

Committee of the Parties



Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by San Marino

IC-CP/Inf(2021)9

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by San Marino on 28 January 2016;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by San Marino adopted by GREVIO at its 24th meeting (21-23 June 2021), as well as the comments of the Government received on 16 September 2021;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the San Marinese authorities in implementing the Convention and noting in particular:

- the political commitment to align the country’s legislation with the Convention and to adopt measures enabling its implementation;
- the favourable reception of the convention and the recognition of its importance in preventing and combating violence against women and domestic violence;
- the enactment of two laws and several decrees aimed at addressing violence against women, which introduced assistance and protection measures for victims as well as several amendments to the Criminal Code;
- efforts to raise awareness of violence against women, especially in schools through a cross-curriculum approach as well as the enhancement of training of professionals who deal with victims of violence;

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- efforts to establish a mobile phone application for victims of violence against women and domestic violence (TECUM), especially at a time when the Covid-19 health crisis has demanded innovative tools to ensure victims' access to information and support;
- the provision of a highly professional service for victims of sexual violence provided by the San Marino hospital, where crucial medical and forensic services are available to victims.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of San Marino take the following measures identified in GREVIO's Baseline Evaluation Report¹ for immediate action to:

1. ensure the practical realisation of the principle of equality between women and men, better assess gender gaps and define relevant policies and programmes accordingly (paragraph 11) while ensuring that the provisions of the Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, and integrate the perspectives and needs of such groups into policies for preventing and combating violence against women (paragraph 16);
2. reinforce the interinstitutional approach to violence against women by developing a long-term and comprehensive action plan/strategy giving due importance to all forms of violence covered by the Convention and based on the involvement of all relevant actors, including civil society organisations (paragraph 23);
3. increase human and financial resources allocated to preventing and combating violence against women, while identifying more effectively the sums spent on the issue of violence against women, and ensuring appropriate funding through suitable and sustainable funding opportunities for civil society organisations involved in combating violence against women (paragraph 28);
4. support and recognise civil society organisations involved in preventing and combating violence against women, by acknowledging their value and expertise and setting up co-operation mechanisms for consulting and co-operating with them (paragraph 32);
5. enhance the co-ordination, implementation, monitoring and evaluation of policies and measures by the national co-ordinating bodies with regard to violence against women, in particular by fully institutionalising the Commission and the Authority for Equal Opportunities and equipping them with the necessary powers, competences and adequate financial and human resources, as well as ensuring the functions of these co-ordinating bodies are exercised in close consultation with relevant civil society organisations (paragraph 40);
6. improve the collection of disaggregated data, including by collecting data on prosecution rates, conviction rates, and protection orders, on the basis of a common data-collection system for tracking cases at all levels of the judiciary and law-enforcement agencies and by collecting data from healthcare and social welfare services (paragraph 46), while conducting regular victimisation surveys and promoting research activities to assess the prevalence of and trends in all forms of violence against women covered by the scope of the Convention, including the specific experiences of women exposed to or at risk of intersectional discrimination (paragraphs 48 and 51);
7. ensure that courts are under the obligation to consider all issues related to violence against women when determining custody and visitation rights, including by considering amending the legislation to explicitly recognise the need to take into account incidents of violence in the determination of custody and visitation rights, incorporating a systematic process for

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

screening cases, and ensuring co-operation between the judiciary and support services (paragraph 144);

8. 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 Convention (paragraph 163);
 9. 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 (paragraph 171);
 10. ensure that all acts of violence against women covered by the Convention are prosecuted and sanctioned swiftly, including by reinforcing the capacity of the criminal judicial system to reduce the number of time-barred cases, conducting a study to assess the impact of statutes of limitation applicable to offences of violence against women and taking measures to ensure that they do not constitute an undue obstacle to victims' access to justice, and collecting administrative and judicial statistics to enable a proper assessment and analysis of the judicial response to violence against women (paragraph 188);
 11. take the necessary measures, including legislative, to meet the requirements of Article 59 of the Convention, in particular with regard to the residence status of victims of violence against women whose residence status depends on that of the spouse or partner (paragraph 213).
- B. Requests the Government of San Marino to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 8 December 2024.
- C. Recommends that the Government of San Marino take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.