge of the file, after having established that civil proceedings are pending, shall inform the competent Judge, to whom he/she shall transmit:

- i) at the preliminary investigation stage, the acts he/she considers that can be shown, including, where appropriate, at the request of the parties;
  - ii) in all cases, the decrees applying precautionary measures (protection orders or other measures) and any subsequent decrees. However, the latter decrees may be requested by the civil/guardianship and juvenile judge if they are considered useful for the decision;
  - iii) in all cases, the request for indictment.
- 3) The documents shall be transmitted by filing them with the civil Registry, which shall immediately forward them to the competent judge.
  - 4) If the civil/guardianship and juvenile judge, knowing from the case file that criminal proceedings are pending, requests the transmission of documents or information, the criminal judge in charge of the relevant file shall transmit them, ensuring the greatest possible cooperation, including in verifying the existence of investigative secrecy.
  - 5) The civil/guardianship and juvenile judge shall transmit any *notitia criminis* prosecutable *ex officio* and resulting from the case file, for which criminal proceedings are not already pending.
  - 6) Protection orders issued by the civil judge or the guardianship measures taken by the guardianship and juvenile judge shall be transmitted to the judge in charge of any pending criminal proceedings or shall be assessed for the purpose of their registration as *notitia criminis*.

## Art. 2

(Technical experts appointed *ex officio* and taking of evidence)

- 1) If the Investigating Judge in criminal matters appoints technical experts (to assess parental capacity, the personality of the offender, etc.), he/she shall transmit, after verifying the existence of investigative secrecy, any useful information (any expert reports ordered in the criminal proceedings, minutes related to the collection of information, etc.) to the civil judge responsible for separation, divorce, child custody and/or guardianship.

2) In order to avoid the repetition of investigative tasks that could lead to secondary victimisation, the Investigating Judge in criminal matters, after verifying the existence of investigative secrecy, shall transmit the minutes and recordings of the hearings of victims of violence, in particular if they are minors, to the civil judge, where appropriate.

#### Art.3

(Forfeiture and limitation of parental capacity)

1) If files concerning minors are pending, the competent criminal judge shall examine the possibility of adopting the precautionary measure to suspend parental responsibility provided for in Article 53 of the Code of Criminal Procedure, as amended by Article 1 of Law no. 24 of 2 March 2022, and shall report it in the civil proceedings for separation, divorce, child custody and/or guardianship, if pending.

2) The same files shall contain information on the adoption of any coercive precautionary measures taken pursuant to Article 53, paragraph 5 of the Code of Criminal Procedure, as amended by Law no. 24 of 2 March 2022.

#### Art.4

(Request for the transmission of documents to the civil division)

The defence lawyer representing a party in a civil case, who is alleged to be a victim of domestic violence, may, after the case has been entered in the register, submit a request to the judge in charge of the criminal proceedings - enclosing a copy of the application or summons, and any other documents deemed useful - for the transmission of the documents to the civil division.

Art. 5

(Entry into force)

1. This Protocol shall enter into force on 4 March 2024.

Art. 6

(Notifications)

1. This Protocol shall be notified:  
To the Civil Registry and the Criminal Registry of the Single Court.  
To the Judicial Council.  
To the Ministry of Justice and Family. To the  
Authority for Equal Opportunities.  
To the Head of the Social Service for Adult Prisoners (SSAEP) and  
Child Protection.

Art.7


(Transitional provision)

A review of the implementation of this Protocol shall be carried out periodically, but not later than one year after its entry into force, also with a view to promptly updating it in the light of the experience gained.

San Marino, 29 February 2024

SIGNATURES

Head of the Single Court  
Commander of the Gendarmerie Corps  
Commander of the Civil Police Corps  
Commander of the Fortress Guard Corps  
Chairman of the Lawyers' Association



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Republic of San Marino, 9 January 2023

## Protocol

Pursuant to Delegated Decree No 56 of 17 May 2018, and more specifically to Art. 8, since victims of violence often need assistance throughout the duration of court proceedings and to come to term with their traumatic experience, the Psychologists' Association of the Republic of San Marino (hereinafter referred to as the "Association") shall undertake to the following.

1. The Association shall draw up a special list of professional psychologists or psychologist-psychotherapists who are willing to provide 8-10 sessions of therapy assisting and supporting victims of violence, at a preferential tariff. (If necessary, 4 additional sessions may be added. This shall be decided upon in agreement with the Authority for Equal Opportunities);
2. The Association shall guarantee that all professionals hold the required qualifications, are duly registered with the Association and annually attend refresher courses on violence, organised by the Authority;
3. The Association shall update the list annually and send it to the Authority for Equal Opportunities;
4. The Association shall demand its members to attend dedicated training courses that are part of the annual training plan provided by the Authority for professionals of the Anti-Violence Network.
5. These (free) training courses shall be compulsory for professionals who provide their assistance and are included in the list referred to in point 1.
6. The Association shall undertake to collaborate, if requested, in free specific training events on violence, organised and promoted by the Authority for Equal Opportunities;
7. The Association shall ensure that professionals impose a fee of EUR 40.00 per hour. Users will not pay the fee; professionals will directly invoice the Authority

for Equal Opportunities, which will make the payment.

8. Referrals to professionals shall be:
  - a) on a proposal from the SSI Social Services. In cases of psychological support to victims referred by the Services, patients will be immediately informed of the collaboration with the Anti-violence Network and professionals will work in synergy with the Services and the Court, represented by the Law Commissioner (or by anyone appointed by the latter), will report to them *in itinere* and on the outcome of the support therapy, always within the limits of professional secrecy;
  - b) on private initiative. If a request for psychological support is made by a victim of violence, after having fulfilled the provisions of Law 97/2008, professionals may continue taking in charge the case by making the therapy part of this Protocol;
9. The same assistance should also be considered extended to people under the age of 18, who are involved in the above-mentioned situations. In this case, if the referral is made by the family or, anyway, not by the Services, professionals will inform the Minors Protection Unit and the Court represented by the Referring Judge, and will inform the applicant thereof.
10. In addition to the provisions of paragraph 1, in synergy or on a proposal from the Authority for Equal Opportunities, the Association shall undertake to organise some events addressing the population and/or to actively collaborate in *ad hoc* trainings for professionals or to inform the Authority for Equal Opportunities if it plans to organise training on violence on its own.
11. The Association may recommend the names of experts with proven experience in the tasks of training psychologists and psychotherapists, without prejudice to the fact that the final approval rests with the Authority.
12. The Authority, in cooperation with the University of the Republic of San Marino, shall select the topics, organise and bear the costs of the training courses, which may also be open free of charge to other professionals of the Network, since such events are part of the annual training plan of the Anti-Violence Network.



**Protocol between the Single Court of the Republic of San Marino and the Minors'  
Protection Organisational Unit of the Social Security Institute on the protection of  
minors**

Art. 1

SCOPE

The purpose of this protocol shall be to share operational models between the Minors' Protection Organisational Unit of the SSI and the Single Court of the Republic of San Marino, in order to facilitate the exchange of information on the existing cases, to ensure prompt responses in case of situations detrimental to minors and to monitor the implementation of the measures ordered.

It shall also be aimed at facilitating the process of approaching and dealing with a case and evaluating and choosing appropriate measures to ensure effective protection of minors' rights in accordance with the applicable legal and conventional provisions.

Therefore, the aim of the protocol is to promote good practices and shared rules, while respecting each other's competences.

Art. 2

LEGAL FRAMEWORK OF REFERENCE

The regulations and laws of reference of this Protocol are mainly the following:

- ◆ Law No. 21 of 3 May 1977 Establishment of the Socio-Health service
- ◆ Law no. 49 of 26 April 1986 Reform of family law
- ◆ Convention on the Rights of the Child, done in New York on 20 November 1989
- ◆ Decree no. 116 of 18 September 1991 Ratification of the Convention on the Rights of th
  
- ◆ Law no. 61 of 30 April 2002 on the repression of the sexual exploitation of children
- ◆ Convention on contact concerning children adopted by the Committee of Ministers of the Council of Europe on 15 May 2003



- ◆ Law no. 26 of 25 February 2004 Establishment of the Commission for Equal Opportunities.
- ◆ Decree no. 85 of 22 June 2004 Ratification of the Convention on contact concerning children of 15 May 2003
- ◆ Law no. 97 of 20 June 2008 Prevention and repression of violence against women and gender violence.
- ◆ Law no. 68 of 28 April 2008 Rules on international adoption and protection of minors
- ◆ Delegate Decree no.1 of 11 January 2010 Organisational Act of the Social Security Institute
- ◆ Council of Europe Convention on preventing and combating violence against women and domestic violence. Istanbul, 11 May 2011
- ◆ Delegated Decree no. 60 of 31 May 2012
- ◆ Law no. 57 of 29 May 2013 "Family mediation"
- ◆ Parliamentary Decree no. 6 of 22 January 2016 of Ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence
- ◆ Law no. 57 of 6 May 2016 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 (Istanbul Convention)
- ◆ Law no. 79 of 30 April 2021 Provisions on the reception of unaccompanied foreign minors
- ◆ Law No. 129 of 14 September 2022 Family support measures

#### Art.3

#### SCOPE OF OPERATION

This Protocol shall be addressed to the Magistrates of the Single Court, as well as to the Minors' Protection Organisational Unit of the SSI.

The parties mentioned above shall undertake to respect the guidelines contained in this Protocol.

The Magistrates shall undertake to guarantee proceedings that protect the rights of children in the family with regard to the emotional, educational and relational capacities of all the subjects involved, envisaging procedures that respect the right to defence and cross-examination.

The operators of the Minors' Protection Organisational Unit, in compliance with the regulations in force, within the framework of their professional activity as well as of the judicial mandate received, shall provide the necessary support for the implementation of the provisions of this Protocol.

Mutual knowledge of each other's tasks and competences and organisational modalities shall be a necessary condition for effective cooperation in order to achieve the objectives of this Protocol in compliance with the regulations in force.

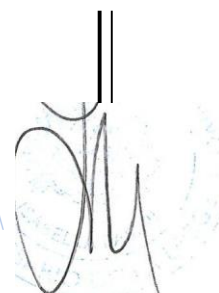
#### Art. 4

#### CONTENT OF THE SERVICES PROVIDED BY THE MINORS' PROTECTION ORGANISATIONAL UNIT

Listed below are the services provided by the Minors' Protection Organisational Unit.

For the Civil Court - Civil Section.

- Investigation to determine child custody arrangements in cases of conflictual separation of parents;
- Psychological evaluation and social survey on minors and parents;
- social survey on the household, extended family, social relations of the household and resources in the area;
- psychodiagnosis of the minor(s) and the household;
- assessment of parenting skills;
- examination of the minor;
- participation in court hearings upon request of the magistrate;
- management and implementation of the removal of the minor in the case of extra-family foster care or placement in a community or emergency response centre;
- support for the family and the minor both within the family and in family and/or community foster care;
- support for foster parents and the preparation of lists of foster families;
- maintaining relations with the communities and institutions involved;
- drafting of periodic reports to the Court or when necessary;
- verification, monitoring, supervision;
- adoption investigation for eligibility for inter-country adoption and support during the pre-adoption period.



ISTITUTO SICUREZZA SOCIALE SAN MARINO  
Servizio Sociale Adulti in Esecuzione di Pena  
Il Responsabile  
**Dott.ssa Francesca Civerchia**

- investigation on the eligibility of parents for foster care of unaccompanied foreign minors and support during the foster care period;
- implementation and enforcement of the provisions contained in the Court's orders by preparing and drafting an appropriate project;
- planning and implementation of the project with the psychological and social interventions required by the Court and by the situation.

For the Criminal Court - Criminal Section.

- Investigation on minors involved in criminal proceedings or victims of a criminal offence;
- social survey;
- psychodiagnostic assessment of the minor and of family relationships;
- overall assessment and proposal of the intervention project if required;
- psychological and social report to the Court;
- participation in Court hearings and examination of the minor;
- cooperation with the court in the *incidenti probatori* (special inquiry procedures) and participation in protected hearings.

#### Art. 5

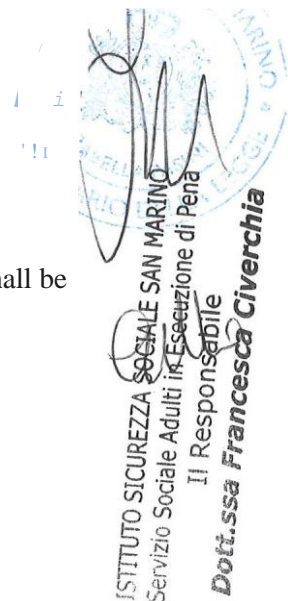
#### SOCIAL ASSESSMENT

It is the main instrument used by social workers and is aimed at getting to know and examine in depth the conditions in which the minor lives, those of the household and extended family, the social relations of the household and the available resources (financial support, services, facilities, experts, etc.), assessing the existence of risks or damage to the minor's psychophysical development. Once the report has been drawn up at the end of the assessment period, it shall be forwarded to the requesting magistrate.

The social worker shall use the following operational instruments for the assessment:

- interviews for social assessment;
- home visits;
- interviews with the extended family;
- network meetings.

The estimated time for carrying out the social assessment is three to six months, unless the judge indicates that it is urgent.



Art. 6

PSYCHOLOGICAL SERVICES

The Psychologist/Psychotherapist of the Minors' Protection Unit shall provide services relating to the clinical assessment of the minor and the family by means of the following activities:

- psychological evaluation of the minor(s) and the household;
- psychodiagnostic assessment of the minor(s) and of the household;
- psychological evaluation of parenting skills;
- structured examination of the relationship between parent and child and/or of family dynamics.
- overall evaluation and drafting of the proposed project;
- individual and family psychological support;
- individual and family psychotherapy;
- psycho-educational parenting support interventions;
- protected hearing of the minor;
- participation in the expert witness hearing;
- verification, monitoring, supervision;
- development and implementation of social and/or educational projects aimed at awareness-raising, prevention, monitoring, socialisation.

The various actions may be agreed upon in different ways according to the individual project.

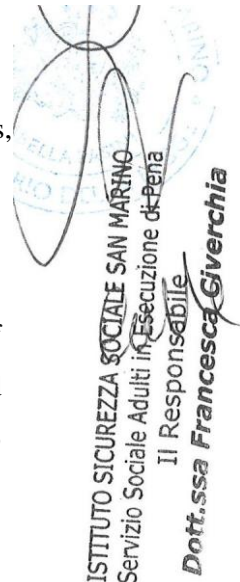
The estimated time for carrying out the psychological evaluation is three to six months, unless the judge indicates that it is urgent.

Art. 7

ASSESSMENT OF THE SUITABILITY OF PARENTS

The operators of the Minors' Protection Unit who are generally involved in the assessment of the suitability of parents shall be the Psychologist/Psychotherapist, the Social Worker and the Social Educator. The purpose of the assessment of the suitability of parents shall be to establish whether the parent(s) is/are sufficiently suitable and able to ensure the child's upbringing.

The following operational instruments shall be used for the assessment of the suitability of parents:



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- clinical interviews;
- structured examination of family relationships;
- educational instruments for examination and assessment;
- psychodiagnostic tests.

The estimated time for carrying out the assessment of the suitability of parents is six to nine months, unless the judge indicates that it is urgent.

#### Art. 8

#### NEUTRAL SPACE

The purpose of the Neutral Space instrument shall be to verify whether one or both parents meet the preconditions for assuming or maintaining parental responsibilities and to facilitate and support the relationship between parents and children by ensuring the regularity and continuity of the relationship. Interventions in the Neutral Space shall be protected meetings between a parent having permanent difficulties with respect to his/her parenting skills and the child(ren) or pursuant to a specific court order in the presence of a Social Educator of the Minors' Protection Unit.

The following operational instruments shall be used for the assessment:

- interviews with parents;
- structured examination of the relationship between a minor and a non-custodial parent;
- feedback meetings.

The conclusion of the Neutral Space process shall be decided by the Minors' Protection Unit.

Following the conclusion of this process, other visitation arrangements between the minor and the parent may be considered.

#### Art. 9 MONITORING

Upon mandate of the Magistrate, operators of the Minors' Protection Unit shall carry out monitoring activities. The purpose of monitoring shall be to observe the progress of the family system and the effectiveness of the interventions put in place.

The following operational instruments shall be used for the monitoring:

- periodic interviews;
- home visits;
- school interviews;
- network meetings.

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The estimated time for monitoring is variable and may last from 3 to 12 months, unless otherwise determined by the Judge.

#### Art. 10

##### MANDATE TO SOCIAL SERVICES AND TYPES OF MANDATE

Whenever he deems it necessary, the Judge shall assign a mandate to the Minors' Protection Service.

This mandate may be given to provide the services indicated and described in Articles 4, 5, 6, 7, 8 and 9. In particular, the following may be requested:

- a) Social assessment, i.e. the survey and inquiry providing information on the family situation carried out with the above-mentioned operational instruments;
- b) psycho-social inquiry with the purpose of supervising and monitoring the family situation and including a diagnostic assessment of the minor's situation and of parenting skills with the operational instruments indicated above; the estimated time is 3-6 months unless the judge indicates that it is urgent; the inquiry may include an assessment of the suitability of parents carried out with the operational instruments indicated in Article 7.
- e) psycho-social inquiry with an intervention to regulate relationships in the family environment and with the preparation of visitation calendars and the indication of the modalities for carrying out visits (e.g. neutral space).
- d) monitoring of the family situation pursuant to Art. 9. The Magistrate shall indicate the duration of the monitoring within the terms indicated in Article 9 or by identifying a different duration according to the concrete situation under examination. If the file is dismissed, monitoring may continue for a subsequent period of up to six months if deemed necessary by the Magistrate.

The Services shall be obliged to enforce the orders issued under this Article and shall be responsible for their proper implementation. They shall report to the Magistrate on their enforcement and application and point out any circumstances requiring the modification or termination of existing measures.

Mandates shall be deemed terminated in accordance with their terms and, in any case, shall cease with the issuance of the judgement.



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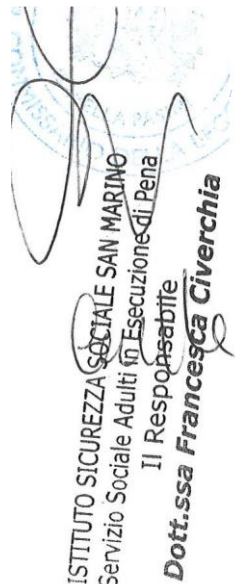
The mandate may only continue if the judgement provides for an extension, for the fulfilment of which the Minors' Protection Unit shall act in accordance with the Judge's instructions.

The Judge who gave the mandate shall undertake to promptly notify the Minors' Protection Unit of the judgement, as well as any other communication concerning the mandate and its possible extension.

If, in exercising the functions provided for by law, after having carried out the appropriate verifications and social and family investigations and implemented actions in support of the family, the Minors' Protection Unit finds that it is impossible to protect the minor, it shall send a specific and detailed report to the Guardianship and Juvenile Judge so that he may adopt the necessary measures pursuant to art. 86 bis of Law no. 49/1986.

The ECHR has ruled that the safety of the non-violent parent and of the children must be a central element in the assessment of the child's best interests in matters of custody, also condemning the existence of practices aimed at implying that women who report acts of domestic violence and refuse to participate in their children's meetings with their ex-spouse and who oppose shared custody are "uncooperative" parents and unfit mothers" and deserving of sanctions (see ECHR judgement of 10 November 2022 I. M. v.

Italy). Recalling the above, in cases where family relationships are characterised by episodes of domestic violence, the Minors' Service shall, when carrying out verifications concerning the custody and visitation rights of children, implement procedures to assess whether violence has been a problem in the relationship and to ensure that operators, in particular child psychologists and psychiatrists, are familiar with the topic of violence against women and the provisions of the Istanbul Convention. The Minors' Service shall also undertake to avoid the use of concepts related to "parental alienation", or any other approach or principle, such as "friendly parent provision"- "good parenting", which tend to consider mothers who report violence as "uncooperative" and "unfit" to be a parent, blaming them for the bad relationship between the abusive parent and the child; to abandon the practice of requiring the victim and the child to take part in joint meetings with the perpetrator to reach an agreement on custody and visitation rights, which is equivalent to imposing compulsory mediation; to include safeguards in the procedures, such as allowing parents to have separate meetings and creating separate waiting rooms, taking into account the power imbalance between the victim and the perpetrator and preventing the risk of re-victimisation.



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Art. 11

TRANSMISSION OF THE ACTS TO THE SOCIAL SERVICES

This protocol establishes that in every proceedings concerning minors for which it is appropriate to give a mandate to the Minors' Protection Unit, the Judge, in the cross-examination of the parties, shall indicate the acts and documents making up the case file that shall be sent to the Minors' Protection Unit, in order to allow the relevant assessments.

Art. 12

TRANSMISSION OF REPORTS TO THE PARTIES

The Minors' Protection Unit, expressly authorised for this purpose by the Judge at the time of assignment of the mandate, shall at the same time send to the Court and to the lawyers of the parties to the proceedings, also by fax or by e-mail, all the reports drawn up pursuant to the mandate received.

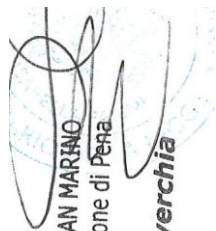
As a general rule, these shall be filed ten days before the date set for the next hearing. If it is not possible to meet such time limit, the judge shall consider whether to postpone the hearing ex officio.

Art. 13

PROHIBITION TO RECEIVE DOCUMENTS, COMMUNICATIONS AND LETTERS FROM THE MINORS' PROTECTION UNIT OUTSIDE THE PROCEEDINGS

The Minors' Protection Unit shall be prohibited from receiving and assessing pleadings, communications or letters, whether or not attached to the case file, sent by the parties or their lawyers, unless expressly authorised by the judge.

Therefore, operators shall not take into account for the purposes of their assessment such documents, if any, which were submitted without authorisation.

  
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VERIFICATIONS

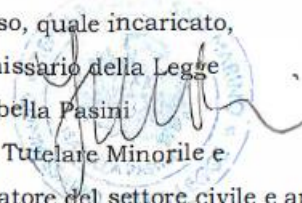
This protocol shall not expire and shall be applied from the moment it is signed by the signatory parties.

The latter shall undertake to carry out periodic verifications of the adequacy and effectiveness of this Protocol, with operational meetings to be held annually, unless there is an urgent need.

This Protocol may be integrated or amended upon agreement and decision of the signatory parties.

San Marino, 1 February 2024

Il Dirigente del Tribunale Unico  
e per esso, quale incaricato,  
Il Commissario della Legge  
Avv. Isabella Pasini  
Giudice Tutelare Minorile e  
Coordinatore del settore civile e amministrativo




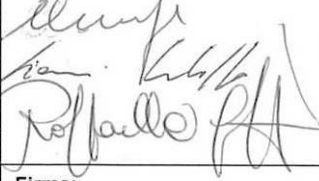
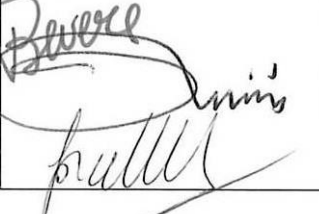
Il Responsabile UO Tutela Minori  
ISTITUTO SICUREZZA SOCIALE SAN MARINO  
Servizio Sociale Adulto in Esecuzione di Pena  
Il Responsabile  
**Dott.ssa Francesca Civerchia**

<p>REPUBLIC OF SAN MARINO</p> <p><b>SSI</b></p> <p>SOCIAL SECURITY INSTITUTE</p>	<p><b>OPERATIONAL INSTRUCTION</b></p>	<p><b>SSI OI 11</b></p> <p>Rev.0</p>
<p><b>Placement of adult victims of ill-treatment/abuse in a sheltered facility</b></p>		

# Placement of adult victims of ill-treatment/abuse in a sheltered facility

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**Effective date 8 July 2024**

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<p><b>Document verified by:</b></p> <p>Pierluigi Arcangeli          Giovanni Landolfo          Raffaella Sapigni</p>	<p><b>Roles:</b></p> <p>Socio-Health Department Manager          Hospital Department Manager          Quality Management System Representative</p>	<p><b>Signature:</b></p>  <p><b>Firma:</b></p>	<p><b>Reason for revision:</b></p> <p>first issue</p>
<p><b>Document approved by:</b></p> <p>Francesco Beverè          Sergio Rabini          Marcello Forcellini</p>	<p><b>Role:</b></p> <p>Director-General          Director of Health and Socio-Health Activities          Administrative Director</p>	<p><b>Signature:</b></p>  <p><b>Firma:</b></p>	

**Placement of adult victims of ill-treatment/abuse in a sheltered facility**

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<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>OPERATIONAL INSTRUCTION</b></p>	<p><b>SSI OI 11</b></p> <p>Rev.0</p>
<p><b>Placement of adult victims of ill-treatment/abuse in a sheltered facility</b></p>		

## 1. PURPOSE

The purpose of this document is to regulate the placement of victims of gender-based violence in sheltered facilities and to provide clear and unambiguous references to all stakeholders in the process regarding stages, timing, modalities, responsibilities and regulatory and legislative obligations. The service must be activated in urgent and particularly serious situations attributable to ill-treatment, abuse and violence, with the aim of facilitating the intervention of the Social Worker and the connection with the Services in charge of combating violence.

## 2. SCOPE

It applies to all SSI health and socio-health personnel.

## 3. REFERENCE DOCUMENTS

AP 48 "Taking charge of adult victims of violence".

Law no. 97 of 20 June 2008 - "Prevention and repression of violence against women and gender violence";

Delegated Decree n. 60 of 31 May 2012 "Delegated Decree implementing Article 4 of Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence".

Law no. 57 of 6 May 2016 "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 (Istanbul Convention)".

Law no. 31 of 20 March 2018 " Law no. 57 of 6 May 2016 - Extension of the deadline referred to in Article 20 of Law no. 57 of 6 May 2016 - 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 - Istanbul Convention)

Delegated Decree no. 56 of 17 May 2018 "Provisions for the operational autonomy of the Authority for Equal Opportunities".

Delegated Decree no. 62 of 20 March 2024 "Amendments to law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence" and subsequent amendments and to the Criminal Code

## 4. DEFINITIONS AND ABBREVIATIONS

EC: DIR Executive  
Committee: Directorate  
OU: Operational Unit  
COU Complex Operational Unit UOS  
Simple Operational Unit

## 5. RESPONSIBILITY

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## 5.1 VICTIMS OF AGE ALONE OR WITH CHILDREN (OPEN SERVICES)

FUNCTION ACTIVITIES	Reporti ng entity	Mental Health and/or Minors' Protection Social Worker	COU Director/Refer ence responsible	INTERFACE	INTERFACE CONTROL MODALITY
1) Social Urgency Assessment	C	R:	I	Victim	Intervention plan CRITERIA
2) Filling in forms for access to the facility	-	R*:	R*:	Victim	SSI OI-11-Mod01 SSI OI-11-Mod02
3) Placement in a sheltered facility	-	R	I	Anti- Violence Network	telephone contacts for protection / possible medical and specialist advice/SSI OI 11 Mod03
4) Monitoring of placement and discharge when possible	-	R	I	Anti- Violence Network	Placement Monitoring Report

Legend: R = responsible; R\* = responsible to the extent of responsibility; C = involved; I = informed.

Anti-violence network: Court, Law Enforcement, Party lawyer, Shelter contact person.

## 5.2 SOCIAL ASSISTANCE SERVICE (CLOSED SERVICES - ON-CALL DUTY)

FUNCTION ACTIVITIES	Emerge ncy Care	On-call social worker	Director/ Head of Department/ COU/SOU	Competent territorial services	INTERFACE	INTERFACE CONTROL MODALITY
1) Activation of social assistance service	R	C	-	-	Anti- Violence Network	-
2) Social Urgency Assessment	C	R	-	-	Victim	Intervention Plan CRITERIA
3) Filling in forms for access to the facility	-	R*	R*	-	Victim	SSI OI 11-Mod01 SSI OI 11-Mod02
4) Placement in shelter or discharge	An sw er:	Answ er:	-	-	Anti- Violence Network	telephone contacts for protection / possible medical and specialistic advice / SSI OI11- Mod03
5) Submission of intervention report	-	R	I	C	Social Services	Intervention report

Legend: R = responsible; R\* = responsible to the extent of responsibility; C = involved; I = informed.

Anti-Violence Network Court, Law Enforcement, Party lawyer, Shelter contact person.

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## 6. DESCRIPTION OF ACTIVITIES AND OPERATIONAL MODALITIES

Protection is activated in the event of a social emergency for users who do not require medical treatment and will be arranged within an SSI facility (**see attached DOC-OP DIPSS 8**) if placement in an out-of-territory SSI-affiliated shelter is not immediately possible or appropriate.

Social urgency is assessed using one or more of the following criteria as a reference:

- a. Inability to return home safely;
- b. Lack of external support (family, relatives, friends...) to turn to immediately;
- c. Victim's request for hospitality or assessment of the operator's need for protection;
- d. Risk of repetition of the offence committed.

The social worker carries out the interview to assess the situation, the possible safety conditions and implements an initial intervention plan to remove the victim from the context of violence.

The first interview should aim at

- detect the violence suffered and the immediate risks using specific indicators;
- assessing the personal, parental and friendship network and institutional resources, which can offer immediate protection, in case the victim requires immediate shelter or the operator deems it necessary;
- verify the presence of minor children;
- ascertain the person's willingness to be placed in protection.

The OI provides two distinct options depending on whether the emergency occurs when the relevant territorial service (Mental Health Unit) is open or when it is closed (see Annex Contacts and opening hours of the anti-violence network services).

### 6.1 VICTIMS OF AGE ALONE OR WITH CHILDREN (OPEN SERVICES)

1. The referring Social Worker (Mental Health COU in the case of a victim of age; Mental Health COU and Minors' Protection SOU in the case of a mother with children) proceeds with the assessment of the social urgency, in cooperation with the reporting organisation, using one or more of the following criteria as a reference:

- a. Inability to return home safely;
- b. Lack of external support (family, relatives, friends...) to turn to immediately;
- c. Victim's request for hospitality or assessment of the operator's need for protection;
- d. Risk of repetition of the offence committed;

and implements with the victim's consent, an initial intervention plan to remove the victim from the context of violence.

2. If the victim accepts being placed in protection, the referring social worker fills in and has the victim sign the form for access to the facility (SSI OI 11-Mod01).

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If the victim does not accept being placed in protection, the Social Worker will make the victim sign the refusal form (SSI OI - Mod02).

The Physician of the Mental Health COU prepares a request for admission to a facility (required for admission to out-of-territory facilities).

3. The social worker in charge implements protection, if appropriate:

- contacts the contact person of the sheltered facility (see sheltered facility telephone contacts) to report the user's immediate admission;
- fills out, if necessary, the SSI OI11 -Mod03 form;
- requests, in case of need, the cooperation of the police to carry out the transport in safety and to collect personal belongings by contacting the Interagency Operations Center on 0549 888888;
- requests medical/specialist advice if necessary;
- notifies the police of the victim's placement in a facility (Interagency Operations Centre number 0549 888888)
- accompanies the victim to the shelter using SSI vehicles.

4. The referring social worker monitors the placement and arranges discharge when transfer to another location is possible.

## 6.2 SOCIAL ASSISTANCE SERVICE (CLOSED SERVICES - ON-CALL DUTY)

### ADDRESSEES

**Single women or women with minor children victims of abuse, ill-treatment and violence**

### MODALITIES/TIMETABLE:

The service can be activated during the closing hours of the competent territorial services (Monday to Friday according to the printouts prepared and handed in to the Emergency Care COU, on Sundays and holidays 24H).

1) The on call social worker of the Social Security Institute will be activated by the Emergency Care COU and the procedure will take place at the Emergency Care unit premises, where the victim will be transported by the 118 or where he/she can go independently.

The activation of the on-call social worker must take place in urgent and particularly serious situations **related to ill-treatment, abuse and violence**, with the aim of facilitating the intervention of the Social Worker and the connection with the Services in charge of combating violence.

2) The on-call social worker receives the victim and any minor children in the Emergency Care unit, conducts the interview to assess the social urgency using one or more of the following criteria as a reference:

- a. Inability to return home safely;

**Placement of adult victims of ill-treatment/abuse in a sheltered facility**

- b. Lack of external support (family, relatives, friends...) to turn to immediately;
- c. Victim's request for hospitality or assessment of the operator's need for protection;
- d. Risk of repetition of the offence committed;

and implements, with the victim's consent, an initial intervention plan to remove the victim from the context of violence.

3) If the victim accepts being placed in protection, the on-call social worker fills in and has the victim sign the form for access to the facility (SSI OI 11-Mod01).

If the victim does not accept being placed in protection, the Social Worker will make the victim sign the refusal form (SSI OI 11-Mod02).

The social worker and the Emergency Care physician will proceed with the discharge each for the parts within their competence (SSI OI11 -Mod02 or medical report with discharge);

The physician of the Emergency Care COU prepares any request for admission to a facility (required for admission to out-of-territory facilities).

4) The on-call social worker implements protection, if appropriate:

- contacts the contact person of the sheltered facility (see sheltered facility telephone contacts) to report the user's immediate admission;
- fills out, if necessary, the SSI OI 11-Mod03 form;
- requests, in case of need, the cooperation of the police to carry out the transport in safety and to collect personal belongings by contacting the Interagency Operations Centre on 0549 888888;
- notifies the police ( Interagency Operations Centre on 0549 888888) that the victim has been placed in the facility;
- accompanies the victim and any children to the shelter using the means of the SSI (Mental Health COU or Disability DSOU).

5) By the end of the first working day following the call, the on-call social worker must draw up a report of the intervention carried out to be forwarded to the competent Social Services:

- Mental Health COU in the case of a single victim of age;
- Mental Health COU and Minors' Protection SOU in the case of a woman with minor children.

The competent social services will intervene on the first working day following receipt of the report.



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## 7. CONTROL PARAMETERS - INDICATORS

Indicator to be monitored	Periodicity and detection responsibilities	Periodicity and analysis responsibilities	Standard (Expected Value)
Number of interventions carried out by Social Services within the first working day after receipt of the intervention report / total number of interventions per year	Mental Health COU Social Worker	annual  Mental Health COU Director	>95%

## 8. DISTRIBUTION AND ARCHIVING

The IT document is distributed in a controlled form to all SSI operators by means of placement in the dedicated portal, which can be consulted on the SSI internal network at <https://accreditamento.iss.local>, and is communicated by e-mail to the persons concerned. The original of this document is filed in accordance with AP 01 "Documentation and Records Management".

The document is registered in the Company Procedures List (MOD-SQ.6).

### Distribution list

Roles:
Director-General
Administrative Director
Director of Health and Socio-Health Activities
Hospital Department Manager
Anaesthesia and Intensive Care COU Director,
Programming and Activity Operating Block SOU Head
Semintensive Care, Pain Therapy and Hospice SOU Head
Emergency Care, Short Stay and 118 COU Director
Internal Medicine COU Director
Dialysis SOU Head
Endoscopy and Gastroenterology SOU Head
Diabetology SOU Head
Geriatrics COU Director
Onco-Haematology COU Director
Cardiology COU Director
Physical and Rehabilitation Medicine COU Director
Neurology DSOU Head
General Surgery COU Director
Urology SOU Head
Orthopaedics COU Director
Ophthalmology COU Director
Day Surgery DSOU Head
Otorhinolaryngology DSOU Head
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Gynaecological Endoscopy COU Head
Women's Health and Aware Motherhood Reception, Counselling and Support Service SOU Head
Paediatrics COU Director
Transfusion Medicine and Clinical Pathology COU Director
Pathological Anatomy SOU Head
Radiology COU Director
Breast Diagnostics SOU Head
Solvents Department and Outpatient Clinic
Specialist Outpatient Clinic
Hospital Secretariat

**Placement of adult victims of ill-treatment/abuse in a sheltered facility**

ROLE S:
<b>Director of Territorial and Socio-Health Department</b>
Mental Health COU Director
Residential Services SOU Head
Outpatient Services SOU Head
Pathological Addictions SOU Head
Primary Care COU Director
Borgo Maggiore Health Centre SOU Head - Borgo Maggiore, Acquaviva, Faetano centres
Borgo Murata Health Centre SOU Head - Murata, Città, Fiorentino, Montegiardino, Chiesanuova centres
Serravalle Health Centre SOU Head
Integrated Territorial Home Services DSOU Head
Minors' Service, Adolescence and Parental Support COU Director
Disability and Social Support Service COU Director
Social Service of Justice Administration and Minors' Protection SOU Head
Residential Care for the Elderly COU - RSA La Fiorina Director

## 9. ANNEXES

1. Manifestation of intention to be placed in protection [SSI OI 11-Mod01].
2. Manifestation of refusal to be placed in protection [SSI OI 11-Mod02].
3. Check list for the social worker for protection in cases of ill-treatment/abuse/gender violence [SSI OI 11-Mod03].
4. Contact persons and opening hours of the anti-violence network services
5. DOC-OP DIPSS 8 Shelter Entrance Regulation

**MANIFESTATION OF INTENTION TO BE PLACED IN PROTECTION**

I, the undersigned \_\_\_\_\_, born in \_\_\_\_\_, on \_\_\_\_\_

SSI no. \_\_\_\_\_ resident in \_\_\_\_\_ in \_\_\_\_\_ street \_\_\_\_\_

in full responsibility and capacity to assess my needs and those of my child/children: \_\_\_\_\_

in view of the physical/psychological violence and/or ill-treatment suffered by (name and surname) \_\_\_\_\_

considering that the continuation of cohabitation with the aforementioned person exposes the undersigned and my minor child/children to the risk of harm to our personal safety;

in order to protect my safety and the welfare of my child/children;

in the exercise of my parental responsibility;

I am requesting support from this entity in the process of securing my safety so that, in view of my declarations, it may urgently place me and my minor child/children in protection (indicate the name(s) of the minor child/children if any)

1) \_\_\_\_\_ 2) \_\_\_\_\_

3) \_\_\_\_\_ 4) \_\_\_\_\_

I hereby consent to the processing of my personal and sensitive data in accordance with current privacy legislation for the purposes strictly necessary for the implementation of the aid/protection project I am requesting, declaring that I have received adequate information on the matter.

(Place and date) \_\_\_\_\_

Signature

Attached: applicant's identification document (if possible)

**MANIFESTATION OF REFUSAL TO BE PLACED IN PROTECTION**

I, the undersigned \_\_\_\_\_, born in \_\_\_\_\_, on \_\_\_\_\_

SSI no. \_\_\_\_\_ resident in \_\_\_\_\_ in \_\_\_\_\_ street \_\_\_\_\_

in full responsibility and capacity to assess my needs and those of my child/children, I hereby DECLARE that I DO NOT ACCEPT the proposal put forward by this entity, following my declarations, to secure my safety by means of placement in protection for my child/children (indicate the personal details of the child/children)

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

I hereby consent to the processing of my personal and sensitive data in accordance with current privacy legislation for the purposes strictly necessary for the implementation of the aid/protection project I am requesting, declaring that I have received adequate information on the matter.

(Place and date) \_\_\_\_\_

Signature

Attached: applicant's identification document (if possible)

**Check list for the social worker for protection in cases of ill-treatment/abuse/gender violence**

Surname \_\_\_\_\_ Name \_\_\_\_\_ SSI no. \_\_\_\_\_

Date of birth: \_\_\_\_\_

Has a medical history been taken?	Yes	No
Have there been previous similar hospital admissions?	Yes	No
Were the methods of aggression clearly and comprehensibly described?	Yes	No
Has the general examination been carried out?	Yes	No
Has localisation been switched off in the phone?	Yes	No
Have toxicological tests been carried out?	Yes	No
Has a report been filed?	Yes	No
Has the Police Office at the hospital been alerted?	Yes	No
Have follow-up appointments been planned?	Yes	No
Have any indications been given on support processes?	Yes	No
Has the prognosis been made?	Yes	No
Was the mobile phone collected before the transfer to the shelter?	Yes	No
Does the victim have personal belongings for the stay in the shelter?	Yes	No
Is the victim on medication?	Yes	No
Does the victim have a trusted lawyer?	Yes	No
Other		

Date: \_\_\_\_\_

Signature \_\_\_\_\_

OU Social worker \_\_\_\_\_

Dr. \_\_\_\_\_

## Contact persons and opening hours of the anti-violence network

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**Contact persons and opening hours of the anti-violence network**

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**Contact persons and opening hours of the anti-violence network**

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Updated as of 8 April 2024

<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>OPERATIONAL DOCUMENT</b></p>	<p><b>OP-DOC DEPSS 8</b></p> <p>Rev.0</p>
<p><b>Social Shelter Entrance Rules</b></p>		

Arrangements for the referring operator receiving notification of emergency entry into a sheltered facility:

- The nurse will be the operator on duty who can be contacted, as he/she has the reference documents for access to the facility that the social worker will fill in when the woman victim of violence arrives (facility number 366/6656764);
- The nurse, after consultation with the facility manager, will notify the social worker of the availability to receive the victim of violence;
- A healthcare assistant on duty will take care of the preparation of the rooms for the reception of persons placed in protection (preparation of the bed and material necessary for the stay);
- Supervision relating to the safety of the environment in such a way that the received users are protected;
- When the user under protection first enters the facility, the social worker (on duty or the case manager) and the operator on duty will welcome him/her and provide the rules and information necessary for his/her stay in the facility, and the social worker will have the "manifestation of willingness to be placed under protection" form signed;
- If protection is placed on standby, the social worker on duty will be present and will contact the referring nurse at the facility;
- The healthcare assistant or nurse will provide material to meet the victim(s)' basic needs (material for personal hygiene needs and food);
- The operator will be in charge of responding to their needs, if any, while the social worker will manage the victim's support activities and ensure their possible presence in the facility until the necessary paperwork is completed.
- If the victim declares that he/she wants to leave the facility, the operator must promptly contact the social worker on call, who will interview him/her and have him/her sign the 'manifestation of refusal of placement in protection' form;
- Please note that the facility can accommodate a maximum of one mother and three minors.

## **ANNEXES**

1. Name of the operators who will be provided with continuous training on gender-based violence.



<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>OPERATIONAL DOCUMENT</b></p>	<p><b>OP-DOC DEPSS 8</b> Rev.0</p>
<p><b>Social Shelter Entrance Rules</b></p>		

**Processed by:**  
Daniela Rossi  
Maria Elena Guidi

**Date:** 20 May 2024

**NAMES OF OPERATORS WHO WILL BE PROVIDED WITH CONTINUOUS TRAINING ON  
GENDER-BASED VIOLENCE****OPERATORS**

- Monica Baldazzi
- Simona Bisacchi
- Chiara Filippini
- Claudia Fioretti
- Nadia Gaeta
- Luigi Giorgetti
- Annamaria Giunca
- Mirco Greggi
- Tetyana Mykolayivna Ilchenko Kobernyk
- Lyudmyla Kolomiya
- Zoryana Markushevska
- Krstina Mila Iwona
- Mariya Moskovkina
- Valentina Montebelli
- Alla Pik
- Maria Luisa Pavolucci
- Aurela Sina
- Volha Tabakova
- Valentina Tassinari
- Tetyana Yefimenko
- Barbara Zonzini

**NURSES:**

- Orietta Frau
- Antonio Enrico Pari
- Camelia Tamacel
- Mira Grimaldi
- Josè Vitor De Sousa Santos
- Andrea Cifre

**Updated 20 May 2024**

<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>Operational Instruction</b></p>	<p><b>IO-UO OST</b></p> <p><b>n.89</b></p> <p>Rev.4</p>
<p>Assistance to women who have been sexually abused</p>		

# Operational Instruction for the assistance to women who have been sexually abused

## Date of entry into force:

<p><b>Document drawn up by:</b> Obstetrician Laetitia Cerreta Dr. Serena Baldacci</p>	<p><b>Role:</b> Obstetrician referral for sexual violence SSI Coordinator violence against women, minors and gender network</p>	<p><b>Signature:</b></p>	<p><b>Revision date:</b> <b>1 August 2024</b></p>
<p><b>Document verified by:</b> Dr. Valentino Alessandro Dr. Francesco Berti Dr. Gianfranco Fantini  Dr. Miriam Farinelli</p>	<p><b>Role:</b> Director of the Emergency Care Unit Director of the Mental Health Unit Director of the Transfusion Medicine and Clinical Pathology Operational Unit Director of the Obstetrics and Gynaecology Unit</p>	<p><b>Signature:</b></p>	<p><b>Modification description:</b> change of routes. New business format</p>
<p><b>Document approved by:</b> Dr. Francesco Bevere Dr. Sergio Rabini Dr. Marcello Forcellini</p>	<p><b>Role:</b> SSI Director-General SSI Director of Health and Socio-Health Activities Managing Director</p>	<p><b>Signature:</b></p>	

<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>Operational Instruction</b></p>	<p><b>IO-UO OST</b></p> <p><b>n.89</b></p> <p>Rev.4</p>
<p>Assistance to women who have been sexually abused</p>		

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Assistance to women who have been sexually abused		

## 1. PURPOSE

The purpose of this procedure is to ensure to those who have suffered a sexual violence the right to find immediate help in a place where competent health professionals know how to not only examine and collect evidence, but also ensure the ability to welcome, listen and understand.

- In particular, the aim is to:
- a. facilitate and standardise the fulfilment of the necessary procedures and surveys for all operators;
  - b. offer a better reception to victims of violence by creating a specific path, guarantee confidentiality, willingness to listen, witnessing what happened;
  - c. treat the woman regardless of the severity of the injuries with particular attention to her psycho-physical health;
  - d. humanise the woman, i.e. restore to her, with gestures and words, the bodily integrity lost in the aggression and the most authentic dimension of her being;
  - e. make the victim aware of and use information regarding the legislative references and legal obligations for the deed;
  - f. comply with the obligations to collect evidence of the fact for forensic purposes, collect and properly store the material found and send it to the laboratory for analysis;
  - g. ensure information on the **need for infectious follow-up at the Infectious Diseases Hosp. Infermi of Rimini**;
  - h. provide **clear and unambiguous references** to all professionals/operators of the route with respect to **regulatory and legislative obligations** : “Law no. 97 of 20 June 2008”
  - i. provide indication on Law no. 127/2022 on voluntary termination of pregnancy.

## 2. SCOPE

The procedure shall be applied 24 hours a day, 365 days a year and therefore constitutes a rule of conduct, when a woman victim of sexual violence is reported to the medical staff through a direct declaration or suspect.

## 3. REFERENCE DOCUMENTS

- GEFI document
- AOGOI guidelines
- Lessons Dr. Maria Maffia Russo, Dr. Susi Pelotti, Dr. Marinella Lenzi, Dr. Maria Rosa Giolitto
- Law no. 97 of 20 June 2008
- San Marino standardized medical record in case of sexual violence
- Risk assessment form
- San Marino SSI consent form
- (Intervention protocol for San Marino Police forces in preventing and combating gender-based violence: SECTION 4.ANNEX NO.4 — Version “A” 09/2014)

<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>Operational Instruction</b></p>	<p><b>IO-UO OST</b></p> <p><b>n.89</b></p> <p>Rev.4</p>
<p>Assistance to women who have been sexually abused</p>		

#### **4. DEFINITIONS AND ABBREVIATIONS**

C.O.U. = Complex Operational Unit

C. N. OBST. = Charge Nurse of Obstetrics Unit

OBST. = Obstetrician

N. = Nurse

DIR.CO.U = Director of the Complex Operational Unit

DR. CO.U = Doctor of the Complex Operational Unit

RES = Responsible

INV = Involved

INF = Informed

LAB. ANALYSIS = Analysis laboratory

## 5. RESPONSABILITIES

RESPONSABILITIES ACTIVITIES	DIR. COU	DR. COU	OBSTETRICI AN	NURSE	EMERGENCY CARE	ANALYSIS LAB.	HEAD OBST.
Initiating a medical record and referring the victim to the obstetrics and gynaecological Unit after assessment	INF	INF	INF	INF	RES	-	-
Preparing a suitable room with all necessary equipment before the victim arrives	INF	INV	RES	RES	-	-	INF
Receiving the victim referred by the emergency care	INF	RES	RES	RES	-	-	INF
Presenting the Service and providing information	INF	RES	INV	INV	-	-	INF
Requesting for consent for all procedures that will be performed	INF	RES	INV	INV	-	-	INF
Recording the episode of violence and medical history	INF	RES	INV	INV	-	-	INF
Collecting biological samples for the judicial authority	INF	RES	INV	INV	INF		INF
Taking photos to document the victim's injuries	INF	RES	INV	INV	INF		INF
Prescription of blood tests, vaginal swab, and gynaecological examination	INF	RES	INV	INV	INF		INF
Taking blood samples (in the emergency care)	INF	INV	INF	INF	RES	-	INF
Taking vaginal swab for STDs	INF	INV	RES	INV	-	-	INF
Prophylaxis for STDs (ED or Infectious Diseases Unit in Rimini ) and administration of post-coital contraceptive therapy	INF	INV RES	INV	INV	RES	-	INF
Sending samples and recorded material to the laboratory	INF	RES	INF	INF	INF	INF	INF
Preservation of evidence	INF	-	-	-	INF	RES	INF
Preservation of photographic material	INF	-	-	-	RES	-	INF
Preservation of the Medical Record	INF	INF	INF	INF	INF	INF	RES
Decision of hospitalisation, discharge or referral to the Mental Health Service for transport to a sheltered facility outside SSI	INF	RES	INF	INF	RES	-	INF
Activation of Social services (Mental Health/Minors' Protection)	INF	RES	INF	INF	RES	-	INF
REPORTING FORM	INF	INV	INF	INF	RES	-	INF

Legend: RES = responsible; INV = involved; INF = informed.

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## 6. DESCRIPTION OF ACTIVITIES AND OPERATION MODALITIES

Adult victims of sexual violence, contact the health facility through methods provided by the SSI Procedures: *Taking charge of minors victims of violence* and *taking charge of adult victims of violence*

Actions to improve hospital staff interventions focus on the following steps:

- Reception;
- Standardized medical record;
- Intervention protocol;
- Accompanying procedure after discharge

### I<sup>^</sup> step Reception

The reception shall be carried out in accordance with the SSI Procedure *Taking charge of adult victims of violence*.

The first thing to do is to find a suitable place, taking into account that the emergency examination lasts on average more than 2 hours. It is important to introduce oneself and the service, to illustrate to the victim the stages of the procedure, explaining what will be done so that the patient is in control of what happens from a psychological and emotional point of view.

Record firstly the spontaneous story of the victim, avoiding the presence of any accompanying person. It is not useful in this case to force the story telling. Further information will be asked later.

### II<sup>^</sup> step Standardized medical record

Data collection of the personal information of the woman and those of any accompanying persons, the name of the operators present, with time references as detailed as possible and record of medical history.

The number of professionals around the woman shall be limited; transfers and the number of procedures shall be reduced to a minimum and to those strictly necessary. The gynaecologist shall listen to the victim's story in a suitable place and at a time appropriate to the need, paying attention to how the violence happened, following all the "steps" of the standardized medical record. It is essential to inform the woman and **ask for her consent**, verbal or written, for all the procedures that will be carried out, from the collection of biological samples, to taking photographs, and the acquisition of clothing.

It is rare for women to reject some or all the procedures proposed, but the possibility of saying no allows to set limits and boundaries which has been removed by the violence.

It is important for an abused woman to have the feeling of being in control of her body again.

After the story telling, the examination shall be carried out, explaining as clearly as possible all the steps involved in taking the samples, evidences for the judicial authority, any recommended treatments.



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The collected material shall be sent to the Laboratory for storage in the dedicated freezer and archiving. The standardized medical record will be kept in the Obstetrics and Gynaecology Unit in the specific binder held by the Charge Nurse.

### **III^ step: intervention protocol**

**The research and collection of evidence procedures are particularly intrusive and difficult for the victim to understand; they must therefore be explained in detail, using time and methods that respect the woman's ability to understand and accept.**

The Gynaecologist will perform the examination, following a detailed protocol, to define the general condition of the victim.

The examination shall be carried out **from head to toe**, bearing in mind that the woman shall be undressed on a white double paper towel and that the clothing shall be collected.

The clinical examination will include the whole body to reveal injuries, even extra-genital ones and will be completed by the search for any additional evidences.

Next, evidences will be collected and vaginal swab will be taken.

EVIDENCES		COLLECTION		TO BE SENT TO
Toxicological and Ethanol tests	→	Venous blood collection in the ED	→	Laboratory
BETA HCG VDRL – TPHA HIV Hbs Ag, Anti Hbc, HCV-Ab HSV 1Ab and HSV2 Ab	→	Venous blood collection in the ED	→	Laboratory
Toxicological screening tests (opiates, cannabinoids, cocaine, amphetamines, ecstasy, methadone, barbiturates, buprenorphine).	→	Urine sample in the ED  Containers must be fitted with a leakproof cap	→	Laboratory
CLAMYDIA GONOCOCCUS TRICHOMONAS COMMON GERMS HPV MYCOPLASMA	→	Vaginal swab in OBST	→	Laboratory

**The gynaecological examination shall be detailed and include a description of any observable lesions with respect to each anatomical structural component of the genital apparatus. In this case, the ready-to-use gyn kit shall be used.**

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<b>CHECK LIST equipment required</b>
1 PACK OF GLOVES
Rape kit, large sheets of paper, paper TAPE
3 SPECULUM
AYRE SPATULA
1 CYTOBRUSH
HPV THIN PREP G cup
SWAB for: <ul style="list-style-type: none"> <li>➤ CHLAMYDIA (endocervical sampling)</li> <li>➤ GONOCOCCUS (endocervical sampling)</li> <li>➤ TRICHOMONAS (vaginal sampling)</li> <li>➤ MYCOPLASMA</li> <li>➤ COMMON GERMS (vaginal sampling)</li> </ul>
INDELIBLE MARKER/pencil
CAMERA (to be requested at the emergency care department with a dedicated memory card bearing the code of the ED report, which shall be stored in a safe deposit box in the ED)

### MODALITIES OF COLLECTING BIOLOGICAL EVIDENCE

Depending on the time that has passed since the assault (maximum 7-10 days), sterile swabs shall be taken to collect semen and genetic material of the perpetrator in different areas: vulva, posterior vaginal fornix, cervical canal, rectum, oral cavity, etc... The persistence of semen in the different areas may vary.

**The absence of semen in the vagina does not exclude sexual intercourse or sexual violence, as well as the absence of genital lesions or scarcity of lesions does not exclude sexual violence.** Anyway, it is not up to the operators to issue or imply a judgement.

➤ **Pubic Hair Combing**

With a sterile comb. Comb several times so that hairs fall onto clean paper (included in the kit).

➤ **External genital swab (within 1-3 days)**

If the victim has not showered: take 2 swabs (1 for labia majora, 1 for labia minora).

Indicate the order (1-2).

Let it dry for half an hour before placing in the container.

➤ **Vaginal and cervical swab (within 7-10 days)**

Take 2 swabs. Indicate the order (1 vaginal - 2 cervical).

Let it dry for half an hour before placing in the container.

➤ **Anal swab (within 1-3 days)**

Take 1-2 external swabs (anal skin).

Take 1-2 internal swabs.

Let it dry for half an hour before placing in the container.

➤ **Oral swab (within 6 hours)**

Take 1 swab at the upper dental arch and 1 swab at the lower dental arch (interdental spaces).  
 Let it dry for half an hour before placing in the container.

Vaginal swabs and frosted slides shall be taken to collect vaginal fluid to detect traces of sperm and the presence of spermatozoa. Antibiotic therapy is then administered (according to pre-established schemes or, in appropriate cases, transfer to the Infectious Diseases Unit of the Infermi Hospital in Rimini at the end of the procedure, if deemed necessary by the ED doctor) The gynaecologist will then proceed to take pictures, finalise the etiopathogenetic and circumstantial assessment, reporting the samples useful to demonstrate the violence perpetrated by third parties, following the specific procedure for custody for judicial purposes.

**Recommendations for taking pictures**

To properly take pictures that can be useful for forensic purposes, use the function “white balance”, check the calendar of the camera and the time of the visit. Photos shall be stored in memory cards bearing the ED report number and kept in a specific box at the ED.

Even blurred, under/overexposed pictures etc. shall not be deleted but kept and archived.

Lastly, pictures shall be described and classified in numerical order, which will correspond to the order on the image contained in the standardized medical record.

It is recommended to take photographs in a progressive pattern: from the right to the left of the victim, from the right upper limb to the right lower limb, clockwise (from the observer point of view). This will make the process standardised, allowing any oversights to be remedied.

The anal/genital area is conventionally described according to the characteristics of the face of a clock.

It is also possible to take pictures of clothes and any traces on them before storing them in the prescribed time and manner.

Method of collecting biological evidence for judicial purposes: it is fundamental not to contaminate and alter the evidences that will be collected.

**CHANGE GLOVES EACH TIME A NEW EVIDENCE IS TAKEN.**

EVIDENCES		COLLECTION		TO BE SENT TO
Collection of clothing	→	They shall be collected in the bags provided in the kit or sheets of paper (no plastic), well dried (each one separate, sealed, identified and signed)	→	Laboratory Dedicated freezer
Collection of hairs and any pubic hairs of the perpetrator (pubic hair combing), that the victim might have on the body.	→	They shall be collected in the paper envelopes provided in the kit, which shall be filled out entirely.	→	Laboratory Dedicated freezer

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Fingernail scrapings	→	They shall be collected in the sheets of paper provided in the kit and sealed in the specific envelope filled out entirely.	→	Laboratory Dedicated freezer
Search for biological traces	→	All necessary steps shall be performed according to the victim's story, using the specific kit.	→	Laboratory Dedicated freezer

A- The victim's clothing and all the materials gathered during the collection of evidence, placed in paper envelopes, sealed with paper tape and signed, shall be delivered to the analysis laboratory for safekeeping in a dedicated freezer, after contacting the director (or his/her substitute), responsible for the key.

**Be careful not to interrupt the chain of custody which could render the entire finding judicially ineffective.**

B- All material taken from the victim is kept under judicial custody by the person in charge of the laboratory, in the dedicated freezer for a minimum of 18 months. After this period, if not requested by the victim or the judicial staff, the SSI, upon request to the Court at the Criminal Registry, will dispose of them after authorisation.

C- The seizure and judicial custody order shall include the times of the various steps (Intervention protocol for San Marino Police forces in preventing and combating the gender-based violence: SECTION 4.ANNEX NO.4 — Version "A" 09/2014).

The standardized medical record, specific to sexual violence, with all the inherent documentation (consent, reports, etc.) will be kept within the Obstetrics and Gynaecology Unit.

**IV^ step: Accompanying procedure after discharge**

After the intervention, the operators of the Obstetrics and Gynaecology Unit will propose an accompanying procedure after discharge according to the ordinary reporting procedure of the SSI Procedure *taking charge of adult victims of violence*.

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## 6.1 SEXUAL VIOLENCE RECORD

The sexual violence record consists of:

- Frontispiece
- Standardized medical record

The documents shall be filled out entirely and always indicate the number of the ED report to ensure their accuracy and traceability.

## 7. DISTRIBUTION AND ARCHIVING

The quality responsible person for the OU/Service shall distribute/make available a paper/digital copy of this document to the personnel concerned.

A paper copy of this document shall be distributed in a controlled basis by the Quality responsible person for the OU/Service to the roles reported on the distribution list.

The original of this document shall be archived by the Quality responsible person for the OU/Service according to the form "Archiving criteria" of the OU/Service.

### Distribution list

Role
Doctors, obstetricians and nurses of the Obstetrics and Gynaecology Unit

## 8. ANNEXES


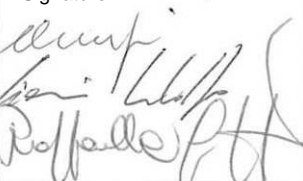

- 1) Sexual violence record
- 2) Freezer evidence register of the Transfusion Medicine and Clinical Pathology Unit

**Taking charge of adult victims of violence**

# Taking charge of adult victims of violence

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<p><b>Document approved by:</b></p> <p>Francesco Bevere Sergio Rabini Marcello Forcellini</p>	<p><b>Role:</b></p> <p>General Manager Health and Socio-Health Activities Director Managing Director</p>	<p><b>Signature</b></p> 	<p>5.3 points 1-3-4 and related flowchart, descriptions and interfaces, point 5 deleted former annex 5 form deleted 6.1 modified 6.1.1 deleted and replaced 6.2 deleted and replaced 9. annex 1 and 2 modified and annex 5 deleted and replaced</p>

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## 1. PURPOSE

The purpose of the following procedure is to:

- define and coordinate the socio-health procedure for the timely activation of a well established and shared process for appropriate and effective handling, when a victim of violence enters any SSI Operating Unit;
- standardise the actions to be taken to protect the victim of violence;
- provide clear and unambiguous guidelines to all actors involved in the process about steps, timing, modalities, responsibilities and regulatory and legislative obligations.

## 2. SCOPE

The following procedure concerns all adult victims of gender-based violence and applies in all the SSI health and socio-health Operating Units.

## 3. REFERENCE DOCUMENTS

- Law no. 97 of 20 June 2008: **“Prevention and repression of violence against women and gender violence”**.
- Delegate Decree no. 60 of 31 May 2012: **“Delegated decree implementing Article 4 of Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence"**.
- Law no. 57 of 6 May 2016: **“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 (Istanbul Convention)”**.
- Law no. 31 of 20 March 2018: **Extension of the deadline referred to in Article 20 of Law no. 57 of 6 May 2016 - 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 (Istanbul Convention)”**
- Delegated Decree no. 56 of 17 May 2018 **“Provisions for the operational autonomy of the Authority for Equal Opportunities”**
- Delegated Decree no. 62 of 20 March 2024 **Amendments to Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence" and subsequent amendments to the Criminal Code.**



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## 4. DEFINITIONS AND ABBREVIATIONS

EC: Executive Committee  
DIR: Direction  
OU: Organisational Unit  
COU Complex Organisational Unit  
SOU: Simple Organisational Unit  
TC: Taking charge  
E.C.: Emergency Care  
R.N.: Registered Nurse

## 5. RESPONSIBILITIES

The operational responsibilities are specified in the following matrices associated with predefined procedures:


- 1) Ordinary reporting procedure;
- 2) Access procedure to the Emergency Care;
- 3) Taking charge and treatment procedure.

### 5.1 ORDINARY REPORTING PROCEDURE

FUNCTION ACTIVITY	Health and Social-Health professionals	Director of the Complex Operational Unit to which the professional belongs	INTERFACE	INTERFACE CONTROL MODALITY
1. Reception and information gathering about the situation of violence	RES	-	Victim	Information
2. Medical urgency assessment	RES	-	E.C./118	Report
3. Assessment of social status	RES	-	Mental Health COU Social Worker	Direct activation or reference
4. Informing the victim of the reporting obligation	RES	-	Victim	-
5. Filling out and sending the report to the competent bodies **	RES	INF	Court/Mental Health COU	Reporting - (art. 19-bis D.D., no. 62/2024)
6. Filling out and submitting the "Submitted reporting form" [PA48-Mod03] (Annex 3)	RES	-	Counselling Centre Psychologist	Mod03 PA 48
7. Informing the victim of specialist services	RES	-	Victim	-

Legend: RES = responsible; INV = involved; INF = informed.

\*\* All the health and socio-health professionals are obliged to report cases of violence against women, minors and gender-based violence of which they become aware (see art. 19 of Law no. 97/2008 and Art. 19-bis of Delegated Decree no. 62 of 20 March 2024)

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## 5.2 ACCESS PROCEDURE TO THE EMERGENCY CARE

FUNCTION	R.N. E.C. Triage	E.C. Doctor	R.N. E.C.	Advisor /specialised doctor	Mental Health COU Social Worker	Counselling Centre for women victims of violence Psychologist	INTERFACE	INTERFACE CONTROL MODALITY
<b>ACTIVITY</b>								
1. First reception of the victim and triage (direct access, with 118 or the police)	RES	-	-	-	-	-	Victim	Report
2. First examination and first intervention prescription	-	RES	INV	-	-	-	Victim	Report
3. Collection of evidence in case of sexual abuse **	-	RES	-	RES***	-	-	Obstetrics and Gynaecology COU	OI OBST 89
4. Medication and therapy administration	-	INF	RES	-	-	-	Victim	Report
5. Request for consultation from other operational units	-	RES	-	-	-	-	Advisor /specialised doctor	results of laboratory tests, diagnostic investigations or requests for consultation from others departments/specialists.
6. Carrying out consultations and diagnostic tests	-	INF	-	RES	-	-	E.C. Doctor	diagnostic investigation results
7. Evaluation outcome and decision on hospitalisation or discharge	-	RES	-	INV	-	-	Victim	Report
8. Evaluation of the social urgency and activation OI SSI 11 "sheltered accommodation for victims of ill-treatment/abuse"	-	RES*	-	-	RES*	-	Court, Law Enforcement, Shelter contact person	OI SSI 11
9. Inform the victim of the reporting obligation	-	RES	INV	-	-	-	Victim	Report
10. Filling out and sending the report to the competent bodies	-	RES	INV	-	-	-	Court/Mental Health COU	Reporting - (art. 19-bis D.D., no. 62/2024)
11. Filling out and submitting the "Submitted reporting form" [PA48-Mod03] (Annex 3)	-	RES	-	-	-	-	Counselling Centre Psychologist	Mod03 PA 48
12. Discharge, information on possible controls and network activation	-	RES	-	-	INV	INV	Victim	Mental Health COU/Counselling Centre

Legend: RES = responsible; RES\* = responsible for the part of competence; INV = involved; INF = informed

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Operational Units Directors shall always be informed if their professionals get involved in the above-mentioned process.

\*\* See OI OBST 89 "Assistance to women who have been sexually abused" (Obstetrics and Gynaecology COU).

\*\*\* The OU responsible for the collection of evidence in case of sexual violence will be:

- In the case of female victims, the Obstetrics and Gynaecology COU;
- In the case of male victims, the Emergency Care COU and the Surgery COU.

\*\*\*\* See OI SSI 11 "Sheltered accommodation for victims of ill-treatment/abuse"

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### 5.3 TAKING CHARGE AND TREATMENT PROCEDURE

FUNCTION / ACTIVITY	Mental Health COU Social Worker	Mental Health COU Director	Mental Health COU Psychologist	Mental Health COU Psychiatrist	Counselling Centre for women victims of violence Psychologist	INTERFACE	INTERFACE CONTROL MODALITY
1. Reception report: Convocation of the victim	RES	INF	-	-	-	Victim	Reporting - (art. 19-bis D.D., no. 62/2024)
2. Social Urgency Assessment	RES	INF	-	-	-	Victim	-
3. Social urgency: Activation of the OI SSI 11 "Sheltered accommodation for victims of ill-treatment/abuse"	RES*	RES*	-	-	-	Anti-violence network	OI SSI 11
4. Non urgency: First interview and support	RES	-	-	-	-	Victim	-
5. Case assessment and drafting of the therapeutic project	RES	INF	INV	INV	INV	Anti-violence network	Therapeutic project
6. Execution of the most appropriate treatment based on the victim's needs	RES	INV	INV	INV	INV	Victim	Therapeutic project
7. Check TC	RES	INF	INV	INV	INV	Anti-violence network	Goals planned in the therapeutic project
8. Project closing	RES	INF	INV	INV	INV	Anti-violence network	Goals planned in the therapeutic project

Legend: RES = responsible; RES\* = responsible to the extent of responsibility; INV = involved;

INF = informed

Anti-Violence network: Court, Law Enforcement, Party lawyer, Shelter contact person.

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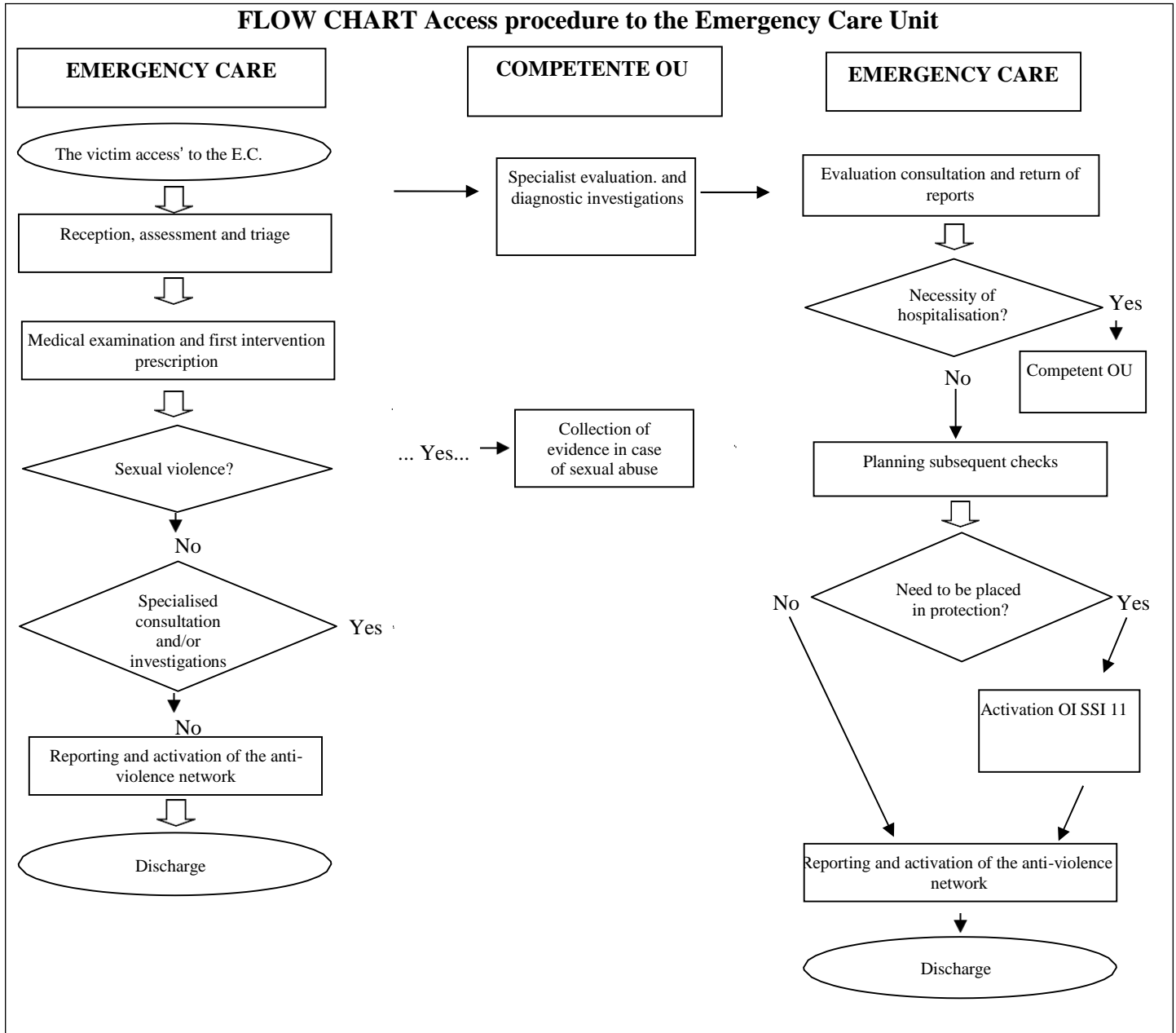
## 6. DESCRIPTION OF ACTIVITIES AND OPERATION MODALITIES

### A) ORDINARY REPORTING PROCEDURE

1. The operator who becomes aware of situations of violence collects information, being careful to maintain a welcoming and non-judgemental attitude, for reason of his/her office and profession. Reception is the most delicate and complex moment: the victim shall feel that he/she has found the right people and a place to tell his/her story and where he/she is reassured that he/she is not responsible for what happened.  
All operators shall be prepared to listen empathetically and refrain from judging. It is necessary that the victim is alone when he/she tells the story, the accompanying person shall remain outside the clinic. The victim must be guaranteed the possibility to choose what to say or not say, what to accept or not to accept among the treatment proposals and to pursue the paths without being pressured by haste and urgency.
2. The operator assesses the urgency and, if the victim needs medical assistance or if injuries emerge (bruises, grazes) that need to be reported, he/she sends the victim to the Emergency Care to activate the "Access procedure to the Emergency Care", using the 118 service if necessary.
3. The operator assesses the victim's social status and if he/she notices elements of prejudice for the victim (absence of external support, risk of repetition of the offence) he/she activates the Social Worker of the Mental Health COU in the following modalities:
  - by activating it directly during the opening hours of the Service
  - by giving the victim the contact details of the Social Worker (telephone number and timetables).
4. The operator will inform the victim of the reporting obligation to which he/she is subject.
5. The operator fills out and sends the report to the Law Commissioner acting as Investigating Judge, or to the Mental Health COU, as required by Article 19-bis of Delegated Decree no. 62 of 20 March 2024, keeping a copy in the archive of his/her Unit.
6. The operator fills out and sends the "Submitted reporting form" (Annex 3) to the following address: **centroascoltoantiviolenza@iss.sm**
7. The operator will inform the victim of the specialist services that can offer help and support (Counselling Centre Psychologist 0549 994856, Mental Health COU 0549 994593) and will communicate the 24-hours violence support number: 0549 **994800** (see OI SAL.D 03 "Counselling Centre for prevention and support of victims of gender-based violence").

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**B) ACCESS PROCEDURE TO THE EMERGENCY CARE**



1. In the case of access of a victim who has suffered violence/physical abuse, the nurse in charge of triage performs a first assessment for the assignment of triage code, paying attention to the victim's confidentiality and dignity. The victim may have access to the E.C. directly, accompanied by Law Enforcement or ambulance (118).

2. After triage the victim is examined by the E.C. doctor with the support of the E.C. nurse. The examination includes: the hearing of the victim's story, medical examination with description of injuries and medical and social history.

**Taking charge of adult victims of violence**

3. In the case of sexual abuse of a female victim, the E.C. doctor will activate the OI OBST 89 "Collection of findings from women who have been sexually abused". The competent Unit for the **COLLECTION** of findings about a proven or suspected sexual violence against a woman is the Obstetrics and Gynaecology COU. In the case of sexual violence against a male victim, the collection will be performed by the Emergency Care COU and the Surgery COU. Other specialist areas of expertise (dermatology, forensic medicine, etc.) may be involved in the process of collection.

4. The nurse administers the pharmacological therapies and/or treatments prescribed by the doctor.

5. The E.C. Doctor prescribes any laboratory tests, diagnostic investigations or requests consultation from others departments/specialists.

6. The departments/OUs from which consultations, examinations and/or medical imagery investigations have been requested will carry out and return the results of such investigations.

7. The E.C. Doctor will decide to discharge the victim or request his/her hospitalisation, on the basis of the analysis of the above elements.

8. The E.C. Doctor in case of social urgency will activate the OI SSI 11 "Sheltered accommodation for victims of ill-treatment/abuse".

Social urgency is assessed using **one or more of the following criteria** as a reference:

- a. Inability to return home safely;
- b. Lack of external support (family, relatives, friends...) on which the victim can rely immediately;
- c. Victim's request for hospitality or operator's assessment of the need for protection;
- d. Risk of repetition of the crime committed.

9. The E.C. Doctor will inform the victim of the reporting obligation to which he/she is subject.

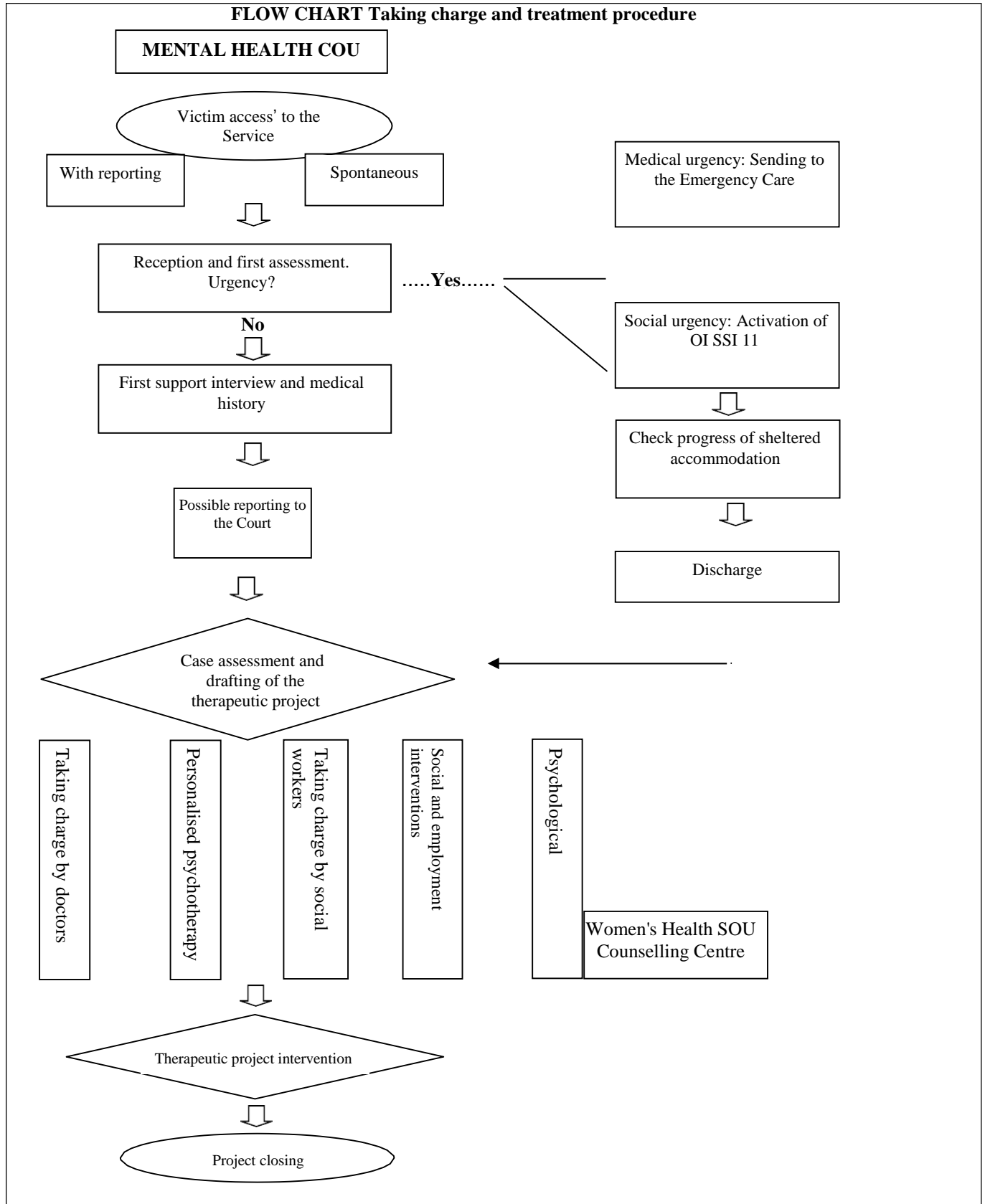
10. The E.C. Doctor fills out and sends the report to the Law Commissioner acting as Investigating Judge or to the Mental Health COU, as required by Article 19-bis of Delegated Decree no. 62 of 20 March 2024.

11. The operator fills out and sends the "Submitted reporting form" (Annex 3) to the following address: [centroascoltoantiviolenza@iss.sm](mailto:centroascoltoantiviolenza@iss.sm).

12. If the E.C. Doctor decides to discharge the victim, he/she will inform the victim of any checks and medications that he/she will have to carry out and will introduce the Social Worker of the Mental Health COU 0549 994593 and/or the Psychologist of the Counselling Centre for women victims of violence, by contacting them directly or by providing the victim with the contact details of the Services. The doctor will communicate the 24-hours violence support number: **0549 994800** (see OI SAL.D 03 "Counselling Centre for prevention and support of victims of gender-based violence")

**Taking charge of adult victims of violence**

**C) TAKING CHARGE AND TREATMENT PROCEDURE**





<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>SSI</b></p> <p><b>PROCEDURE</b></p>	<p><b>PA 48</b></p> <p>Rev.1</p>
<p><b>Taking charge of adult victims of violence</b></p>		

1. The Mental Health COU receives the report and convenes the victim to carry out an interview and any appropriate verification (as required by art. 19-bis of Delegated Decree no.62 of 20 March 2024) or the victim spontaneously addresses the Service or he/she is referred to by other network operators.
2. During the interview, the Social Worker shall carry out the assessment of the SOCIAL URGENCY using the following criteria as a reference:
  - a. Inability to return home safely;
  - b. Lack of external support (family, relatives, friends...) on which the victim can rely immediately;
  - c. Victim's request for hospitality or operator's assessment of the need for protection;
  - d. Risk of repetition of the crime committed.
3. If the Social Worker notices one or more of the above criteria, he/she will implement the OI SSI 11 "Sheltered accommodation for victims of ill-treatment/abuse".
4. In case of non-urgency the Social Worker will carry out the first interview providing support and first information.
5. The case is discussed within the multidisciplinary team and a personalised care project is prepared with the collaboration of all the actors in the network.
6. On the basis of the personalised therapeutic project, the most appropriate interventions/treatments according to the needs of the victim will be activated and each individual professional will be responsible for such interventions/treatments.
7. The Social Worker periodically checks the progress of the personalised project and whether the goals have been achieved or not in collaboration with each professional involved.
8. The project is closed with the achievement of the expected goals.

## **6.1 REPORTING (ART. 19 OF LAW NO. 97/2008 AND ART. 19-BIS OF DELEGATED DECREE NO. 62 OF 20 MARCH 2024)**

“Social Services, Police Forces and health professionals, both public or private, as well as teachers of all school levels shall report to the competent bodies any act of violence against women, children or gender violence of which they may have knowledge because of their activities or professions”.

### **Bodies competent to receive the report (Art.19-bis of Delegated Decree no.62 of 20 March 2024)**

1. If the acts of violence referred to in Article 19 constitute offences that can be prosecuted *ex officio* or in case of offences that can be prosecuted on formal complaint filed by the victim, the report shall be made to the **Law Commissioner acting as Investigating Judge**, who shall put in place protective measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge shall promptly report the *notitia crimini* to the Guardianship Judge for any necessary action falling within his/her competence.

REPUBBLICA DI SAN MARINO <b>ISS</b> ISTITUTO PER LA SICUREZZA SOCIALE	<b>SSI PROCEDURE</b>	<b>PA 48</b> Rev.1
<b>Taking charge of adult victims of violence</b>		

2. Except for the cases referred to in paragraph 1, i.e. when the acts of violence do not constitute an offence that can be prosecuted *ex officio* or in the absence of a formal complaint in case of offences that can be prosecuted on formal complaint filed by the victim, the competent authority to receive the report shall be the **Mental Health Unit**, which shall summon the victim and, if requested by the latter, it shall adopt the protection measures and programmes provided for in the protocols in force, after appropriate investigations.
3. In the cases referred to in paragraph 2, if acts of violence are perpetrated against a minor or are committed by a minor, the competent authority to receive the report shall be the **Minors' Protection Unit**, which shall act in accordance with the provisions of the protocols in force.

**The report is the responsibility of the operator establishing the violence** and consists of the following documents:

- **Reporting form for violence against women, minors, domestic and gender-based violence** (Annex 1);
- **Medical report or report** containing a precise description of the facts and the situation (it is advisable to report the exact same words used by the victim in quotation marks).

If the reporting person finds evidence suggesting that the violent event may happen again and/or that there may be an escalation of violence and/or that the victim requires to be put under protection, he/she shall fill out and attach the "**Data collection for assessment of recidivism risk**" form (Annex 2).

**If there are minors who witness the violence it shall always be reported on the reporting form and also sent to the Minors' Protection SOU**

**PLEASE NOTE:** Following each report, fill out the "Submitted reporting form" (Annex 3) and send it to the following address:

**centroascoltoantiviolenza@iss.sm**

### 6.1.1 TRANSMISSION MODALITIES

After filling out the documents (reporting form and medical report), prepare everything in a closed envelope countersigned on the back (signature to be put on the opening of the envelope, so that it can be seen whether it has been opened or tampered with) and addressed to:

1. Law Commissioner acting as Investigating Judge at the *Single Court Via 28 Luglio, n.194, 47893 Borgo Maggiore* **Do not indicate the name of the Law Commissioner**

**or**

2. Mental Health COU Via La Toscana, 7, 47893 Borgo Maggiore

**and**

3. Minors' Protection SOU Via A. Saffi n.6, 47893 Borgo Maggiore

<p>REPUBBLICA DI SAN MARINO</p> <p><b>ISS</b></p> <p>ISTITUTO PER LA SICUREZZA SOCIALE</p>	<p><b>SSI</b></p> <p><b>PROCEDURE</b></p>	<p><b>PA 48</b></p> <p>Rev.1</p>
<p><b>Taking charge of adult victims of violence</b></p>		

Complete the postcard of the registered letter with acknowledgement of receipt with the personal details of the sender and the reference number that will be the same written on the report, in order to trace the source document later. The postcard shall be countersigned by the official of the Criminal Registry of the Court or by a Mental Health COU operator and shall be attached to the copy of the original Report and kept confidential.

The delivery modalities may be:

**1. Delivery by certified email**

**2. Hand delivery by the reporting operator**

It is always preferable for the reporting operators to deal directly with the delivery, by depositing the Report in a closed envelope at the Criminal Registry of the Court or at the Mental Health COU. The acknowledgement of receipt (yellow card) shall be countersigned by an official of the Registry or of the Mental Health COU and shall be attached to the copy of the original Report and kept in confidential custody.

**3. Delivery through the Logistics Office (for operators working within the hospital)**

Operators within the hospital may contact the messengers of the Logistics Office for delivery. The messenger, after receiving the envelope and the acknowledgement of receipt (yellow card), countersigns the “form for successful delivery of documentation for reporting violence against women, minors, domestic and gender-based violence” (Annex 4) and deposit the envelope at the Reference Registry of the Court or at the Mental Health COU.

After delivery, the messenger shall return the acknowledgement of receipt (yellow card), specifically countersigned by the official of the Registry or the Mental Health COU, to the reporting operator. The acknowledgement of receipt shall be attached to the copy of the original Report and kept in confidential custody.

In the absence or unavailability of the Logistics Office staff, with the same modalities as indicated above, operators will contact the Institutional Affairs Office (Legal Administrative Expert).

**4. Delivery through a delegated person (for operators working outside the hospital)**

Operators working outside the hospital may appoint one of their staff (head nurse, nurse, Healthcare Assistant, messenger, etc.) to deliver with the same modalities as for hand delivery (modality 1).

**OPENING HOURS:**

**Mental Health COU:**

Monday, Wednesday and Thursday 8.00 a.m. to 5.30 p.m.  
 Tuesday and Friday 8.00 a.m. to 2.00 p.m.

REPUBBLICA DI SAN MARINO <b>ISS</b> ISTITUTO PER LA SICUREZZA SOCIALE	<b>SSI PROCEDURE</b>	<b>PA 48</b> Rev.1
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### Minors' Protection SOU

Monday-Wednesday: 8.00 a.m. - 5.30 p.m.  
 Tuesday-Thursday-Friday: 8.00 a.m. - 2.00 p.m.

### Court Criminal Registry:

From Monday to Friday from 8.00 a.m. to 2.15 p.m.  
 Monday and Thursday from 3.00 p.m. to 6.00 p.m.

## 6.2 AGREEMENTS WITH PROTECTED FACILITIES/SPECIALIST SERVICES

The SSI Directorate-General agrees and signs agreements with one or more qualified and well-known shelter facilities, in order to accommodate victims in suitable shelters in emergency situations.

Every year the SSI Directorate-General redefines and renews the above-mentioned agreements.

Sending women victims of violence with minor children to sheltered facilities is the specific competence of the Mental Health COU in cooperation with the Minors' Protection SOU, each one according to their respective competences.

## 7. CONTROL PARAMETERS - INDICATORS

Indicator to monitor	Survey frequency and responsibility	Analysis frequency and responsibility	Standard (expected value)
Number of reports that have followed the socio-health procedure defined in PA 48/ number of total reports	annual Mental Health COU Social Worker	annual Mental Health COU Director	≥80%

## 8. DISTRIBUTION AND ARCHIVING

The electronic document is distributed on a controlled basis to all SSI operators by placing it in the dedicated portal, accessible on the SSI internal network at <https://accreditamento.iss.local>, and is communicated by e-mail to those concerned.

The original of this document is stored in accordance with PA 01 "Documentation and Records Management".

The document is registered in the Company Procedures List (MOD-SQ.6).

### Distribution list

Role
Director-General
Managing Director
Health and Socio-Health Activities Director
Hospital Department Manager
Anaesthesia and Intensive Care COU Director,
- Planning and Operating Block Activities SOU Head
- Semi-intensive Care, Pain Therapy and Hospice SOU Head
Emergency Care COU, Short Stay and 118 Director

**Taking charge of adult victims of violence**

Role
Internal Medicine COU Director
- Dialysis SOU Head
- Endoscopy and Gastroenterology SOU Head
- Diabetology SOU Head
Geriatrics COU Director
Onco-hematology COU Director
Cardiology COU Director
Physical and Rehabilitation Medicine COU Director
Neurology DSOU Head
General Surgery COU Director
- Urology SOU Head
Orthopaedics COU Director
Ophthalmology COU Director
Day Surgery DSOU Head
Otolaryngology DSOU Head
Obstetrics and Gynaecology COU Director
- Gynaecological Endoscopy SOU Head
- Women's Health and Reception, Consultation and Assistance Service for Informed Maternity SOU Head
Paediatrics COU Director
Transfusion Medicine and Clinical Pathology COU Director
- Pathological Anatomy SOU Head
Radiology COU Director
- Senologist Diagnostics SOU Head
Department and Solvents Outpatient Clinic
Specialised Outpatient Services
Hospital Secretariat
<b>Director of the Territorial and Social Health Department</b>
Mental Health COU Director
- Residential Services SOU Head
- Outpatient Services SOU Head
- Pathological Addictions SOU Head
Primary Health Care COU Director
- Healthcare Centre of Borgo Maggiore SOU Head - branches in Borgo Maggiore, Acquaviva, Faetano
- Healthcare Centre of Borgo Maggiore SOU Head - branches in Murata, Città, Fiorentino, Montegiardino, Chiesanuova
- Healthcare Centre of Serravalle SOU Head
Integrated Territorial Home Services DSOU Head
Minors' Service, Childhood, Adolescence and Parental Support COU Director
Disability and Social Support Service COU Director
- Social Service of Justice Administration and Minors' Protection SOU Head
Residential Elderly Care COU - RSA La Fiorina Director

## 9. ANNEXES

- Annex 1 Reporting form for violence against women, minors, domestic and gender-based violence [PA48-Mod01 (ex MOD-PA.50)]
- Annex 2 Risk assessment form (SARA) [PA48-Mod02 (former MOD-PA.51)]
- Annex 3 Submitted Reporting form [PA48-Mod03 (former MOD-PA.52)]
- Annex 4 Successful delivery of documentation for reporting violence against women, minors, domestic and gender-based violence [PA48-Mod04 (former MOD-PA.53)]
- Annex 5 Violence description and dedicated services for adults
- Annex 6 Contact persons and opening hours of the anti-violence network services

**REPORTING FORM FOR VIOLENCE AGAINST WOMEN, MINORS,  
DOMESTIC AND GENDER-BASED VIOLENCE**

(Pursuant to Law no. 97 of 20 June 2008, Law no. 5 of 6 May 2016 and Delegated Decree no. 62 of 20 March 2024)

- Mental Health COU
- Minors' Protection SOU
- Or:
- Law Commissioner acting as Investigating Judge at the Criminal Registry

Completed by \_\_\_\_\_ Organisational Unit \_\_\_\_\_

**1) Data of the victim of violence**

Surname and First Name \_\_\_\_\_ Gender F  M   
Social Security Number \_\_\_\_\_ Date of birth / / \_\_\_\_\_ Nationality \_\_\_\_\_  
Place of residence \_\_\_\_\_ Domicile, if any \_\_\_\_\_  
Civil status \_\_\_\_\_ Date of Separation, if any \_\_\_\_\_  
Children YES  NO  Specify number and age \_\_\_\_\_  
Cohabiting partner, if any \_\_\_\_\_  
Educational qualification \_\_\_\_\_ Working status \_\_\_\_\_  
Telephone numbers 1) \_\_\_\_\_ 2) \_\_\_\_\_

**To be completed if the victim is a Minor**

Surname and First Name of the Father \_\_\_\_\_ Social Security Number \_\_\_\_\_  
Date and place of Birth \_\_\_\_\_ Citizenship \_\_\_\_\_  
Telephone numbers 1) \_\_\_\_\_ 2) \_\_\_\_\_

Surname and First Name of the Mother \_\_\_\_\_ Social Security Number \_\_\_\_\_  
Date and place of Birth \_\_\_\_\_ Citizenship \_\_\_\_\_  
Telephone numbers 1) \_\_\_\_\_ 2) \_\_\_\_\_

**VICTIM ADULT**  **MINOR**

**2) Type of violence detected**

- Physical
- Psychological
- Economic
- Stalking
- Sexual
- Witnessed
- Mobbing
- Other \_\_\_\_\_

**4a) Who turned to the Service**

- Victim
- Father
- Mother
- Neighbour
- Other relatives \_\_\_\_\_
- Teachers

**3) Perpetrator**

- Father
- Mother
- Brother/sister
- relative.....
- Cohabitant
- Teacher
- Acquaintance
- Unknown
- Cohabiting spouse
- Cohabiting partner
- Former spouse
- Former partner
- Employer
- Colleague
- Child
- Other \_\_\_\_\_

**REPORTING FORM FOR VIOLENCE AGAINST WOMEN, MINORS,  
DOMESTIC AND GENDER-BASED VIOLENCE**

(Pursuant to Law no. 97 of 20 June 2008, Law no. 5 of 6 May 2016 and Delegated Decree no. 62 of 20 March 2024)

Other \_\_\_\_\_

**4b) Why**

- Information
- Psychological assistance
- Counselling
- Healthcare
- Protection
- Complaint
- Other \_\_\_\_\_

**5) Did you file a complaint?**

- No
- Yes

**6a) Have you already turned to any other services/O.U. for the issue addressed in this report?**

- No
- Yes. Which ones?.....

**6b) When ? .....**

**6c) Did it result in a case handling?**

- Yes. What Service \_\_\_\_\_
- No

**7) Services/O.U. taking charge for other issues**

- Yes. What Service \_\_\_\_\_
- No

**8) Are there any children who have witnessed the violence?**

- Yes. Who are they? \_\_\_\_\_
- No

Date: \_\_\_\_\_

Operator signature (legible) \_\_\_\_\_

## Spousal Assault Risk Assessment Guide: SARA - S (Screening). Recidivism Risk Assessment

Victim name/alleged offender name/identification number:	Completed by:	Compilation date:
--	---------------	-------------------

<b>Information sources:</b> <input type="checkbox"/> Interview with suspect/defendant  <input type="checkbox"/> Interview with the victim(s)  <input type="checkbox"/> Analysis of the legal file Other _____	<b>Codification process:</b> – = Omitted, insufficient information <b>N</b> = Not present ? = Probably or partially present <b>S</b> = Present  “ <b>Currently</b> ” refers to the last 4 weeks, to include the last episode for which action is being taken
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**These guidelines are used to identify certain characteristics of the alleged offender and the victim in cases of mistreatment within the couple. It is a useful tool for assessing the risk of recidivism and for developing a risk management plan. Answers shall be provided after gathering as much information as possible either directly from the victim or from other sources. The risk level indicated at the end of this form is used to understand the priority level to be given to the single case.**

<b>Violence against partner (or former partner)</b> This section includes all factors related to the history of violence against all partners or former partners (i.e. married, cohabiting, engaged)	Currently (N, ?, S)	In the past (N, ?, S)
1. Physical/sexual violence ➤ Any form of physical violence perpetrated or attempted, including sexual violence and use of weapons		
2. Serious threats of violence, ideation or intention to act violently ➤ Intimidating phrases or attitudes indicating the intention to harm, <i>stalking</i> or threats to use a weapon. ➤ Thoughts, impulses and fantasies or real plans to harm the other one.		
3. Escalation ➤ The physical/sexual violence or threats/ideation or intentions to act violently have increased over time in both frequency and severity		
4. Breach of precautionary or disqualification measures ➤ The prescribed coercive personal precautionary measures include: prohibition of expatriation, obligation to report to the judicial police, mandatory residence/prohibition of residence, home arrest, prohibition to approach the family home, precautionary detention in jail or in a place of care. Disqualification measures: suspension of parental authority, suspension from the exercise of a public office or service, temporary prohibition of exercising specific professional or business activities. In civil matters: Violation of protection order against abuse (issued in civil proceedings), suspension of parental authority, forfeiture of parental authority. These criminal and/or civil measures shall have been applied as a consequence of violence within the family or in prevention of a specific recidivism		
5. Negative attitudes towards interpersonal and intra-family violence ➤ He/she expresses socio-political, religious, cultural, or personal beliefs attitudes that encourage, exonerate, justify, or minimise the abusive, controlling and violent behaviour ➤ Inclusion of jealousy and sense of ownership ➤ Inclusion of attitudes of denial or minimisation of most violent behaviour; denial of any personal responsibility for the majority of past violent actions (e.g. blaming the victim or other people); denial of the severity of the consequences of the majority or all of the violent acts perpetrated (e.g. saying that the victim is unharmed, has never been to hospital, has never asked for help)		
<b>Psychosocial adaptation</b>	Currently (N, ?, S)	In the past (N, ?, S)
6. Criminal records/antisocial conducts ➤ Persistent and different antisocial behaviours ➤ Convicted or accused for other crimes not related to the violence against the partner ➤ Inclusion of crimes against property, against public order, crimes related to the use of substances Distinction between crimes against a person or against property.		
7. Relationship problems ➤ Separation from the partner, past or ongoing due to high conflict in the current or previous relationship		
8. Work or financial problems ➤ Chronic unemployment status, unstable work, serious financial problems, continuous change of job		
9. Substance abuse ➤ Drug, alcohol or medical products abuse that have compromised social functions (e.g. health, relationships, work, problems with justice)		



10. Mental disorders			
<ul style="list-style-type: none"> <li>➤ Signs of severe mental illness (e.g., mania, hallucinations, dementia) or other serious forms of mental illness (e.g., severe depression, anxiety)</li> <li>➤ Signs of personality disorder (e.g. bipolar disorder, psychopathy, antisocial behaviour, borderline disorder)</li> <li>➤ Signs of threats, ideation and intention to commit suicide (e.g., thoughts, impulses or plans of suicide or self-harm)</li> </ul> <input type="checkbox"/> <b>Final assessment:</b> If a current or previous clinical assessment of mental status is present <input type="checkbox"/> <b>Temporary assessment:</b> Judgement to be confirmed by clinical diagnosis			
<b>Vulnerability factors of the victim</b>	<b>Currently (N, ?, S)</b>	<b>In the past (N, ?, S)</b>	
11. Inconsistent conduct and attitude towards the offender			
<ul style="list-style-type: none"> <li>➤ Victim who has separated but continues to see or hear the offender or get back together, feeling of guilt</li> <li>➤ Complaint filed but then withdrawn, offender justified</li> <li>➤ Expected removal order but the victim sees the offender</li> </ul>			
12. Extreme terror of the offender			
<ul style="list-style-type: none"> <li>➤ High fear that the perpetrator may harm her or her children or kill her to such an extent to prevent her from taking protection actions</li> </ul>			
13. Inadequate support to the victim			
<ul style="list-style-type: none"> <li>➤ Lack of adequate services on the territory, poor mobility of the victim</li> <li>➤ A foreign victim who does not know the language, the culture, without a stay permit</li> </ul>			
14. Poor life safety			
<ul style="list-style-type: none"> <li>➤ The victim is not independent (car, telephone)</li> <li>➤ She lives or works closely with the offender</li> <li>➤ The victim and the offender have children entrusted to both of them or that the offender has the right to see</li> </ul>			
15. Mental and physical health problems, addiction			
<ul style="list-style-type: none"> <li>➤ The victim uses alcohol or drugs or abuses of psychiatric drugs</li> <li>➤ The victim has a level of stress, anger or fear that prevents her from making decisions</li> <li>➤ The victim presents clear signs of presumed or certified personality alteration</li> </ul>			
<b>Other considerations: ABC</b> , include whether person A) owns firearms and if they are regularly reported, whether B) children have witnessed the violence, and C) Child abuse, whether minors have directly suffered violence by one or both parents – specify, and what kind of abuse it is	<b>Currently (N, ?, S)</b>	<b>In the past (N, ?, S)</b>	
A) Weapons			
B) Child witnesses			
C) Child abuse			
Assessment of the risk of recidivism of violence against the partner if <u>certain precautions or measures are not taken</u> (risk indicated by the suspect, the victim and the risk derived by the assessor). Mark if the risk is Low (L), Moderate (M), or High (H)			
	<b>Suspect assessment</b>	<b>Victim assessment</b>	<b>Assessor assessment</b>
<b>Immediate risk in the next 2 months</b>	L   M   H	L   M   H	L   M   H
<b>Long-term risk over 2 months</b>	L   M   H	L   M   H	L   M   H
<b>Serious or fatal risk of violence</b>	L   M   H	L   M   H	L   M   H
<b>Risk of escalation of violence</b>	L   M   H	L   M   H	L   M   H
<i>Indicate which management and intervention plan is desirable to prevent any possible risk of recidivism: precautionary, preventive measures, protection of the victim, treatment, monitoring. Possible scenarios that may occur if preventive measures are not taken. Identify possible critical events that may increase the risk (separation, custody, revocation of precautionary measures).</i>			
On the basis of the assessment made for the victim and only in the case of the presence of minor children (even if not children of the perpetrator), indicate whether there is a risk of violence or abuse also against minors.			
<b>Risk of physical/psychological abuse against minors</b>	L   M   H	L   M   H	L   M   H
<p>SARA – S (Screening): Italian Version © 2010 by A.C. Baldry, A.C. Dept. Psychology SUN, CESVIS. Differenza Donna  B-Safer: Original English Version © 2010 Proactive Resolution, Vancouver by P. R. Kropp, S. D. Hart, H. Belfrage  The authors assert their moral rights with regard to the copyright and the integrity of this work. No part of this work may be reproduced in any way without the permission of the Authors.  NOTE: This SARA - S guide is for information purposes only, not diagnostic.  Its proper use requires specific training. Please contact the authors for training information. <a href="http://www.sara-cesvis.org">www.sara-cesvis.org</a></p>			

REPUBBLICA DI SAN MARINO <b>ISS</b> ISTITUTO PER LA SICUREZZA SOCIALE	
<b>SUBMITTED REPORTING FORM</b>	

**YEAR:** \_\_\_\_\_

**O.U.** \_\_\_\_\_

The purpose of this form is to allow the recording of reports sent to the Court for statistical purposes.

**This document shall be sent for each report to the following address:**

**centroascoltoantiviolenza@iss.sm**

O.U. to which the reporting operator belongs	Report compilation date	Reporting operator name	SSI number of the victim	Type of violence suffered (physical, psychological, economic, sexual)	Adult or minor victim	Presence of minors in the household
O.U.						

**RECEIPT OF SUCCESSFUL DELIVERY OF  
DOCUMENTATION FOR REPORTING VIOLENCE AGAINST  
WOMEN, MINORS, DOMESTIC AND GENDER-BASED  
VIOLENCE  
(Art. 19 of Law no. 97 of 20 June 2008)**

I, the undersigned, (Name and Surname) \_\_\_\_\_

Profession \_\_\_\_\_ Service/Organizational Unit \_\_\_\_\_

declares to have delivered on \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ at \_\_\_\_\_ hr

the following documents: Closed envelope (containing a reporting form and medical report) and the relevant acknowledgement of receipt or collection (yellow card)

- a) to the Logistics Office, by the employee \_\_\_\_\_ as messenger driver in his/her capacity;
- b) to the legal administrative expert (in the event that the staff referred to in point 1 are not available).

Please Note: the acknowledgement of receipt or collection (yellow card) after having been countersigned by the official of the Registry of the General Court must be returned to the sender.

The delivering Office

The receiving Office

\_\_\_\_\_

\_\_\_\_\_

**DESCRIPTION OF VIOLENCE AND DEDICATED SERVICES  
FOR ADULTS**

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## 1. What is gender-based violence: types and signs

*“Violence against a person shall mean any act of sex or gender-based violence that results, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.* (Art. 2 of Law no. 97/2008). The term “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.

The term “violence against women” is intended to designate a violation of human rights and a form of discrimination against women, including all acts of gender-based violence that cause or are likely to cause harm or suffering of a physical, sexual, psychological or economic nature, including threats to commit such acts, coercion or arbitrary deprivation of liberty, whether in public or private life (Istanbul Convention).

A brief description of the forms of intra- and extra-family violence with related indicators (elements to be observed) is given below.

**Physical violence:** refers to aggression that causes physical harm; the intention to harm and terrorise the victim is always present.

This includes behaviours such as:

- shoving
- slapping
- kicking
- beating in pregnancy
- causing abortion of non-consenting woman
- throwing down the stairs
- depriving the subject of medical care or sleep or food
- stabbing
- burning
- infecting through the AIDS virus
- genital mutilations
- bites that leave bruises
- haematomas
- causing fractures etc.

According to a broader understanding, other violent gestures such as repeated verbal shouting, hair pulling, pulling the victim, etc. are included in this type of violence.

**Psychological violence:** includes any form of abuse that **damages a woman's identity** and always accompanies and precedes physical violence, even when it does not degenerate into this type of ill-treatment. The message that is conveyed is that the victim is worthless. These are attitudes that gradually creep into the relationship and that are not always easy to recognise as harmful and include:

- verbal attacks (derision, insult or putting down)
- social isolation (preventing the victims from having independent contact with the outside world, preventing them from calling and/or seeing their family members, preventing them from going out alone or with friends)
- restrictions on personal freedom, control and management of daily life
- jealousy and obsessiveness
- damage to or destruction of objects belonging to the victim
- lies
- blackmails
- death threats directed at the victim, her family, children and friends
- violence on animals dear to the woman and/or her children
- threatening to kill oneself if the victim does not do as asked
- denying or hindering the victim's access to education or employment

Psychological violence is not a momentary outburst of anger but **constant torment with the aim of subduing the other person and maintaining one's power and control**. A relationship of dependence can be created from which it is gradually more difficult to break free.

**Sexual violence:** the imposition of unwanted sexual practices or intercourses that are physically hurtful and detrimental to dignity, obtained by threats of various kinds:

- Sexual intercourse undergone (penetration/ oral intercourse etc...)
- Sexual harassment undergone (touching / rubbing / kissing...)
- Being insulted, humiliated or brutalised during sexual intercourse
- Being forced to watch or repeat pornographic scenes
- Imposition of sexual intercourse in the presence of or with other persons
- Inducement and exploitation of prostitution

Imposition of unwanted sexual intercourse or intimacy is an act of humiliation, overpowering and subjugation, which causes deep psychological as well as physical wounds to the victim.

**Family or domestic violence:** this term designates all acts of physical, sexual, psychological or economic violence occurring within the family or household or between current or former spouses or partners, regardless of whether the perpetrator shares or has shared the same residence with the victim (examples: fathers, husbands, cohabitants, boyfriends and girlfriends, former partners, siblings, children, grandparents).

**Witnessing violence:** any act of violence (physical, verbal, psychological, sexual and economic) perpetrated against significant adults or minors (mother, brothers, sisters...), which the child witnesses directly or indirectly, perceiving its effects.

Violence against mothers is a widespread and still largely underestimated phenomenon, and is at the root of many cases of witnessing violence. **It can endanger, from the earliest stages of pregnancy, the psycho-physical health and life itself of both mothers and children.** An abused mother is a **traumatised mother:** violence, especially if protracted, in addition to physical injuries of various kinds, can produce a large number of symptoms attributable to post-traumatic stress disorder. **This violence suffered by the mother then strongly influences her relationship with her children and her ability to care for and attend to their needs.** Continued ill-treatment leads the victim to isolation, lack of resources at all levels and produces a condition of powerlessness that also affects aspects of parenting.

Domestic violence is a form of ill-treatment that can have short, medium and long-term effects and can be one of the risk factors for the **intergenerational transmission of violence.**

It is indispensable to distinguish situations of conflict between parents (without denying the harm that they can cause to children) from situations of ill-treatment of a spouse by the other; and to avoid identifying as conflict or quarrels what are actually even serious and repeated forms of ill-treatment of the mother.

**Economic violence:** any form of deprivation or control that limits the victim's access to economic independence.

Some examples:

- managing the victim's salary
- preventing the victim from finding or keeping a job
- forcing the signing of contracts
- keeping the person in a situation of continuous economic deprivation
- concealing the family's assets and financial situation
- not fulfilling maintenance duties established by law in case of separation
- exploiting women as labour force in the family business or in general without giving any kind of remuneration in return

- appropriating the savings or earnings from the woman's work and using them to their own advantage
- implementing any form of legal protection to the exclusive personal advantage and detriment of the woman (e.g. registration of real estate).

The victim (almost always the woman) may be prevented from studying, working or having a personal bank account, as well as debit or credit cards. The money is managed solely by the partner and given "on request". This form of direct control often does not allow escape from a destructive abusive relationship.

**Stalking:** indicates the controlling behaviour of the persecutor towards the victim by whom he has been rejected (predominantly the former partner).

Reference is made to threats and harassment, such as surveillance, waiting, stalking, gathering information on the victim and her movements, intrusion and lying in wait for the victim in front of the victim's house or at the victim's workplace, tailing, attempts to communicate and contact with letters or phone calls, text messages, e-mails, chat lines (so-called cyberstalking), graffiti, murals, leaving messages at home, in the office or on the car, sending flowers and unwanted gifts, ordering goods and services in the name of the victim, spreading defamatory and outrageous statements against the victim. Such conduct is devious, aimed at harassing the victim and placing her in a state of subjection, with the intention of compromising her serenity, making her feel hunted down, not free; her normal living conditions are disturbed and a state of subjection or serious physical or psychological discomfort, or of justified fear for her personal safety or that of others linked to her by stable emotional relationships, is triggered.

**Mobbing in the workplace:** is a set of violent behaviours perpetrated by superiors and/or colleagues against a worker, prolonged over time and damaging the personal and professional dignity as well as the worker's psycho-physical health. It consists of harassing the employee or work colleague with various methods of psychological or even physical violence, with the aim of inducing the victim to leave the workplace, rather than resorting to dismissal. Some examples: reducing the duties to such an extent as to make it humiliating to continue working, continuous reprimands and reprimands expressed in private and in public even for trivialities, the exasperated and excessive exercise of forms of control, or the repeated exclusion of the worker from training, retraining and professional updating initiatives, the non-assignment of work tasks, with forced inactivity or, the interruption or impeding of the flow of information necessary for the activity (closing of the e-mail box, restrictions on access to the internet).



### Violence against the image of women through the media

It is the most subtle and least tangible form of violence, consumed through the grotesque, vulgar, humiliating and undignified representation that television, fashion and advertising often offer of women. It ranges from the use-abuse of the female body of the objectified woman, to the devastating distortion of body shapes and features perpetrated without restraint or inhibition. This advertising is detrimental to human dignity. An example thereof is the gratuitous and shameless use of nudity in contexts that have nothing to do with the naked female body and bear no relation to the advertised product.

Violence against women is also perpetrated, in a subtle form, through the instrumentalisation and manipulation that television does of their image on a daily basis. The girl in skimpy clothes is popular and women are transformed into vehicles for promoting the most varied objects, often only emphasising the erotic side and the seductive power of women. The Authority for Equal Opportunities, following a Report, can directly censure a damaging advertisement. Law no. 97/2008 empowers the Authority for Equal Opportunities to ask, on its own initiative or on the written report of anyone, the Law Commissioner to:

- Prevent the dissemination of images, news, references that do not comply with the prohibition of the law;
- Prevent their continuation and to eliminate their effects that harm or may harm the victim.

The WHO report “*Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partnersexual violence*”, WHO, 2013, is the first study to systematically analyse data on the prevalence of violence against women globally, inflicted by intimate partners or strangers.

Violence involves a traumatic experience undergone by more than 35% of women worldwide. The study found that the most common form of gender-based violence, affecting more than 30% of women, is inflicted by an intimate partner.

The study also highlights the duty of all (practitioners and citizens) to work together to eliminate all forms of tolerance towards violence against women and to foster the support offered to victims of this experience.

**Victims often seek medical assistance without disclosing the causes of injuries or resulting illness:** it is essential that doctors and health workers, having received appropriate training, recognise the signs of violence and know how to deal with them.

All the following situations could hide a history of domestic and/or sexual violence (even a previous one), so it is necessary to pay attention to them in order to be able to make a **Report** under Art. 19 of Law no. 97/2008, **which is a form of victim protection:**

- there is **repeated recourse to the Emergency Care** for injuries or trauma;
- there is a history of **chronic pelvic pain**, of continuous **genito-urinary infections**;
- there are chronic **gastro-intestinal diseases**;
- there are histories of **depression, drug or medication abuse, attempted suicides**;
- traumas are justified with a confused and contradictory story;
- there are continuous undefined health concerns;
- there is an anxious state that cannot be sedated with health reassurances;
- the partner tends to be always present at medical examinations and be discrediting towards the woman, who tends to delegate decisions to the partner;
- difficulty in following health prescriptions;
- failure to respond to prescribed treatments;
- refusal of home visits by social workers, midwives or other social- health personnel.

## 2. The network of Services on the territory in support of victims

When an experience of **violence is explicitly disclosed, after filing the Report** (Art.19 of Law no. 97/2008), it is necessary to be able, in addition to dealing with the problem from the health point of view, to **activate a network of help and support**, with the possibility of **integration between different professionals**. The process to get out of a domestic violence situation is long and involves second thoughts on the part of the victim. Violence is a complex phenomenon and requires **integrated intervention, which cannot be addressed by only one operator or professional figure**.

These are the Services located in the territory:

### First Level Services:

- Mental Health COU;
- Anti-violence Counselling Centre;
- Gendarmerie Corps, specifically the Minors and Gender Violence Office;
- Single Court.

### Second Level Services:

- Foster communities and foster families.

With respect to this last point, it should be specified that these facilities are located outside the territory. The selection of suitable facilities is the responsibility of the Mental Health COU (or Minors' Protection, if minors are present) which, depending on the characteristics of each specific situation, will select the appropriate foster communities (therapeutic communities for minors, psycho-educational communities, for adolescents or mother-children) or foster families.

These are the basic conditions that make it possible to properly organise and manage services for the protection of women and minors who are victims of violence:

- Integration: need for strongly cohesive teams and services in sharing intervention assumptions and procedures;
- Adequate resources: stability of the team over time and working time consistent with the needs of the cases handled;
- Specialisation: high level of specific expertise; need for periodic integrated interdisciplinary and inter-institutional training and supervision for interventions;

- Ability to liaise with the Judiciary: operational synergy in maintaining the specificity of one's professional position, focus centred on the "care" of the child and his/her family by psychosocial services and added value provided by the interaction between the clinician and the Judiciary.

Research: process of data collection, processing and comparison both within the team and externally on cases and quality and intervention factors.

### 3. The Functions of Network Services

- **EMERGENCY CARE**

**Functions:** taking charge for the purposes of collecting evidence, medical reporting and care within its competence, support to and activation of other social and health services to assist the victim.

- **OBSTETRICS AND GYNAECOLOGY COU**

**Functions:** taking charge for the purposes of collecting evidence, medical reporting and care within its competence, support to and activation of other social and health services to assist the victim.

- **MENTAL HEALTH COU**

**Functions:** reception, information, assessment, medical, psychological and social care and treatment.

- **MINORS' PROTECTION SOU**

**Functions:** reception, information, assessment, psychological and social care and treatment.

- **ANTI-VIOLENCE COUNSELLING CENTRE**

**Functions:** reception, information, psychological assistance, support to and activation of the Service network.

- **LAW ENFORCEMENT AGENCIES**

**Functions:** protection, vigilance and safeguarding.

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Updated as of 8 April 2024

## ***SSI Training Plan on Violence against women, children and gender-based violence***

**Entry into force of Law no. 97/2008** – External training for operators of the Mental Health Unit and Minors' Protection Unit, as services appointed to taking charge of victims of violence.

### **INTRODUCTORY AND AWARENESS-RAISING MEETINGS ON THE PHENOMENON OF VIOLENCE - by the Education Department, in collaboration with the University of Bologna**

1. The culture and languages of violence. Violence: a plural and polysemantic concept (17/12/12)
2. Culture and languages of violence "violence against women: a pedagogical approach" (14/01/13)
3. How to act when signals of risk emerge? (30/1/13)
4. A sociological approach to gender violence. From the cultural origin of the phenomenon to prevention through social images and gender stereotypes (25/02/2013)
5. Violence against minors: minors as victims and spectators. New paradigms for the prevention of violence in childhood (18/03/13)
6. Male violence against women: repression and silence in language, communication and intervention policies (8/4/13)
7. Preventing and combating violence against women and gender violence (15/04/13)

### **DR. MARIA MAFFIA RUSSO - Gender-based violence as a public health problem: suggestions for shelters and care**

1. Gender-based violence: knowledge of the phenomenon (24/09/13)
2. Violence against women as a public health problem (14/10/13)
3. Suggestions for sheltering (22/10/13)
4. Intervention instruments (5/11/13)
5. Specificity and care instruments (26/11/13)
6. Signs of violence: detect to protect, care, defend (10/12/13)

### **DR. MARIA PEDROCCO – Prevention of child abuse and promotion of positive parenting**

1. The specific tasks and strategies needed to work effectively to prevent child abuse (14/2/13)
2. Tools and opportunities to make an assessment of parental adequacy from a psycho-evolutionary point of view (27/2/13)
3. From an assessment of the child's well-being/illness to a diagnosis of PTSD (13/3/13)
4. We have collected signals: what resources do we have? Is it possible to renew some protection practices? Which practices does the "market" offer? Which elements does the home visiting provide? (27/3/13)
5. We have collected signals: What do we think? Disadvantages and advantages of *Home visiting* (10/4/13)
6. We have collected signals: What shall we do? Who does what? Who manages the procedure? (24/4/13)
7. Stages of development, consequences of abuse and modalities of protection (8/5/13)
8. Forms of abuse and consequences on children/teenagers (22/5/13)
9. Possible forms of protection and assessment of their pertinence. Conclusion of the first cycle (26/6/13)



- In-service training on gender-based violence by **Dr. Maria Maffia Russo** (20/05/14)
- In-service training on gender-based violence by **Dr. Maria Maffia Russo** (03/06/14)
- Medical semeiotics of prepubescent child sexual abuse by **Dr. Giolitto** (24/10/14)
- Primary health care and gender-based violence (12/11/14)

### 2015

- Combating violence against women by **Dr. Alessandra Bagnara, Association Linea Rosa** (2 and 9/2/15)
- The protection measures provided for by Law no. 97/2008 by **Lawyer Antonella Bonelli** (6/10/15)

### 2016

- In-house training for the hospital staff presenting the procedures to take charge of victims of violence and the reporting form (2016)

### 2017

- Psychophysical reporting in cases of gender-based violence (4/5/17) by **Dr. Maria Maffia Russo**
- Violence on vulnerable patients (15/11/17) by **Dr. Cilla Donatina**
- Analysis of a clinical case of violence (20/10/17) by **Dr. Maria Maffia Russo**
- Analysis of a clinical case of home visiting (17/11/2017) by **Dr. Maria Maffia Russo**
- Presentation of procedures in case of violence (24/11/17), **SSI Direction, by Stefanelli and Baldacci.**

### 2018

- Training and analysis of clinical cases of violence by **Dr. Maria Maffia Russo** (20/04, 18/05, 22/06, 05/10, 16/11/2018)
- Legal analysis and training on gender-based violence by **Lawyer Gianpaolo Pasquali** (07/05 and 11/06/2018)
- Training course: Reception and health assistance to women victims of sexual violence, by **Dr. Marinella Lenzi** (12/10/2018)

### 2019

- Training and analysis of a clinical case of violence by **Dr. Maria Maffia Russo;**
- Legal training on gender-based violence by **Lawyer Gianpaolo Pasquali.**

### 2020-2021-2022

- Analysis of a clinical case of violence by **Dr. Maria Maffia Russo;**

## 2023

- Analysis of a clinical case of violence by **Dr. Maria Maffia Russo**
- Medical approach to child sexual abuse by Dr. Maria Rosa Giolitto (30/06/2023).
- **By the Department of Human Sciences**  
Raising awareness among San Marino professionals who are crucial in the service network on issues related to gender-based violence, Casa delle Donne di Bologna (29/11 and 7/12/2023)



# REPUBLIC OF SAN MARINO

**DELEGATED DECREE no.56 of 17 May 2018**

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

*Having regard to Article 20 of Law no. 57 of 6 May 2016 and Article 1 of Law no. 31 of 20 March 2018; Having regard to Congress of State Decision no. 49 adopted during its sitting of 25 April 2018;*

*Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;*

*Promulgate and order the publication of the following Delegated Decree:*

## **PROVISIONS FOR THE OPERATIONAL INDEPENDENCE OF THE AUTHORITY FOR EQUAL OPPORTUNITIES**

### **Art.1**

*(Head office and legal representative)*

1. The Authority for Equal Opportunities (hereinafter referred to as the Authority), established by Law no. 97 of 20 June 2008, shall establish its registered and administrative office in autonomous and suitable premises belonging to the State, thus guaranteeing the confidentiality and security of data and documents pertaining to the Authority.
2. The Public Administration shall provide the Authority with appropriate administrative support, both in terms of material and secretarial staff.
3. The Authority shall appoint a legal representative from among its members who, on an annual rotating basis, shall be authorised to represent it in its external relations, while acting as a *primus inter pares* for the Authority's decisions.

### **Art. 2**

*(Management of the Victims Assistance Fund)*

1. With regard to the management of the Victims Assistance Fund, referred to in Article 5 of Law no. 57 of 6 May 2016, the Congress of State shall establish a special demand account, for which it shall authorise the opening of an ad-hoc current account, in favour of the Department of Institutional Affairs and Justice which, according to the guidelines and indications of the Authority, shall be responsible for its administrative management.

### **Art.3**

#### *(Determination of the extent of disbursements)*

1. In order to determine the extent to which assistance, not only financial, is provided to victims of violence, to be paid in accordance with Article 5 et seq. of Law no. 57/2016, the Authority shall rely on the reports of the competent services of the Social Security Institute (SSI) on any specific case, and, if necessary, on Police reports.

The extent of such disbursements shall be established on a case-by-case basis, according to the assets of the Victims Assistance Fund referred to in Article 2 and in accordance with the principle of gradual disbursement over time, until completion of the rehabilitation process or otherwise decided by the competent Judge.

### **Art.4**

#### *(Free and round-the-clock telephone helpline)*

1. The Authority shall propose and supervise the free and round-the-clock telephone helpline referred to in Article 24 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and shall collaborate with the competent Services for its establishment. It shall also cooperate to identify ad-hoc structures, services or associations that can provide the requested service in an appropriate and satisfactory manner, and, subsequently, it shall monitor the effectiveness and functionality of this service in the territory.

### **Art.5**

#### *(Reports for the provision of housing)*

1. The competent services may report to the Authority any situations that require protection according to their views. Such cases shall be transmitted to the Commission for the Management of Housing, referred to in Law no. 110 of 15 December 1994 and subsequent amendments, for the temporary provision of housing.

### **Art.6**

#### *(Data collection coordination)*

1. In compliance with the provisions of Article 34 of Law no. 97/2008, and Article 5 of Delegated Decree no. 60 of 31 May 2012, at the request of the Authority, competent parties shall be required to provide the Authority with data on violence against women and gender violence according to the methods and criteria established by the Authority.

### **Art.7**

#### *(Legal aid)*

1. Within the scope of the tasks referred to in Article 4 of Law no. 57/2016, the Authority shall conclude a special protocol with the Professional Association of Lawyers and Notaries for the provision of assistance and advice in judicial and extra-judicial matters, as well as for assistance and information advice on access to the channels that can be used for individual and collective complaints.

2. Permanent training courses to be attended by the experts enrolled in the list prepared by the Professional Association of Lawyers and Notaries pursuant to the second paragraph of Article 17 of Law no. 97/2008 shall be established and agreed in the Protocol.

#### **Art.8**

##### *(Psychological assistance and support)*

1. Within the scope of the tasks referred to in Article 4 of Law no. 57/2016, the Authority shall conclude a specific protocol with the competent SSI structures for the provision of psychological support both in the context of emergency interventions and in the follow-up of specific cases, by relying on suitable and specialised facilities also outside the territory of the Republic of San Marino.
2. The Authority may conclude a special protocol with the Association of Psychologists for advice, training, assistance and provision of psychological services.

#### **Art.9**

##### *(Shelter facilities)*

1. Within the scope of the tasks referred to in Article 4 of Law no. 57/2016, the Authority shall promote, through the SSI Directorate General, the conclusion of agreements with one or more qualified and well known shelter facilities, in order to provide suitable accommodation to victims in emergency situations.

#### **Art.10**

##### *(Assistance with access to training and employment)*

1. Within the scope of the tasks referred to in Article 4 of Law no. 57/2016, the Authority shall work with competent offices in order to prepare protocols for the entry or reintegration of victims into the labour market, through on-the-job training and with a specific plan of vocational training initiatives.

#### **Art.11**

##### *(Agreements for the recovery of abusers)*

1. Within the scope of its purposes in the areas of prevention and recovery, the Authority, through the SSI General Directorate, may conclude agreements with specialised facilities, even outside the territory of the Republic, for the recovery of abusers.

#### **Art. 12**

##### *(Power to report to the Directorates of Offices and Services)*

1. Within the scope of its responsibilities for the coordination of guaranteed assistance measures, referred to in Article 4 of Law no. 57/2016, and for the supervision of the assistance services referred to in Article 1 of Delegated Decree no. 60/2012, the Authority shall have the power to report to the respective Directorates of competent services or offices any critical issues, problems or possibilities for improving assistance procedures and measures, in order to take the consequent steps.

#### **Art.13**

##### *(Institutional Technical Panel)*

1. The Authority shall convene and coordinate the Institutional Technical Panel referred to in Article 6 of Delegated Decree no. 60/2012. The Panel shall discuss any critical issues of the network, problems or possibilities for improving the assistance procedures and measures adopted, in order to enhance the functionality of the system and verify the actual implementation of decisions.

**Art.14**

*(Relations with the Department of Foreign Affairs)*

1. The Authority shall collaborate with the relevant Directorates of the Department of Foreign Affairs in reporting to relevant international organisations operating in the sector, in drafting questionnaires and in organising the visits of bodies verifying the application of international Conventions or Treaties in the field of equal opportunities and combating of violence against women and domestic violence, to which the Republic of San Marino has acceded.
2. The Department of Foreign Affairs shall provide the Authority with all useful data and contact details that allow it to collaborate, also directly, with its counterparts in other countries, provided for by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

*Done at Our Residence, on 17 May 2018/1717 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Stefano Palmieri – Matteo Ciacci*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Guerrino Zanotti*



# REPUBLIC OF SAN MARINO

DELEGATED DECREE no. 60 of 31 May 2012  
(*Ratifying Delegated Decree no. 24 of 19 March 2012*)

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

*Having regard to Delegated Decree no. 24 of 19 March 2012 implementing Article 4 of Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence", which has been promulgated:*

*Having regard to Article 4, last paragraph of Law no. 97 of 20 June 2008;*

*Having regard to Congress of State Decision no. 27, adopted during its sitting of 6 March 2012;*

*Having regard to the amendments to the above-mentioned decree, which were introduced at the time of its ratification by the Great and General Council in its sitting of 25 May 2012;*

*Having regard to Articles 8 and 9, paragraph 5 of Qualified Law no. 186/2005;*

*Hereby promulgate and order the publication of the final text of Delegated Decree no. 24 of 19 March 2012, as modified following the amendments approved by the Great and General Council at the time of its ratification:*

## **DELEGATED DECREE IMPLEMENTING ARTICLE 4 OF LAW NO. 97 OF 20 JUNE 2008 "PREVENTION AND REPRESSION OF VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE"**

### **Art. 1**

*(Tasks of the Authority for Equal Opportunities)*

In the framework of the functions entrusted to the Authority for Equal Opportunities by Law no. 97 of 20 June 2008, it shall be guaranteed that the aims set forth in this Delegated Decree are pursued by promoting and upholding any initiative aimed at preventing violence, by granting support to victims, also through the conclusion of operational protocols; it shall favour and monitor the activity of the Associations promoting the knowledge of services granting assistance and starting prevention projects.

### **Art. 2**

*(Establishment of the Centre of Assistance)*

A Centre of Assistance shall be established at the Simple Operational Unit for Women's Health, where psychologists provide support and advice to the victims of violence, including stalking and mobbing.

**Art. 3**  
*(Shelter Centre)*

The Authority for Equal Opportunities shall promote the conclusion of a Convention, on an annual basis and through the SSI Directorate General, with a "Shelter Centre" in the nearby, which is qualified and with recognised competence in this field, so as to guarantee full application of the measures of civil protection envisaged in Title III of Law no. 97 of 20 June 2008.

**Art. 4**  
*(Vocational training courses)*

Every year compulsory vocational training courses shall be organised with the objective of providing adequate instruments and specialised training to Magistrates, Police Forces, Professionals Associations, Social and Health Services, School Operators, Family Mediator. The organisation of such courses shall be entrusted to the Department of Education of the University of San Marino.

**Art. 5**  
*(Data collection coordination)*

In line with the provisions in Article 34 of Law no. 97 of 20 June 2008, the Authority for Equal Opportunities shall act in coordination with the Health Authority in order to guarantee the collection of data on violence against women and gender violence.

The Authority for Equal Opportunities shall be responsible for keeping and disseminating such data under Law no. 97 of 20 June 2008.

**Art. 6**  
*(Technical Panel)*

An institutional and technical panel with coordinating functions is hereby established with a view to achieving the objectives specified in this Delegated Decree. This panel shall be composed of one member for each of the following institutions:

- AUTHORITY FOR EQUAL OPPORTUNITIES
- GENDARMERIE
- CIVIL POLICE
- SSI DIRECTORATE GENERAL
- ASSOCIATION OF LAWYERS
- ASSOCIATION OF PSYCHOLOGISTS
- SCHOOLS
- SINGLE COURT OF THE REPUBLIC OF SAN MARINO

**Art. 7**  
*(Funds and headquarters)*

Every year a fund shall be included in a specific chapter of the budget law to be used by the Authority for Equal Opportunities.



The Authority for Equal Opportunities shall be provided with its own headquarters within  
three months.

*Done at Our Residence, on 31 May 2012/1711 since the Foundation of the Republic*

THE CAPTAINS REGENT  
*Maurizio Rattini – Italo Righi*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Valeria Ciavatta*



# REPUBLIC OF SAN MARINO

**DELEGATED DECREE no. 109 of 9 August 2024**

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

*Having regard to Article 1, paragraph 19 of Law no. 194 of 22 December 2023;  
Having regard to Congress of State decision no. 22, adopted during its sitting of 30 July 2024;  
Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Articles 8 and 10, paragraph 2 of Qualified Law no. 186/2005;  
Promulgate and order the publication of the following Delegated Decree:*

**AMENDMENTS TO LAW NO. 97 OF 20 JUNE 2008 "PREVENTION AND  
ELIMINATION OF VIOLENCE AGAINST WOMEN AND GENDER  
VIOLENCE" AND SUBSEQUENT AMENDMENTS AND TO THE  
CRIMINAL CODE**

**Art. 1**

*(Amendments to Article 2 of Law no. 97 of 20 June 2008 and subsequent amendments)*

1. Article 2 of Law no. 97 of 20 June 2008 and subsequent amendments shall be replaced by the following:

**"Art. 2**

*(Definition of violence against women, gender violence and domestic violence)*

1. Violence against a person shall mean any act of sex or gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life.
2. The term "gender" shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.
3. Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners considered equivalent to spouses, whether or not the perpetrator shares or has shared the same residence with the victim.
4. The term woman shall also include girls under the age of 18.
5. Psychological violence shall include any intentional behaviour that seriously harms the psychological integrity of another person, carried out through various means and methods such as isolation, control, coercion, intimidation, denigration and humiliation, including in respect of persons close to the victim."

**Art. 2**

(Amendment to Article 19 of Law no. 97/2008)

1. Article 19 of Law n.97/2008 shall be replaced by the following:

“Art. 19  
(Reporting obligation)

1. Social Services, Police Forces and health professionals, both public or private, as well as teachers of all school levels shall report to the competent bodies any act of violence against women, children or gender violence of which they may have knowledge because of their activities or professions.
2. The purpose of reporting is to make the facts referred to in paragraph 1 known to the bodies responsible for taking measures to protect the victim, where necessary.
3. Reporting shall not constitute a breach of professional secrecy.
4. An administrative fine of EUR 500.00 (five hundred/00) shall be imposed on anyone who breach the reporting obligations.”.

**Art. 3**

(Introduction of Article 19-bis in Law no. 97/2008 and subsequent amendments)

1. After Article 19 of Law No. 97/2008, the following Article 19-bis shall be introduced:

“Art. 19-bis  
(Bodies competent to receive reports)

1. If the acts of violence referred to in Article 19 constitute offences that can be prosecuted *ex officio* or in case of offences that can be prosecuted on formal complaint filed by the victim, the report shall be made to the Law Commissioner acting as Investigating Judge, who shall put in place protective measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge shall promptly report the *notitia criminis* to the Guardianship Judge for any necessary action falling within his/her competence.
2. Except for the cases referred to in paragraph 1, i.e. when the acts of violence do not constitute an offence that can be prosecuted *ex officio* or in the absence of a formal complaint in case of offences that can be prosecuted on formal complaint filed by the victim, the competent authority to receive the report shall be the Mental Health Complex Operational Unit, which shall summon the victim and, if requested by the latter, it shall adopt the protection measures and programmes provided for in the protocols in force, after appropriate investigations.
3. In the cases referred to in paragraph 2, if acts of violence are perpetrated against a minor or are committed by a minor, the competent authority to receive the report shall be the Minors’ Protection Simple Operational Unit, which shall act in accordance with the provisions of the protocols in force.
4. For anything falling within his/her competence, the coordination of the anti-violence network shall be entrusted to the Director of the Territorial and Social Health Department, who shall resort to professionals identified by him/her.”.

**Art. 4**

(Amendment to Article 20 of Law no. 97/2008)

1. Article 20 of Law n.97/2008 shall be replaced by the following:

**“Art. 20*****(Right to participate in criminal proceedings)***

1. In proceedings of violence against women, minors or gender-based violence, the Authority for Equal Opportunities shall be entitled to participate and to join the proceedings as a civil party.
2. To this end, the Investigating Judge shall immediately notify the Authority for Equal Opportunity of the ongoing criminal proceedings.
3. Within criminal proceedings for violence against women, minors or gender-based violence, the victim may freely have access to the case file at any stage and instance of the proceedings, irrespective of whether or not he/she has joined the proceedings as a civil party, upon a reasoned request for access by means of a public prosecutor."

**Art. 5*****(Introduction of Article 21-bis in Law no. 97/2008 and subsequent amendments)***

1. After Article 21 of Law no.97/2008 the following Article 21-bis shall be introduced:

**“Art. 21-bis*****(Verbal reprimand)***

1. Verbal reprimands shall be a preventive administrative measure adopted by the Commander of the Gendarmerie, or his delegate, against the perpetrator of acts such as beatings, injuries, threats, persecution and sexual harassment in order to prevent such acts from being repeated.
2. The person in whose favour the verbal reprimand is taken, may make a request to the Commander of the Gendarmerie if the perpetrator of the acts is clearly identifiable. The request may be made if a complaint has not already been filed with the Law Commissioner, the Investigating Judge, and if no acts have been committed that can be prosecuted ex officio.
3. The request referred to in paragraph 2 shall contain the details of the facts, any documentation and a description of any person involved. Anonymous reporting shall not be permitted and the confidentiality of the reporting person shall be guaranteed.
4. The Commander of the Gendarmerie, or his delegate, after verifying the documentation submitted and after hearing the perpetrator of the acts and the persons informed of the facts, shall assess the seriousness of the conduct and decide on the adoption of the measure referred to in paragraph 1.
5. If the request referred to in paragraph 2 is granted, the Commander of the Gendarmerie, or his delegate, after summoning the perpetrator of the acts, shall reprimand him/her and exhort to behave in accordance with the law and shall inform him/her of the rehabilitation centres and services available in the territory. The Commander of the Gendarmerie or his delegate shall draw up minutes, a copy of which shall be sent to the requesting person and to the person to whom the reprimand was given.
6. The Commander of the Gendarmerie, or his delegate, shall consider whether to adopt measures concerning arms and ammunition.
7. If the person requesting the measure of verbal reprimand considers that a criminal offence has occurred, he/she may file a complaint before the Court of the Republic of San Marino, addressed to the Law Commissioner in his capacity as Investigating Judge, or to the Police Forces, which shall immediately notify the judicial authority within 72 hours of receipt.
8. If the person requesting the verbal reprimand files a complaint to the Court, he/she shall at the same time notify the Commander of the Gendarmerie thereof. In that case, the proceedings before the Commander of the Gendarmerie shall be closed.

9. The complaint referred to in paragraph 7 shall contain a detailed description of the facts, of the persons involved in whatever capacity, and shall be accompanied by any means of evidence proving what has been declared.
10. Punishments for the offences referred to in paragraph 1 shall be increased by one degree if the offence has been committed by a person who has already been prosecuted under this Article. The act shall be prosecuted *ex officio* if it has been committed by a person who has already been reprimanded.
11. If the threat is repeated, such conduct shall be punished by fine or reprimand.”.

#### **Art. 6**

*(Amendments to Article 22 of Law no. 97/2008)*

1. Article 22 of Law n.97/2008 shall be replaced by the following:

#### **“Art. 22**

*(Special protective measures in criminal proceedings)*

1. When judging an offence against personal safety, personal freedom or family maltreatment by a co-habiting person, the Investigating Judge may order, upon the victim’s request, the suspect or the defendant to vacate the family house and not to return or enter it without his/her authorisation, and, if necessary, establish visitation rules.
2. In cases where the safety of the victim or of his/her close relatives is at stake and needs to be protected, the Investigating Judge may, upon the victim’s request, order the suspect or defendant to stay away from certain places usually frequented by the victim, in particular the working place, the original home or that of close relatives, unless attendance is necessary for work purposes. In the latter case, the Judge shall establish the relevant modalities and may impose limitations. In any case, the prohibition to approach places habitually frequented by the offended person shall be at a distance no less than 500 metres, except for proven reasons specified by the Investigating Judge.
3. The Judge, upon receipt of the request, shall gather all appropriate information and issue a reasoned order, after hearing the defendant and, where appropriate, the applicant, except in cases of urgency.
4. The Investigating Judge, at the request of the victim, and in compliance with adversarial proceedings, may also order that a cheque is regularly paid off to cohabiting persons who have no adequate financial means as a result of the precautionary measure adopted. The Judge shall determine the amount of the cheque, taking into account the circumstances and the income of the obligor and shall establish the terms and conditions of payment. The Judge may order, if necessary, that the cheque be paid directly to the payee by the employer of the obligor, deducting it from his/her salary. The payment order shall be expressly enforceable.
5. The measures referred to in paragraphs 2 and 4 may also be taken subsequent to the measure referred to in paragraph 1, provided that the latter has not been revoked or has not become null and void. Such measures, even if adopted at a later stage, shall become null and void if the measure referred to in paragraph 1 is revoked or becomes null and void. If the measure set forth in paragraph 4 is in favour of the spouse or the children, it shall also become null and void in cases where the Civil Judge adopts a subsequent measure in a legal separation or if another measure concerning the economic and property relationships between spouses or the financial support of children has been taken by a Civil Judge.
6. The measure referred to in paragraph 4 may be modified if the conditions of the obligor or of the payee change, and it shall be revoked if cohabitation resumes.”.

**Art.7**

*(Amendment to Article 23 of Law no. 97/2008)*

1. Article 23 of Law n.97/2008 shall be replaced by the following:

**“Art. 23**

*(Psychological support for victims of violence in criminal proceedings and other protection measures in criminal preliminary investigation)*

1. When criminal offences against personal safety, freedom or maltreatment of a person are proceeded against, psychological support shall be ensured to the victim by experts when the victim is examined as a witness or during the confrontation with the defendant or other witnesses.
2. When a judicial or medical and legal examination has to be conducted during the proceedings for one of the offences referred to in paragraph 1, the expert shall be preferably chosen among professionals of the same sex of the victim.
3. The examination of the victim in court shall, as a rule, take place so as to avoid having to repeat it. To this end, the Investigating Judge shall take all appropriate measures, including video recording the hearing.
4. The Investigating Judge shall, in any case, gather information from the offended party or from the person who has reported the facts of violence within no more than forty-eight hours or, in any event, no more than two working days, unless extended for proven reasons. Investigations shall take place as soon as possible.
5. If the victim of the offence is a minor, the Investigating Judge shall examine the victim of the offence, in confrontation with the defendant or witnesses, through the use of a two-way mirror and an intercom system or through the use of other suitable equipment that guarantees confidentiality. The hearing must be video-recorded. The minor shall always be assisted by a child psychologist auxiliary to the Judge.”.

**Art. 8**

*(Amendment to Article 29 of Law no. 97/2008)*

1. Article 29 of Law n.97/2008 shall be replaced by the following:

**“Art. 29**

*(Sanctions)*

1. Anyone breaching the protection order provided for in Article 22, paragraphs 1 and 2, and Article 27 of this Law, or a measure of equal content taken in the context of proceedings for legal separation, dissolution or termination of civil effects of marriage shall be subject to the punishment established in Article 366 of the Criminal Code.”.

**Art. 9**

*(Amendment to Article 32 of Law no. 97/2008)*

1. Article 32 of Law n.97/2008 shall be replaced by the following:

**“Art. 32***(Law enforcement intervention)*

1. If a police intervention is required for acts of violence covered by this law, Police forces shall take immediate action.
2. Police forces may enter, even forcibly, the victim’s home or other places or private property where the victim or the perpetrator are located. They shall put an end to the offending behaviour, make the victim aware of his/her rights, including the right to request protection orders.
3. In the event of a real and concrete danger for the victim's safety, the Police shall act to ensure the victim's safety, through the competent Social Services, which shall intervene in accordance with the protocols in force, also for the purpose of temporary placement in a protected facility.
4. If the persons involved are minors, Police forces shall contact the Minors' Protection Service. In all cases in which the Service, even following autonomous intervention or even outside the scope of this article, finds that there is a temporary inability or impossibility for both parents to exercise parental authority over the child, and that there is an immediate need to protect the child, it shall arrange for the child to be placed in a protected facility in accordance with the protocols in force, notifying the Guardianship Judge, for the measures falling within his competence, within the following twenty-four hours.
5. To ensure the regular performance of the intervention activities referred to in paragraphs 3 and 4, the SSI Executive Committee shall guarantee, through the Social Services and the Minors' Protection Service, the fulfilment of their duties, i.e. guaranteeing 24-hour on-call shifts.
6. In any event, the Police forces shall report the act of violence in accordance with Article 19-*bis*.
7. Police forces shall seize in any case the weapons present in the perpetrator's home and communicate it to the Law Commissioner, the Investigating Judge and the Command of the Gendarmerie, to initiate the procedure of suspension or withdrawal of the firearms certificate or hunting license.
8. Police forces shall immediately intervene even following a report that a perpetrator of violence is or is about to drive a vehicle under the effect of narcotic or alcoholic substances or in a state of psychophysical alteration, by taking the necessary preventive and precautionary measures.
9. If the request for intervention concerns acts of persecution as defined by law, Police forces, even regardless of the complaint by the offended party, shall remove the offender and report as provided for in this law.
10. Minutes shall be drawn up for all interventions and shall be sent to the Command of the Gendarmerie, to the Gender and Child Abuse Office, to the Mental Health Complex Operational Unit and the Minors’ Protection Simple Operational Unit, should minors be involved. The data collected shall be transmitted to the Authority for Equal Opportunities.”.

**Art. 10***(Introduction of Article 32-bis in Law no. 97/2008 and subsequent amendments)*

1. After Article 32 of Law no. 97/2008 and subsequent amendments the following Article 32-*bis* shall be added:

“Art. 32-bis  
(Placement in foster families)

1. To find suitable accommodation for minors who are victims of violence or who are temporarily deprived of a suitable family environment to guarantee their upbringing, a Register of persons available to take in such minors shall be established at the Minors' Protection Simple Operational Unit.
2. To be entered in the Register referred to in paragraph 1, persons shall meet the requirements referred to in Article 5 of Law No 79 of 30 April 2021.
3. Persons wishing to apply for entering the Register referred to in paragraph 1 shall submit an application to the Minors' Protection Simple Operational Unit together with the documentation proving that they meet the requirements referred to in paragraph 2. The Minors' Protection Simple Operational Unit, having assessed the suitability of the person, shall enter him/her in the Register.
4. Persons taking in a child in foster care shall receive a contribution from the Social Security Institute, by resolution of SSI Executive Committee, on the basis of specific tables containing objective criteria adopted by the SSI Executive Committee.”

**Art. 11**  
(Amendment to Article 171 of the Criminal Code)

1. Article 171 of the Criminal Code shall be replaced by the following:

“Art. 171  
(Sexual violence)

1. Anyone who, by using violence, threat, deception, hypnotic suggestion or while being awake or by other means, forces or induces a person to perform or undergo sexual acts, shall be punished by third degree imprisonment.
2. In less serious cases, the punishment shall be reduced from one to two degrees.
3. If the offence is committed by the ascendant, adopter, guardian, educator, teacher, health professional or the person having custody of a child for reasons of supervision, education or care, fourth degree disqualification from parental authority, guardianship, profession or art shall be jointly applied.”

**Art. 12**  
(Introduction of Article 171-bis of the Criminal Code)

1. After Article 171 of the Criminal Code and subsequent amendments, the following Article 171-bis shall be introduced:

“Art. 171-bis  
(Sexual harassment)

1. Unless the fact constitutes a more serious offence, anyone who, by means of acts or conduct of a sexual nature, including through social media, seriously violates the freedom and dignity of the person who suffers them shall be punished, on complaint of the victim, by first degree imprisonment or a fine or reprimand.
2. If the act is committed against an incapacitated person by reason of age or infirmity, it shall be prosecuted ex officio.”



**Art. 13**

*(Amendment to Article 172 of the Criminal Code and subsequent amendments)*

1. Article 172 of Law of the Criminal Code and subsequent amendments shall be replaced as follows:

“Art. 172

*(Aggravating circumstances)*

1. Anyone who commits sexual intercourse under the circumstances laid down in Article 171 shall be punished by imprisonment increased by one degree.
2. The punishment shall be increased by one degree if the fact referred to in paragraph 1 is committed by the spouse or co-habiting partner or by the person having or having had an emotional relationship with the victim.
3. In some cases the punishment shall be increased by one degree if the fact is committed to the detriment of a disabled person.
4. The punishment shall be increased by one degree if the offence is committed to the detriment of a minor.”.

**Art. 14**

*(Introduction of Article 177-bis of the Criminal Code)*

1. After Article 177-*quater* of the Criminal Code, the following Article 177-*quinquies* shall be added:

“Art. 177-*quinquies*

*(Solicitation of children)*

1. 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.
2. 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.”.

**Art. 15**

*(Amendment to Article 178 of the Criminal Code)*

1. Article 178 of Law of the Criminal Code and subsequent amendments shall be replaced as follows:

“Art. 178

*(Running of the limitation period of the criminal offence)*

1. When the criminal offences provided for by Articles 153, second paragraph, letter a), 154-*bis*, 155, first and second paragraphs, 156, 156-*bis*, 167, 168, 168-*bis*, 171, 172, 172-*bis*, 173, 174, 175, 176, 176-*bis*, 177, 177-*bis*, 177-*ter*, 177-*quater*, 177-*quinquies* and 181-*bis* are committed against a minor, the limitation period shall run from the date in which the offended person has reached the age of eighteen, unless the criminal action has been brought earlier. In the latter case, the limitation period shall run from the registration of the *notitia criminis*.”.

**Art. 16**

*(Amendment to Article 181-bis of the Criminal Code)*

1. Article 181-bis of the Criminal Code shall be replaced by the following:

*“Art. 181-bis  
(Persecutory acts)*

1. Anyone who repeatedly harasses or threatens a person to such an extent as to upset his/her usual living conditions or to submit him/her in a state of subjection or substantial physical or psychological distress or reasonable fear for his/her own safety and for the safety of the people close to him/her through stable emotional relationships shall be punished by terms of first degree imprisonment and a fine.
2. If the harassment and threats referred to in paragraph 1 occur in the workplace in the form of ongoing and repeated aggressive and unfair conducts held by the employer or colleagues with the intent to discredit, humiliate, or isolate an employee in order to force him/her to resign after causing him/her severe psycho-physical distress, the punishment shall be raised by one degree.
3. The Court shall proceed upon complaint filed by the offended party.
4. The Court shall proceed ex officio and imprisonment shall be raised by one degree if the crime is accompanied by the use of a weapon, violence or a particularly serious threat.
5. The Court shall also proceed ex officio if the fact is committed jointly with an offence that can be prosecuted ex officio.”.

**Art. 17**

*(Amendment to Article 6 of Delegated Decree no. 60 of 31 May 2012)*

1. Article 6 of Delegated Decree no. 60 of 31 May 2012 shall be replaced as follows:

*“Art. 6  
(Technical Panel)*

1. An Institutional and Technical Panel shall be established for the purpose of coordinating and implementing the objectives defined in this delegated decree and shall consist of:
  - a) a member from the Authority for Equal Opportunities;
  - b) a member from the Gendarmerie Corps;
  - c) a member of the Civil Police Corps;
  - d) a member of the Uniformed Unit of the Fortress Guard;
  - e) a member from the SSI Directorate-General;
  - f) a member from the Association of Lawyers;
  - g) a member from the Association of Psychologists;
  - h) the Director of the Department of Education or his/her delegate;
  - i) the Director-General of the University of the Republic of San Marino or his/her delegate;
  - l) a representative of the Court of the Republic of San Marino.”.

**Art. 18**

*(Operating Protocols)*

1. The Court of the Republic of San Marino, the Police Forces, the Authority for Equal Opportunities, the Mental Health Complex Operational Unit and the Minors' Protection Simple Operational Unit shall draw up, within three months from the adoption of this delegated decree, specific protocols containing procedures for protecting and taking care of victims of violence.

**Art. 19**  
*(Repeal)*

1. Delegated Decree n. 62 of 20 March 2024 shall be repealed. The relevant effects and acts performed during its validity shall remain unaffected.

*Done at Our Residence, on 9 August 2024/1723 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Alessandro Rossi – Milena Gasperoni*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Andrea Belluzzi*





# REPUBLIC OF SAN MARINO

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

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

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 25 January 2021:*

### **Law no. 16 of 1 February 2021**

## **AMENDMENTS TO THE CRIMINAL CODE - INTRODUCTION OF THE OFFENCE OF ILLICIT DISSEMINATION OF SEXUALLY EXPLICIT IMAGES OR VIDEOS (REVENGE PORN)**

### **Art. 1**

*(Purposes)*

1. The purpose of the provision is to introduce into the Criminal Code an autonomous criminal offence to repress the illicit dissemination of sexually explicit images or videos, also in compliance with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of 11 May 2011 and Law no. 97 of 20 June 2008 and subsequent amendments.

### **Art. 2**

*(Illicit dissemination of sexually explicit images or videos)*

1. After Article 181-bis of the Criminal Code, the following Article shall be added:

#### *“Art.181-ter*

*(Illicit dissemination of sexually explicit images or videos)*

Unless the act constitutes a more serious offence, anyone who sends, delivers, transfers, publishes or disseminates, after having made or taken them, images or videos of sexual organs or sexually explicit content, intended to remain private, without the consent of the persons depicted, shall be punished by terms of second-degree imprisonment and a fine from 4,000.00 to 10,000.00 euro.

First-degree imprisonment or a fine from 2,000.00 to 8,000.00 euro shall apply if the offence is perpetrated by a person who, having received or otherwise acquired the images or videos, sends, delivers, transfers, publishes or disseminates them without the consent of the persons depicted in order to cause them harm.

If the acts referred to in the first paragraph are committed by a person who is or was a spouse or a person who is or was in a stable emotional relationship with the offended person, or if the offence is perpetrated through computer or telematics tools, imprisonment from second to third degree and a fine from 5,000.00 to 12,000.00 euro shall be applied.

The same punishment envisaged in the preceding paragraph shall also be applied if the offence is perpetrated against a person in a condition of physical or mental inferiority or against a pregnant woman.

The offence shall be prosecuted upon complaint filed by the offended party. However, the offence shall be prosecuted ex officio in the cases referred to in paragraph 4, as well as when the offence is related to another offence, which is prosecuted ex officio.

In case of conviction for the offences referred to in the preceding paragraphs, the confiscation of material containing images or videos of sexual organs or sexually explicit content shall always be mandatory under Article 147 of the Criminal Code. To this end, the Law Commissioner may order the seizure of material containing images or videos of sexual organs or with sexually explicit content.”.

### **Art.3**

*(Protection of victims of the offence of illicit dissemination of sexually explicit images or videos)*

1. Where compatible, the provisions of Chapters I and III of Law no. 97 of 20 June 2008 and subsequent amendments shall apply to the offence referred to in Article 2 of this Law.
2. An employee shall not be subject to dismissal or other sanctioning measures if he is a victim of the offence referred to in Article 2 of this Law.

### **Art.4**

*(Entry into force)*

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

*Done at Our Residence, on 1 February 2021/1720 since the Foundation of the Republic.*

THE CAPTAINS REGENT  
*Alessandro Cardelli – Mirko Dolcini*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Elena Tonnini*



# REPUBLIC OF SAN MARINO

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

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

*Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 2 May 2016:*

**LAW NO. 57 OF 6 MAY 2016**

**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 (ISTANBUL  
CONVENTION)**

**Art.1**

*(Declarations of principle)*

In compliance with the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, opened for signature in Istanbul on 11 May 2011, the Republic of San Marino undertakes:

1. to conform the activities of its social and health care, support, protection and prevention services to the general principles established by the Convention;
2. to effectively implement policies of equality between women and men and the empowerment of women;
3. to adopt a gender perspective in the design of the measures implementing the Convention and in the evaluation of their impact.

**Art.2**

*(Additional definitions)*

Article 2 of Law no. 97 of 20 June 2008 shall be replaced by the following:

**“Art.2**

*(Definition of violence against women, gender violence and domestic violence)*

Violence against a person shall mean any act of sex or gender-based violence that results, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The term “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.

Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners considered equivalent to spouses, whether or not the perpetrator shares or has shared the same residence with the victim.

The term woman shall also include girls under the age of 18.”.

**Art.3**

*(Extension of the protection and assistance measures to victims)*

The protection and assistance measures provided for in Law no. 97 of 20 June 2008 shall be understood as extended to all victims of all forms of violence covered by the scope of the Convention.

**Art.4**

*(Assistance and recovery of victims)*

Under Article 4 of Law no. 97/2008, legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment shall be ensured, when necessary, to victims in order to meet their specific assistance and recovery needs.

In order to integrate the tasks provided for in Article 1 of Delegated Decree no. 60 of 31 May 2012, the Authority for Equal Opportunities shall be responsible for the organisation and coordination of guaranteed assistance measures, including through the signing of specific memoranda with:

- the Association of Lawyers and Notaries for the provision of support and advice services (including out-of-court) and of information on access to the channels to be used for individual and collective complaints;
- the competent structures of the Social Security Institute for the provision of psychological support services;
- the offices entrusted with the provision of services and assistance for access to education, training and employment;
- adequate reception facilities for the provision of suitable accommodation in situations of emergency.

Legal advice and support services shall be provided by the experts on the list drawn up by the Association of Lawyers and Notaries, in accordance with paragraph 2 of Article 17 of Law no. 97 of 20 June 2008.

**Art.5**

*(Fund for financial assistance to victims of violence)*

Among the items of expenditure attributable to the Department of Institutional Affairs and Justice, a Fund shall be established in the State budget and be allocated to the Authority for Equal Opportunities for financial assistance to victims.

The Authority for Equal Opportunities shall be responsible for the identification of the need to provide adequate financial assistance to victims, based on the availability of the Fund and in relation to the specificities of the case.

The Fund may be accessed by the victims of the acts of violence referred to in the Convention,

committed or attempted in the territory of the Republic, whether they are San Marino citizens, residents or stay in the territory of the Republic and who are facing economic hardship (even temporarily).

After establishing the need referred to in paragraph 2 of this Article, the Authority for Equal Opportunities shall timely grant an amount from the Fund through the Department of Institutional Affairs and Justice.

#### **Art.6**

*(Measures for the protection and support of children witnessing violence)*

The measures provided for in Article 4, letters b), c), d), e) and f) of Law no. 97 of 20 June 2008, as well as the measures for the protection and support referred to in this Law shall be construed as applying to children witnessing all forms of violence covered by the scope of the Convention.

#### **Art.7**

*(Confidentiality of the identity of complainants or reporting persons)*

The Judicial and Police Authorities shall adopt, through a Congress of State Regulation, appropriate measures to ensure the confidentiality of the identity of the person who has filed a report or complaint concerning any act of violence covered by the scope of the Convention.

#### **Art.8**

*(Compensation for failure to adopt appropriate preventive and protective measures)*

The victims of the acts of violence covered by the Convention shall be given the right to bring action before the competent Judicial Authorities to obtain compensation for any damages resulting from the State Authorities' failure to take, for wilful misconduct or gross negligence, preventive or protective measures within the scope of their powers, in relation to the offences referred to in the Convention.

#### **Art.9**

*(Forced marriage)*

After Article 176 of the Criminal Code, the following Article shall be added:

"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."

#### **Art.10**

*(Female genital mutilation)*

After Article 156 of the Criminal Code, the following Article shall be added:



"Article 156 bis  
(Female genital mutilation)

Anyone excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris, or coercing a woman to undergo any of such acts, shall be punished with third-degree imprisonment and disqualification.

Apart from cases of participation in the commission of the offence, anyone inciting a person to undergo the acts referred to in the preceding paragraph, shall be punished with second-degree imprisonment."

**Art.11**  
(Forced sterilisation)

After Article 154 of the Criminal Code, the following Article shall be added:

"Article 154 bis  
(Forced sterilisation)

Anyone performing surgery which has the purpose or effect of permanently terminating a person's capacity to naturally reproduce without his/her prior and informed consent or understanding of the procedure, shall be punished with third-degree imprisonment.

Fourth-degree imprisonment and fourth-degree disqualification shall apply, if the offender exercises a health profession."

**Art.12**  
(Ill-treatment of family members and cohabitants, domestic violence)

Article 235 of the Criminal Code shall be replaced by the following:

"Art.235  
(Ill-treatment of family members and cohabitants, domestic violence)

Anyone ill-treating a family member or in any case a cohabitant, or a person to whom he/she was or is linked by an emotional relationship, though not involving any cohabitation, shall be punished with second-degree imprisonment.

Fourth-degree imprisonment shall be applied if the offence provokes one of the aggravating events referred to in Article 156 and fifth-degree imprisonment shall apply in case of the victim's death."

**Art.13**  
(Discrimination, hatred or violence on the grounds of race, ethnicity, nationality,  
religion or sexual orientation and gender)

Article 179 bis of the Criminal Code shall be replaced by the following:

"Article 179 bis  
(Discrimination, hatred or violence on the grounds of race, ethnicity, nationality,  
religion or sexual orientation and gender identity)

Anyone disseminating by any means ideas based on racial or ethnic superiority or hatred, or encouraging someone to commit, or committing discriminatory acts on the grounds of race, ethnicity, nationality, religion or sexual orientation and gender identity, or encouraging someone to commit, or committing violence or acts instigating to violence on the grounds of race, ethnicity, nationality, religion or sexual orientation and gender identity, shall be punished with second degree imprisonment.

The offences aggravated by discrimination on the grounds of race, ethnicity, nationality, religion or sexual orientation and gender, as referred to in Article 90, paragraph 1, point 1, shall be prosecuted ex officio in any case."

#### **Art.14**

*(Unacceptable justifications for offences)*

Culture, custom, religion, tradition or honour shall not be regarded as justification or mitigation of punishment for the offences covered by the scope of the Convention.

#### **Art.15**

*(Criteria of jurisdiction)*

A San Marino citizen or resident who commits outside the State territory the offences covered by the Convention shall be subject to San Marino jurisdiction.

A person who commits outside the State territory the offences covered by the Convention against a San Marino citizen or resident shall be subject to San Marino jurisdiction.

The provisions referred to in Articles 154 bis, 156 bis and 176 bis as introduced by this Law, and the provisions referred to in Articles 153, paragraph 3, no. 1), 171, 172, 172 bis of the Criminal Code, shall also apply in cases where the facts are not criminalised in the State where they were committed, or even where the acts are criminalised in the State in which they were committed, but criminal prosecution can only be initiated following the reporting by the victim or action brought by the State of the place where the offence was committed.

Action shall not be taken pursuant to paragraphs 1 and 2, if any of the conditions provided for in Article 7 of the Criminal Code applies.

#### **Art.16**

*(Aggravating circumstances)*

The following circumstances shall be taken into consideration as further aggravating circumstances in relation to the offences covered by the provisions referred to in Articles 154 bis, 156 bis, 176 bis and 235 as introduced or amended by this Law, as well as by the provisions referred to in Articles 171 and 172 bis of the Criminal Code, when:

- a) the offence was committed against or in the presence of a child;
- b) the offence was committed against a person suffering from mental disorders or intellectual disabilities or a pregnant person;
- c) the offence was committed with the use or threat of a weapon;
- d) the offence, or any other related offence, was committed repeatedly during a certain period of time.

Abuse of family relationships, which constitutes an aggravating circumstance provided for in Article 90, point 2) of the Criminal Code, shall also include the abuse committed by the former spouse or partner.

In the presence of the above-mentioned aggravating circumstances the judge may increase the punishment by one degree.

**Art.17**

*(Prosecution ex officio and withdrawal of complaint)*

Article 178 of the Criminal Code shall be replaced by the following:

**“Art.178**

*(Prosecution ex officio and withdrawal of complaint)*

Prosecution for the offences covered by Articles 175 and 177 shall only be initiated following a complaint by the victim.

For the offences referred to in the preceding paragraph, a complaint can no longer be withdrawn after expiry of the period referred to in paragraph 3 of Article 7 of the Code of Criminal Procedure.

For the offences covered by the provisions of Articles 153, paragraph 3, no. 1), 154 bis, 156 bis, 171, 172, 172 bis, 176, 176 bis, the withdrawal of the complaint by the victim shall not extinguish the offence and shall have no effect on any criminal proceedings initiated.

In the event that the victim is a child, the statute of limitations, as well as the deadline for filing the complaint shall begin to run after reaching the age of majority.

The case shall be prosecuted ex officio if the offence is committed by the ascendant, guardian or adopter or by the person having the care or custody of the victim.

The case shall also be prosecuted ex officio if the fact is committed in conjunction with an offence which is prosecutable ex officio, or in case of repeated recidivism.".

**Art.18**

*(Residence status of victims of forced marriage)*

Upon request of the person concerned and after verifying the requirements to obtain a residence permit, the Permanent Parliamentary Commission for Foreign Affairs, Emigration and Immigration shall grant a residence permit to the victims of the offence under Article 176 bis of the Criminal Code who, brought into another State for the purpose of forced marriage, have lost their residence status following the occurrence of the condition referred to in Article 17, paragraph 5, letter a) of Law no. 118 of 28 June 2010 and subsequent amendments.

**Art.19**

*(Tax exemption for acts performed in the interest of the victim)*

The tax exemption granted under Article 17, paragraph 7 of Law no. 97/2008 shall be construed as being extended to all acts performed in the interest of the victim of violence in the context of civil, criminal and administrative proceedings.

**Art.20**

*(Activities of the Authority for Equal Opportunities)*

In order to ensure the effectiveness and efficiency of the provisions of Law no. 97 of 20 June 2008, of Delegated Decree no. 60 of 31 May 2012 and of this Law and to recognise the full operational autonomy of the Authority for Equal Opportunities, a special delegated decree providing for the interventions needed for this purpose shall be issued within ninety days of the entry into force of this Law.

**Art.21**

*(Transitional provisions)*

In order to allow the competent services and structures to design and implement, within the necessary time, the measures for the prevention, protection, punishment and assistance guaranteed by this Law to the victims of the offences of violence referred to herein, the right governed by Article 8 above shall be understood as being granted starting from the sixth month following the entry into force of this Law.

**Art.22**

*(Entry into force)*

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

*Done at Our Residence, on 6 May 2016/1715 since the Foundation of the Republic*

THE CAPTAINS REGENT

*Gian Nicola Berti - Massimo Andrea Ugolini*

THE MINISTER OF  
INTERNAL AFFAIRS  
*Gian Carlo Venturini*

# **REPUBLIC OF SAN MARINO**

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

*Having examined Article 4 of Constitutional Law no. 185 of 2005 and Article 6 of Qualified Law no. 186 of 2005;*

*Promulgate and order the publication of the following Ordinary Law approved by the Great and General Council during its session of 18 June 2008.*

**LAW NO. 97 OF 20 JUNE 2008**

## **PREVENTION AND ELIMINATION OF VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE**

### **CHAPTER I**

**UNDERLYING PRINCIPLES AND AWARENESS-RAISING AND PREVENTION  
MEASURES FOR COMBATING VIOLENCE AGAINST WOMEN AND GENDER  
VIOLENCE, INCLUDING DOMESTIC VIOLENCE**

## **Art. 1**

### *(Purpose of this Law)*

This Law aims at preventing and combating violence against women and gender violence, including domestic violence.

## **Art. 2**

### *(Definition of Violence against Women)*

Violence against the individual means any act of gender-based violence that results, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life

## **Art. 3**

### *(Mass Media and Dissemination of Discriminatory Information)*

Mass media shall contribute to fostering and safeguarding equality between men and women and shall avoid any form of gender-based discrimination.

The use of images or expressions that are detrimental to individual dignity and identity, or having a discriminatory content, including references to a person's sexual orientation or gender identity in general, also for advertising purposes, is prohibited.

The specifically appointed Equal Opportunities Authority can request the Law Commissioner on its own initiative or upon notification made in writing by any interested person:

- a) to prevent the circulation of images, information or references that do not comply with the prohibition referred to in paragraph 2;
- b) to prevent their further circulation and to eliminate their effects;

without infringing on the right of the person portrayed or mentioned to apply for damages;

After listening to the party against which the measure is to be taken, the Law Commissioner issues a decree. In particularly urgent cases and when the party against which the measure is to be taken is not a resident or is not based in the Republic of San Marino, or has no legal representation in the trial, the Law Commissioner can order the enactment of the measure without a preliminary hearing.

Anyone who does comply with the order issued pursuant to the previous paragraph shall be punished as described in Article 366 of the Criminal Code.

The decree issued by the Law Commissioner can be challenged before the Judge of Appeal for nullity, but this shall not affect the enactment of the measure unless the Judge of Appeal should decide otherwise.

The State Law Office shall provide legal assistance to the Equal Opportunity Authority in court proceedings.

Trial records are exempt from legal taxes.

#### **Art. 4**

*(Assistance to the victims of violence)*

For victims of domestic and sexual violence, the State shall

- a) provide information on the measures envisaged by the law for the protection, safety and right to assistance and support for victims of violence;

- b) provide specialised social services that are conveniently located and easily accessible to victims and employing specifically trained staff;
- c) ensure that these services are able to face emergency situations and provide immediate support, also of psychological nature, and be responsible for medium-term cases, also for the purpose of family reunification;
- d) provide social support, protection, support for education, training and professional re-integration;
- e) ensure that, in the most serious cases, in which continuing to live in the family is deemed to be dangerous, victims are admitted to a family-sized community for the time necessary to develop a social reintegration project;
- f) create, if necessary, programs for the protection and social integration of the victims of violence, - which also address housing needs and ensure that their residence permit is prolonged, should it expire during the proceeding, at least for the whole duration of the proceeding - professional reintegration, care and support for dependent children;
- g) specific training for the judges presiding over judicial proceedings described in this Law and for law enforcement agencies. The planning and creation of services and the actual definition of the measures to be taken shall be set forth through a specific Delegate Decree to be issued six months after the entry into force of this Law.

## CHAPTER II

### AMENDMENTS TO THE CRIMINAL CODE

#### **Art. 5**

*(Aggravating circumstance for murder )*

The following article is inserted after Article 150, paragraph 2 of the Criminal Code :



“1-*bis*) by a spouse, cohabitant or person who was or is involved in an affective relationship with the victim, including cases of non-cohabitation”.

**Art. 6**

*(Aggravating circumstance for personal injuries)*

Article 156 of the Criminal Code is superseded by the following:

“When injury leads to abortion, life-threatening hazard, a disease requiring a healing time of more than sixty days or to an incurable disease, permanent facial scars, loss or significant weakening of one of the senses, one organ or its functions or the loss of procreation abilities, or genital mutilation, even when it is performed for religious reasons, third-degree imprisonment and disqualification shall apply. The same punishment shall apply if the victim is or was the spouse or is/was a person similarly situated to a spouse, including cases of non-cohabitation, or if the victim is a particularly vulnerable person living with the offender”.

**Art. 7**

*(Reducing or holding in slavery or servitude)*

Article 167 of the Criminal Code is amended as follows:

“Art. 167

Reducing or holding in slavery or servitude

Anyone who exercises on a person powers equal to property rights or anyone who enslaves or holds a person under continuous subjugation, forcing such person to work or

have sexual intercourse or to beg or subjects this person to any other form of exploitation, shall be punished by terms of fifth degree imprisonment and fourth degree disqualification. Reducing or holding a person in slavery means that the conduct was undertaken by means of violence, threat, deceit, abuse of authority or by exploiting his/her physical or psychological vulnerability or a situation of need, or by promising to provide or by providing money or other benefits to those who have authority over the person. The punishment shall be raised by one degree if the crimes referred to in the first paragraph are committed against a minor aged less than 18 years or are aimed at exploiting prostitution or at exploiting the person for the removal of organs ”.

### **Art. 8**

#### *(Human Trafficking)*

Art. 168 of the Criminal Code is superseded by the following:

#### “Human Trafficking

Anyone who trades or trafficks in human beings as described in Art. 167, i.e. for the purpose of reducing or holding a person in slavery or servitude, induces this person through deceit or forces such person by means of violence, threat, abuse of authority or by exploiting his/her physical or psychological vulnerability or a situation of need, or by promising to provide or by providing money or other benefits to the person who has authority over him/her, to enter, stay in, or leave the State or to move within its borders, shall be punished by terms of sixth degree imprisonment and fourth degree disqualification. The punishment shall be raised by one degree if the crimes referred to

in the first paragraph are committed against a minor aged less than 18 years or are aimed at exploiting prostitution or exploiting the person for the removal of organ”.

### **Art. 9**

*(Repeal of “Trafficking for the Purpose of Prostitution” and Inclusion of “Incitement to Prostitution” among the Crimes against Individual Freedom)*

Article 268 is repealed.

Article 269 of the Criminal Code is a crime against individual freedom and is included in Chapter II of the Criminal Code as Art. 168-bis (Incitement to Prostitution).

### **Art. 10**

*(Aggravating circumstance for offences involving violation of sexual freedom)*

The following paragraph is added after Article 172 of the Criminal Code: “The punishment shall be raised by one degree if the crime referred to in the first paragraph is committed by the spouse or the cohabitating partner or by the person who is or was involved in an affective relationship with the victim.

The punishment shall be raised by one degree if the crime is committed against a person with disabilities”.

### **Art. 11**

*(Gang violence)*

The following article is inserted after Article 172 of the Criminal Code

“Art. 172-bis

Gang sexual violence

Gang sexual violence is defined as an offence against a person’s sexual freedom as described in Article 171 committed by at least two people acting jointly.

Perpetrators of acts of violation of sexual freedom are also those who do not physically engage in such violence, but have nonetheless significantly contributed to the crime, which also includes being a bystander to the act of violence.

Anyone who commits acts of gang sexual violence shall be punished by terms of fourth-degree imprisonment and a monetary fine.

The punishment shall be reduced by one degree for a perpetrator whose conduct had a minor impact on the preparation or commission of the crime as well as for persons who were led to commit the crime when the conditions referred to in numbers 2 and 3 of Article 90 apply.”.

**Art. 12**

*(Prosecution of crimes against sexual freedom)*

Article 178 of the Criminal Code is superseded by the following:

“The offences referred to in Articles 171, 172, 172-bis, 173, 175, 176 and 177 can be prosecuted upon complaint filed by the offended party. The complaint can no longer be withdrawn after the date referred to in Art. 7, paragraph 3 of the Code of Criminal Procedure. If the offended party is a minor, the time limit for prosecution as well as the deadline for submitting the complaint starts to run from the date on which the minor comes of age. The court shall proceed ex officio if the offence is committed by the ascendant, the guardian or the adopter or by the person who has been entrusted with the

care or custody of the offended person. The court shall also proceed ex officio if the offence is committed jointly with an offence which is prosecutable ex officio or in cases of repeated offences”.

### **Art. 13**

*(Persecutory acts – Stalking-Mobbing)*

The following Article is inserted after Article 181 of the Criminal Code

“Art. 181-bis

Persecutory acts

Anyone who repeatedly pesters or threatens a person causing severe moral suffering and harming his/her dignity to such an extent as to upset his/her usual life conditions or to intimidate him/her or to cause substantial physical or psychological distress or reasonable fear for his/her own safety and for the safety of the people close to him/her shall be punished upon complaint filed by the offended party by terms of first degree imprisonment and a monetary fine.

If the harassment and threats mentioned in the first paragraph take place in the workplace as ongoing and repeated aggressive and intimidatory behaviours by the employer or colleagues with the intent to discredit, humiliate, or isolate an employee in order to force him/her to resign after causing him/her severe psycho-physical distress, the punishment shall be raised by one degree.

The Court shall proceed upon complaint filed by the offended party.

The Court shall proceed ex officio and imprisonment shall be raised by one degree if the crime is accompanied by the use of a weapon, violence or a particularly serious threat.

The court shall also proceed ex officio if the offence is committed jointly with an offence that can be prosecuted by the court ex officio.

#### **Art. 14**

*(Abduction and holding of a minor abroad)*

After Article 231 of the Criminal Code the following Article is added:

Anyone who abducts a minor from the person having custody over him/her regardless of the exercise of parental authority, taking such minor abroad or failing to bring such minor back to San Marino against the will of the parent or the guardian shall be punished by terms of second-degree imprisonment and a monetary fine.

If the crime is committed against a minor aged 14 years and with his/her consent, first-degree imprisonment shall apply.

If the crime is committed by one of the parents, second degree disqualification from exercising parental rights shall also apply.”.

#### **Art. 15**

*(Maltreatment of family members or cohabitants)*

Article 235 of the Criminal Code is superseded by the following:

### “Maltreatment of family members and cohabitants”

Anyone who mistreats a family member or a cohabitant or a person under his/her authority or entrusted to him/her shall be punished by terms of second degree imprisonment. If the crime is committed against a person aged less than 14 years, third degree imprisonment shall apply.

If the crime derives from an aggravating circumstance described in Article 156, fourth degree imprisonment shall apply.

Fifth degree imprisonment shall apply if the crime leads to the victim’s death.

## CHAPTER III

### JUDICIAL MEASURES FOR THE PROTECTION AND SAFETY OF VICTIMS

#### TITLE I

#### GENERAL PROVISIONS

##### **Art. 16**

*(Protection of victims’ confidentiality)*

During civil or criminal trials for violence against the individual, including domestic violence, the victim’s confidentiality and privacy, his/her personally identifying information, that of the victim’s children or of any other person under his/her custody shall be protected.

The release of personal information as well as circulation of images of the victim is prohibited in any case.

Anyone who releases or publishes data, information, or images thus breaching the prohibitions mentioned above shall be punished with a fine of Euro 12,000.00.

##### **Art. 17**

*(Legal assistance)*

In all proceedings, whether civil, criminal or administrative, legal assistance shall be provided to victims of violence when they cannot objectively afford their own legal defence, including in those situations not usually defined as free of charge.

The Association of Lawyers and Notaries shall draw up a list of registered legal professionals ready to provide their assistance to victims. This list shall be transmitted to the relevant Social services, Law Enforcement Agencies, the Court and the Equal Opportunities Authority.

The Association of Lawyers and Notaries shall be responsible for the ongoing and specialized training of the people listed and organise interdisciplinary training courses.

A listed lawyer cannot refuse to take a case assigned to him/her, unless there are serious and well-grounded reasons.

Legal assistance shall be free of charge. However, lawyers are entitled to have the offender pay their fees, when a definitive civil or criminal sentence has been indeed passed for the offence or in cases where records show that the Judge issued a statement during cross-examination dismissing the criminal or civil proceeding, or when protection orders have been issued against the offender.

In case of extreme necessity and urgency, legal assistance shall be provided by a court-appointed lawyer, who shall promptly contact a lawyer on the list, by whom he/she will be replaced once the urgent situation is over.

The judicial proceedings in favour of victims of violence are not subject to taxation.

The State shall pay in advance the expenses necessary to carry out or participate in judicial actions, including judicial examinations necessary for the protection of the victim of violence.

The State shall be entitled to reimbursement by the convicted when a definitive civil or criminal sentence has been indeed passed or in cases where records show that the Judge issued a



statement during cross-examination dismissing the criminal or civil proceeding, or when protection orders have been issued against the offender.

## TITLE II

### PROTECTION MEASURES IN CRIMINAL PROCEEDINGS

#### **Art. 18**

*(Representation of minors in criminal proceedings)*

When the victim of offences against personal freedom or of maltreatment is a minor and the offence is committed by the ascendant, the guardian, the adopter, or other relatives or third parties having significant relationships with the minor or his/her parents, a special curator is entrusted with the representation of the minor in court with a view to protecting the minor's rights. The curator is appointed by the Guardianship Judge upon immediate request by the Investigating Judge.

If the offence referred to in paragraph 1 cannot be prosecuted ex officio, the complaint shall be filed by the special curator and the deadline for filing the complaint shall start running from the date of his/her appointment.

Judicial acts affecting the minor's interests in which the special curator has not taken part shall be null and void.

The legal assistance for a minor represented by the curator shall fall under the provisions set out in article 17 of this Law

#### **Art. 19**

*(Reporting obligations)*

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 against women, minors or gender violence of which they may have knowledge because of their activities or professions, even for those offences that are prosecuted upon complaint.

Teachers of any grade or level are required to timely report to the Minors' Service any act specified in the previous paragraph of which they may have knowledge.

Reporting does not entail any violation of official or professional secrecy; the Law Commissioner shall ensure that the report and the records of the proceeding are kept confidential.

The violation of the reporting obligation is punished with a monetary administrative sanction amounting to € 500 and applied by the Law Commissioner.

Following a report, the Law Commissioner requires Social Services to carry out any necessary examinations; once the findings are available and, based on the report drawn up by the Social Services, the Law Commissioner shall summon the victim and, if necessary, adopt the protection measures provided for by this Law and entrust the competent Services.

When, based on the facts, it is reasonable to assume that offences were committed that may be prosecuted ex officio or, when the victim has filed a complaint, the report mentioned in paragraph 1 shall be made to the Law Commissioner, Investigating Judge, who shall adopt protection measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge is required to promptly report the *notitia criminis* to the Guardianship Judge for any necessary action from his/her end.

## **Art. 20**

*(Right to participate in criminal proceedings)*

In proceedings for violence against women, minors or gender violence, the Equal Opportunities Authority is entitled to participate and bring an action before the court.

For this purpose, the Investigating Judge shall promptly inform the Equal Opportunities Authority that a criminal proceeding is underway.

#### **Art. 21**

*(Prohibition to enquire about the victim's private or sexual life)*

In criminal proceedings for sexual offences, as well as during police investigations, it is forbidden to ask any questions concerning the victim's private life or sexuality, unless they are deemed necessary for evidentiary purposes.

#### **Art. 22**

*(Special precautionary measures in criminal proceedings)*

When addressing an offence against personal safety, personal freedom or family maltreatment by a co-habiting partner, the Investigating Judge may, upon the victim's request, order the defendant to stay away from the family house and not to return or enter it without his/her authorization, and, if necessary, establish visitation rules.

In cases where the safety of the victim or of his/her close relatives is at stake and needs to be protected, the Investigating Judge may, upon the victim's request, order the defendant or the suspect to stay away from places usually frequented by the victim, in particular the workplace, the residence of the family of origin or of his/her close relatives, unless it is necessary for work-related reasons. In this case, the Judge shall establish the relevant rules and may impose limitations.

Following a request, the Judge shall collect any relevant information and take measures through a motivated decree, after listening to the defendant and, if necessary, the petitioner, except for in urgent cases.

Upon the victim's request and in compliance with cross-examination procedure, the Investigating Judge may order that a cheque is regularly paid off to the co-habiting persons who have no adequate financial means as a result of the precautionary measure adopted. The Judge shall determine the amount to be paid based on the person's financial condition as well as the methods and terms of payment. He/she may order, if necessary, that the cheque is directly paid to the beneficiary by the offender's employer by deducting it from his/her wages. The order of payment is an enforceable act.

The provisions described in the second and fourth paragraphs may be also be adopted after the measure referred to in the first paragraph, provided that this measure has not been repealed or become null. Though adopted at a later time, these measures shall become null if the measure mentioned in the first paragraph is repealed or becomes null. The measure set forth in the fourth paragraph shall become null if it is in favour of the spouse or the children, as well as in cases where the Civil Judge adopts a measure in a legal separation case or another measure concerning the economic and property relationships between spouses or the financial support of children.

The measure envisaged in the fourth paragraph may be amended should the situation of the person obliged to pay or the beneficiary change, and it is repealed if co-habitation resumes.

### **Art. 23**

*(Psychological support for victims of violence in criminal proceedings and other protection measures in criminal preliminary investigation)*

When offences against personal safety, freedom or mal-treatment of a person are proceeded against, psychological support shall be ensured to the victim by experts when the victim is examined as a witness or during the confrontation with the defendant or other witnesses.

When a judicial or medical and legal examination has to be conducted during the proceedings for one of the offences described in the first paragraph, the expert shall be preferably chosen among professionals of the same sex of the victim.

The examination of the victim in court shall take place so as to avoid having to repeat it. To this end, the Investigating Judge shall adopt any appropriate measure, including having the examination videotaped.

When the victim is a minor, the Investigating Judge shall carry out the examination of the victim of the offence, through a confrontation with the defendant or witnesses, by using a mirror glass and an interphone device or other suitable tools ensuring confidentiality. The examination shall be video-taped. The minor shall always be assisted by a child psychologist auxiliary to the Judge.

#### **Art. 24**

##### *(Protection of victims during the trial)*

In criminal proceedings for offences against personal safety, personal freedom or ill-treatment of a person, the trial shall always take place behind closed doors, if the victim is a minor, and upon the victim's request, if he/she is an adult.

Testimonies and confrontations shall not be repeated if the defendant's right to legal defence has been granted during the preliminary investigations or whenever they have been videotaped.

If the examination or the confrontation need to be repeated, the provisions set out in article 23 shall be complied with. If the victim is a minor, the repetition cannot be requested when there is a real danger of worsening the minor's conditions; the danger shall be proven through a judicial examination to be cross-examined by technical advisors of the parties involved.

#### **Art. 25**

*(Placing a person convicted of sexual and family violence on probation )*

A person convicted of sexual or family violence may be placed on probation, in those cases set forth by law, provided that the convicted person is prepared to undergo a specific rehabilitation program.

### **TITLE III**

#### **CIVIL PROTECTION MEASURES**

#### **Art. 26**

*(Protection against family abuse)*

When the conduct of the spouse or another co-habitant seriously affects the physical or ethical integrity or freedom of the other spouse or partner, the Judge, upon a complaint filed by either of spouses or co-habitant, may adopt through a decree one or more of the measures described in the following article in cases where the conduct does not constitute an offence to be prosecuted ex officio or if no complaints have been lodged.

The conducts mentioned in the first paragraph constitute a valid reason for the removal of the abuser from the family house, pursuant to Article 30 of Law No. 49 of 26 April 1986.

The provisions set out in this article also apply, inasmuch as they are compatible, in cases in which another family member different from the spouse or the co-habitant is responsible for the prejudicial conduct. In this case, the petition shall be filed by the family member who has been affected by the prejudicial conduct.

### **Art. 27**

#### *(Protection orders against family abuse)*

The Judge shall order the spouse or the cohabitant having undertaken a prejudicial conduct to cease this conduct and request that he/she be removed from the family house. Furthermore, if necessary, the Judge shall order the offender not to visit the places usually frequented by the petitioner and, in particular the workplace, the domicile of his/her family of origin or the domicile of other close relatives or people. In addition, the offender shall be prohibited from coming into the proximity of the educational facilities attended by the couple's children, unless the offender has to frequent these places for work-related reasons.

The Judge may also request, if necessary:

- the involvement of social services, family mediation centres, as well associations that aim at providing support and shelter to abused or ill-treated women, minors or other individuals as their statutory goals.
- That the cohabitants who have no adequate financial means as a result of the measures described in the first paragraph receive a check on a regular basis. The Judge shall determine the terms and methods of payment and order, where necessary, that the amount be directly paid to the beneficiary by the offender's employer by deducting it from his/her wages.

By virtue of the same decree and in the cases described in the previous paragraphs, the Judge shall establish the duration of the protection order starting from the date of the enactment of the order. The protection order shall not last more than six months and may be extended, upon a party's request, only if there are serious reasons and as strictly necessary.

By virtue of the same decree, the Judge shall determine the ways in which the order should be enacted. When ordering the offender to stay away from the family house, the Law Commissioner relies on the assistance of law enforcement agencies and orders the forced removal of the person subject to the order who does not comply with it spontaneously. The Law Commissioner may also indicate the measures deemed to be suitable in order to prevent violations of the provisions set out by the measure, including the supervision and the assistance by law enforcement agencies.

The decree shall always be transmitted to the Gendarmerie, a military corps responsible for internal security and public order, and to the Neuropsychiatric Service for the possible adoption of measures concerning arms and munitions.

## **Art. 28**

*(Proceedings for protection orders against family abuse)*

The petition can also be submitted personally by the party. In this case, after receiving it, the Judge shall choose a defence lawyer from the list referred to in Article 17.

After listening to the parties, the Law Commissioner carries out the necessary preliminary work for the case in the way deemed to be most suitable, by collecting, also officially, any relevant information, and issues a motivated and immediately enforceable decree.



In urgent cases, the Judge, after obtaining very general information, where necessary, may immediately enact the protection order, by fixing the hearing for the parties within no more than fifteen days. At the hearing, the Judge validates, amends or repeals the protection order.

It is possible to appeal to the Civil Judge of Appeal against the decree through which the Judge enacted the protection order or rejected the appeal under the second paragraph, or validated, amended or repealed the protection order previously adopted in the case described in the preceding paragraph. The appeal does not suspend the enactment of the protection order, unless otherwise decided by the Judge of Appeal.

#### **Art. 29**

*(Sanctions)*

Anyone violating the protection order provided for in article 27 of this Law, or a similar measure taken during a personal separation, dissolution of marriage or annulment proceeding shall be punished with the sanction set out in Article 366 of the Criminal Code.

#### **Art. 30**

*(Scope of protection orders)*

The provisions of Articles 27 and 28 of this Law shall not be applied when the prejudicial conduct is undertaken by the spouse seeking or from whom personal separation, dissolution or annulment of marriage are sought, if during the proceeding thereof the hearing of the spouses referred to in Articles 110 and 127 of Law No. 49 of 26 April 1986 has taken place. In such case, the Judge may adopt protection orders in these proceedings.

The protection order enacted under Articles 27 and 28 shall become null if during a separation, dissolution of marriage or annulment proceeding sought by the petitioning spouse or against him/her, a decree containing provisional and urgent measures has been subsequently issued.

**Art. 31**

*(Suspension of parental rights)*

When violence is committed against minors, the Law Commissioner may suspend the parental rights held by the defendant or the parent who tolerated the violence until liability is ascertained.

TITLE IV

PREVENTIVE ACTION BY LAW ENFORCEMENT AGENCIES

**Art. 32**

*(Request for help to law enforcement agencies)*

When a victim of violence or a third party witnessing the fact report the violence to Law Enforcement agencies, these shall immediately take action and, in any case, within an hour from the receipt of the report, unless there are serious reasons not to do so.

Law enforcement agencies may enter, also coercively, the victim's house or other privately owned places or premises where the victim is to be found; they shall curb the violent behaviour; they shall inform the victim of his/her rights, including the right to request protection orders; if there are concerns about a serious or irreparable prejudice, they shall immediately make a report

to the competent social services, unless it is an offence to be prosecuted ex officio or the victim has filed a complaint. In the latter case, the report shall be made to the Investigating Judge, who may adopt the relevant precautionary measures, including the ones described in this Law.

In all cases, police forces shall seize the weapons found in the abuser's house and inform the Law Commissioner or the Command of the Gendarmerie so that the necessary steps to suspend or revoke the firearm certificate or the hunting license might be taken..

Police Forces are also required to take immediate action when they receive reports regarding abusers who are driving or are going to drive in a state of drunkenness and adopt the necessary preventive and precautionary measures.

If the request for intervention relates to persecutory acts as defined by law, Law Enforcement Agencies are required to keep the offender away, and to make the necessary reports provided for by this Law, even regardless of the victim's complaint.

A report detailing the action taken shall be drafted and sent to the Command of the Gendarmerie and the Neuropsychiatric Service.

The data collected are sent to the Equal Opportunities Authority and are also available to the Civil Judge required to issue protection orders.

### **Art. 33**

Article 3 of Law No. 26 of 25 February 2004 shall be amended to read as follows:

“Art. 3

(Composition)

The Commission is appointed by the Great and General Council at the beginning of the legislature for the duration of its term. It is composed of:

- eight members chosen on a proportional basis from the groups within the Great and General Council;
- a member designated by Trade Unions
- a member designated by the Council (*Consulta*) of the SanMarinese Cultural Associations and Cooperatives.

The members of the Commission cannot be members of the Great and General Council.”

### **Art. 34**

*(Temporary provision)*

The Commission on Equal Opportunities set up by Law No. 26 of 25 February 2004 shall be replaced by the Equal Opportunities Authority for the exercise of the functions described in this law.

When this law enters into force, the Commission for Equal Opportunities shall be supported by the Equal Opportunities Authority in the exercise of the functions and activities provided for in Article 2, points a, g, i, j, k, l of Law No. 26 of 25 February 2004

The Equal Opportunities Authority shall be composed of three members appointed for a 4 year mandate by the Great and General Council among experts in legal issues, representatives of associations or NGOs operating in the field of Equal Opportunities, as well as experts in communication and psychology.

The Equal Opportunities Authority shall ensure the participation of all of the above-mentioned professionals.

The Equal Opportunities Authority shall collect data on violence against women and gender violence every six months.

The Equal Opportunities Authority shall draw up every year a specific report to be publicly circulated.

**Art. 35**

*(Entry into force)*

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

*Prepared at our Residence, on 20 June 2008/1707 since the Foundation of the Republic*

THE CAPTAINS REGENT

*Rosa Zafferani – Federico Pedini Amati*

On behalf of THE SECRETARY OF STATE

FOR INTERNAL AFFAIRS

*Secretary of State*

*Tito Masi*



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**2022 REPORT AND DATA STATISTICS ON  
VIOLENCE**

*AUTHORITY FOR EQUAL OPPORTUNITIES*



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## 2022 ANNUAL REPORT

In compliance with the provisions of Article 34 of Law no. 97 of 20 June 2008 "Prevention and elimination of violence against women and gender violence", the Authority for Equal Opportunities has the honour of transmitting the data collected over the period 1 January to 7 November 2022 and providing information on the development of legislation and its application.

This Report was prepared by the members of the Authority Anna Maria Bugli, Lucia Guidi and Gloria Valentini.

# INTRODUCTION

The legal framework on gender and domestic violence in force in the Republic of San Marino is in line with the Istanbul Convention and the principles established therein.

The Republic of San Marino, in spite of its small size, has been trying since 2008 to draw up state-of-the-art legislation on the subject that can best protect the victims.

In 2020, this legislation was evaluated by GREVIO (Group of Experts on Combating Violence against Women and Domestic Violence), a body established under Article 66 of the Istanbul Convention and entrusted with the task of supervising the implementation of the Convention by the State parties.

The first evaluation visit took place on 15-17 September 2020 and the final report, published on 23 September 2021 on the Council of Europe website, states that “GREVIO welcomes the efforts made in San Marino to adopt legislation aimed at addressing

violence against women by translating the requirements of the Istanbul Convention into national law”.

The Authority is constantly working to respond to these recommendations together with the Technical Table, the Institutions and the civil society committed to combating gender-based violence.

We wish to bring to the attention of the Captains Regent the current relevance of violence in our territory (with special attention paid to the case history of minors, who have been victims of witnessing violence), by illustrating the activities undertaken in the past year to implement the provisions of the Law and highlighting strengths and weaknesses of San Marino legislation on the subject.

# ACTIVITIES

Implementing Delegated Decree no. 56 of 2018

## DATA COLLECTION AND MONITORING

### 1. NEW DATA SOFTWARE

Review and implementation of a **new methodology for data collection on violence** that would allow its standardization comparable to European statistics and make easier reporting and communication between the various actors in the anti-violence network - Services, Court, Law Enforcement. It was decided to include statistics on cases of violence and witnessing violence on minors in the data collection. In addition, as recommended to the GREVIO, there is a need for more effective data collection, which should include more specific data aimed at obtaining a realistic snapshot of gender-based violence.

The software, which was purpose-built on the needs of the Anti-Violence Network, will enable international standardization of the monitoring of gender-based violence in San Marino. For some time now, the Authority has been engaging in individual meetings with law enforcement agencies, SSI services, and the court, in coordination with the IT Office and the participation of the relevant Ministries, to proceed with the development of the common data collection system. In particular, a webex presentation of the first draft of the anti-violence management system implemented free of charge by Verbatel was held in April at the initiative of the Authority for Equal Opportunity and the Ministry of Health.

### 2. SOCIAL SURVEY

In collaboration with the Association Confine and as requested by GREVIO, we are implementing a **population survey**, which initially will be probably carried out online and in the form of anonymous questionnaires, with the aim of discovering the extent of such phenomenon in San Marino.

# SUPPORT TO VICTIMS

## 1. ECONOMIC:

### a. VICTIMS ASSISTANCE FUND

The Authority for Equal Opportunity holds a Fund in a special Expenditure Chapter in the State Budget, established pursuant to Article 7 of Law no. 60/2012, in which all charges related to the application of the relevant legislation are recorded, including the victims assistance fund, professional training obligations, remuneration of members introduced by Law no. 207 of 22 December 2021, and any other activities aimed at strengthening the prevention of violence against women and gender-based violence.

The allocation of this expenditure chapter is established annually from:

- Funds allocated by the State upon adoption of the State and Public Entities Budget Laws ;
- Amounts of donations from private citizens, economic operators, entities, associations and any other benefactors;
- Amounts from compensation resulting from criminal proceedings joined by the Authority for Equal Opportunity as a civil party pursuant to Article 29 of Law no. 160/2015;

Actually, from 2016 to 2019, the victims assistance fund was funded only by donations for charitable purposes and compensations from criminal proceedings, while the State's contribution, amounting for several years to 15,000.00 Euro, was entirely allocated to educational and information activities and managed through the Department of Human Sciences.

Since 2020, because of the pandemic and the impossibility for the University of San Marino to regularly carry out the vocational training courses provided for in Article 4 of Delegated Decree no. 60/2012, the above mentioned State contribution was used in part to increase the victims assistance fund. Therefore, the amount available was increased from 8,000.00 Euro at the end of fiscal year 2019 to 31,200.00 Euro in 2021.

Article 2 of Delegated Decree no. 56 of 2018 provided for the establishment of a special demand account, with the opening of an appropriate current account in favour of the Department of Institutional Affairs and Justice, managed according to the directives and directions of the Authority for Equal Opportunities. The account was established by Congress of State decision no. 18 of 29 June 2020 to allow for more streamlined management of the amounts deposited therewith, which are allocated for the assistance of victims, urgent expenses such as, for example, the purchase of clothing, the payment of facilities to accommodate victims on a temporary and immediate basis, and more generally for all urgent expenses. A credit card linked to such current account held by the Ministry of Health is expected to be activated in 2022. The Authority for Equal Opportunities recommends and urges the activation of such card.

In the previous 2021 report, it was highlighted that the economic management of this fund was inconsistent and could not guarantee the necessary availability of sums when needed. However, during 2022, also thanks to the support of the staff of the Ministry of Health, access to funds was improved. In particular, the Authority was able to support victims not only in the immediacy of the emergency, but also in the days immediately following the report or the taking care by the Services.

The Authority, in collaboration with the Ministry of Health and the SSI Social Services, **is defining a regulation providing for better management of the above mentioned funds** by streamlining the legislation issued over time. The new regulation will establish the rules for access to economic aid intended for the victims through a defined procedure. Such procedure will determine the way out of violence and the victims will be able to sign it when applying for economic support.

We take this opportunity to point out that, in order to operate more effectively, the Authority would need dedicated administrative staff or exceptions to certain bureaucratic and accounting procedures.

## b. COLLABORATION WITH THE CENTRAL BANK

Submitting a **draft law on subsidized credit for the victims of violence**. This procedure will provide means of subsistence and autonomy to eligible women, who will apply for it, as well as the extension of any debts - both with the public and private sectors - through different options of credit disbursement.

## 2. PSYCHOSOCIAL AND LEGAL:

### a. COLLABORATION PROTOCOLS

- **With the Association of Lawyers:** In 2022 the Authority for Equal Opportunities contacted the Association of Lawyers to sign a Protocol for free legal aid for women victims of violence. Both parties expressed their willingness to reach such an agreement and, as usual, an updated list of lawyers registered with the Association who have made themselves available to assist women in cases of violence was forwarded to the Authority for Equal Opportunities. In this regard, the Authority forwarded these names to the stakeholders of the anti-violence network such as the Court and the SSI Services and the Police Forces. Indeed, it is essential for victims to be able to timely receive legal assistance, especially with the aim of filing a complaint and seeking protection. In order to implement free legal assistance, however, it is necessary for the Authority for Equal Opportunities to have access to a fund for this type of assistance, either by implementing the existing one or by establishing another dedicated exclusively to legal assistance. However, the State must intervene by providing the necessary financial instruments. With regard to legal protection, on more than one occasion several parties emphasised that it would be useful to **establish** a 'help desk' at **the Counselling centre** for out-of-court legal counselling.



A professional figure of this kind could also provide legal support to psychologists when taking care of the victim or in any case when requesting information.

- **with the Association of Psychologists:** one of the milestones that have been achieved this year by the Authority is certainly the drafting of a Protocol thanks to which victims of violence can benefit from free psychological support provided by psychologists and psychotherapists in the area.

#### b. FIRST RECEPTION CENTRE

To make up for the lack in San Marino of a first reception centre, a protected and welcoming place was identified, together with the support of the SSI Directorate and the Social Services, where victims can be received for the time necessary to initiate the socio-health and legal assistance process.

In particular, the Centre can:

- urgently host victims for 24/48 hours or, in some cases, until the judge rules on the incident and the possible accommodation of the victim(s);
- provide the necessary protection in risky situations;
- provide immediate assistance from specialised socio-health personnel;

Based on the cases recorded in the current year (2 women and 5 minors), this Centre does not require to be permanently implemented at the moment. It can operate on call and, as also requested by GREVIO, it is prepared to urgently receive both victims of violence (adults and/or minors), giving them support and adequate protection at any time, and unaccompanied minors and/or minors removed from home before they are transferred to suitable relatives, an approved centre or foster family.

### c. 24/7 TELEPHONE HELPLINE

In the year 2020, the telephone number 0549 994800 was created. It is active 24 hours a day, 7 days a week.

In order to guarantee a 24-hour service, the Women's Health Centre, in collaboration with the Inter-Agency Operations Centre of the Police Forces, has established a procedure according to which the operators of the Simple Operational Unit for Women's Health (Counselling Centre for Victims of Gender Violence) answer incoming calls during the opening hours of the service. When such Service is closed, the Inter-Agency Operations Centre of the Police Forces is responsible for answering the number, on a dedicated helpline. Depending on the need, it can either carry out an urgent intervention according to the procedures established by their internal rules, or register the report, which can then be forwarded to the Psychologist.

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<sup>1</sup> Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

Article 26 – Protection and support for child witnesses

Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling or child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 50 – Immediate response, prevention and protection

Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

GREVIO itself strongly encourages the San Marino authorities to provide the general social services with adequate human resources to allow them to efficiently assist women victims of violence.

#### d. CREATION OF A VOLUNTEER NETWORK

In October 2022, a cooperation was established with the Italian association '**Telefono Rosa**', with a view to creating ad hoc training courses for volunteers in the field of combating and preventing violence against women. In this regard, the Authority is currently searching for and identifying volunteers and associations that can join this project.

Like in Italy, it is very important to have an initial contact with volunteers and later with professionals who can properly advise and support the woman.

#### e. SOCIO-HEALTH PROFESSIONALS ON STANDBY DUTY

Reception and social and psychological support for victims of violence (direct and/or witnessing) in the emergency phase is crucial as it allows immediate emotional support and an assessment of the subject's psychological resources and social network. At this stage, it is also possible to obtain important information from the victims about the trauma they have experienced and, if necessary, to provide support in explaining the facts for a possible complaint.

In this regard, GREVIO itself emphasises that '*both short-term emergency interventions and long-term support services, including psychological counselling, financial assistance and accommodation, must be available*'.

In the light of the above, the Authority asked the top management of the Social Security Institute to find a possible solution to overcome this difficulty, i.e. the availability of Psychologists and Social Workers even during the weekend and non-working hours. During the meetings held with the Executive Committee and the Ministry of Health, it was emphasised that such a provision would not only be very valuable when dealing with violence against women, but also in numerous other situations such as reports of violent and/or abusive minors, lonely elderly people, and patients followed by the Mental Health Centre who might need professional intervention for various reasons 24-hours a day.

## TAKING CARE AND REHABILITATING THE ABUSER

While the victim can benefit from protection and support, there is no rehabilitation process for the abuser. In order to fill this gap, it was decided to intensify cooperation with the Confine Association, an association that takes care of perpetrators of violence. In the national, but also international and European scenario, the need to deal with male abusers is strongly emerging.

With regard to this, we would like to summarise what the Confine Association has pointed out and what we consider important for San Marino as well:

The Confine Association notes that the starting point for working with the abuser is understanding that violence is a choice and that such behaviour can be changed by choosing to approach a new type of ethics. The abusers can be guided towards this kind of ethics through special psycho-educational/rehabilitation courses (individual or group) focused on a new definition of masculinity, held by psychologists specially trained in this field.

The Confine Association reports that the experience of the various specialised treatment centres highlighted the importance of networking and interacting more and more not only with services dedicated to victims and the justice system, but also with other services of the health system (e.g. mental health, primary health care...). According to a research within the Daphne III project 'Evaluating European Perpetrator Programmes' (134 programmes financed to interrupt abusive behaviour, implemented in 22 different European countries), in more than half of the programmes at least 30 per cent of the men who attend them enter the programmes without having been referred by the judicial authorities. This means that a large number of them take part in the proposed treatments spontaneously (and the data reveal that they do so in particular moments of risk as, for example,

after an episode of violence or during separation from their partner) or because they were referred by other services which are already taking care of them.

On the basis of the foregoing, the Confine Association therefore recommends intensifying the capacity to detect ill-treatment of the Services, which perpetrators often contact 'incognito' through a request for individual, parental or couple psychological support or for other social or health problems.

Only in this way will it be possible to achieve a collective response to violence in which each operator, regardless of the professional role, becomes an active part of the solution. And all this can only be achieved through **targeted training of operators using specialised programmes.**

Finally, it is important to mention the recent (March 2022) report of the Parliamentary Investigation Committee on Femicide (Senate of the Italian Republic) that analysed the treatment options for perpetrators of violence in Italy. The Committee notes that these intervention programmes significantly reduce recidivism and the reiteration of violence (up to 50 per cent in certain contexts) and consequently improve the protection and safety of victims.

The same document emphasises the importance of planning violence prevention interventions based on the Primary, Secondary, Tertiary Prevention model.

## THE MINOR OFFENDER

Particular attention should be given to minor offenders, an increasing phenomenon after the pandemic, which has not yet been properly monitored and which brings with it the need for a special reception centre. Therefore, in our opinion, it is necessary to find a place dedicated to minors, where they can both be placed under urgent judicial detention and be supervised and psychologically supported in a suitable environment and not in prison.

Therefore, in parallel to the request for the socio-health staff of the Anti-Violence Network to be placed on standby duty, we emphasise the need to find a place that is comfortable and does not have as much impact as a prison or barracks, which ensures the presence of the Police Forces but also allows the immediate employment of specialised socio-health staff who can receive minor offenders (as also indicated by the CPT) arrested, detained or accompanied until the validation hearing.

Also in neighbouring Italy, the Reception Centre for Minor Offenders is described as a non-prison facility, mostly located at the Judicial Offices (which in our country would be equivalent to a separate seat of the Inter-agency Office and the Counselling Centre). The period of stay in this facility, even if very short, would make it possible to avoid the impact of imprisonment (devastating and traumatising for a minor) and would allow support and clarification activities to be carried out in peace. As in neighbouring Italy, the work carried out by the Services, in addition to being a way to proceed with the minor's detention, allows to provide the prosecuting Judicial Authority with the first elements for understanding the situation of the minor, trying to mobilise family and environmental resources, involving the other Services, working in collaboration with the Court.

Therefore, this would be a first step before they could be released or possibly transferred to other services or more suitable facilities outside the territory.

## TRAINING

As provided for by law, the Authority cooperates with the Department of Human Sciences of the University of San Marino for the creation of the annual training plan.

With reference to the current year's training, part of the proposed training plan had been envisaged for 2021 but, due to the health emergency, not all initiatives could be fully implemented. Therefore, the planning for the year 2022 took into account the organisational needs and the various scenarios resulting from the Covid-19 health emergency and developed ideas and plans that had already been drawn up.

The following are the training courses organised by the Department of Human Sciences that took place this year.

Training for schools of all levels and the Vocational Training Centre, in particular the following courses were held:

-**Basic training for non-teaching staff** on the *Prevention and elimination of violence against women and gender violence: Law no. 97 of 20 June 2008 and subsequent decrees*. Participants: 266 members of the staff and technical personnel of all school levels.

-Training meetings for **teaching staff** on the topic of *gender education - Educating about respect through plural education*. The training course was held by some of Italy's leading experts in pedagogy and gender. Participants: 292 teachers from the Middle School, High School and Vocational Training Centre. In March 2023, the second part of the training will be dedicated to all nursery, kindergarten and primary school teachers.

Training course for the Association of Psychologists of the Republic of San Marino:

Training meeting entitled *The man perpetrator of violence: reception and intervention*. Training on how to treat and take care of victims of violence and on the criteria for recognising abusers, study of relevant therapeutic approaches. Participants: 24 professionals registered with the Association of Psychologists of San Marino.

### Training course for Socio-Health and Hospital Services:

The course focused on the *supervision of clinical cases* in which the Mental Health, Minors' Protection and Women's Health Centre Operational Units participated.

Please note that this training course was organised by the Social Security Institute after validation of the programme

### Contextual Training pursuant to Articles 1-4 of Delegated Decree no. 60/2012

-Theatre shows and activities for schools and citizens: Diversiamoci festival in cooperation with the Cultural Institutes.

In cooperation with the Higher Education sector of our University, the Authority took part in the seminar dedicated to the topic of 'Gender-based Violence in the International Context', an event organised by the University of the Republic of San Marino, Department of Economics, Science and Law, within the framework of the Master's Degree in Criminology and Forensic Psychiatry.

In April, the Authority took part in a training course organised by the San Marino Council for Information, which was also extended to the Italian Association of Journalists. The course focused on how to convey news about violence perpetrated against women through the media, while protecting the privacy of the victim.

A training plan has already been drawn up for the year 2023, which among many other training activities will also include first and second level training for the Gendarmerie, the Fortress Guard and the Civil Police.

Training and refresher courses on San Marino legislation will also be held for all professional categories involved in the network.

There will also be a training course on cybercrime seen through the legal framework (also with reference to the entry into force of the law on revenge porn), the study of the social phenomenon and the criteria for the detection of risks.

Training course addressed to the Council for Information on gender-based violence and its language. It is also planned to open the event to users from neighbouring territories.



## INFORMATION AND AWARENESS- RAISING

On the occasion of the implementation of an information and prevention campaign on the topic of gender-based violence and the need to strengthen the institutional image of the Authority for Equal Opportunities and its communication capacity, the intervention of a strategic advisor was requested, found in Marcello Malvaso, who can support the Authority as an expert in the field of communication and marketing **free of charge**.

In particular, the consultancy activity concerns:

- the strategy and tools needed to strengthen the institutional image of the Authority for Equal Opportunities in the socio-cultural environment of the Republic of San Marino, as a national reference for gender violence;
- the communication strategy;
- the social media strategy;
- the creation of a purely institutional website and an ad-hoc website for citizens, the latter aimed at disseminating information and preventing gender-based violence;
- content and brand identity;
- communication campaigns (online and offline);

The service (which did not involve remuneration) was planned to last one year, ending in August 2022, and to date it is voluntary. However, this position is considered essential in order to be able to complete the steps envisaged in the 'Agata è' Awareness-raising Campaign (social media management, creation and management of the web portal, etc.) and to adequately advertise and follow the updates and enhancement of the TECUM app. This tool allows users who download it to record their phone number, first and last name and their GPS location (these data will be saved in a database); to record audio messages, even when the phone is locked or apps are activated in the background, and to call the emergency number if necessary (recordings will be saved in the password-protected area and on a cloud server); to consult personal services, legislative provisions and all useful information on domestic violence in San Marino.

The activities carried out in 2022 include:

## 1. RECEPTION OF UKRAINIAN WOMEN

On the occasion of the humanitarian emergency linked to the outbreak of the conflict in Ukraine and the consequent reception of refugees in San Marino, the Authority, in cooperation with the Unit of the Fortress Guard, prepared **leaflets and posters specifically addressed to Ukrainian women**. This was to inform them of their rights and of the existence of an anti-violence network ready to help and protect them in any situation of danger or from any abuse they suffered.

## 2. AGATA é CAMPAIGN

The launch of the **information and awareness-raising campaign entitled AGATA é** which involves the population and which envisages the creation of a web portal with direct and less formal communication methods intended for the population, to inform, raise awareness and connect the victim more quickly with the anti-violence network.

The campaign was officially presented on 16 November, as part of the International Day for the Elimination of Violence against Women. On a graphical level, the 'Agata è' brand was created with the precise intention of communicating directly with citizens in a direct and informal manner, eliminating institutional language. The name 'Agata' immediately brings to mind the image of our co-patron saint, Saint Agatha, dear to all San Marino citizens, a woman victim of violence and abuse.

The brand image is characterised by two gestural, concentric lines which represent a shield (outer line) and a heart (inner line) with a full heart in the centre.

Symbolically, the outer line of the shield represents the protective embrace towards the woman, whether by the State, understood as the legal organisation and sovereign power of the community, or by the individual citizen. The heart line is the representation of the woman who holds within her a 'full heart', colourful, vital, indicating the joy and awareness of her own femininity, with the delicacy and determination of being a woman.

The 'Agata è' campaign aims to make people understand that gender-based violence exists, and that it is an offence against human dignity and an obstacle to the full realisation of the person, a violation of the universal right to freedom and justice. 'Agata è' aims to support and counter all forms of gender-based violence by giving a voice to all the women who every day make our Republic an increasingly fair and modern country. These women, with passion and spirit of service, demonstrate their love for themselves, for their neighbour and for society as a whole, without selfishness or rhetoric, but with courage and perseverance.

And this is possible if we strive to build a society where the individual is not discriminated against, abused, isolated, but supported, encouraged, and if necessary protected.

The advertising campaign will use various communication tools: from information leaflets that will be delivered to every home in the Republic to posters that will be affixed on the walls of the various Townships but also in public offices; from social media campaigns to the preparation of articles and reportages on the State television broadcaster. The project will culminate in the creation of a web portal with direct communication methods that can inform, raise awareness and connect the victim with the anti-violence network more quickly.

### 3. DIGITAL COMMUNICATION

- Creation of the institutional web page of the Authority for Equal Opportunities on the Portal of the Public Administration;
- Activation of the Agata.sm domain;
- AGATA web portal structure dedicated to citizens;
- Publishing posts on Facebook page.

## COLLABORATIONS

1. Collaboration with the **San Marino Bioethics Committee** on data collection and processing to assess the effect of the pandemic on various social issues, including violence against women, minors and the disabled;
2. In preparing the statistics, as provided for in Article 5 of Delegated Decree no. 60 of 31 May 2012, the Authority is supported by the **Health Authority** with which there is always an active collaboration.
3. There are many **associations, cultural centres and institutional bodies** that request the cooperation of the Authority during the year for initiatives aimed at raising awareness on the issue of violence against women. These include all the protagonists of events proposed on the occasion of the 2022 International Day for the Elimination of Violence against Women.

## INSTITUTIONAL ACTIVITIES

### 1. COORDINATION OF THE WORKING GROUP FOR SPECIAL ECRI COMMISSION

The Authority for Equal Opportunities coordinated the Working Group (Decision no. 5 of 25 April 2022) which was established to respond to the requests of the ECRI (European Commission against Racism and Intolerance).

This opportunity was taken to suggest legislative changes that would redefine not only the functions of the Equal Opportunities Commission and with it the Authority, whose roles would thus be strengthened, but also to think about the establishment of an Equal Opportunities Hub that would make the Commission and the Authority more efficient by separating their roles and competences. Above all this would allow to meet all the needs arising from the various conventions on human rights signed by our Republic and never implemented;

### 2. INTERNATIONAL RELATIONS

The Authority, as per mandate, is the body in charge of maintaining relations with international bodies competent in the field of violence against women. Upon recommendation of the Ministry of Health, the Authority participated in October in the Conference entitled "Women's Economic Empowerment: Fostering New Synergies In The Adriatic And Ionian Macro-Region" organised in Sarajevo during the Bosnia Herzegovina Presidency of the Adriatic Ionian Initiative and EUSAIR.

In this context, we participated as speakers in a panel entitled "Supporting and financing women's economic empowerment: experiences, lessons learnt and the way ahead towards innovative approaches". The topic of women's economic and financial empowerment is very important for this Authority and it is at the core of some of its projects.

Always with regard to the international field, in November the Authority was summoned by a delegation of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on a visit to San Marino. The topic of the meeting, which was also attended by associations and journalists registered with the Council for Information, was 'women's rights and the information sector'.

### 3. AMENDMENT TO ART.19

Upon request of the Institutional and Technical Panel, we are preparing a report proposing an amendment to Article 19 of Law no. 97/2008, completely redefining the reporting process and the role of the Social Services. Indeed, according to the law in force, the function of the Civil Judge is to entrust the Social Services with the task of carrying out the relevant verifications and implementing the protection measures provided for by law. Therefore, the mobilisation of the Social Services is not immediate but is mediated by the intervention of the Civil Judge. While this approach could have had a coordinating function, which was essential for the first application of the law, today, in anticipation of regulatory changes, we can think about eliminating this mediation in order to allow the Social Services to immediately start taking charge of reported cases. The aim is to provide immediate medical, psychological and social support to the victim. Once the network has been established and activated, it is possible that the victim, feeling supported, may then decide to lodge a complaint or report to the Court and request protection orders.

## OPERATIONAL HEADQUARTERS AND ADMINISTRATIVE SUPPORT

Although the need for administrative staff remains, for the first time the Authority has established an office at the premises assigned to it by the Ministry of Health as its legal and administrative headquarters, as provided for in Article 1 of Delegated Decree no. 56 of 2018.

The headquarters assigned under the above-mentioned article to the Authority have been partially become operative. We would also like to emphasise that, following the entry into force of Article 74 of Law no. 207 of 22 December 2021, the members of the Authority for Equal Opportunities have been granted a monthly remuneration of €200 and €400 for the Legal Representative.

The authorities are currently considering the establishment of an Equal Opportunities Hub in which to bring together the various institutions working on this issue in a single location and providing them with dedicated administrative staff.

## DATA AND STATISTICS

STATISTICS ON THE APPLICATION OF LAW NO. 97 OF 20 JUNE 2008  
*"Prevention and elimination of violence against women and gender violence"*.

**1 January 2022-7 November 2022**

Pursuant to Art. 34 of Law no. 97 of 20 June 2008, the Authority for Equal Opportunities is responsible for keeping and disseminating data on gender violence. The Authority acts in coordination with the Health Authority in order to guarantee the collection of data (Art. 5 of Delegated Decree no.60/2012).



## GENDER AND CHILD ABUSE OFFICE

In 2022, as of 18 November, the Gender and Child Abuse Office of the Gendarmerie Corps recorded 87 cases. The number of reports concerning minors increased exponentially, from 19 in 2021 to 30 in 2022, of which 23 were submitted to the Minors' Service, of which 3 related to family disputes involving minors, while 10 were submitted to the Criminal Investigating Judge compared to 4 in 2021.

Reports to the Criminal Investigating Judge resulted in 34 delegated and own-initiative activities, 11 in civil matters.

With regard to gender-based violence, the 52 cases followed resulted in: 14 complaints, 25 reports to the Criminal Investigating Judge against 5 in 2021 and 21 reports to the Mental Hygiene Unit against 10 in 2021. As a result of the reports submitted to the Criminal Investigating Judge, 95 delegated and own initiative activities were carried out, and 4 in civil matters.

It is easy to see how the exponential increase in the number of reports reflects both the excellent work of the Network and the Gender and Child Abuse Office (which, with the same available resources, was able to respond to almost double the amount of work) and the actual increase in the phenomenon, which is again in line with the international literature.

# SOCIAL SERVICES

## COUNSELLING CENTRE

In order to guarantee a 24-hour service, the Women's Health Centre, in collaboration with the Inter-Agency Operations Centre of the Police Forces, reported that in 2022, 29 women alleged victims of violence (16 new cases) referred to the Women's Health Unit at the Counselling Centre.

In particular:

- 3 cases of access for information on gender-based violence and support/aid services :
- 5 cases of support counselling for difficulties in the relationship with the husband/partner;
- 2 cases of support counselling for dealing with violence suffered in the past;
- 1 case of psychological support for conflicts with the father;
- 1 case of psychological support for conflicts with the ex husband;
- 1 case of psychological support for conflicts with the employer;
- 16 psychological support programmes: welcoming, listening and support;

Four calls were made to the dedicated 4800 number, two of which were handled by the Counselling Centre and two by the Police Forces.

Some of the cases followed were already being handled in previous years (13) while other new cases were submitted by the Police Forces (10). In conclusion, in the period between January and 31 October 2022, the Counselling Centre - Women's Health Unit welcomed a total of 20 women alleged victims of violence and did not make any reports under Law no. 97 of 20 June 2008, "

## MENTAL HEALTH SERVICE

In 2022, faced with new reports revealed by the data, the Mental Health Unit continued to take care of 13 users who accessed the service as victims of gender-based violence.

The above-mentioned persons were followed with individualised support programmes through:

- information on legal protection measures and networking activities with the party's lawyer;
- psychological and social support interviews;
- programmes for reintegration into society through associations in the area;
- support in the search for employment;
- support in the search for accommodation.

In many cases, despite the fact that the woman decides not to press charges against the abuser, the service continues to take care of her case and is often a key element of the process she undertakes to gain autonomy.

## MINOR'S SERVICE

Since women who are victims of violence are often also mothers, minor children are unfortunately passive victims of direct and/or witnessing violence. For this reason, we felt it was important to report the data and related charts concerning minors, illustrating this situation in San Marino over the period from 2019 to the present.

Children who are victims of violence are assisted by the Minors' Protection Service, with the aim of offering psycho-socio-educational-assistance interventions intended for motherhood, childhood and developmental age. These interventions have a preventive and restorative nature and are intended primarily for the child and its protection. Interventions also include those intended for parents with the aim of helping mothers and fathers, in times of crisis, to recognise and regain the basic skills to be able to perform their parental functions in a sufficiently good way.

The Council of Europe's Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was adopted on 25 October 2007 and was ratified by San Marino in April 2018 along with 42 other states.

We mainly focus our attention on cases of witnessing violence, defined as 'the child's experience of any form of ill-treatment, carried out through acts of physical, verbal, psychological, sexual and economic violence, on reference persons or other emotionally significant adults and minors'.

Direct and indirect domestic violence has effects on the physical, cognitive, behavioural and socialisation skills of children and teenagers:

- Impact on physical development: children, especially at an early age, exposed to severe stress and psychological violence may develop deficits in weight and height growth and delays in psychomotor development and visual impairments.
- Impact on cognitive development: exposure to violence can damage a child's neurocognitive development with negative effects on self-esteem, empathy and intellectual skills.
- Impact on behaviour: constant fear, guilt at feeling somehow privileged not to be the direct victim of violence, sadness and anger due to the feeling of helplessness and inability to react are consequences that have an impact on the child exposed to violence. In addition, phenomena such as anxiety, increased impulsiveness, alienation and difficulty in concentrating may arise. Long-term effects include more or less severe cases of depression, suicidal tendencies, sleep disorders and eating disorders.
- Impact on socialisation skills: experiencing witnessing violence influences children's abilities to establish and maintain social relationships.

This type of violence is often insidious and not easily identifiable and it occurs in places that should be healthy and safe for children. Secrecy, shame and stigmatisation are phenomena that can be observed in all countries, as well as in San Marino, a small territory where it is easy for citizens to know each other.

In addition to physical and psychological violence, particular mention should be made of witnessing violence, now a predominant phenomenon in marital disputes, which often result in legal separations. A marriage separation is an extremely painful event in a child's life. If the separation is associated with other stressful events such as intense parental conflict, inadequate parental relations, and constant mutual denigration between former spouses, this condition can lead to real psychosocial distress and, in the worst case scenario, to real developmental risk.

From the assessment of the data in our possession over the last few years, from 2019 to 2022, 90 cases of minors were handled by the Minors' Protection Service, of which 51 specifically experienced witnessing violence, i.e. 56.6%.

Considering specifically the last 2 years (2021-2022), of the 49 reported cases, 28 involved witnessing violence, i.e. 57.15%.

The most affected age groups are early childhood, with 10 out of 28 cases in the 5-9 year age group, and 10 out of 28 cases in the 10-14 year age group.

In family disputes, often both parents (7 out of 28 cases), with their aggressive behaviour towards each other, are both considered the harassing person. However, it should be noted that in 15 out of 28 cases the defendant turns out to be the male figure, confirming the fact that witnessing violence against minors is in the majority of cases associated with violence against women.

Reports are made through the Law Enforcement Agencies (18 out of 28), primarily the Gendarmerie, followed by the Civil Police and the Fortress Guard. Reports can also be submitted to the SSI services, in particular the Paediatrics Unit and the Minors' Protection Service (4 out of 28). Reports rarely start from within the family.

Child witnessing violence is a real domestic violence, one of the most delicate, least recognised and still too unreported forms of violence. Too often, especially in public opinion, this phenomenon is underestimated or even ignored. It is therefore important that the school, educational and health contexts that affect children's daily activities pay more attention to what is happening in their families if they show obvious signs or silent behaviour of malaise.

It is therefore essential to strengthen networking, dedicating even more training to the professionals who work in such contexts and to those in daily contact with minors, but this Authority believes that, above all, specific social awareness-raising action on this phenomenon is necessary. It is not by chance that one of the next steps of the "Agata è" campaign will be entirely dedicated to witnessing violence.



# COURT

## CIVIL JURISDICTION

This annex contains the data relating to the cases provided for in Art. 19 paragraph 1 of the aforementioned law, and concern the opening of non-contentious proceedings before the Law Commissioner - Civil Guardianship Judge.

This document does not include reports on ex officio prosecutable offences or those for which a complaint has been filed.

From 1 January 2022 to 7 November 2022, 20 proceedings were initiated. As of 7

November, the following proceedings were still pending:

- 3 cases initiated in 2019;
- 2 cases initiated in 2020;
- 0 cases initiated in 2021;
- 1 case initiated in 2022;

It must be emphasised that civil proceedings that are dismissed correspond to cases that, after being reported to the civil court, are transmitted to the Socio-Health Services and handled by them.

The most frequent type of violence is physical and physical/psychological violence.

The reporting institution is divided equally between the Law Enforcement Agencies and the Health Services.

Most of the victims are young female, San Marino workers.

The perpetrator is in almost all cases a relative or an acquaintance.

## CRIMINAL JURISDICTION

This annex contains data provided by the Court updated as of 31 October 2022.

In 2022, 18 criminal proceedings were initiated: of which:

- 4 dismissed proceedings:
- 3 indicted proceedings
- 1 criminal conviction order
- 10 proceedings still pending.

In 2022, nine judgements were passed.

The document instituting the proceedings highlights that Law Enforcement Agencies are the main choice for those wishing to make a complaint, in particular, 11 out of 18 proceedings were filed with the Gendarmerie.

The most commonly charged offences are threat (Art. 181), persecutory acts (Art. 181 bis) and beating (Art. 157).

The context in which violence is mostly used is that of emotional relationships (cohabitation, marriage) and the age of the victims is between 18-29 years old in 53% of the cases.

Pursuant to Art. 20 of Law no. 97/2008, the Authority has brought civil action in all the proceedings for violence against women and children. To date, the Authority has joined 31 criminal proceedings, which are still pending, as a civil party.



## CONCLUSIONS

The data in our possession in 2022 show a significant decrease in criminal and civil proceedings on violence against women in line with the number of cases handled by the Services.

After years of pandemic that have literally disrupted social relations and that have caused an increase in domestic violence throughout the world, it is necessary to emphasise how San Marino's situation also in this context has its own particular features. This fact can be considered positive and at the same time it can also hide the fact that the woman may sometimes choose not to press charges against her own will.

The unreported number of cases of violence against women linked to the difficulty of overcoming the wall of the code of silence that has always characterised this phenomenon has not, however, succeeded in keeping silence on direct or witnessing violence suffered by children. This is supported by data from the Minors' Protection Service, which show a decrease in the number of cases handled (37 in 2021 and 12 in 2022) but also a prevalence of cases of minors who are victims of witnessing violence (10 or 83% in 2022 against 18 in 2021 or 48.6%).

Authority for Equal Opportunities

Anna Maria Bugli Lucia Guidi Gloria Valentini



# APPENDIX A

## TABLES AND DATA



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**2023 REPORT AND DATA STATISTICS ON VIOLENCE**

*AUTHORITY FOR EQUAL OPPORTUNITIES*

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## INTRODUCTION

The legal framework on gender and domestic violence in force in the Republic of San Marino is in line with the Istanbul Convention and the principles established therein.

The Republic of San Marino, in spite of its small size, has been trying since 2008 to draw up state-of-the-art legislation on the subject that can best protect the victims.

In 2020, this legislation was evaluated by GREVIO (Group of Experts on Combating Violence against Women and Domestic Violence), a body established under Article 66 of the Istanbul Convention and entrusted with the task of supervising the implementation of the Convention by the State parties.

The first evaluation visit took place on 15-17 September 2020 and the final report, published on 23 September 2021 on the Council of Europe website, states that “GREVIO welcomes the efforts made in San Marino to adopt legislation aimed at addressing violence against women by translating the requirements of the Istanbul Convention into national law”.

The Authority is constantly working to respond to these recommendations together with the Technical Table, the Institutions and the civil society committed to combating gender-based violence.

Since all year round it is necessary to deal with the origins, to make prevention of and raise awareness on violence against women, we wish to bring to the attention of the Captains Regent the current extent of violence in our territory, by illustrating the activities undertaken in 2023 to implement the provisions of the Law.

In the following chapters, a comparison with what was included in the previous year's report will also be presented, in order to highlight the progress made and any critical issues on which further collective efforts will be needed for the coming year.



## ACTIVITIES

Implementing Delegated Decree no. 56 of 2018

### DATA COLLECTION AND MONITORING

#### a. MODALITIES OF DATA COLLECTION

Since last year several meetings have been held with the participation of the IT Office and representatives of the anti-violence network to assess the feasibility of developing a common database system for data collection. Concerns about privacy and the protection of sensitive data were expressed by various stakeholders. Indeed, it was not possible to identify who could take responsibility for the retention and protection of the data contained in the database, which belonged to different interlocutors with different public functions. Since the Authority is not considered part of the state administrative structure, to date it cannot appoint a person responsible for the privacy of the data collected.

In this regard, the Office of the Public Administration Data Protection Officer was also consulted; on this occasion, it was reported that the office is not in charge of the data management of any of the stakeholders involved in the anti-violence network.

**It was therefore agreed that all data on gender-based violence should be transferred to the operational unit that will soon be established as the Hub for Equal Opportunities**, where it will be possible to identify such a professional from among the administrative staff. Such person will be in charge not only of collecting and storing, but also of processing this data, always under the close supervision of the Authority that has the mandate by law.

#### b. MEMORANDUM OF UNDERSTANDING FOR THE PREVENTION OF VIOLENCE IN SPORTS CONTEXTS

Considering the need to create a culture of respect for gender in all social contexts and the increasing need to keep up with current international legislation, upon request of the San Marino Athletics Federation, we worked on the creation of an instrument that could provide for prevention, awareness-raising and training measures against violence perpetrated in sports contexts.

In April 2023, a significant collaboration was established between the San Marino National Olympic Committee (CONS) and the Authority for Equal Opportunities, which aims to create a shared instrument that can connect incidents related to gender-based violence to the operation of the anti-violence network and to the regulations currently in force, including international provisions, whose requirements are now considered mandatory for athletes to be admitted to international competitions.

With regard to this, a draft protocol was therefore prepared and shared with the competent Ministries, as well as with the San Marino National Fair Play Committee, which provides for the extension of the customary annual training (proposed by the Authority in cooperation with the Department of Human Sciences of the University of San Marino) to both male and female coaches and athletes, in order to increase personal awareness of what constitutes violence and to raise the awareness of the entire sports world on this issue.

**The undersigned Authority is currently awaiting feedback from the CONS and the Ministries concerned.**

# SUPPORT TO VICTIMS

## 1. ECONOMIC

### a. VICTIMS ASSISTANCE FUND

The Authority for Equal Opportunity holds a Fund in a special Expenditure Chapter in the State Budget, established pursuant to Article 7 of Law no. 60/2012, in which all charges related to the application of the relevant legislation are recorded, including the victims assistance fund, professional training obligations, remuneration of members introduced by Law no. 207 of 22 December 2021, on the basis of GREVIO's recommendations, and any other activities aimed at strengthening the prevention of violence against women and gender violence.

The allocation of this expenditure chapter is established annually from:

- Funds allocated by the State upon adoption of the State and Public Entities Budget Laws ;
- Amounts of donations from private citizens, economic operators, entities, associations and any other benefactors;
- Amounts from compensation resulting from criminal proceedings joined by the Authority for Equal Opportunity as a civil party pursuant to Article 29 of Law no. 160/2015;

Article 2 of Delegated Decree no. 56 of 2018 provided for the establishment of a special demand account, with the opening of an appropriate current account in favour of the Department of Institutional Affairs and Justice, managed according to the directives and directions of the Authority for Equal Opportunities. The account was opened by Congress of State decision no. 18 of 29 June 2020 to allow for more streamlined management of the amounts deposited therewith, which are allocated for the assistance of victims, urgent expenses such as, for example, the purchase of clothing, the payment of facilities to accommodate victims on a temporary and immediate basis, and more generally for all urgent expenses. **A credit card linked to such current account held by the Ministry of Health is expected to be activated in 2022. The Authority for Equal Opportunities recommends and urges the activation of such card.**

The accounting management of the above funds will soon be in the hands of the Technical and Administrative Secretariat for Equal Opportunities, Bioethics and Social Inclusion, referred to in Article 5 of Delegated Decree no. 143 of 29 September 2023. This Delegated Decree regulates the functioning and defines the requirements of the new extra-departmental Operational Unit established by Article 9 of Law no. 39 of 3 March 2023, which will be in charge of carrying out support activities for the Authority for Equal Opportunities and the Equality and Inclusion Bodies of the Republic of San Marino in order to facilitate and implement their activities.

In 2022, the Authority for Equal Opportunities was able to support victims by providing EUR 2,200.00, not only in the first moment of emergency, but also in the days immediately following the

report or the intervention by the services, to promote campaigns and initiatives for EUR 1,103.01, and to allocate EUR 15,000.00 for training in 2023.

The current amount of the Fund for the assistance to victims is EUR 29,596.49.

#### b. COLLABORATION WITH THE CENTRAL BANK

As already mentioned in the report presented last year (2022), the cooperation with the Central Bank ('CBSM') was further strengthened this year and, following meetings between the Authority for Equal Opportunities and the Diversity&Inclusion Committee of CBSM, **it was agreed to draw up some draft laws aimed at providing financial support to victims of gender-based violence.**

In this regard, it should be noted that the types of benefits could take into account the individual situation of those who enter the anti-violence network when assessing certain conditions of the benefit itself, such as, for instance, the amount that can be disbursed, the frequency of reimbursements and interest rate subsidies. The intervention focused on the following types of financing:

- Fixed-term single-payment loan: a benefit aimed at granting a fixed-term financing, at a subsidised rate, issued in a single payment by the State through the San Marino banking system. The characteristics of this loan (payment modalities and repayment settlement) should be included in a special agreement signed by the State and the banking system. There should also be the possibility of granting a short-term, non-refundable contribution following the submission of the application and the related payment of the financing;
- Loan with periodic payments: a benefit at a subsidised rate paid directly by the State through the Offices and Entities of the Public Administration; in this regard, the fixed-term loan should provide for a periodic payment and repayment of the established amount.

Finally, during the meetings, there were discussions about how monthly expenses can be difficult to be borne by those who suffer violence (not only physical, but also psychological and economic) and how victims can find themselves unable to pay for services provided by the state and, therefore, accumulate arrears. Further forms of benefits with regard to tax debts were analysed. Indeed, in the event of difficulties in repaying debts owed to the State or other tax authorities, the benefits that could be introduced by means of a Collaboration Protocol could be temporary and limited to predetermined periods:

- moratoria and suspensions of payments for agreed instalments (secured or unsecured);
- extraordinary forms of instalments;
- suspension of enforcement actions.

This kind of support, could enable victims of violence to gain precious time to recover from the violence, solve problems, even judicial ones, and rebalance their personal economic situation, without the additional burden of debt, often created by others and not so much by the victims.

This recent collaboration, which has also allowed the Authority to better reflect on and consider the accounting processes it can adopt, has further emphasised how the relations between the Authority for Equal Opportunities and the San Marino stakeholders can be strengthened, not only through the numerous opportunities for discussion, but also by paying constant attention to the difficulties that victims of violence have to face on a daily basis.

## 2. PSYCHOSOCIAL AND LEGAL SUPPORT

### a. COLLABORATION PROTOCOLS

- **With the Association of Psychologists:** Pursuant to Delegated Decree no. 56 of 17 May 2018, in particular with reference to art. 8, in January 2023 **a protocol was formalised and signed between the Authority for Equal Opportunities and the Association of Psychologists** to ensure a process of reception and support for victims of violence at a reduced rate paid by the Authority; under the same conditions, the protocol also applies to minors under 18 years of age. The protocol envisages: the drawing up by the Association of a special list of professional psychologists or psychologist-psychotherapists who are willing to provide 8-10 sessions of therapy assisting and supporting victims of violence, at a preferential tariff<sup>1</sup> ;
  - 1.
  2. that the Association guarantee that all professionals hold the required qualifications, are duly registered with the Association and annually attend dedicated refresher courses, organised by the Authority;
  3. that the list be updated annually by the Association and sent to the Authority for Equal Opportunities;
  4. the availability of the Association to collaborate, if requested, in free specific training events on the issue of violence, organised and promoted by the Authority for Equal Opportunities;
  5. that the Association ensure that professionals impose a fee of EUR 40.00 per hour. Users will not pay the fee; professionals will directly invoice the Authority for Equal Opportunities, which will make the payment.
  6. that referrals to professionals be:
    - a. on a proposal from the SSI Social Services. In cases of psychological support to victims referred by the Services, patients will be immediately informed of the collaboration with the Anti-violence Network and professionals will work in synergy with the Services and the Court, represented by the Law Commissioner (or by anyone whom the latter will appoint), will report to them in itinere and on the outcome of the support therapy, always within the limits of professional secrecy;

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<sup>1</sup>If deemed necessary, 4 additional sessions may be added. This shall be decided upon in agreement with the Authority for Equal Opportunities

- b. on private initiative. If a request for psychological support is made by a victim of violence, after having fulfilled the provisions of Law 97/2008, professionals may continue taking in charge the case by making the therapy part of this Protocol;
  - 7. that the same assistance also be considered extended to people under the age of 18, who are involved in the above-mentioned situations. In this case, if the referral is made by the family or, anyway, not by the Services, professionals, in order to collaborate within a network, will inform the Minors' Protection Unit and the Court represented by the Referring Judge, and will inform the applicant thereof.
  - 8. that dedicated psychologists attend specific training on the subject, which is part of the annual training plan provided by the Authority for professionals of the Anti-Violence Network.
- **with the Lawyers' Association:** even if a protocol with the Lawyers' Association has not been signed yet - **a protocol that has already been agreed upon and is currently being finalised** - as in the case of the Protocol signed with the Association of Psychologists, the Authority for Equal Opportunities grants legal professionals who support victims of violence, reimbursement of expenses incurred and work performed, establishing a reduced rate. At the same time, the "Hub for Equal Opportunities" project (which will be explained in more detail below) identified the role of an expert lawyer as a useful professional for the Counselling Centre, as well as for all network stakeholders, to provide out-of-court legal counselling. This kind of professional could also meet the need to provide legal support to psychologists when taking care of the victim or in any case when requesting information.

#### b. SOCIO-HEALTH PROFESSIONALS ON STANDBY DUTY

Reception and social and psychological support for victims of violence (direct and/or witnessing) in the emergency phase is crucial as it allows immediate emotional support and an assessment of the subject's psychological resources and social network. At this stage, it is also possible to obtain important information from the victims about the trauma they have experienced and, if necessary, to provide support in explaining the facts for a possible complaint.

In this regard, GREVIO itself emphasises that *“both short-term emergency interventions and long-term support services, including psychological counselling, financial assistance and accommodation, must be available”*.

**In the light of the above, the top management of the Social Security Institute has expressed to the Authority its complete availability to adopt a possible solution to overcome this difficulty, i.e. the availability of Social Workers on a 24-hour basis.**

**It is expected that the service will soon become fully operational.**

### c. FIRST RECEPTION CENTRE

To make up for the lack in San Marino of a first reception centre, a protected and welcoming place was identified, together with the support of the SSI General Directorate and the Social Services, where victims can be received for the time necessary to initiate the socio-health and legal assistance process, with minor dependent children.

As already mentioned in last year's report, in particular, the Centre will be able to:

- urgently host victims for 24/48 hours or, in some cases, until the judge rules on the incident and the possible accommodation of the victim(s);
- provide the necessary protection in risky situations;
- provide immediate assistance from specialised socio-health personnel.

Based on the cases recorded between 2022 and 2023 (4 women and 6 minors), this Centre does not require to be permanently implemented at the moment. It can operate on call and, as also requested by GREVIO, it is prepared to urgently receive both victims of violence (adults and/or minors), giving them support and adequate protection at any time, and unaccompanied minors and/or minors removed from home before they are transferred to suitable relatives, an approved centre or foster family.

**At present, the necessary structural changes are being prepared, as well as internal operational protocols, to accommodate women victims of violence and any minors, with the aim of opening the Centre by early 2024.**

### d. 24/7 TELEPHONE HELPLINE

As is well known, in the year 2020, the telephone number 0549 994800 was created. It is active 24 hours a day, 7 days a week.

In order to guarantee a 24-hour service, the Women's Health Centre, in collaboration with the Inter-Agency Operations Centre of the Police Forces, has established a procedure according to which the operators of the Simple Operational Unit for Women's Health (Counselling Centre for Victims of Gender Violence) answer incoming calls during the opening hours of the service. When such Service is closed, the Inter-Agency Operations Centre of the Police Forces is responsible for answering the number, on a dedicated helpline. Depending on the need, it can either carry out an urgent intervention according to the procedures established by their internal rules, or register the report, which can then be forwarded to the Psychologist.

Therefore, pursuant to GREVIO's recommendation, which strongly encourages the San Marino authorities to provide the general social services with adequate human resources to enable them to effectively assist women victims of violence, **the 24-hour on-call service of Social Workers will enable women who call the 0549 994800 telephone number to speak to a trained social worker capable of supporting them, no longer diverting calls to the Police Inter-agency Operations**

Centre.

#### e. TAKING CARE AND REHABILITATING THE ABUSER

While the victim can benefit from protection and support, there is no rehabilitation process for the abuser. In order to fill this gap, it was decided to intensify cooperation with the Association Confine, which takes care of perpetrators. Indeed, in the national, but also international and European scenarios, the need to deal also with male perpetrators is strongly emerging. **The fruitful cooperation with the Association's experts is also based on the agreement signed this year between the Social Security Institute (SSI) and the Association Confine.** Thanks to this recognition, it will be possible to provide for rehabilitation and re-education processes (possibly even compulsory) after a conviction has been pronounced.

Thanks this agreement, the Association Confine provides qualified and specific assistance according to the situation, basing its interventions on the guiding principles of the victim's safety and the perpetrator's liability for his violent behaviour, in line with the European and international regulations in force.

Users' access to the services of the Association Confine can be autonomous or established in collaboration with SSI services. The interventions carried out by the Association Confine, their duration and their interruption are decided by the Association's team of professionals and are planned with a view to networking with SSI services, in order to ensure adequate coordination between treatment programmes for men and those intended to protect and support women and children.

An important provision of this recent agreement is financial coverage by SSI for the services provided by the Association Confine to users.

#### f. MINORS

##### i. Offenders

Particular attention should be given to minor offenders, an increasing phenomenon after the pandemic, which has not yet been properly monitored and which brings with it the need for a special reception centre. Therefore, in our opinion, it is necessary to find a place dedicated to minors, where they can both be placed under urgent judicial detention and be supervised and psychologically supported in a suitable environment and not in prison.

**In view of the imminent implementation of the stand-by duty of social workers, we would like to emphasise once again the need to find a place that is comfortable and does not have as much impact as a prison or barracks, which ensures the presence of the Police Forces but also allows the immediate employment of specialised socio-health staff** who can receive minor offenders (as also indicated by the CPT) arrested, detained or accompanied until the validation hearing.



## ii. Victims of violence

Considering the increase of cases involving minors who are victims of violence and witnessing violence and the difficulty in identifying such circumstances, **it is deemed necessary to create a telephone line, parallel to the 994800 telephone number, that is easy to memorise and can be used on any telephone given the young age of the users.**

This service will be managed by social workers, thanks to the implementation of 24-hour standby duty for emergency situations.

### TRAINING PLAN FOR 2023

As provided for by law, the Authority for Equal Opportunities cooperates with the Department of Human Sciences of the University of San Marino for the creation of the annual training plan.

The following are the training courses organised by the Department of Human Sciences that took place this year.

- **Training for schools of all levels and the Vocational Training Centre**  
in particular the following courses were held:
  - Training for teaching staff of all levels of San Marino schools on 2 and 3 March 2023 at the Teatro Concordia in Borgo (trainer Irene Biemmi) with the participation of around 500 teachers over the two days;
  - Training meetings for teachers who will accompany classes to the show “Storia di un no” (History of a no), with the aim of providing the necessary comprehension tools to interpret what emerges from the show.
- Training for **Socio-Health and Hospital Services and the Police Forces**:
  - Training on the prevention and elimination of gender-based violence by Law Commissioner Lawyer Isabella Pasini for the Police Forces;
  - On 29 November and 7 December 2023, a training session was held by the Casa delle Donne of Bologna for the network of Services (Police Forces, SSI, psychologists); two days of training aimed at raising the awareness of professionals in the San Marino area, who are key players within the network, with regard to issues concerning gender-based violence. The first day was dedicated to the entire network of services.
- **Contextual training** pursuant to Articles 1 and 4 of Delegated Decree no. 60/2012;
- Training intended for San Marino **journalists** and also open to the participation of Italian journalists;
- Training seminar "Mass Media and Gender-based Violence: Are Women Double Victims?" Organised in collaboration with the San Marino Council for Information, the Emilia-Romagna Region Association of Journalists and the Authority for Equal Opportunities;

- Words against gender-based violence: the role of the media, intergenerational insights Training event open to the public. Debate challenge between High School students. Organised by the Confine Association, the Authority for Equal Opportunities, the Department of Education and the Department of Human Sciences of the University of San Marino;
- **Theatre shows and activities for schools and citizens:** “Storia di un no”, in collaboration with the Cultural Institutes, intended for students of Lower And Upper Secondary Schools and of the Vocational Training Centre;
- On 8th March 2023, and in collaboration with the Higher Education sector of our University, the Authority for Equal Opportunities took part in the **round table organised by the L.E.I. Interdepartmental Group entitled "MAID: FROM THE TV SHOW TO SOCIETY. ANALYSING THE VARIOUS FORMS OF DOMESTIC AND GENDER-BASED VIOLENCE"**.

The main training activity that the Department of Human Sciences will carry out in 2024, in agreement with the Authority for Equal Opportunities' representatives, is related to the High-Level Training Course "Education to prevent and combat gender-based violence", which will be directed to all San Marino public employees.

Up till now, the Department of Human Sciences, in cooperation with the Authority for Equal Opportunities and the heads of the various state departments concerned, has fulfilled the requirements of the regulations in two different ways:

- a. directly organising training proposals by consulting the different categories of personnel in advance;
- b. approving training projects independently proposed by certain categories of personnel.

Over the years, the Department of Human Sciences (DSU) has found it particularly difficult to provide training for newly recruited staff and to propose specific initiatives to the least numerous categories.

**In agreement with the Authority, the Scientific Direction of the DSU believes that the High-Level Training Course not only represents a solution to many of the problems encountered, but would also, in accordance with the structure we intend to give it, provide a training opportunity.** The latter, could be periodically offered to the institutional operators concerned and be open to all and easily accessible.

The course will roughly comply with the same operating model currently used for CME (Continuing Medical Education) for health personnel. In particular, it should:

1. Include a compulsory and common basic module for all personnel covered by the Decree;
2. Propose specific basic modules for the different categories of personnel according to their specific training needs;
3. Envisage common and/or specific training modules to be compulsorily attended every three years;
4. Issue appropriate certificates, certifying the fulfilment of the training obligation on the basis of evaluations at the end of each training event.

At organisational level, the High-Level Training Course will need:

- Professors and/or experts that take care of the lectures, the production of teaching materials and the final examination to verify the preparedness of the personnel to whom the training will be addressed;
- A scientific expert that ensures the consistency of the teaching offer;
- The recording and post-production of the training courses with subsequent uploading onto a dedicated online platform;
- A technical expert dedicated to the logistical and material organisation of compulsory training.

Basically, the High-Level Training Course will make use of pre-recorded audio lectures specifically prepared according to the target group to be trained.

In addition, in 2024:

- training for the staff of the anti-violence centre will be provided by associations actively working in the field;
- in cooperation with the SSI Public Relations Office, a training strategy will be developed that can adapt the training provided to the specific needs of SSI operators;
- we intend to organise an international conference on the subject of violence against minors, in which experts in the field, Magistrates, Police Forces and representatives of international bodies dealing with the prevention of this phenomenon will participate;
- specific training on risk assessment for the entire anti-violence network will be proposed again.

## INFORMATION AND AWARENESS-RAISING

### a. INFORMATION AND AWARENESS RAISING CAMPAIGN

Last year, the Authority for Equal Opportunities had the support, free of charge, of a communication consultant as an expert in the field.

The service ended in August 2022 and continued until December of the same year on a voluntary basis. Thanks to this collaboration, the information and awareness-raising campaign entitled **AGATA é** was launched. It involved the population and should have envisaged the creation of a web portal with direct and less formal communication methods intended for the population, to inform, raise awareness and connect the victim more quickly with the anti-violence network.

**The interruption of the aforementioned relationship did not allow the launch of the aforementioned web portal, and to date the Authority lacks support in communication, which we know has taken on a very important role in reaching out to the population in recent years.**

### b. "THROUGH THE EYES OF WOMEN"

On 21 January 2023, the Authority for Equal Opportunities took part in a round table entitled "Through the eyes of women" organised by the Men's Mutual Aid Society, with the specific intention of answering the question "*How does San Marino support a woman in recovering from a situation of violence?*"

Together with the stakeholders of the Anti-Violence Network and the Association Confine, the Authority for Equal Opportunities was able to illustrate to a predominantly male audience the meaning of male violence against women, in all its forms. It was also an opportunity to present the functioning of the network, as well as to provide an overview of the multiple ways to seek help, both for victims and perpetrators.

### c. GRANTING OF INSTITUTIONAL PATRONAGE

As established by Article 1 of Delegated Decree no. 24 of 19 March 2012, according to which the Authority for Equal Opportunities "[...] shall favour and monitor the activity of the Associations promoting the knowledge of services granting assistance and starting prevention projects", during the year 2023 the Authority participated in many initiatives organised by the civil society.

The modality most frequently used by the Authority to involve and encourage social stakeholders, in addition to the participation in events and initiatives, is **the granting of institutional patronages aimed at joining forces and increasing awareness and knowledge of the phenomenon.**

## INSTITUTIONAL ACTIVITIES

### a. VISIT TO SAN MARINO BY THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

The European Commission against Racism and Intolerance (better known as ECRI) is a monitoring body of the Council of Europe, specialised in combating all forms of racism, xenophobia, anti-Semitism and intolerance, with a view to protecting human rights. ECRI's activities include all measures necessary to combat violence, discrimination and prejudice against persons (or groups of persons), on the basis of racial, linguistic, religious, national or ethnic grounds.

ECRI's activities are mainly focused on three key areas:

1. the monitoring of member countries;
2. the presentation and communication of general policy recommendations to countries;
3. the development of information and communication activities with the civil society.

The Republic of San Marino is also a member of the ECRI and as such is subject to periodic monitoring cycles, the last of which was held in San Marino in June 2023. The Authority for Equal Opportunities met the ECRI delegation last 13 June and reported the progress made in terms of equal opportunities, combating intolerance and violence against women.

This was an important occasion to present to the Council of Europe delegation the progress made by the Working Group (established by Decision no. 5 of the Congress of State on 25 April 2022) specifically created to respond to ECRI's requests.

Numerous topics were discussed, **focusing above all on the Hub for Equal Opportunities project, which responds to ECRI's main recommendations** (as agreed in the report of the Working Group established by Congress of State Decision no. 5 of 25 April 2022 to integrate the functions of the Commission for Equal Opportunities with reference to the activities of preventing and combating the phenomena of intolerance and racism, incitement to hatred and violence, a group coordinated by the Authority for Equal Opportunities). With regard to the Hub, please refer to the following paragraphs.

### b. CELEBRATION OF 10 YEARS OF THE OPENING OF THE COUNSELLING CENTRE FOR WOMEN VICTIMS OF VIOLENCE

On 9 May 2023, the Authority for Equal Opportunities participated in the 10-year anniversary celebrations of the Counselling Centre for Women Victims of Violence, a non-judgemental environment that provides psychological support and useful information on a daily basis about recovering from violence.

On this occasion, it was possible to recall the important added value provided by the centre over the past ten years for the prevention of the phenomenon, proving to be one of the means through which women can seek help.

Furthermore, future issues concerning the centre were discussed, such as the **strengthening of professional resources dedicated to the reception and support of victims. With regard to this, the Authority for Equal Opportunities, in consultation with the Ministry of Health and the Social Security Institute, has constantly worked to obtain the 24-hour stand-by duty of social workers.**

#### c. LEGISLATIVE AMENDMENTS (Articles 19 and 32 of Law 97/2008)

Upon request of the Institutional and Technical Panel, a report was prepared proposing an amendment to Article 19 of Law no. 97/2008, completely redefining the reporting process and the role of the Social Services. Indeed, according to the law in force, the function of the Civil Judge is to entrust the Social Services with the task of carrying out the relevant verifications and implementing the protection measures provided for by law. Therefore, the mobilisation of the Social Services is not immediate but is mediated by the intervention of the Civil Judge. While this approach could have had a coordinating function, which was essential for the first application of the law, today, in anticipation of regulatory changes, we can think about eliminating this mediation in order to allow the Social Services to immediately start taking charge of reported cases. The aim is to provide immediate medical, psychological and social support to the victim. Once the network has been established and activated, it is possible that the victim, feeling supported, may then decide to lodge a complaint or report to the Court and request protection orders.

**With regard to the above, the Authority for Equal Opportunities coordinated the amendment of Articles 19 and 32 of Law 97/2008, which were drafted thanks to the important contribution of Lawyer Marica De Angelis of the Legal Institute, in agreement with the Technical Panel. The text will soon be submitted for discussion within the Great and General Council.**

## COMPREHENSIVE NATIONAL PLAN TO COMBAT VIOLENCE AGAINST WOMEN

Following the submission of Popular Petition no. 20 of 2 October 2022, the Authority for Equal Opportunities was entrusted with the drafting of the Comprehensive National Plan to combat violence against women. With the help of a law firm that assisted the Authority in the drafting of the Plan, the aim was to promote a virtuous circle that can contribute to the creation of "a Europe free from all forms of violence against women and domestic violence", as indicated in the "Council of Europe Convention on preventing and combating violence against women and domestic violence", so-called Istanbul Convention of 2011, which the Republic of San Marino ratified on 28 January 2016. This is the international reference charter on violence against women and domestic violence, a guiding light for operators in determining objectives and policies in this area.

In January 2020, GREVIO<sup>3</sup> published the first evaluation report on the Republic of San Marino. GREVIO has made several recommendations to our country on combating violence, to be implemented in multiple areas. This Comprehensive National Plan therefore intends to transpose these GREVIO Recommendations and take action to implement them. In particular, it will be necessary to:

- increase the human and financial resources allocated in general to the prevention of and the fight against violence against women, and to civil society organisations involved in combating violence against women (Rec. 28);
- set up mechanisms for cooperation, consultation and exchange between organisations dedicated to combating violence against women and domestic violence (Rec. 32);
- set up a common data-collection system, both at judicial and law enforcement level, based on a common set of data categories, that includes all forms of violence covered by the Istanbul Convention (Rec. 46);
- increase efforts to raise awareness, inform and promote activities on the topic of violence against women and domestic violence, through appropriate training for teachers, law enforcement officers, the judiciary, and the general public;
- implement preventive intervention, rehabilitation and treatment programmes for perpetrators of sexual and domestic violence (Rec. 78);
- seek the involvement of employers in preventing and combating violence against women, including by cooperating with trade unions (Rec. 85)
- ensure wider dissemination of information on support services, e.g. by using web platforms, and legal measures for victims of violence (Rec. 4);
- ensure the possibility of immediate access, especially at an early stage of experiencing violence, to services facilitating recovery (medical care, psychological support), as well as financial assistance, housing (so-called Shelters), assistance in finding employment (Rec. 100/119);
- take the necessary measures to ensure that the judiciary considers all issues related to violence against women (on child custody and visitation rights, screening/monitoring of the relationship between the parents) (Rec. 144);

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<sup>2</sup> Approved by the Great and General Council on 2 December 2022.

<sup>3</sup> Group of Independent Experts responsible for monitoring the implementation of the principles set out in the Istanbul Convention

- ensure that all acts of violence against women covered by the Istanbul Convention are prosecuted and sanctioned swiftly, reducing the number the number of time-barred cases (Rec. 188);
- review the system of barring and protection orders (Rec. 202).

The intervention that will result from the transposition of the Recommendations and from the impetus that the Plan intends to give to the regulatory and social framework shall aim to:

1. protect freedom from violence in both the public and private dimensions;
2. promote gender equality as a fundamental principle for the development of society;
3. implement all interventions to strengthen the economic autonomy of victims;
4. support inclusion, to reduce the impact of the consequences of victims' vulnerability and discrimination

**This project will be presented to the Congress of State by the end of 2023 and contains policy elements for the three-year period 2024- 2026. Moreover, it is intended to commit the Legislator both to implementing and revising all the legislation in support of victims and to finding the solutions needed to manage the phenomenon of violence against women in general.**



## HUB FOR EQUAL OPPORTUNITIES - OPERATIONAL HEADQUARTERS AND ADMINISTRATIVE SUPPORT

With reference to the Hub for Equal Opportunities project, it is necessary to distinguish between:

- The Operational Unit created by Delegated Decree no. 143 of 29 September 2023 Articles 5 and 12. At present, we are waiting to properly implement what has been established.
- The draft law proposed in the report of the Working Group established by Congress of State Decision no. 5 of 25 April 2022 to integrate the functions of the Commission for Equal Opportunities with reference to the activities of preventing and combating intolerance and racism, incitement to hatred and violence, group coordinated by the Authority for Equal Opportunities. **The Working Group pointed out the possibility of a comprehensive legislative intervention, which would "redesign" the Authority for Equal Opportunities and the Commission for Equal Opportunities. The aim is to make their composition and functioning not only compliant with international recommendations, but also more responsive to the effective needs and tasks they are called upon to perform, thus making their work more effective and efficient.**

Considering the laws of other small States of Europe and other virtuous examples in the field of equal opportunities and the fight against intolerance and discrimination, and obviously taking into due account the specificities of San Marino, the Working Group proposed the establishment of a single reference body for equal opportunities, which could be called "Coordination Centre for equal opportunities and for the prevention and combating of discrimination and intolerance", encompassing the Authority and the Commission. These two bodies could maintain their current functions, although with differently structured tasks, as they should tackle all forms of intolerance and racism, incitement to hatred and violence<sup>1</sup>.

In line with this proposal, the Authority for Equal Opportunities also recommends considering the opportunity to include within the Hub, all the National Commissions established following San Marino's accession to international conventions on the defence of human rights. This solution is also proposed in particular with regard to the implementation of the International Labour Organisation Convention concerning the elimination of violence and harassment in the world of work, which provides for the identification of ad hoc resources in line with the mandate of the Authority for Equal Opportunities.

## DATA AND STATISTICS

### STATISTICAL REPORT ON THE IMPLEMENTATION OF LAW NO. 97 OF 20 JUNE 2008

*“Prevention and repression of violence against women and gender violence”*

#### **Period from January 2023 to 7 November 2023**

Pursuant to Art. 34 of Law no. 97 of 20 June 2008, the Authority for Equal Opportunities is responsible for keeping and disseminating data on gender violence. The Authority acts in coordination with the Health Authority in order to guarantee the collection of data (Art. 5 of Delegated Decree no.60/2012).

#### **a. GENDER AND CHILD ABUSE OFFICE**

From January 2023 until 8 November 2023, the Gender and Child Abuse Office of the Gendarmerie Corps recorded 63 cases, of which 34 involved children and 29 gender-based violence.

Reports concerning children increased exponentially, from 19 in 2021, 30 in 2022, to 34 in 2023

Specifically with regard to the 34 cases involving children, they resulted in: 6 Reports to the Criminal Investigating Judge, 1 Report to the Civil Guardianship Judge and 27 Reports to the Minors' Service, 10 of these reports related to family disputes involving children.

With regard to Gender-based Violence, the 29 cases followed resulted in: 3 complaints, 3 reports to the Criminal Investigating Judge, 2 reports to the Civil Guardianship Judge, 21 reports to the Mental Health Unit, 0 to the Unit for Pathological Addictions. As a result of the reports submitted to the Criminal Investigating Judge, 6 delegated and own initiative activities were carried out, and 0 in civil matters.

In 2023, three protection orders were requested, and at present no violations were reported; no cases of recidivism are known.

## b. SOCIAL SERVICES

### - COUNSELLING CENTRE

In the period January - October 2023, 35 women alleged victims of violence (18 new cases) contacted the Counselling Centre - Women's Health Unit.

More specifically:

- **15 cases of access for information on gender-based violence and support/aid services;**
- **3 cases of support counselling for difficulties in the relationship with the husband/partner;**
- **3 cases of support counselling for dealing with violence suffered in the past;**
- **2 cases of psychological support after a conflictual separation;**
- **12 psychological support programmes: welcoming, listening and support;**

Eleven calls were made to the dedicated 4800 number, seven of which were handled by the Counselling Centre and four by the Police Forces.

**In the first six months of 2023, the Counselling Centre - Women's Health Unit has welcomed a total of 35 women alleged victims of violence and has submitted 2 reports pursuant to Law no. 97 of 20 June 2008, "Prevention and repression of violence against women and gender violence" and Law no. 57 of 6 May 2016 "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 (Istanbul Convention)".**

### - MENTAL HEALTH UNIT

Report on the activity of the Mental Health Unit from 1 January to 31 October 2023:

- It was contacted and it proposed the launch of a support programme for **19 persons following the receipt of 19 new orders by the Civil and Criminal Court.**
- It was contacted and it proposed counselling to **21 people following the receipt of reports from the Police Forces** (without the involvement of the Court).
- **It sent 4 reports**
- It launched a **treatment process (reception, counselling and support) for five people who spontaneously contacted the Unit.**

**Overall, the Mental Health Unit was contacted in a total of 45 new cases and sent 4 reports pursuant to Law no. 97 of 20 June 2008, "Prevention and repression of violence against women and gender violence" and Law no. 57 of 6 May 2016 "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 (Istanbul Convention)".**

## - MINORS' PROTECTION SERVICE

From the assessment of the data in our possession over the last few years, from 2019 to 2023, **101 cases of minors were handled by the Minors' Protection Service, of which 61 specifically experienced witnessing violence, i.e. 60.4%.**

Considering specifically the last 3 years (2021-2023), of the 60 reported cases, **38 involved witnessing violence, i.e. 63.3%**, broken down into the following age groups: early childhood, with 11 out of 38 cases in the 0-4 years age group, 12 out of 38 cases in the 5-9 years age group, and 15 out of 38 cases in the 10-14 years age group.

In 2023, the Minors Protection Service handled 10 cases, involving minors from 2 to 13 years old. 90% of the cases concerned San Marino nationals and in 100% of the cases the abuser was the father or the mother's partner.

The reporting entity is in 9 out of 10 cases the Civil Court, and in the remaining case it is the Criminal Court.

Following the 27 reports by the Police Forces, none of the minors were referred to the Minors' Protection Service due to the lack of an order resulting from the family's refusal to initiate the process, others due to the fact that there was no case to answer, and others due to the family's refusal to continue with the process.

## c. COURT

### - CIVIL LAW

This Annex contains data on the cases provided for by Article 19, paragraph 1, of the above mentioned Law, which concern, following the reports, the opening of non-contentious proceedings before the Law Commissioner acting as Civil Guardianship Judge.

This document does not include reports on ex officio prosecutable offences or those for which a complaint has been filed.

From 1 January 2023 to 7 November 2023, 21 proceedings were initiated. As of 7

November, the following proceedings were still pending:

- 3 cases initiated in 2019;
- 0 cases initiated in 2020;
- 0 cases initiated in 2021;
- 0 case initiated in 2022;
- 1 case initiated in 2023;

It must be emphasised that civil proceedings that are dismissed correspond to cases that, after being reported to the civil court, are transmitted to the Socio-Health Services and handled by them. The most frequently recorded type of violence is psychological violence, and the main reporting entity are the SSI services, in particular the emergency care unit.

The main type of victims are women, equally San Marino and foreign, employed.

The perpetrator is in almost all cases the spouse or the partner.

- **CRIMINAL LAW**

This annex contains data provided by the Court updated as of 31 October 2023.

In 2023, 26<sup>4</sup> criminal proceedings were initiated, of which:

- 5 dismissed proceedings:
- 4 indicted proceedings
- 1 placement;
- 16 proceedings still pending.

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<sup>4</sup> The data in our possession for the period January-October 2023 show a significant increase in criminal proceedings compared to the same period in 2022 (from 18 in 2022 to 26 in 2023) and a substantial stability of civil proceedings with regard to violence against women and minors, in line with the number of cases handled by the Services.

In 2023, 11 judgements were delivered, of which 1 on appeal, including 1 case opened in 2018, 2 cases in 2019, 2 cases in 2020, 2 cases in 2021, 3 cases in 2022. In 2024, no judgements were delivered in relation to indicted proceedings of 2023.

Furthermore, five injunction/removal orders were issued in 2023.

The document instituting the proceedings highlights that Police Forces are the main choice for those wishing to make a complaint, in particular, 11 out of 26 proceedings were filed with the Gendarmerie and 2 with the Fortress Guard.

The most commonly charged criminal offences are bodily injury (Art. 155) and ill-treatment of family members and cohabitants (Art. 235), followed by beating (Art. 157) and persecutory acts (Art. 181 bis).

Where specified, the context in which violence is perpetrated is in most cases that of emotional relationships (cohabitation, marriage).

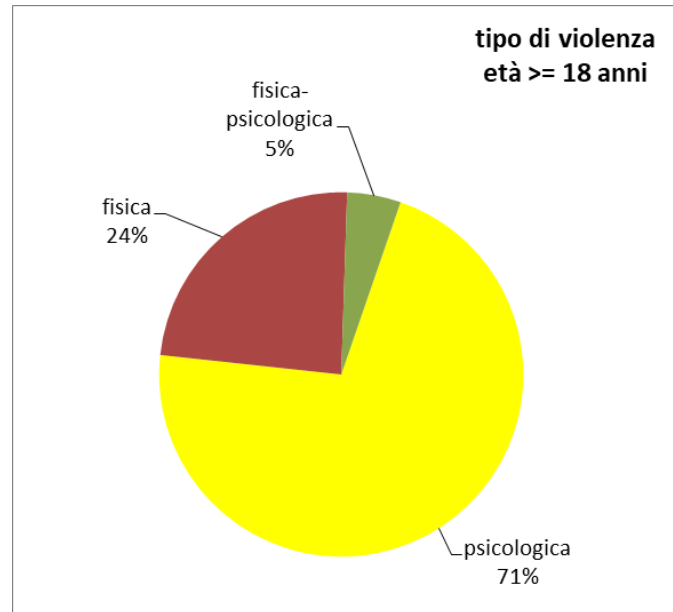
Pursuant to Art. 20 of Law no. 97/2008, the Authority has brought civil action in all the proceedings for violence against women and children.

Authority for Equal Opportunities  
Anna Maria Bugli - Lucia Guidi - Gloria Valentini

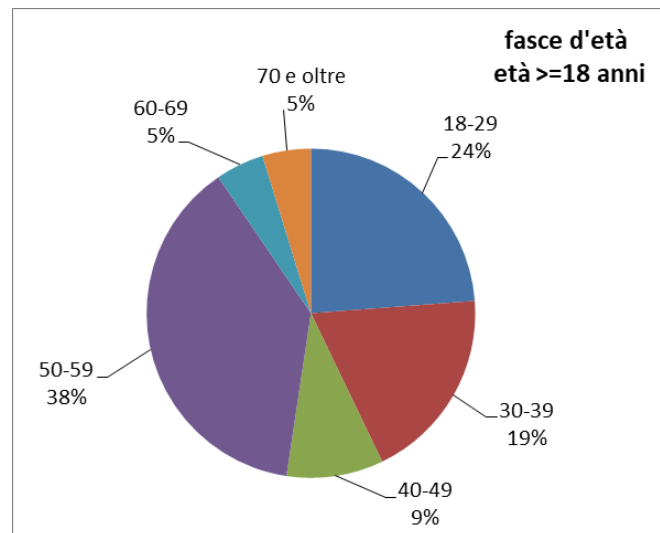
**APPENDIX A**  
**TABLES AND**  
**DATA**

## Over 18 years of age

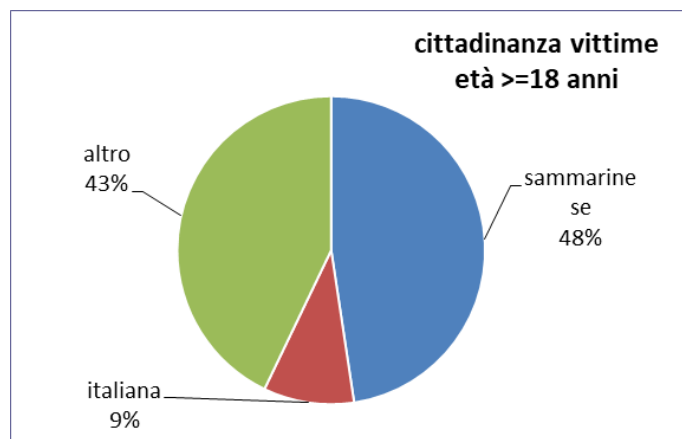
type of violence	cases
psychological	15
physical	5
physical-psychological	1
Total	21



age ranges	cases
18-29	5
30-39	4
40-49	2
50-59	8
60-69	1
70 and more	1
Total	21



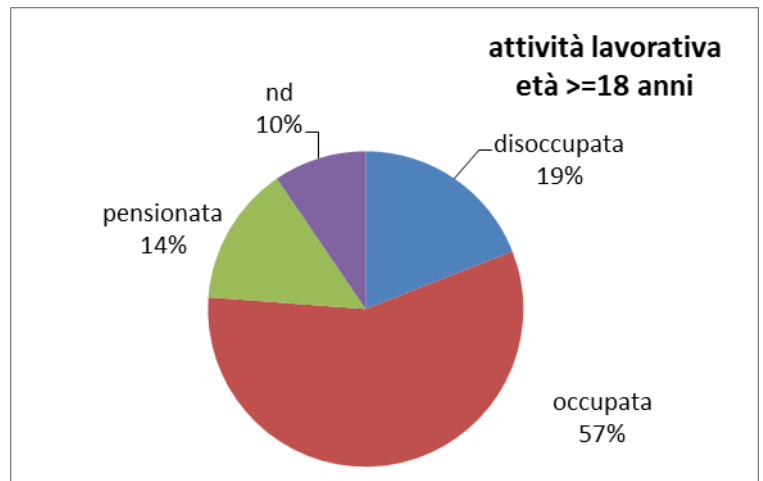
nationality of victims	cases
San Marino	10
Italian	2
other	9
total	21



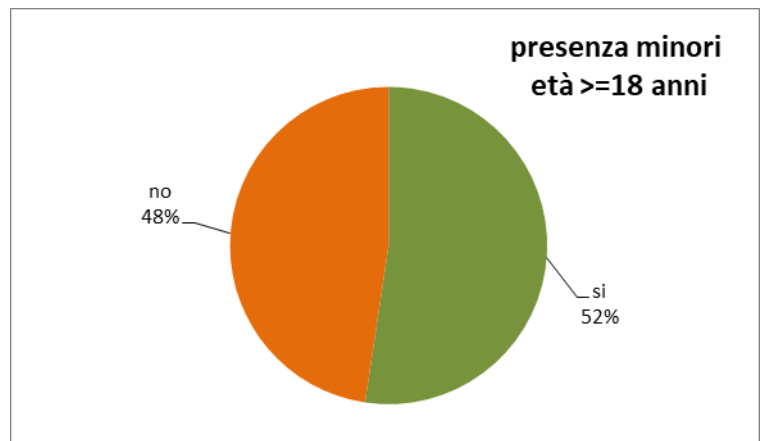


## Over 18 years of age

work activity	cases
unemployed	4
employed	12
pensioner	3
N/A	2
total	21

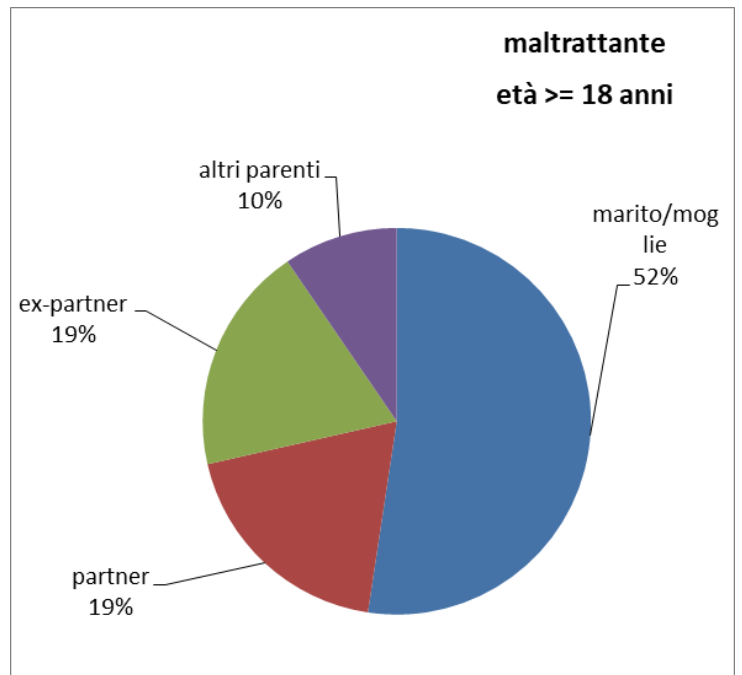


involvement of children	cases
yes	11
no	10
total	21

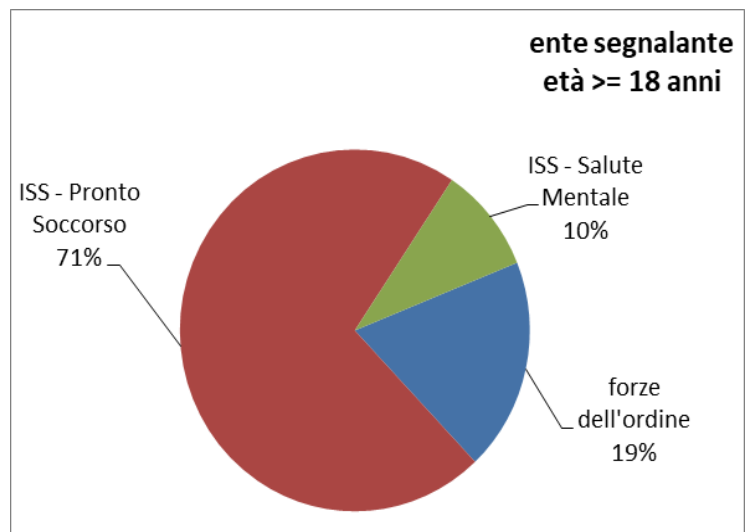


**Over 18 years of age**

abuser	cases
husband/wife	11
partner	4
former partner	4
other relatives	2
total	21



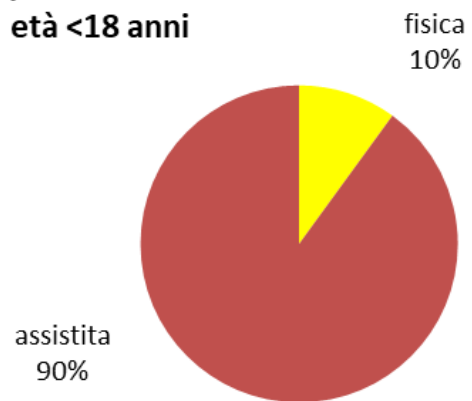
reporting entity	cases
Police Forces	4
SSI - Emergency Care Unit	15
SSI - Mental Health Unit	2
Total	21



## Under 18 years of age

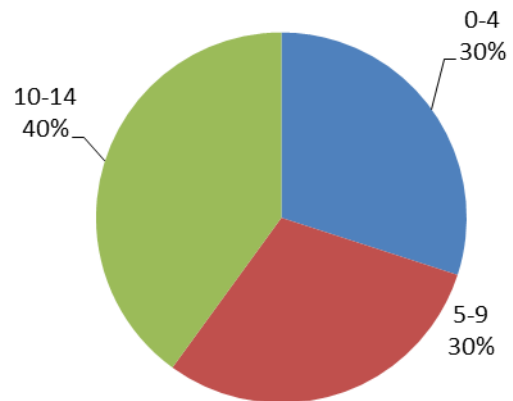
type of violence	cases
physical	1
witnessing	9
Total	10

tipo di violenza  
età <18 anni



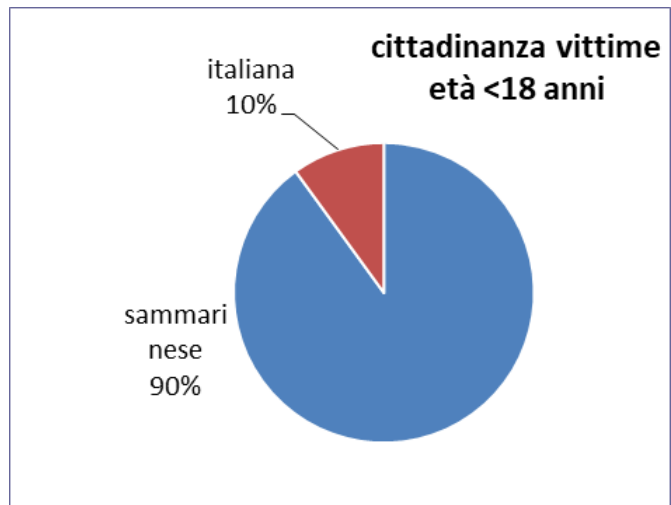
age ranges	cases
0-4	3
5-9	3
10-14	4
Total	10

fasce d'età  
età < 18 anni

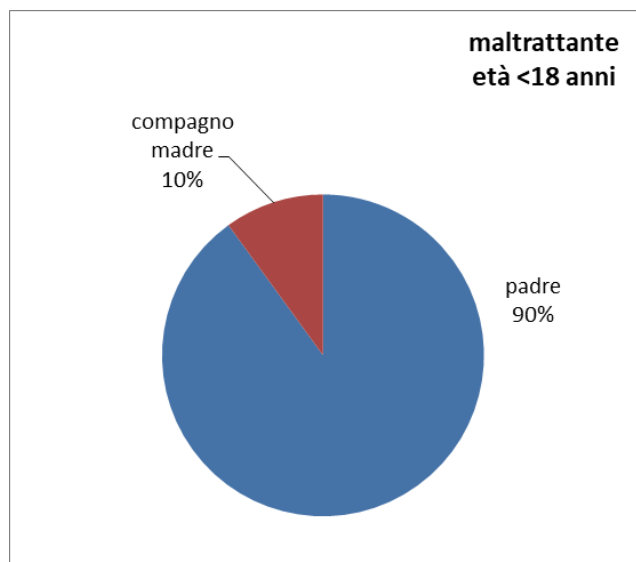


## Under 18 years of age

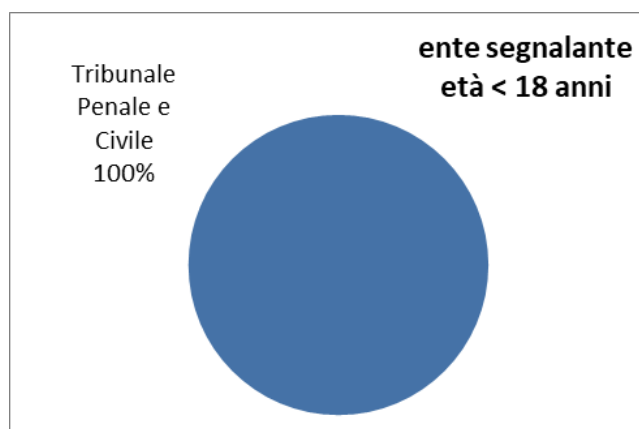
nationality of victims	cases
San Marino	9
Italian	1
total	10



abuser	cases
father	9
partner of the mother	1
Total	10



reporting entity/person	cases
Criminal and Civil Court	10
Total	10





SEGRETERIA DI STATO PER LA SANITÀ E LA SICUREZZA SOCIALE,  
LA PREVIDENZA E GLI AFFARI SOCIALI, GLI AFFARI POLITICI,  
LE PARI OPPORTUNITÀ E L'INNOVAZIONE TECNOLOGICA



AUTHORITY  
PARI OPPORTUNITÀ  
SAN MARINO

# Comprehensive National Plan to Combat Violence against Women

2024/2026



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## FOREWORD

The Comprehensive National Plan to combat Violence against Women (hereinafter referred to as Plan) aims to harmonise the involvement of all institutions, the Government, associations and the socio-economic partners in the prevention and management of the phenomenon of violence, which has certainly been aggravated by the lockdown implemented due to the Covid-19 epidemic and by the global socio-economic crisis.

It is necessary to promote action for the active participation of the entire civil society, and to provide concrete and effective responses to the needs related to this type of violence: not only through prevention, protection of victims and punishment of perpetrators of violence, but also by setting up training and education programmes for operators and the general population, informing and raising awareness among the community, protecting victims of discrimination in general, and facilitating employment, economic and housing autonomy.

The Plan aims at promoting a virtuous circle contributing to the creation of "a Europe free from all forms of violence against women and domestic violence", as indicated in the "Council of Europe Convention on preventing and combating violence against women and domestic violence", so-called Istanbul Convention of 2011, which the Republic of San Marino ratified on 28 January 2016. This is the international reference charter on violence against women and domestic violence, a guiding light for operators in determining objectives and policies in this area.

On 23 September 2021, GREVIO (Group of Independent Experts responsible for monitoring the implementation of the principles set out in the Istanbul Convention) published the first evaluation report on the Republic of San Marino. GREVIO has made several recommendations to our country on combating violence, to be implemented in multiple areas. The Comprehensive National Plan therefore intends to transpose these GREVIO Recommendations and take action to implement them and make them concrete.

In particular, it will be necessary to:

- increase the human and financial resources allocated in general to the prevention of and the fight against violence against women, and to civil society organisations involved in combating violence against women (Rec. 28);

- set up mechanisms for cooperation, consultation and exchange between organisations dedicated to combating violence against women and domestic violence (Rec. 32);

- set up a common data-collection system, both at judicial and law enforcement level, based on a common set of data categories, that includes all forms of violence covered by the Istanbul Convention (Rec. 46);

- increase efforts to raise awareness, inform and promote activities on the topic of violence against women and domestic violence, through appropriate training for teachers, law enforcement officers, the judiciary, and the general public;

- implement preventive intervention, rehabilitation and treatment programmes for perpetrators of sexual and domestic violence (Rec. 78);

- seek the involvement of employers in preventing and combating violence against women, including by cooperating with trade unions (Rec. 85)

- ensure wider dissemination of information on support services, e.g. by using web platforms, and legal measures for victims of violence (Rec. 94);

- ensure the possibility of immediate access, especially at an early stage of experiencing violence, to services facilitating recovery (medical care, psychological support), as well as financial assistance, housing (so-called shelters), assistance in finding employment (Rec. 100/119);

- take the necessary measures to ensure that the judiciary considers all issues related to violence against women (on child custody and visitation rights, screening/monitoring of the relationship between the parents) (Rec. 144);

- ensure that all acts of violence against women covered by the Istanbul Convention are prosecuted and sanctioned swiftly, reducing the number the number of time-barred cases (Rec. 188);

- review the system of barring and protection orders (Rec. 202).

The intervention that will result from the transposition of the Recommendations and from the impetus that the Plan intends to give to the regulatory and social framework aims to:

1. protect freedom from violence in both the public and private dimensions;
2. promote gender equality as a fundamental principle for the development of society;
3. implement all interventions to strengthen the economic autonomy of victims;
4. support inclusion, to reduce the impact of the consequences of victims' vulnerability and discrimination.



Above all, the plan should inspire the Legislator in the implementation and revision of all legislation to support both victims and the management of the phenomenon of violence against women in general.

## I - KNOWLEDGE OF THE PHENOMENON

“Violence against women refers to all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life; whereas the expression domestic violence, is to be understood as referring to all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”.

This definition, included in the GREVIO report and transposed by Law no. 57 of 6 May 2016 - 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 (Istanbul Convention), establishes what conduct entails violence against women, gender-based and domestic violence.

San Marino case law has dealt with all those offences relating to gender-based violence, and has specified that

“violence against a person shall mean any act of sex or gender-based violence that results, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The term “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men. Domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners considered equivalent to spouses, whether or not the perpetrator shares or has shared the same residence with the victim. ... Therefore, persecutory acts committed by a (current or former) partner - a counterpart in a romantic or sexual relationship sufficiently qualified by the duration and intensity of the experience of intimacy, passion and responsible cohabitation (ref. "equivalent to spouses") - are fully included in the matters protected by Law 97/2008 and subsequent amendments”<sup>1</sup>

Knowledge of the phenomenon of gender-based violence must include the analysis of statistical data and the analysis of the ways in which it is perpetrated.

Pursuant to Article 37 of Law no. 97 of 20 June 2008 on the prevention and elimination of violence against women and gender violence, the Authority for Equal Opportunities is responsible for

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<sup>1</sup> Judgement of the Law Commissioner dated 16 March 2022 (filed on 4 May 2023) in criminal proceedings no. 436/RNR/2020.

collecting and storing data on gender-based violence. As is also the case in other national contexts, the collection of data, given the involvement of several bodies, can be particularly difficult. Therefore, the activities of collecting, standardising and indexing data useful for drawing up statistics on the various sectoral subjects must be carried out in collaboration with the relevant Public Administration services. Moreover, the submission of an anonymous questionnaire to the population on an annual basis can provide a broader overview of the extent of the phenomenon and reveal further undeclared situations.

With regard to the data on Gender-based Violence transmitted by the Court of the Republic of San Marino, a distinction must be made between the criminal and civil sections, and it must be pointed out that each report made pursuant to Article 19 of Law no. 97/2008 gives rise to the opening of child custody proceedings at the Court's Civil Registry. Most of the child custody proceedings pertaining to the Civil Section are opened following a report by the police or the Emergency Care Unit: once proceedings on gender-based violence have been opened with a report to the Civil Registry of the Court, the case file is forwarded to the social and health services and taken over by them; the report is then filed.

The most frequent type of violence is physical and physical/psychological violence. Most of the victims are young female, San Marino workers.

The perpetrator is, in almost all cases, a relative or an acquaintance. Within the Criminal Section, the most commonly charged criminal offences are threat (Art. 181 of the Criminal Code), persecutory acts (Art. 181 bis of the Criminal Code) and beating (Art. 157 of the Criminal Code). In most cases, the document giving rise to a complaint is either a judicial report by the Police or a complaint by the Police or even by the victim.

The context in which violence is used is normally that of emotional relationships (cohabitation, marriage) and the age of the victims is often young/adult, between 18 and 29 years.

To date, the Authority for Equal Opportunities has joined 31 criminal proceedings, which are still pending, as a civil party.

Pursuant to Article 34 of Law no. 97/2008, the Authority for Equal Opportunities collects statistical data on gender-based violence and annually draws up a report that must be publicly disseminated on 25 November each year, the International Day for the elimination of violence against women.

The latest data were published in the latest Report of the Authority for Equal Opportunities.

## II - THE CURRENT REGULATORY FRAMEWORK

In the Republic of San Marino, violence against women is regulated by Law no. 97 of 20 June 2008 "Prevention and elimination of violence against women and gender violence". This law, in response to the campaign put forward by the Council of Europe, which took place in part during the San Marino presidency (November 2006 - May 2007), introduced assistance and protection measures for victims, preventive actions by the police forces and several amendments to the Criminal Code.

By ratifying the Istanbul Convention, which took place on 28 January 2016 and entered into force on 1 May 2016, a number of adjustment measures were taken to bring the legislation into line with the aforementioned Convention. These measures were incorporated into Law no. 57 of 6 May 2016, which expanded and integrated the scope of Law no. 97/2008.

Law no. 97/2008 is still the primary reference text on violence against women. It has also introduced, together with Law no. 57/2016 and Law no. 31/2018 (*Extension of the deadline referred to in Article 20 of Law no. 57 of 6 May 2016 - 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 - Istanbul Convention*), a number of amendments to the Criminal Code with particular reference to Art. 167 (enslavement or keeping in slavery or servitude), Article 168 (trafficking in human beings), Article 168 bis (incitement to prostitution), Article 172 (aggravating circumstance for the criminal offence of violation of sexual freedom) and Article 172 bis (group sexual violence).

Article 178 (prosecution ex officio and withdrawal of complaint) was also updated. Following several amendments introduced by Article 17 of Law no. 57 of 6 May 2016 and most recently by Law no. 31 of 20 March 2018, such Article was amended as follows:

“Prosecution for the offences covered by Articles 175 and 177 shall only be initiated following a complaint by the victim. For the offences referred to in the preceding paragraph, a complaint shall no longer be withdrawn after expiry of the period referred to in paragraph 3 of Article 7 of the Code of Criminal Procedure. For the offences covered by the provisions of Articles 154 bis, 171, 172, 172 bis, 176, 176 bis, the withdrawal of the complaint by the victim shall not extinguish the offence and shall have no effect on any criminal proceedings initiated. In the event that the victim is a child, the statute of limitations, as well as the deadline for filing the complaint shall begin to run after reaching the age of majority. The case shall be prosecuted ex officio if the offence is committed by the ascendant, guardian or adopter or by the person having the care or custody of the victim. The case shall also be prosecuted ex officio if the fact is committed in conjunction with a criminal offence which is prosecutable ex officio, or in case of repeated recidivism”<sup>2</sup>.

The amendment of the article shows that the legislator wanted to strengthen the protection of victims of gender-based violence.

This was done in 2008 by adding to the list of criminal offences Article 172 bis relating to group sexual violence, which was not provided for in our legal system, and by changing the deadline for filing a complaint by establishing that it can only be withdrawn up to the first hearing instead of up to the first instance judgement. In addition, in cases where the victim is a minor, the possibility of making the statute of limitations and the time limit for lodging a complaint run from the age of majority has been introduced, and ex officio prosecution has been extended for cases of recidivism. Moreover, in 2016 Law no. 57 introduced amendments, according to which the offences indicated all become prosecutable ex officio with the exception of Article 175 of the Criminal Code (Seduction) and Article 177 of the Criminal Code (Corruption of minors), and especially established that the victim's withdrawal of the complaint does not extinguish the offence and has no effect on the criminal proceedings initiated.

Law no. 97/2008 also introduced into San Marino legal system the criminal offence referred to in Article 181 bis of the Criminal Code relating to persecutory acts according to which:

“Anyone who repeatedly pesters or threatens a person causing severe moral suffering and harming his/her dignity to such an extent as to upset his/her usual life conditions or to intimidate him/her or to cause substantial physical or psychological distress or reasonable fear for his/her own safety and for the safety of the people close to him/her shall be punished upon complaint filed by the offended party by terms of first degree imprisonment and a monetary fine. If the harassment and threats mentioned in the first paragraph take place in the workplace as ongoing and repeated aggressive and intimidatory behaviours by the employer or colleagues with the intent to discredit, humiliate, or isolate an employee in order to force him/her to resign after causing him/her severe psycho-physical distress, the punishment shall be raised by one degree. The Court shall proceed upon complaint filed by the offended party. The Court shall proceed ex officio and imprisonment shall be raised by one degree if the crime is accompanied

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<sup>2</sup> The old version of Article 178 was as follows: “Prosecution for the offences covered by Articles 171, 172, 173, 175, 176 and 177 shall only be initiated following a complaint by the victim. The withdrawal shall take effect if it is made before the final statements under the Code of Criminal Procedure or, in summary proceedings, before the first instance judgement is delivered. The case shall be prosecuted ex officio if the offence is committed by the ascendant, guardian or adopter or by the person having the care or custody of the victim. The case shall also be prosecuted ex officio if the fact is committed in conjunction with a criminal offence which is prosecutable ex officio”. The article was then replaced by Article 12 of Law no. 97 of 20 June 2008: “Prosecution for the offences covered by Articles 171, 172, 172 bis, 173, 175, 176 and 177 shall only be initiated following a complaint by the victim. A complaint shall no longer be withdrawn after expiry of the period referred to in

paragraph 3 of Article 7 of the Code of Criminal Procedure. In the event that the victim is a child, the statute of limitations, as well as the deadline for filing the complaint shall begin to run after reaching the age of majority. The case shall be prosecuted ex officio if the offence is committed by the ascendant, guardian or adopter or by the person having the care or custody of the victim. The case shall also be prosecuted ex officio if the fact is committed in conjunction with a criminal offence which is prosecutable ex officio, or in case of repeated recidivism”).

by the use of a weapon, violence or a particularly serious threat. The court shall also proceed ex officio if the fact is committed jointly with another criminal offence that can be prosecuted by the court ex officio”.

Lastly, with Law no. 16 of 1 February 2021, Article 181 ter, which punishes the illicit dissemination of sexually explicit images or videos (i.e. *revenge porn*), was added to the Criminal Code:

“Unless the act constitutes a more serious offence, anyone who sends, delivers, transfers, publishes or disseminates, after having made or taken them, images or videos of sexual organs or sexually explicit content, intended to remain private, without the consent of the persons depicted, shall be punished by terms of second-degree imprisonment and a fine from 4,000.00 to 10,000.00 euro. First-degree imprisonment or a fine from 2,000.00 to 8,000.00 euro shall apply if the offence is perpetrated by a person who, having received or otherwise acquired the images or videos, sends, delivers, transfers, publishes or disseminates them without the consent of the persons depicted in order to cause them harm. If the acts referred to in the first paragraph are committed by a person who is or was a spouse or a person who is or was in a stable emotional relationship with the offended person, or if the offence is perpetrated through computer or telematics tools, imprisonment from second to third degree and a fine from 5,000.00 to 12,000.00 euro shall be applied. The same punishment envisaged in the preceding paragraph shall also be applied if the offence is perpetrated against a person in a condition of physical or mental inferiority or against a pregnant woman. The offence shall be prosecuted upon complaint filed by the offended party. However, the offence shall be prosecuted ex officio in the cases referred to in paragraph 4, as well as when the offence is related to another offence, which is prosecuted ex officio. In case of conviction for the offences referred to in the preceding paragraphs, the confiscation of material containing images or videos of sexual organs or sexually explicit content shall always be mandatory under Article 147 of the Criminal Code. To this end, the Law Commissioner may order the seizure of material containing images or videos of sexual organs or with sexually explicit content”.

Finally, reference should be made to the precautionary measures, provided for in the San Marino legal system under Article 53 of the Code of Criminal Procedure<sup>3</sup>, which are implemented in

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<sup>3</sup> Art. 53-bis  
(Precautionary needs)

1. The Investigating Judge shall establish that precautionary measures are needed:

- a) when there is a concrete and current danger of tampering for the acquisition and authenticity of evidence, on the basis of specific and compelling investigation needs, due to expressly indicated factual circumstances;
- b) when the defendant has absconded or there is a concrete and current danger that he/she will abscond, similarly to conducts indicating a willingness to expatriate or to disappear;
- c) owing to the specific modalities and circumstances of the fact and to the personality of the defendant, as inferred from his/her concrete behaviours or acts, personal status or criminal record, there is a concrete and current danger that he/she may commit serious crimes involving the use of weapons or other means of violence

against persons, or may repeat a crime of the same kind as that being prosecuted.

2. The Investigating Judge shall assess the specific appropriateness of each precautionary measure in relation to the nature of the precautionary needs to be met, by adopting the least severe one, which is in concrete terms sufficient to meet such needs.

3. The Investigating Judge shall establish the measure to be applied based on progression. The precautionary measure shall in any case be proportionate - at this stage - to the seriousness of the fact and to the punishment or security measure to be applied, also taking into account any suspended sentence.



the case of protection orders for victims of violence (e.g. a prohibition to approach places frequented by the victim) when there is a real danger that the perpetrator may reiterate the violent conduct. The precautionary measure provided for in Article 53 of the Code of Criminal Procedure will then be subject to review as provided for in Article 53 *quinquies*.

It is therefore possible to state that both the Criminal Code and the Code of Criminal Procedure of San Marino are certainly adequate to combat and punish offences that fall within the category of violence against women and contain all the necessary instruments to combat the phenomenon of gender-based violence.

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4. Precautionary detention in prison may exceptionally be ordered if:

a) the crime being prosecuted is punishable by not less than third-degree imprisonment and there is a danger of evidence tampering, concealment of the crime, avoidance of punishment and/or repetition of conducts of the same kind as the crime being prosecuted, provided that any other personal precautionary measure is inadequate;

b) the crime being prosecuted is punishable by second-degree imprisonment, the defendant has been declared a habitual or professional offender or a criminal by tendency, or the crime being prosecuted involves modalities entailing the declaration referred to in Article 16 of the Criminal Code, or the specific aggravating circumstances referred to in Article 90 of the Criminal Code, and in any case there is a danger of evidence tampering or concealment of the crime, or avoidance of punishment and/or repetition of conducts of the same kind as the crime being prosecuted, provided that any other personal precautionary measure is inadequate.

5. The Investigating Judge, except in the case of exceptionally serious circumstances, shall not order precautionary detention in prison against defendants who have reached the age of 70. If the person subjected to detention in prison is the mother of a child under three years of age who lives with her, or if she is pregnant, or if such person is the father of a child whose mother has died or she is absolutely unable to care for the child, or if incompatibility with his/her health condition is effectively established, precautionary detention in prison shall be replaced by one of the other coercive measures.

6. When ordering house arrest, also replacing precautionary detention in prison, the Investigating Judge may order controls by electronic or other technical means, once he/she has verified that such means are available to the judicial police. Where house arrest replaces detention in prison, the defendant's refusal to consent to the above mentioned controls shall constitute grounds for reinstating detention in prison.

7. The defendant shall have the right to be released when the grounds for the adoption of the arrest warrant have ceased to exist.

8. The defendant shall have the right to meet his/her counsel within forty-eight hours of the enforcement of the custodial measure. With regard only to crimes punishable with imprisonment of no less than third degree, if the Investigating Judge deems that the meeting may be detrimental to the meeting of precautionary needs referred to in letter a) of paragraph 1 of this Article, he/she may defer the meeting by means of the decree ordering the custodial measure, providing specific grounds therefor.

### III - THE STRATEGIC PLAN LINES OF ACTION: HUB FOR EQUAL OPPORTUNITIES ; PREVENTION; PROTECTION AND SUPPORT; PUNISHMENT OF CONDUCT; MONITORING

#### A) THE HUB FOR EQUAL OPPORTUNITIES

The Congress of State of the Republic of San Marino, with Decision no. 5 of 25 April 2022, set up a working group with the mandate of drafting a document aimed at establishing a Special Commission to combat intolerance and racism, incitement to hatred and violence, with the tasks of monitoring, analysis, guidance and promoting initiatives.

The final report of this working group proposed an overall legislative intervention to bring the Authority and the Commission for Equal Opportunities more in line with international recommendations and to make them more efficient with regard to the needs and tasks that these bodies are called upon to perform. Moreover, it also proposed the establishment of the "Hub for Equal Opportunities and for preventing and combating discrimination and intolerance", which would bring together the Commission for Equal Opportunities, the Authority for Equal Opportunities and all those bodies dealing with social and ethical issues.

Among the staff of the Hub, a jurist will be fundamental, in order to immediately provide guidance and support to the victims of violence who will contact the Hub, and thus solve the problems encountered when submitting complaints, especially those addressed to the Guardianship Judge and those addressed to the Law Commissioner acting as Investigating Judge.

The Hub will also be responsible for reporting to international bodies, for example ECRI, GREVIO, GRETA, ILO etc., with regard to the various monitoring cycles provided for in the various signed conventions.

By Delegated Decree no. 143 of 29 September 2023 an office called "Technical and Administrative Secretariat for Equal Opportunities, Bioethics and Social Inclusion" was created. It has the mission to support Commissions, Authorities and Committees in the areas of equal opportunities, bioethics, social inclusion and the rights of persons with disabilities, and to perform administrative, accounting and secretariat functions, as well as technical and legal support tasks.

It follows that there is a need to continue the activity of discussion, analysis and study, aimed at defining regulatory measures to respond to the reported needs. Therefore, the appointment of a special Working Group is proposed.

## B) PREVENTION

Prevention is the most effective instrument to combat gender-based violence and, at the very least, should be the preferred one and the one to be enhanced.

Only prevention will reduce gender-based violence and prevent acts of violence from escalating into femicide or irreversible violence.

Preventing violence means combating its cultural origins and causes. Therefore, strategies aimed at education, awareness-raising, recognition and achievement of equal opportunities in every sphere of public and private life will be essential.

Indeed, it is considered more necessary than ever to raise the awareness of public opinion and of the education and training system on the structural roots, causes and consequences of violence against women and to promote the elimination of the stereotypes underlying violence.

It is necessary to work to combat discrimination and stereotypes linked to gender roles and sexism, which create contextual conditions that favour the perpetuation of gender-based violence, by involving the new generations and investing in their education.

The sexist prejudice that considers male harassment as a playful act and blames the victim's behaviour is very deep-rooted in society where women are defined as uninhibited while men are defined as in love. Unfortunately, it often happens that chats of victims are published in the various news programmes and their private lives are scrutinised, creating the risk of discouraging complaints due to re-victimisation by being exposed to the media onslaught.

In the Istanbul Convention, the link between the phenomenon of violence and the lack of effective gender equality is clear. Indeed, in general, the level of implementation of a country's equal opportunity policies reflects the level of society's awareness of the problem of violence against women. All anti-discrimination policies that contribute to the spread of gender equality serve as instruments both to prevent and, in the long run, to limit violence against women.

It is precisely for this reason that the Convention emphasises the importance of the prevention of gender-based violence, which must be implemented by means of awareness-raising, education, training and research instruments.

In the GREVIO baseline evaluation report, among the recommendations for the Republic of San Marino, those on prevention have priority status<sup>4</sup>.

The 2024-2026 Plan has this primary objective, and in particular proposes to:

- raise the level of public awareness through information campaigns in newspapers, radio and television;
- strengthen the school system by improving the operational capacity of teachers and school staff on how to recognise, detect, prevent and report situations of violence;

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<sup>4</sup> Reference is made to the following recommendations:

55. GREVIO strongly encourages the San Marinese authorities to take proactive and sustained measures to promote changes in sexist social and cultural patterns of behaviour that are based on the notion of the inferiority of women, and which accordingly contribute to perpetuating violence against women.

59. GREVIO strongly encourages the San Marinese authorities to pursue and to expand their awareness-raising efforts by promoting or conducting regular campaigns throughout the year in relation to all forms of violence covered by the Istanbul Convention, including through means of communication accessible to all and with the collaboration of civil society organisations. GREVIO also strongly encourages the San Marinese authorities to promote programmes and activities for the empowerment of women and girls, including women and girls at risk of multiple discrimination.

64. GREVIO encourages the San Marinese authorities to pursue their efforts aimed at providing education on the subjects covered by Article 14 of the Istanbul Convention. GREVIO further encourages the authorities to offer appropriate training to teachers in order to equip them with the necessary skills to adequately address these subjects.

73. GREVIO encourages the San Marinese authorities to pursue their efforts to provide adequate training for relevant professionals in relation to all forms of violence against women covered by the Istanbul Convention, in particular the judiciary, including by ensuring harmonised and systematic in-service training based on clear protocols and guidelines for the different professional categories involved.

78. GREVIO strongly encourages the San Marinese authorities to support preventive intervention and treatment programmes for perpetrators of sexual and domestic violence, including by:

- a. monitoring the implementation of Article 25 of Law 97/2008 which provides for sexual domestic violence perpetrators to be placed on probation subject to their agreement to participate in rehabilitation programmes;
- b. encouraging or requiring perpetrators of violence to attend programmes fostering responsible behaviour in order to prevent any occurrence and/or reoccurrence of acts of psychological, physical, sexual or economic violence, including in the domestic environment;
- c. providing financial and/or material support to existing preventive intervention and treatment programmes;
- d. ensuring that preventive intervention and treatment programmes are implemented in close co-ordination with specialist support services for victims, as well as with the judiciary, and form an integral part of a co-ordinated multi-agency response to violence against women and domestic violence;
- e. ensuring that the valuation of preventive intervention and treatment programmes is based on recognised best practices to assess the success of the programmes and their impact on recidivism.

F. Participation of the private sector and the media (Article 17)

82. GREVIO strongly encourages the San Marinese authorities to take further measures to ensure the full implementation of Article 3 of Law 97/2008 on the role of the media in preventing violence against women and the use of the complaint mechanism foreseen therein. The authorities should further encourage the media sector to develop specific self-regulatory standards on the non-stereotypical portrayal of women and on how to report cases of violence in a gender-sensitive way.

- promote gender equality in the school system to overcome gender stereotypes, including through the revision of teaching and textbooks and the training of teaching staff at all levels;
- train operators of the public and private social sector on phenomenology, detection, emergence, treatment, assessment and management of cases of violence against women, including those involving migrant, refugee and asylum-seeking women;
- strengthen preventive efforts against recidivism through re-education programmes for male perpetrators of violence and of offences related to male violence against women;
- raise awareness in the private sector and the media about the influence of communication and advertising on issues such as gender stereotypes and sexism and their effects on the phenomenology of male violence against women.

#### B 1) Communication and information campaigns

This is the main and fundamental instrument to raise the level of public awareness on the issue of gender-based violence.

In particular, through cooperation between the Authority for Equal Opportunities, employers' associations and social organisations, it will be necessary to promote communication campaigns for working women who are victims of domestic violence, aimed at providing information to make them aware of the phenomenon and to facilitate access to the instruments that the law provides for victims. Similarly, information instruments should be introduced for employers of women who suffer violence.

Awareness-raising and communication campaigns intended for a male audience will be of paramount importance, in order to eliminate male models and behaviour that replicate stereotypical relationships based on the imbalance of power, so as to make men aware of the mechanisms underlying violence against women.

The following initiatives will be developed and implemented:

- the "AGATA è" awareness-raising and information campaign to inform, raise awareness and foster victims' contacts with the anti-violence network, through different communication channels, from traditional to online channels, including social media;

- the services offered by the Tecum app, an application that can be downloaded from the digital store, with which it is possible to make emergency calls and automatically share the satellite location to enable rapid intervention, in addition to the possibility of starting environmental recording and accessing other useful information.

## B 2) Education and training

In the fight against gender-based violence, the Ministries of Education and Culture, Health with responsibility for Equal Opportunities, Internal Affairs, Justice and Family must be involved.

The Authority for Equal Opportunities is already working in the front line in cooperation with the Department of Human Sciences of the University of San Marino to implement an annual training plan on gender-based violence, setting up a real Centre for Advanced Training (CAF), also with the cooperation of the Telefono Rosa Association. The training coordinated by the Department of Human Sciences and the Authority for Equal Opportunities will also include the training of healthcare and socio-health personnel.

The Risk Assessment instrument that is currently used by the operators of the Mental Health Unit and the Counselling Centre (with the use of the SARA forms) should be expanded and strengthened, through an integrated system of information exchange between all the operators in the sector, in accordance with the Istanbul Convention and GREVIO Recommendation 194<sup>5</sup>.

In this regard, particularly interesting is a tool developed by the Autonomous Province of Trento called MARAC (*Multi-Agency Risk Assessment Conferences*) and *Social Impact*<sup>6</sup> which aims to prevent the risk of recidivism and the increase of violence, starting from the assumption that no single operator can have a complete picture of the victim's situation, while everyone can bring their own professional contribution to the definition of a programme of support. All the institutional parties involved (law enforcement, health and social services) share the information in their possession in order to

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<sup>5</sup> GREVIO strongly encourages the San Marinense authorities to ensure that risk assessments are carried out in a co-ordinated manner between all institutions concerned and give rise to effective protection measures and/or safety plans shielding victims and their children from the risk of further violence. The authorities should furthermore guarantee that subsequent assessments are performed to consider any changes in the level of risk.

<sup>6</sup> <https://rivistaimpresasociale.it/archivio/component/k2/item/215-stakeholder-engagement-impatto-sociale-marac-trentino/215-stakeholder-engagement-impatto-sociale-marac-trentino.html?start=2> see article for more information on the MARAC system.

promote actions aimed at reducing the risk of harm to victims and their children and increasing their level of safety and health.

The specificity of this instrument lies precisely in its multidisciplinary nature. Indeed, it is made up of representatives from the Trento Police Headquarters (acting as coordinator of the group), the Government's Commissioner, the Carabinieri, the Local Police, the Province's Health Services Agency, the PAT (Social Policies Service and Equal Opportunities Office) and the Association of Social Workers. By adapting this model to the San Marino context, it is possible to assess the risk and guide the victims towards the best forms of protection, as requested by GREVIO. Pursuant to Article 51 of the Istanbul Convention, GREVIO suggests the adoption of legislative measures that enable the competent authorities to assess the risk of deadliness, the seriousness of the situation and the risk of repetition of violent behaviour in order to manage the risks and allow for safety and support, for example by taking into account and assessing the fact that the possible perpetrator of the violence is in possession of firearms.

The following initiatives were implemented in 2022 and will be repeated in the coming years:

- **basic training for non-teaching staff** on the *Prevention and elimination of violence against women and gender violence: Law no. 97 of 20 June 2008 and subsequent decrees*. Participants: 266 members of the staff and technical personnel of all school levels;
- **Training meetings for teaching staff** on the topic of *Gender education - Educating about respect through plural education*. The training course was held by some of Italy's leading experts in pedagogy and gender. Participants: 292 teachers from the Middle School, High School and Vocational Training Centre. The second part of the training was dedicated to all nursery, kindergarten and primary school teachers.
- **training course for the Association of Psychologists of the Republic of San Marino**: training meeting entitled "The man perpetrator of violence: reception and intervention". Training on how to treat and take care of victims of violence and on the criteria for recognising abusers, study of relevant therapeutic approaches. Participants: 24 professionals registered with the Association of Psychologists of San Marino;
- **training course for Socio-Health and Hospital Services**: the course focused on the *supervision of clinical cases* in which the Mental Health, Minors' Protection and Women's Health Centre Operational Units participated. Please note that this training course was organised by the Social Security Institute after validation of the programme;

- **training pursuant to Articles 1-4 of Delegated Decree no. 60/2012;**
- **theatre shows and activities for schools and citizens:** Diversiamoci festival in cooperation with the Cultural Institutes.

In cooperation with the Higher Education sector of the University of the Republic of San Marino, the Authority for Equal Opportunities took part in the seminar dedicated to the topic of “Gender-based Violence in the International Context”, an event organised by the University of the Republic of San Marino, Department of Economics, Science and Law, within the framework of the Master's Degree in Criminology and Forensic Psychiatry.

In April 2022, the Authority took part in a training course organised by the San Marino Council for Information, which was also extended to the Italian Association of Journalists. The course focused on how to convey news about violence perpetrated against women through the media, while protecting the privacy of the victim.

For the year 2023, the training plan included, among many other activities, first and second level training for the Police Forces, the Gendarmerie, the Fortress Guard and the Civil Police, as well as training and updates on San Marino regulations concerning all the professional categories involved in the network.

There was also a training course on cybercrime focusing on the legal framework with reference to the revenge porn law, the study of the social phenomenon and the criteria for the detection of risks.

It is of paramount importance to adopt every possible means to train public and private social sector operators so that:

- they can immediately recognise, and thus bring to light, the phenomenon of violence against women;
- establish an appropriate relationship with the potential victim;
- ensure the proper care of victims, taking into account their vulnerable situation.

These training instruments will also be available for personnel involved in the initial identification and reception.



The Authority, together with all the parties involved, will also define the guidelines of the training modules that will guarantee common policies and operating procedures for all operators.

The training modules are intended for:

- doctors, medical staff working in the emergency care unit and other services;
- judiciary and Minors' Protection Unit staff;
- teaching staff;
- officers and agents of the Gendarmerie, the Fortress Guard and the Civil Police;
- first reception services and centres;
- associations working in the sector;
- lawyers.

B 3) Implementation of intervention programmes for male perpetrators or potential perpetrators of violence and offences related to male violence against women

Article 16 of the Istanbul Convention provides for the implementation of preventive intervention and treatment programmes for men who are already perpetrators or potential perpetrators of violence, also in order to prevent recidivism and to encourage the adoption of non-violent behaviour in interpersonal relationships. By now, it is clear that the underlying cause of gender-based violence is a cultural issue that extends across society and is disconnected from the nosological categories of psychology and psychiatry. The starting point for working with the abuser is understanding that violence is a choice and that such behaviour can be changed by choosing to refer to a new value model. The perpetrators can be guided towards this kind of behaviour through special psycho-educational/rehabilitation courses (individual or group) focused on a new definition of masculinity, held by operators/psychologists trained in this field.

Specific training activities will be needed in this area.

The protocol signed with the Association Confine to create re-educational programmes dedicated to male perpetrators of violence is of particular importance.

Involving abusers in a process of accountability and change is crucial.

It will be possible to act promptly and combat further violence, by strengthening the capacity to detect ill-treatment, especially when abusers voluntarily, often anonymously, contact the various services with a request for psychological support.

In the 2022 report of the Italian Parliamentary Investigation Committee on Femicide, it was pointed out that intervening on the abuser significantly reduces recidivism and the

reiteration of violence, thereby improving both the protection and the safety of victims.

#### B 4) Awareness-raising in the private sector and media on stereotypes and male sexism against women

Combating stereotypes or any form of harm to the dignity of the image of women is provided for in Article 12 of the Istanbul Convention and is a fundamental part of the effective prevention of male violence against women. This is the only way to avoid false representations of the female gender and to recognise and stigmatise all forms of violence against women.

As already mentioned, sexist prejudice that considers male harassment as a playful act and blames the victims' behaviour is very deep-rooted in our society.

The privacy of victims of violence must be respected and not be "abused" by publishing chats or facts about their private lives. Otherwise, the risk that victims of violence will not report for fear of being exposed to the media onslaught is too high.

To this end, the plan provides for training and awareness-raising for operators of the communication sector. Indeed, the Authority for Equal Opportunities will implement initiatives in this regard in cooperation with the relevant associations and anti-violence centres, and will sponsor every initiative and project presented by associations dealing with gender-based violence.

The dissemination of the material distributed with the "AGATA è" campaign, which will be repeated and expanded, was crucial in this specific area. Those who participate in the campaign and support projects in this area will be able to obtain a certificate recognising a specific training course.

A special protocol with the Supervisory Authority for Information will also have to be introduced in order to prevent and combat all sexist advertising in the publishing sector.

Journalists working in the Republic of San Marino must continue to train, as already provided for in the Code of Ethics adopted by the Council of Journalists, so that in-depth study modules are envisaged on the correct narration of male violence against women and that they are prepared to counter publications that offend the dignity of victims.

The national radio and television broadcasting company San Marino RTV, in cooperation with the Ministry with responsibility for information and the Authority for Equal Opportunities, will undertake to ensure the widest public dissemination of the annual monitoring on the representation of women in its programming and will adopt all the necessary and appropriate initiatives to promote a self-regulatory code, guidelines and

organisational strategies defining standards aimed at non-sexist communication and the rejection of stereotypes concerning women.

### C) PROTECTION AND SUPPORT

The plan envisages several instruments aimed at providing victims of violence with the means to ensure that they are taken care of and escape from violence, so that the full dignity and autonomy of the woman is restored.

Protection will concern not only women who have suffered violence, but also minors who have witnessed violence within the family, as well as possible witnesses.

The care of victims of violence and children must be focused on the best interests of the victims, through an integrated approach including measures to strengthen specialised and general support services for victims of violence and their children.

An important issue is that of **witnessing violence**, defined as “the child's experience of any form of maltreatment, carried out through acts of physical, verbal, psychological, sexual and economic violence, on reference persons or other emotionally significant adults and minors”. Children and teenagers who are victims of witnessing violence need specific and appropriate interventions for the effects of this type of trauma, in its different forms. Although no such cases have been reported in San Marino to date, special attention should be paid to orphans of femicide, i.e. victims of homicidal witnessing violence who require special attention, protection and care.

Protection is structured according to the following priorities:

1. providing care to women and minors who have suffered violence by means of a network offering protection, assistance and safety services, through a multidisciplinary approach, with the presence of specialised and adequately trained personnel who also ensure close cooperation with law enforcement agencies and the judiciary;
  2. economic, financial, employment and housing support programmes. Only with such types of intervention the victims will be able to effectively escape from violence;
  3. national free helpline: 0549/994800;
  4. protection and support of minors who are victims of witnessing violence and/or witnesses of episodes of violence.
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1. Reception and social and psychological support for victims of violence (direct and/or witnessing) in the emergency phase is a crucial element as it allows immediate emotional support and an assessment of the person's psychological resources and

social network. At this stage, it is also possible to obtain important information from the victims about the trauma they have experienced and, if necessary, to provide support in explaining the facts for a possible complaint. In this regard, GREVIO itself emphasises that “both short-term emergency interventions and long-term support services, including psychological counselling, financial assistance and accommodation, must be available”, therefore it is necessary to provide for the on-call availability of social workers.

In order to meet the need of reception, a protected and welcoming place - the Centre - has been identified, where victims can be received for the time necessary to initiate the social/health and legal assistance process.

More specifically, the Centre:

- urgently hosts victims for 24/48 hours or, in some cases, until the judge rules on the incident;
- provides the necessary protection in risky situations;
- provides immediate assistance from specialised socio-health personnel.

By virtue of the cases recorded in 2022/2023 (3 women and 6 minors), there is no need to implement this facility at the moment; it can be activated on call.

In addition, protocols and agreements have been concluded with shelters outside San Marino that can accommodate victims of violence both immediately after the fact and later.

2. With regard to the second point (economic, financial, employment and housing support programmes for victims), it should be noted that the Authority for Equal Opportunities holds a Fund in a special Expenditure Chapter in the State Budget, established pursuant to Article 7 of Law no. 60/2012, in which all charges related to the application of the relevant legislation are recorded, including the victims assistance fund, professional training obligations, remuneration of members introduced by Law no. 207 of 22 December 2021, and any other activities aimed at strengthening the prevention of violence against women and gender-based violence.

The allocation of this expenditure chapter is established annually from:

- Funds allocated by the State upon adoption of the State and Public Entities Budget Laws ;
- Amounts of donations from private citizens, economic operators, entities,

associations and any other benefactors;

- Amounts from compensation resulting from criminal proceedings joined by the Authority for Equal Opportunity as a civil party pursuant to Article 29 of Law no. 160/2015. Following the establishment of a special demand account to allow for a more streamlined management of the sums deposited there, which are intended for the assistance of victims, a credit card has also been envisaged for emergency expenses and is to be implemented within the next six months.

The Authority, in collaboration with the Ministry of Health and the SSI social services, is defining a regulation providing for better management of the above mentioned funds by streamlining the legislation issued over time. The new regulation will establish the rules for access to economic aid intended for the victims through a defined procedure. Such procedure will determine the way out of violence and the victims will be able to sign it when applying for economic support.

To further facilitate the victim's integration into the economy, a draft law is being studied to provide for subsidised credit for victims of violence. This instrument will contribute to the livelihood and autonomy of women.

In addition to these financial support measures, it will be necessary to conclude agreements with trade unions, both to implement measures to ensure the reintegration of victims of violence into the labour market, and to establish paid leave in the case of removal from the workplace due to violence suffered that require the woman to be removed from the family home and the workplace.

There is a need to implement processes of economic, financial, labour and housing *empowerment* in the area of protection and support for women victims of violence.

Economic violence is a particularly devious form of violence against women and the *empowerment* process has a greater impact if it also involves men. Several areas of intervention are possible, including:

- the enactment of Protocols and specific regulations on the integration into the labour market of women victims of violence;
- the implementation of training courses with paid internships, instruments that can already be implemented for integration into the labour market;
- the collaboration with UNIRSM to launch a financial education course aimed especially at women, in order to strengthen their independence, including financial independence and the management of their earnings;
- the regulation and extension of paid leave for women victims of violence up to 6 months;

- the provision of further subsidies to support self-employed women;
- the identification of programmes of housing autonomy through the inclusion of women recovering from violence in housing lists, with specific priorities.

3. In the year 2020, the telephone number 0549 994800 was created. It is active 24 hours a day, 7 days a week. In order to guarantee a 24-hour service, the Women's Health Centre in cooperation with the Inter-Agency Operations Centre of the Police Forces has implemented the following procedure:

- the operators of the Women's Health Centre (Counselling Centre for Victims of Gender-based Violence) answer during the opening hours of the service;
- When the Women's Health Centre is closed, the Inter-Agency Operations Centre of the Police Forces is responsible for answering the number, on a dedicated helpline. Depending on the need, it can either carry out an urgent intervention according to the procedures established by their internal rules, or register the report, which can then be forwarded to the Psychologist of the competent service.

The procedure will be designed in such a way that 24-hour availability will allow social workers to answer calls in order to ensure the most appropriate intervention possible.

In October 2022, following discussions with the Italian association "Telefono Rosa", the need to provide ad hoc training courses for volunteers in the field of combating and preventing violence against women became apparent.

In this regard, the Authority is currently identifying volunteers and associations that can join this project. Indeed, on the basis of the Italian experience, it has been proven that having an initial contact with volunteer personnel trained and specialised in talking to victims of violence is much more effective for the purposes of prevention and contact with the victim and then later with professionals who can adequately take care of the woman.

4. Article 26 of the Istanbul Convention requires to implement specific actions to protect minors victims of witnessing violence. Therefore, the plan will provide for special interventions to protect these victims so that the same services provided to direct victims are guaranteed. Appropriate economic support instruments will be provided to children who have become orphans due to femicide.

Indeed, studies have shown that children who witness one parent assaulting the other often develop emotional problems, cognitive- functioning impairments and accept attitudes related to violence that need to be dealt with in the long term through psychological counselling and therapy.

Law 97/2008 already regulates several protection measures for children who are direct victims of violence committed by a parent, guardian or other relatives, such as the appointment of a curator to represent them in court (Article 18), and the assistance of a child psychology expert in criminal proceedings (Article 23). Article 6 of Law no. 57/2016 extended the applicability of the support services provided for adult female victims of violence by Laws nos. 97/2008 and 57/2016, , also to minor witnesses, thus recognising their status as indirect victims of violence.

#### D) PUNISHMENT OF CONDUCT

In its first monitoring cycle, GREVIO issued Recommendations concerning the prosecution and punishment of offences of violence against women<sup>7</sup>. Laws must

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<sup>7</sup>GREVIO recommendations on the prevention and punishment of violence against women:

- **149.** GREVIO strongly encourages the authorities to introduce a specific criminal offence of psychological violence to effectively criminalise all acts that seriously impair the psychological integrity of a person as required by Article 33 of the Istanbul Convention.
- **152.** GREVIO encourages the San Marinese authorities to review the threshold required for a behaviour to qualify as stalking in order to ensure that threatening conduct causing the victim to fear for her or his safety, irrespective of any severe moral suffering and harm, is criminalised
- **156.** GREVIO strongly encourages the San Marinese authorities to investigate, prosecute and punish effectively acts of intimate partner violence by making full use of the available provisions in the San Marinese Criminal Code, including by ensuring prosecution under Article 235 of the Criminal Code.
- **163:** GREVIO urges the San Marinese authorities to reform the Criminal Code in order to base all legal provisions covering sexual violence on the notion of freely given consent as required by Article 36 of the Istanbul Convention. It further strongly encourages the authorities to take measures to increase reporting levels of sexual violence.

be applied swiftly, the violence must be investigated as soon as possible to prevent further violence, and the perpetrators must be punished in accordance with the provisions of the Criminal Code.

The organisational provisions of the Head of the Court dated 4 November 2020 laid down criteria of priority and urgency to be followed in cases of criminal proceedings for which the statute of limitations of the offence was close to expire, with particular reference to those cases concerning facts giving rise to social alarm and proceedings involving victims who are minors or joined by civil parties. Subsequently, in the organisational measure of 5 October 2022, the criteria of priority and urgency were extended to all proceedings concerning persecutory acts, acts of violence against women or domestic violence and ill-treatment within the family, regardless of the closeness of the statute of limitations of the offence to the expiry.

The swiftness of criminal proceedings in which the victims can obtain justice is of paramount importance, but even more so is the adoption of all those instruments, such as precautionary measures, that can provide forms of early protection for victims of violence offences.

Our legal system does not include "administrative" prevention measures, i.e. those measures that anticipate protection orders issued by the judicial authority.

Prevention measures issued by the judicial authority, which include protection orders, afflict the addressee, allow a more comprehensive protection of the victim, and comply with jurisdictional rules in which the right to defence is guaranteed.

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- **166.** GREVIO encourages the San Marinese authorities to amend their criminal law so as to ensure that the conduct of procuring a woman or a girl to undergo any of the acts listed in Article 38a of the Istanbul Convention is criminalised.

-**171:** GREVIO urges the San Marinese authorities to take the necessary measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person is subject to criminal or other legal sanction.

-**202:** GREVIO strongly encourages the San Marinese authorities to review their system of barring and protection orders with a view to:

- ensuring that victims of domestic violence have access, in situations of immediate danger, to emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention;
- ensuring that restraining and/or protection orders are available in relation to all forms of violence covered by the scope of the Istanbul Convention, such as stalking, sexual harassment and digital forms of violence against women, and without undue administrative burden placed on the victim;
- assessing the use of protection measures in order to identify and remedy any obstacles in the implementation of Laws 97/2008 and 57/2016;
- developing a comprehensive data-collection system on the issuing of emergency barring and protection orders, including the number of orders requested and issued, the number of violations of these orders and the penalties imposed further to those violations.



This is not the case for administrative prevention measures, which, only partially afflict the addressee (with consequently less protection for the victim), and are issued by an authority through an administrative procedure that is very fast and less guaranteed than judicial proceedings; an example of this - in Italy - are the cautions issued by the Police Commissioner<sup>8</sup>.

Furthermore, in the area of justice, it is necessary to implement regulations that enable women victims of violence to obtain full protection quickly through close cooperation between the Police Forces, the judiciary and the Hub for Equal Opportunities.

In particular:

- Police forces must immediately, and in any case within 24 hours at the latest, report to the Law Commissioner the *notitia criminis* received;
- when prosecuting domestic or gender-based violence, the Law Commissioner, within a short period of time (set by the law to be passed) and in any case not later than 48 hours, will have to obtain information from the victim or the person who reported the acts of violence;
- all investigative measures must be implemented without delay.

## E) MONITORING

A necessary instrument to understand and consequently take specific action in the field of gender-based violence is data collection.

With the aim of extending the sharing of data on the various aspects of the phenomenon, according to the areas of action and interest, the Plan envisages the creation of an Integrated Information System to allow a multi-level assessment, to have a more complete overview of the phenomenon and to be able to act accordingly.

In compliance with GREVIO's suggestion, there is also the intention to collect additional data such as:

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<sup>8</sup> The Police Commissioner's caution was introduced into the Italian legal system in 2009 with a series of legislative amendments over the years that have expanded its scope. It was created to provide the victim with prompt protection ahead of criminal proceedings and consists of a warning, addressed by the Police Commissioner to the stalker or abuser, to refrain from committing further acts of harassment or violence. The victim must make such a request and the Police Commissioner, after verifying the facts, will adopt the measure. In the Italian legal system, by means of the caution, the Police Commissioner can not only apply the measure but also offer the abuser the possibility to get out of the spiral of violence by following a specific prevention programme.

In 2022, the Police Commissioner of Rimini issued 34 cautions of which 7 for domestic violence, 23 for stalking and 4 for cyberbullying.

- No. of protection orders requested;
- No. of protection orders violated;
- No. of withdrawals and/or retractions of complaints;
- whether the measures are issued against perpetrators who have already been convicted, whose case has been dismissed or who have already been reported to the guardianship judge. By forwarding and collecting all the various reports, it will be possible to classify the data precisely, making data collection easier and more effective.

## IV - Implementation process

### POLITICS AND INSTITUTIONS

The plan defines the political and institutional programme for the three-year period 2024-2026 to comply with the Istanbul Convention and GREVIO recommendations.

The Plan is adopted by means of a decision of the Congress of State. The following interventions are considered a priority:

- 1) establishment of the Technical and Administrative Secretariat for Equal Opportunities, Bioethics and Social Inclusion as provided for in Article 5 of Delegated Decree no. 143/2023;
- 2) establishment of a special Working Group for the activity of analysis and study, aimed at defining regulatory measures for the setting-up of the Hub for Equal Opportunities and for the Prevention of and Fight against Discrimination and Intolerance;
- 3) amendment of Article 19 and Article 32 of Law no. 97/2008;
- 4) drafting of a memorandum of understanding with the Association of Lawyers and Notaries for legal assistance to victims of violence in emergency cases;
- 5) implementation of the anti-violence helpline for women and minors;
- 6) implementation and provision of 24-hour on-call duty for social workers;
- 7) strengthening of the "AGATA è" information campaign and the TECUM app;
- 8) raising the awareness of the press and television to promote a culture of gender equality, including through regular articles and advertisements aimed at combating gender-based violence;
- 9) possible signing of protocols with associations that are involved in the field of equal opportunities according to their statute;
- 10) redefinition of protocols with shelters in the neighbouring area;
- 11) introduction of legislative changes to strengthen and broaden the protection of women victims of violence, as well as to review the regime of precautionary and prevention measures, in order to ensure broader and more effective protection of women's fundamental rights and safety.

The implementation of the Plan also includes:

- 1) the distribution among citizens of questionnaires concerning the knowledge of the phenomenon of gender-based violence;
- 2) the implementation of coordinated protocols between all institutions for risk assessment;
- 3) measures and instruments aimed at granting subsidised credit facilities in favour of women victims of economic and other types of violence.
- 4) the promotion, training and coordination of volunteers in supporting the work of the Counselling Centre and the entire anti-violence network;
- 5) the implementation of a collaboration plan with voluntary associations;
- 6) the definition of protocols with trade unions and employers' associations aimed at introducing special permits and extraordinary leave for victims of violence who are forced to leave the workplace to be accommodated in shelters;
- 7) the implementation of the International Labour Organisation Convention concerning the elimination of violence and harassment in the world of work which the Republic of San Marino joined by Parliamentary Decree no. 42 of 23 March 2022;
- 8) the introduction of training tools for schools with regard to gender equality education, the prevention of gender-based violence and all forms of discrimination.

# **NATIONAL MULTI-YEAR PLAN ON THE ELIMINATION OF VIOLENCE, HARASSMENT AND DISCRIMINATION IN THE WORLD OF WORK**

With this Multi-Year National Plan, between:

- Teodoro Lonfernini, Minister of Labour, Economic Planning, Sport, Information and Relations with the Autonomous Public Utilities State Corporation;
  - Mariella Mularoni, Minister of Health and Social Security, Welfare and Social Affairs, Political Affairs, Equal Opportunities and Technological Innovation;
  - Gian Nicola Berti, Minister of Internal Affairs, Public Sector, Institutional Affairs and Relations with the Township Councils;
- domiciled for the purposes of this National Multi-Year Plan at the headquarters of the Ministries that they represent,  
on the one hand,

and

- The Trade Unions (T.U. for short), CSdL represented by its Secretary General Enzo Merlini, CDLS represented by its Secretary General Milena Frulli, USL represented by its Secretary General Francesca Busignani
- The Employers' Associations, Anis, Osla, Usot;

## **WHEREAS**

- the Republic of San Marino stands out for having taken important conventional and legislative steps to prevent and combat gender-based violence, demonstrating particular sensitivity and commitment to the study and assessment of instruments that are suitable for combating any type of violence or harassment;
- the principles mentioned above are already contained in the Declaration of the Citizens' Rights and Fundamental Principles of San Marino Legal System;
- in 2013, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, and its Optional Protocol of 2005 were ratified;
- Law no. 97 of 20 June 2008 "Prevention and repression of violence against women and gender violence" was adopted;
- the Council of Europe Convention, the "Istanbul Convention", on preventing and combating violence against women and domestic violence was ratified;

- with the approval of Law no. 57 of 6 May 2016, the San Marino legal system was adapted to the principles and provisions of the aforementioned Istanbul Convention;
- the Republic of San Marino intends to add to this important body of legislation the provisions of the additional specifications and aspects contained in the Convention on the Elimination of Violence and Harassment in the World of Work (no. 190), adopted in Geneva on 21 June 2019 at the 108th session of the General Conference of the International Labour Organisation (ILO);
- this Convention, and its Recommendation no. 206, offers useful tools and insights to member states for the application of the Convention, and provides for aspects typically related to the world of work and the cases that may arise in this context;
- in accordance with the provisions of ILO Convention no. 190, the Republic of San Marino needs a partial legislative upgrading to integrate the existing legislation and requires the creation of administrative and executive instruments, as well as the introduction of policies for action on a national basis in the sectors, both public and private, in which labour activity takes place;
- on 23 March 2022, the Republic of San Marino issued Parliamentary Decree no. 42 by which it fully and completely implemented ILO Convention no. 190, and completed the ratification process on 14 April 2022 by depositing the Instrument of Ratification with the Director-General of the International Labour Organisation.

## **WHEREAS**

- violence and harassment are defined as a set of unacceptable practices and behaviours, or the threat to perpetrate them, either on a single occasion or repeatedly, and which are intended to, cause or are likely to result in physical, psychological, sexual or economic harm;
- it is considered to be in the mutual interest of employers, employees and all persons working in the world of work to take action to prevent serious social and economic consequences, through a common commitment and collaboration aimed at promoting a culture of respect for the dignity of persons in the workplace;
- the content and principles of ILO Convention no. 190 are fully confirmed by affirming and recognising "the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment";
- protection must be provided for every person in the world of work, regardless of their work sector and contractual status, recognising that violence and harassment can occur in different forms, creating specific cases;
- by signing this Plan, the intention is to raise awareness among employers, male and female workers and their representatives on harassment and violence in the world of work and on the negative repercussions that such conduct can cause in terms of physical, psychological, sexual and economic harm, by setting up a discussion and working group that can lead to practical and effective proposals;
- violence and harassment can have a negative impact not only on the organisation of work but can also have serious repercussions on the psychological, physical and sexual spheres, the dignity and family and social environment of the person suffering them, who may be prevented from entering and advancing in the world of work.

## **HAVING NOTED THAT**

- there is a need for cooperation and synergy between all the parties that, in the world of work, have not only the task but also an interest to foster a correct application of legislation, including anti-discrimination legislation, by promoting equal opportunities policies, extending and enhancing the action of the different bodies that already carry out prevention, combating and support activities for victims of violence and harassment;
- the Ministries perform functions of promotion, control and implementation of the principles;
- trade unions are privileged interlocutors for male and female workers and play a role in preventing, raising awareness and identifying discriminatory situations in the workplace;
- Employers' Associations are privileged bodies for employers and perform an updating, guiding and awareness-raising function;
- Trade Unions and Employers' Associations perform a central and fundamental representative function;
- the Commission for Equal Opportunities and the Authority for Equal Opportunities are at the forefront in preventing and combating violence, harassment and discrimination, and suggest to the relevant institutional bodies the necessary initiatives to ensure full legal equality and equal opportunities;
- the International Labour Organisation requires that actions to implement the Conventions be defined through tripartite consultations.

## **ALL OF THE ABOVE IS AN INTEGRAL PART OF THIS NATIONAL PLAN**

- The parties affirm that violence and harassment are in no way tolerated.
- The parties recognise that any kind of violence, harassment or discrimination constitutes a violation of human rights and fundamental labour rights and an obstacle to the enjoyment of the right to free and safe citizenship. Therefore, increased awareness and appropriate training can reduce the likelihood of violence, harassment or discrimination in the world of work.
- The parties affirm the priority of educating and training to respect the dignity of others during work activities and recognise that such respect is one of the fundamental characteristics for making organisations virtuous in an environment where interpersonal relations are favoured and based on principles of equal treatment, equality and non-discrimination, and mutual fairness.
- The signatory parties consider any act or behaviour constituting violence and harassment in the world of work to be unacceptable. They undertake to take appropriate measures against those who perpetrate such acts or behaviour, and to protect, respect and promote the right of everyone to a world of work free from violence and harassment.

**ARTICLE 1**  
**(Commitment of the Parties)**

1. In order to follow up on the commitments stated above, the signatory parties to this Multi-year National Plan are committed to the following actions:
  - a. promote appropriate training of employers, employees and workers within public and private companies to foster greater awareness of the phenomenon and reduce the occurrence of violence and harassment;
  - b. launch communication campaigns on the prevention of gender-based violence at work with the aim of raising awareness in the San Marino community, with the involvement of all Associations, Entities and Bodies dealing with violence, harassment and discrimination;
  - c. share intervention strategies to support active labour policies, including training ones, with a view to promoting and creating equal opportunities;
  - d. implement an awareness-raising programme for young people on violence and harassment in the world of work;
  - e. encourage processes of reintegration into the labour market, through specific projects, in order to promote the economic autonomy of persons suffering violence;
  - f. promote and introduce further procedures to support victims of violence and harassment agreed between the parties;
  - g. identify the sectors or professions and work modalities that are more likely to be exposed to violence and harassment by providing effective prevention measures;
  - h. define the modalities for collecting and publishing statistics on violence and harassment in the world of work;

**ARTICLE 2**  
**(Regulatory Adjustment)**

1. The signatory parties undertake to set up a tripartite consultation group, in accordance with the procedures provided for in the ILO Convention no. 144 on Tripartite Consultation (International Labour Standards), in order to be able to define proposals for regulatory action to comply with the contents of ILO Convention no. 190 and, specifically, to:
  - a. identify the most appropriate complaints procedures, including those lodged by third parties, and maintain confidential the details of all those involved;
  - b. identify ways of resolving disputes by also providing for out-of-court procedures before resorting to the court;
  - c. adjust the legislation on sanctions, considering the introduction of a special regulation providing for specific aggravating circumstances;
  - d. introduce appropriate measures for sectors or professions and working modalities that are more likely to be exposed to violence and harassment.

The signatory parties undertake to ensure that all provisions on violence and harassment contained in



national laws, regulations or policies refer to the principles and contents of ILO Convention no. 190, also considering the guidelines contained in ILO Recommendation no. 206;

2. The signatory parties undertake to consider the extension and adaptation of existing measures on safety and health in the workplace to include provisions to prevent and combat violence and harassment in the workplace;
3. The signatory parties undertake to promote initiatives aimed at the creation of a healthy work culture and to collaborate in the development of a policy of prevention and law enforcement in the workplace, and more specifically to:
  - a. promote the adoption of a declaration by employers emphasising that harassment and violence in the workplace are not tolerated;
  - b. disseminate within the companies, the principle and culture of the unacceptability of any act or behaviour that may constitute violence and harassment in compliance with the principles of this Plan, without prejudice to the right of each individual company to adopt autonomous internal procedures or statements;
  - c. as far as is reasonably practicable, employers undertake to include violence and harassment in the risk assessment document (DVR), identifying and quantifying all the dangers associated with these, highlighting the likelihood that each danger will result in harm, taking into account the potential extent of the harm, including psychosocial harm;
4. More specifically, the parties undertake to promote and implement instruments to prevent and combat all forms of violence and harassment and gender-based discrimination within the framework of national sectoral collective bargaining;

### **ARTICLE 3**

#### **(Implementation of assistance and monitoring)**

With regard to the implementation of assistance and monitoring, over the next three years:

- a. the offices deemed most appropriate for their specific competence will be identified and made known, which workers and victims of violence and harassment can freely contact, even through an informal procedure, so that they can be assisted in dealing with the direct or indirect problems related to such situations, with the necessary discretion aimed at protecting the dignity and privacy of each person involved;
- b. the mechanisms for monitoring and applying the contents of this Plan will be strengthened through the strengthening of the relevant offices and the inspection, investigation and surveillance mechanisms, making them practically effective against possible cases of violence and harassment, by providing specific training also to the Labour Inspectorate Section;
- c. the existence of adequate means of redress and compensation will be verified, and the possibility of sanctions in addition to those already existing and provided for in the legal system will be discussed;
- d. a discussion will be launched in order to find practical solutions to guarantee workers the right to leave a work situation which they have justified reasons to believe entails a serious and imminent danger to their life, health or safety due to violence and harassment, without being subject to retaliation or any other undue consequence, in addition to the duty to inform the directors. Moreover, a discussion will be launched on whether the above-mentioned cases can

be considered as resignations for good cause with reference to access to social security.

- e. Modalities to support with public resources the implementation and fulfilment of the commitments and initiatives set forth in this Plan will be identified.

#### **ARTICLE 4**

##### **(Projects and Annual Report)**

1. Guidance and planning documents on particular projects developed jointly will be shared between the signatory parties in order to identify common processes of innovation and experimentation, while respecting their mutual roles.
2. Through the preparation of a report, all parties undertake to monitor the sectors, professions and working modalities in which workers are most exposed to violence and harassment. This report will be drawn up on an annual basis by the Technical Working Group, referred to in Article 5, which then transmits it to the Institutional Technical Panel referred to in Decree no. 60 of 2012.

#### **ARTICLE 5**

##### **(Technical Working Group)**

1. A tripartite technical working group is established with the aim of pursuing the above-mentioned objectives, as well as with the power to bring proposals and projects to the attention of the Institutional Technical Panel, pursuant to Delegated Decree no. 60 of 2012, in order to contribute to the promotion of all those actions necessary to achieve the objectives.
2. The Technical Working Group is composed of:
  - a. one representative of the Ministry of Labour,
  - b. one representative of the Ministry of Health,
  - c. one representative of the Ministry of Internal Affairs,  
who cast one vote as a whole for the government side.
  - d. one representative from each professional association, who cast one vote as a whole for the trade union side of employers;
  - e. one representative from each trade union, who cast one vote as a whole for the trade union side of workers.
  - f. one representative of the Commission for Equal Opportunities and one representative of the Authority for Equal Opportunities with policy functions and who express a prior opinion when voting;

The administrative coordination function will be performed by the Ministry of Labour, while the person taking the minutes will be identified by mutual agreement between the parties on a six-monthly basis.

3. Representatives, appointed by the body to which they belong, hold office for a three-year period, renewable upon expiry.
4. The signatory parties are obliged to periodically check the provisions contained in this Plan in order to verify their effectiveness in preventing and tackling any problems that may arise in their concrete application.

5. After notifying the coordinator, all the signatory parties to this Plan may extend the participation in the meetings of the Technical Working Group, which will be scheduled from time to time, to bodies, foundations, or any organisation, which have the same or similar aims and objectives as those contained in this Plan or in the Conventions of the International Labour Organisation mentioned above.
6. The Technical Working Group meets at least three times a year. The summons containing the agenda is sent by the coordinator by means of appropriate notification, including through computer means, at least eight days before the meeting.
7. The Technical Working Group decides by simple majority.

**ARTICLE 6**  
**(Verification and updates)**

1. Every three years, the parties undertake to verify the implementation of the provisions of this Plan. They reserve the right to confirm, update and adjust its content according to the objectives already achieved.
2. The application of this agreement does not constitute a valid basis for reducing the general level of protection provided by law and collective bargaining to male and female workers.

Republic of San Marino, 19 March 2024

## **The Government of the Republic of San Marino**

Minister of Labour  
Teodoro Lonfernini;

Minister of Health and Social Security  
Mariella Mularoni;

Minister of Internal Affairs and Public Sector  
Gian Nicola Berti;

## **The Trade Unions**

CSdL - Secretary General Enzo Merlini;

CDLS - Secretary General Milena Frulli;

USL - Secretary General Francesca Busignani;

## **The Employers' Association**

Anis - President Neni Rossini

Osla - President Luigi Tontini

Usc - President Marina Urbinati

Usot - President Rossano Ercolani

UFFICIO DI SEGRETARIA  
DEL CONSIGLIO GRANDE E GENERALE  
Deposato in Data 27/11/2023  
01e 9:45

## THE GREAT AND GENERAL COUNCIL

after yet another femicide in the last days, calls for a serious and cross-cutting reflection on gender-based violence, which has now become a real social emergency;

having taken note that

The Italian trend of femicides (one every 72 hours) is on the rise, confirming that gender-based violence is a phenomenon deeply rooted in our society, which must be combated on several levels, both regulatory and cultural;

considering

that the evolution of San Marino legislation on violence against women complies with the directives of the signed and ratified Istanbul Convention;

the willingness of the Republic of San Marino to comply with the principles set forth by GREVIO;

that San Marino has also ratified ILO Convention no. 190 concerning the elimination of violence and harassment in the world of work;

that since 2021, important changes have already been made to the San Marino Criminal Code by introducing offences such as revenge porn, the offence of illicit dissemination of sexually explicit images or videos;

that the Authority for Equal Opportunities and the entire Anti-Violence Network are daily engaged in activities to combat gender-based violence and protect victims;

having noted in particular

the need to further strengthen certain existing prevention measures, such as the minimum distance from the victim, but also shorter timeframes for the judiciary to assess risk situations, where prevention and precautionary measures may be necessary;

the tragedy of gender-based violence has socio-cultural origins and therefore regulatory measures alone are not sufficient;

the need for increasingly structured educational and rehabilitation programmes for those who have committed offences related to gender-based violence for which a conviction has been ordered;

commits

the Government to report to the Great and General Council in a public session by January 2024 on the actions taken for the purposes of full implementation of the following:

Article 3 of Law no. 127 of 7 September 2022 with regard to the commitment of the SSI and the School to offer appropriate instruments for social and emotional education and to disseminate information campaigns, also within the school system;

the Decision approved by the Great and General Council on 24 February 2023, which committed the Government to ensuring that all forms of violence against women defined in the Istanbul Convention are provided for in San Marino legislation;

the Popular Petition approved last August for increased support to organisations that prevent and combat violence against women.

Mandates the Government,

by involving, where necessary, the Court, the Police Forces and the Authority for Equal Opportunities, to continue to update our country's legislation in line with that of European countries with regard to the prevention of the phenomenon of gender-based violence and the increasing protection of its victims, also on the basis of the data that will be provided by the Authority for Equal Opportunities:

considering a review of the Criminal Code that would provide for ex officio prosecution of offences related to gender-based violence, so that the legislation can provide greater protection also to those women who are unable, due to their socio-economic and family context, to lodge a complaint on their own;

providing for the inclusion in the Criminal Code of the specific offence of sexual harassment, which is currently absent and can only be assimilated to other types of offence, the latter being not strictly relevant and exhaustive;

moreover, it commits the Government

to decisively support the Authority for Equal Opportunities in its activity of organising and coordinating initiatives and events for raising awareness, prevention, information and in-depth analysis on gender-based violence and on emotional education, seeking support from the Police Forces, from the professionals of the Anti-Violence Network and from the associations present in the Republic, whose purpose is precisely to combat gender-based violence. The aim is to promote a strong and continuous educational campaign that focuses on respect for the person, social attention to one's own and others' behaviour, education on healthy emotional relationships and the development of an equal society opposed to the patriarchal culture, which is still strongly present even in our community, recognising the importance of such activities on a continuous basis and not only on the occasion of the International Day for the elimination of violence against women;

to invite the Authority for Equal Opportunities to participate in a joint session with the Permanent Parliamentary Commissions II and IV to report on the phenomenon of violence in the territory and the ongoing and planned activities, as well as on the needs and urgencies reported by the Anti-Violence Network. .

David Gansoni (RETE)  
[Signature] (RF)  
Cullhe (PDCS)  
Jana Costa (RF)

[Signature] (Libera)  
[Signature] (NGTS)  
maria Laura [Signature] (NPR)  
[Signature] (DRL)

Your Excellencies the  
Captains Regent  
Alessandro  
Scarano Adele  
Tonnini

**Subject: Popular petition to adopt measures to support and recognise civil society organisations engaged in preventing and combating violence against women, recognising their value and experience, and to establish cooperation mechanisms for consultation and cooperation with civil society organisations in designing, monitoring, evaluating and implementing measures and policies to prevent and combat violence against women.**

The undersigned San Marino women submit this popular petition to their Excellencies the Captains Regent stating what follows.

GREVIO is an independent human rights monitoring body responsible for monitoring the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (known as the *Istanbul Convention*) by countries that have signed the Convention.

The Republic of San Marino signed the Istanbul Convention on 30 April 2014, and ratified it on 28 January 2016.

In September 2020, GREVIO carried out the first monitoring of the implementation of the Convention in our country and, exactly one year later, published its Evaluation Report.

The GREVIO Evaluation Report states the following:

29. *Several NGOs are active in promoting women's rights and combating gender-based violence in San Marino. They are mainly involved in awareness-raising activities, while some provide victim support services, despite the inadequacy of their financial resources. Several women's organisations are committed to promoting women's rights and fostering gender equality. Several charity organisations offer psychological and housing support, while one organisation was specifically set up to provide perpetrators with intervention programmes, and trade unions provide support to victims of violence in the workplace environment.*

30. *As explained above, GREVIO is concerned that civil society organisations receive no funding from the authorities and are not involved in multi-agency co-operation. NGOs do not form part of existing co-ordination mechanisms and are not consulted in the drafting of laws relevant to the issue of violence against women. The precarious situation of civil society organisations makes it impossible for them to expand their activities and develop support services. This is all the more regrettable considering that civil society organisations regularly step in and provide support to victims when social and healthcare institutions face difficulties in doing so, and are keen to partner with the authorities to strengthen their ability to respond to the needs of victims.*
31. *GREVIO recalls that civil society organisations play a major role in preventing and combating all forms of violence covered by the scope of the convention. Article 9 therefore requires states parties to recognise their work and involve them as partners in multi-agency co-operation and in the implementation of comprehensive government policies.*  
*A new approach needs to be developed in San Marino to ensure that NGOs receive active government support and are able to take part in the design, implementation, monitoring and evaluation of the country's measures and policies for preventing and combating violence against women.*
32. **GREVIO urges the San Marinense authorities to:**
- a) take measures to support and recognise civil society organisations involved in preventing and combating violence against women, by acknowledging the value and expertise they bring;**
  - b) set up co-operation mechanisms for consulting and co-operating with civil society organisations for the purposes of the design, monitoring, evaluation and implementation of measures and policies to prevent and combat violence against women.**

This popular petition demands the implementation of point 32 of GREVIO's report.

It is also worth recalling the Report of the PACE (Parliamentary Assembly of the Council of Europe), published online on 22 March, which brings the same issue to the attention of the San Marino authorities. Point 73 of the Report reads as follows: *“Concerns with regard to the obstacles faced by non-governmental organisations active in promoting and protecting women's rights have also been raised in the GREVIO report.*



*In San Marino several NGOs are actively promoting women's rights and the fight against gender-based violence. However, due to lack of government funding for their activities, these NGOs find it difficult to expand their activities and develop support services, or to be able to take part in the implementation, monitoring, and evaluation of the country's policies to combat women's violence".*

Best regards.

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