

# 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 of 2005 and Article 6 of Qualified Law no. 186 of 2005;*

*Decree, promulgate and order the publication of the following Ordinary Law approved by the Great and General Council on its sitting of 18 June 2008.*

### **LAW NO. 97 OF 20 JUNE 2008**

## **PREVENTION AND REPRESSION OF VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE**

### CHAPTER I

#### UNDERLYING PRINCIPLES AND MEASURES TO RAISE AWARENESS AND PREVENT VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE, INCLUDING DOMESTIC VIOLENCE

##### **Art. 1**

*(Purpose of the Law)*

This Law aims at preventing and contrasting violence against women and gender violence, including domestic violence.

##### **Art. 2**

*(Notion of Violence against Women)*

Violence against the individual means any act of violence based on gender entailing or being likely to entail, for those who are affected by such violence, damage or sufferance of a physical, sexual or psychological nature, including the threat to perform such acts, coercion, arbitrary deprivation of freedom, both in public and private life.

##### **Art. 3**

*(Mass Media and Discriminatory Dissemination)*

The mass media shall promote protection and safeguard of gender equality and shall avoid any discrimination whatsoever between men and women.

The use of images or expressions that are detrimental to individual dignity and identity, or containing discriminatory content, including references to sexual orientation of the individual or to identity in general, also for advertising purposes, is prohibited.

The specifically appointed Authority for Equal Opportunities can request the Law Commissioner ex officio or upon complaint by any interested person:

- a) to prohibit the dissemination of images, news or reference contrasting with the provision referred to in paragraph 2;

- b) to prohibit their continuation and to remove its effects;

without limitation whatsoever to the right of the person portrayed or mentioned to apply for damages;

Having heard the party against which the measure is to be taken, the Law Commissioner shall issue the relevant order. In particularly urgent cases and in case the party against which the measure is to be taken is not resident or based in the Republic of San Marino, or has no legal representative in the trial, the Law Commissioner can order the execution of the measure without preliminary hearing.

Anyone who does comply with the order issued according to the previous paragraph shall be punished according to Article 366 of the Criminal Code.

The decision of the Law Commissioner can be appealed with the Judge of Appeal for nullity, but this shall not suspend the execution of the measure unless the Judge of Appeal should decide otherwise.

The State Lawyers' Office shall provide legal assistance to the Authority for Equal Opportunity.

Trial records are exempt from judicial tax.

#### **Art. 4**

*(Assistance to the victims of violence)*

The State shall provide to the victims of domestic and sexual violence:

- a) information on the measures provided for by the law regarding protection, security and right to assistance and support to the victims of violence;
- b) establishment of dedicated services within social security structures easily accessible for the victims and employing specialised staff;
- c) capacity for these services to face emergencies and provide first psychological support and be responsible for medium-term cases also for the purpose of family reunification;
- d) social support, protection, support to education, training and professional integration;
- e) in most serious cases where life within the family is deemed to be dangerous for the victim, integration of the victim in a family-sized community for the time necessary to develop a social reintegration project;
- f) programs for protection and social integration of the victims of violence, if necessary, including accommodation and maintenance of stay permit, if during the proceeding such permit lapses, professional reintegration, care and support of dependent children;
- g) specific training for the judges responsible for the judicial proceedings referred to in this Law and for the law enforcement agencies. The preparation and establishment of services and the concrete classification of measures shall be done through specific delegated 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 in murder)*

After number 1) of Article 150, paragraph 2 of the Criminal Code the following number is inserted:

“1-bis) in the person of the spouse, cohabitant or person linked or having been linked by an affective relationship, including cases of non-cohabitation”.

**Art. 6**

*(Aggravating circumstance of personal injuries)*

Article 156 of the Criminal Code is superseded by the following:

“When injury leads to abortion, life hazard, disease implying a sixty-day recovery or unrecoverable disease, permanent face disfigurement, loss or significant weakening of one sense, one organ or of its functions or the loss of procreation ability or genital mutilation, including for religious reasons, third-degree imprisonment and disqualification shall apply. The same punishment shall apply if the victim is or was the spouse or a person related by a similar affective relationship, including cases of non-cohabitation, or if the victim is a particularly vulnerable person living with the culprit”.

**Art. 7**

*(Coercion or maintenance in slavery or servitude)*

Article 167 of the Criminal Code is amended as follows:

“Art. 167

Coercion or maintenance in slavery or servitude

Anyone who exercises on a person powers corresponding to property rights or anyone who enslaves or keeps a person under continuous subjugation, forcing such person to work or have sexual intercourse or to beg or however to any performance entailing exploitation, shall be punished by terms of fifth degree imprisonment and fourth degree disqualification. The reduction into or maintenance in slavery take place when it is carried out with the use of violence, threat, deceit, abuse of authority or exploitation of physical or psychological inferiority, or through the promise or the actual delivery of money or other benefit 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 for the purpose of organ removal.”.

**Art. 8**

*(Human Trafficking)*

Art. 168 of the Criminal Code is superseded by the following:

“Human Trafficking

Anyone who trades or however traffics in human beings that are in the conditions referred to in Art. 167, i.e. for the purpose of reducing or maintaining a person in slavery or servitude, induces such person with the use of deceit or forces such person with the use of violence, threat, abuse of authority or exploitation of physical or psychological inferiority or a situation of need, or with the promise or delivery of money or other benefit to the person who has authority over him/her, to enter or stay on or leave the territory of the State or to move within such territory, 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 being less than 18 years of age or are aimed at exploiting prostitution or for the purpose of organ removal.”.

### **Art. 9**

*(Repeal of “Traffic for the Purpose of Prostitution” and Inclusion of “Coercion into 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 under Art. 168-bis (Coercion into Prostitution).

### **Art. 10**

*(Aggravating circumstance in the crime of violation of sexual freedom)*

In Article 172 of the Criminal Code the following paragraph is added: “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 has or had an affective relationship with the victim. The punishment shall be raised by one degree if the crime is committed against a differently able person”.

### **Art. 11**

*(Group violence)*

After Article 172 of the Criminal Code the following Article is inserted:

“Art. 172-bis  
Group sexual violence

Group sexual violence means the participation of at least two persons acting concurrently to violate somebody’s sexual freedom as referred to in Article 171.

The participation in acts of violation of sexual freedom can be blamed also on those who do not concretely perform violence, but who have nonetheless provided a causative contribution to the crime, which may also include the mere presence on the site where and at the time when violence is perpetrated.

Anyone who commits acts of group sexual violence shall be punished by terms of fourth-degree imprisonment and a monetary fine.

The punishment shall be reduced by one degree in the case of a participant whose actions had minor impact on the preparation or execution of the crime as well as in the case of persons who were determined to commit the crime when the conditions referred to in numbers 2 and 3 of Article 90 occur together.”.

### **Art. 12**

*(Prosecutability in crimes of violation of 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 of the offended party. The complaint shall be submitted not later than the date referred to in Art. 7, paragraph 3 of the Code of Criminal Procedure. If the offended party is a minor, the prescription of crime as well as the deadline for

complaint submission shall start from the date when the minor comes of age. The court shall proceed ex officio if the offence is perpetrated 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 concurrently with an offence which is prosecutable by the court ex officio or in the case of repeated offence”.

### **Art. 13**

*(Persecutory acts – Stalking-Mobbing)*

After Article 181 of the Criminal Code the following Article is inserted:

“Art. 181-bis  
Persecutory acts

Anyone who repeatedly disturbs or threatens a person causing severe moral sufferance and detriment to his/her dignity to such a degree as to upset his/her usual life conditions or to induce a state of subjugation or serious physical or psychological unrest or reasonable concern for his/her own individual safety and for the safety of other persons linked to this person by stable affective relationships shall be punished upon complaint by the offended party by terms of first degree imprisonment and a monetary fine.

If nuisance and threat referred to in the first paragraph take place on the workplace in the form of regular and repeated outrage and vexation by the employer or colleagues with the purpose to humiliate, isolate a worker in order to induce him/her to resign after causing him/her severe psycho-physical sufferance, the punishment shall be raised by one degree.

The Court shall proceed upon complaint 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 particularly serious threat.

The court shall also proceed ex officio if the offence is committed concurrently with an offence which is prosecutable by the court ex officio.

### **Art. 14**

*(Abduction and retention of a minor abroad)*

After Article 231 of the Criminal Code the following Article is inserted:

Anyone who abducts a minor from the person having custody of such minor, regardless of the exercise of parental power, leading such minor abroad or failing to repatriate such minor 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 and with his/her consent, first-degree imprisonment shall apply.

If the crime is committed by one of the parents, second degree disqualification from parental power shall also apply.”.

### **Art. 15**

*(Cruelty against family members or 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, third degree imprisonment shall apply. If the crime derives from an aggravating circumstance referred to in Article 156, fourth degree imprisonment shall apply. Fifth degree imprisonment shall apply if the crime causes the death of the victim”.

### CHAPTER III JUDICIAL MEASURES FOR THE PROTECTION AND SAFETY OF VICTIMS

#### TITLE I GENERAL PROVISIONS

##### **Art. 16** *(Protection of victim's privacy)*

During civil or criminal trials related to violence against the individual, including domestic violence, the victim's privacy as well as the personal details of the victim's children or of any other person under his custody shall be protected. The dissemination of personal details as well as images of the victims is prohibited in any case. Anyone who disseminates or publishes details, information, news or images in breach of prohibition referred to above shall be condemned to pay a fine of Euro 12,000.00.

##### **Art. 17** *(Legal assistance)*

In all proceedings, whether civil, criminal or administrative, legal assistance shall be ensured to the victim of violence when he or she cannot objectively afford his/her own legal defence, also outside the conditions to grant legal assistance free of charge.

The Bar Association shall draw up a list of registered experts accepting to provide their assistance to victims. This list shall be transmitted to the competent Social services, Police Forces, the Court and the Authority for Equal Opportunities.

The Bar Association shall be responsible for the ongoing and specific training of the persons listed and organise interdisciplinary training courses.

The attorneys on the list cannot refuse their assignments, unless there are serious and proving reasons.

Legal assistance shall be free of charge. However, attorneys shall be entitled to charge their fees to the person convicted or the offender, when violence has been proven by issuing a final civil or criminal sentence or it appears from the records of the case through an apposite statement issued during the cross-examination by the Judge, who decides to dismiss the criminal or civil proceedings, or when protection orders have been issued against the offender.

In case of extreme necessity and urgency, legal assistance shall be provided by the State Attorney's Office, which shall promptly contact an attorney on the list replacing it when the urgent situation is over.

The judicial acts performed in the interest of the victim of violence shall not be subject to taxation.

The State shall pay in advance the expenses necessary to perform or to take part in judicial actions, including judicial expert reports necessary for the protection of the victim of violence.

The State shall be entitled to be reimbursed by the convicted when violence has been proven by issuing a final civil or criminal sentence or it appears from the records of the case through an

apposite statement issued during the cross-examination by the Judge, who decides to dismiss the criminal or civil proceedings, or when protection orders have been issued against the offender.

## TITLE II PROTECTION MEASURES IN CRIMINAL PROCEEDINGS

### **Art. 18**

*(Representation of the minor in criminal proceedings)*

When the victim of offences against personal freedom or of ill-treatment is a minor and the fact 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, the representation of the minor in the proceedings is assigned to a special curator, appointed by the Guardianship Judge for this purpose, in order to protect the minor's rights. The appointment of a special curator shall be immediately requested by the Investigating Judge.

If the offence referred to in paragraph 1 cannot be prosecuted ex officio, the complaint shall be submitted by the special curator and the time-limit to submit the complaint shall run 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 provisions referred to in article 17 of this Law shall be applied to the legal assistance provided to the minor represented by the curator.

### **Art. 19**

*(Reporting obligations)*

Social Services, Police Forces and anyone performing a health care profession, whether public or private, shall be required to report to the Law Commissioner exercising the functions of civil Guardianship Judge any act of violence against women, minors or gender violence they may be informed about by reason of their activities or professions, although they are offences which may be prosecuted upon complaint.

Teachers of any grade or level shall be required to timely report to the Minors' Service any act referred to in the previous paragraph which they have been informed about.

Reporting shall not entail any violation of official or professional secrecy; the Law Commissioner shall ensure that the report and the relevant acts are kept confidential.

The violation of the reporting obligation shall be punished with a pecuniary administrative sanction amounting to € 500 and applied by the Law Commissioner.

Subsequent to a report, the Law Commissioner shall require Social Services to carry out any necessary verification activity; finally, according to the relevant report drafted by the Social Services, the Law Commissioner shall call the victim and, if necessary, implement the protection measures envisaged by this Law, by entrusting the competent Services.

When the facts integrate alleged offences which may be prosecuted ex officio or, of someone's initiative, when the victim has submitted a complaint, the report referred to in paragraph 1 shall be made to the Law Commissioner, Investigating Judge, who shall implement protection measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge shall be required to promptly report the offence notice to the Guardianship Judge so that he/she may take any action falling under his/her competence.

**Art. 20**

*(Right to take part in criminal proceedings)*

In proceedings involving violence against women, minors or gender violence, the Authority for Equal Opportunities shall be entitled to take part and bring a civil action.

For this purpose, the Investigating Judge shall promptly inform the Authority for Equal Opportunities about the existence of the criminal proceedings.

**Art. 21**

*(Prohibitions of questions about private or sexual life of victims)*

In criminal proceedings for sexual offences, as well as during Police investigations, it is forbidden to ask any questions concerning private life or sexuality of the person offended, unless they are deemed necessary to reconstruct the facts.

**Art. 22**

*(Special precautionary measures in criminal proceedings)*

The Investigating Judge, who shall decide upon an offence against personal safety, personal freedom or family ill-treatment committed by a live-in partner, may order the defendant to be removed from the family house and not to enter it without his authorization, indicating the visit modalities, if necessary, upon request of the victim.

When there are circumstances requiring to protect the safety of the victim or of his/her close relatives, upon request of the victim the Investigating Judge may restrain the defendant or the person accused from the vicinity of places usually frequented by the victim, in particular the workplace, the domicile of the family of origin or of his/her close relatives, unless frequentation is necessary for work reasons. In this case, the Judge shall establish the relevant modalities and may impose limitations.

Subsequent to a request, the Judge shall collect any relevant information and take measures through a reasoned decree, after having heard the defendant and, if necessary, the requesting person, banning urgent cases.

Upon request of the victim and in compliance with the cross-examination procedure, the Investigating Judge may order that a cheque is regularly paid to the live-in persons who have no adequate means as consequence of the precautionary measure adopted. The Judge shall establish the payment modalities and conditions. He may order, if necessary, that the cheque is directly paid to the beneficiary by the employer of the offender, deducting it from his/her retribution. The order of payment is an enforceable act.

The measures referred to in the second and fourth paragraphs may be taken also subsequent to the measure indicated in the first paragraph, provided that this measure has not been revoked or has lost effectiveness. Though subsequently adopted, these measures shall lose their effectiveness if the measure referred to in the first paragraph is revoked or loses effectiveness. The measure set forth in the fourth paragraph shall lose effectiveness if it is in favour of the spouse or the children, as well as when the Civil Judge adopts a measure in a legal separation case or another measure concerning the economic and property relationships between spouses or the maintenance of children.

The measure envisaged in the fourth paragraph may be amended if the conditions of the obliged person or the beneficiary change, and it is revoked if they live together again.



### **Art. 23**

*(Psychological support to victims of violence in criminal proceedings and other protection measures in criminal investigation)*

When judicial action is taken to punish offences against personal safety, freedom or ill-treatment of a person, 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 medico-legal examination shall be conducted in the proceedings for one of the offences referred to in the first paragraph, the expert shall be chosen, preferably, among professionals of the same sex of the victim.

The hearing of the victim shall take place so that it is not necessary to hear the person twice. To this end, the Investigating Judge shall adopt any proper measure, including the videotape of the hearing.

When the victim is a minor, the Investigating Judge shall carry out the examination of the victim of the offence, being confronted with the defendant or witnesses, by using a mirror glass and an intercom facility or other suitable instruments ensuring confidentiality. The hearing shall be video-taped. The minor shall always be assisted by an expert in child psychology, supporting the Judge.

### **Art. 24**

*(Protection of victims during the trial)*

In criminal proceedings for offences against personal safety, freedom or ill-treatment of a person, the trial shall always take place behind closed doors, if the victim is a minor, and upon request of the victim, if he/she is an adult.

Testimonies and confrontations shall not be repeated if the right to defence of the defendant has been guaranteed during the preliminary investigation and, however, when they have been videotaped.

If the hearing or the confrontation shall be repeated, the provisions established in article 23 shall be observed. If the victim is a minor, the repetition cannot be ordered when there is concrete danger to worsen the minor's conditions; the danger shall be proven through a judicial examination to be confronted with technical advisors of the parties involved.

### **Art. 25**

*(Probation of the person convicted of sexual and family violence within the Social Service)*

The probation of the person convicted of sexual or family violence within the Social Service, when allowed by law, may take place only if it is accompanied by the involvement and participation of the convicted in a specific rehabilitation program.

## **TITLE III CIVIL PROTECTION MEASURES**

### **Art. 26**

*(Protection against family abuse)*

When the behaviour of the spouse or another live-in person seriously affects the physical or ethical integrity or freedom of the other spouse or partner, the Judge, upon petition of a party, may adopt by decree one or more measures referred to in the following article when the facts do not

constitute offences to be prosecuted ex officio or, of personal initiative, no complaints have been submitted.

Notwithstanding it, the behaviours mentioned in the first paragraph constitute a valid reason for the removal from the family house, under Article 30 of Law No. 49 of 26 April 1986.

The provisions referred to in this title shall also be implemented, as they are coherent, when the prejudicial conduct has been shown by another family member different from the spouse or the live-in partner. In this case, the petition shall be made 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 live-in partner having undertaken prejudicial actions to stop this conduct and establish that he/she is 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 the family of origin or the domicile of other close relatives or people. In addition, the offender shall be prohibited from being around the educational facilities attended by the children of the spouses, unless the offender shall frequent the same places for work reasons.

The Judge may also order, where necessary, that:

- social services or another family mediation centre take actions, as well associations supporting and fostering women and minors or other victims of abuse and ill-treatment as their statutory purpose;
- a cheque is regularly paid to the live-in persons who have no adequate means as consequence of the measures referred to in the first paragraph. The Judge shall establish the payment modalities and conditions and order, where necessary, that the amount is directly paid to the entitled person by the employer of the offender, deducing it from his/her remuneration.

Through the same decree the Judge shall fix the length of the protection order starting from the date of its effective execution, in the cases referred to in the previous paragraphs. The protection order shall not last more than six months and may be extended to the necessary time, upon request of a party, only if there are serious reasons.

By virtue of the same decree, the Judge shall establish the implementing modalities. Ordering the removal from the family house, the Law Commissioner shall provide for the assistance of law enforcement agencies and 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 subsequent to the provisions of the measure, including the surveillance and the assistance of Police forces.

The decree shall be transmitted to the Gendarmerie and the Neuro-Psychiatric Service for the possible adoption of measures concerning arms and munitions.

### **Art. 28**

#### *(Proceedings for protection orders against family abuse)*

The petition is also submitted personally by the party. In this case, after receiving it, the Judge shall designate a defence attorney from the list referred to in Article 17.

Having heard the parties, the Law Commissioner shall carry out the necessary work for the case preparation in the way deemed to be the most suitable, by obtaining, also officially, any relevant information and issuing a reasoned and immediately enforceable decree.

In urgent cases, the Judge, having acquired perfunctory information, where necessary, may immediately adopt the protection order, fixing the appearance hearing of the parties within fifteen days. At the hearing, the Judge shall confirm, change or revoke the protection order.

It is possible to claim to the Civil Judge of Appeal against the decree through which the Judge adopts the protection order or rejects the appeal under the second paragraph, or confirms, changes or revokes the protection order previously adopted in the case referred to in the preceding paragraph. The claim does not suspend the execution 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 adopted in the proceedings for the separation from bed and board of the spouses or in the proceedings to annul or cease the civil effects of marriage, shall be punished with the penalty established in Article 366 of the Criminal Code.

**Art. 30**  
*(Scope of protection orders)*

The provisions indicated in Articles 27 and 28 of this Law shall not be applied when the prejudicial action is taken by the spouse having proposed or towards whom a request for a separation from bed and board or for annulment or cessation of the civil effects of marriage has been proposed, if in the relevant proceedings the hearing of appearance of the spouses referred to in Articles 110 and 127 of Law No. 49 of 26 April 1986 has already taken place. In this context, the Judge may adopt protection orders in these proceedings.

The protection order adopted under Articles 27 and 28 shall lose effectiveness when the decree containing provisional and urgent measures has been subsequently issued in the proceedings for the separation from bed and board or in the proceedings to annul or cease the civil effects of marriage promoted by the petitioning spouse or towards him/her.

**Art. 31**  
*(Suspension of parental rights)*

When violence is committed against minors, the Law Commissioner may suspend the parental rights exercised by the defendant or the parent having tolerated the violence until responsibility is acknowledged.

TITLE IV  
PREVENTIVE ACTIONS ON BEHALF OF POLICE FORCES

**Art. 32**

*(Request for help to Police Forces)*

When the victim of violence of this parties being present at the fact report the violence to Police Forces, these shall immediately take action and, however, within an hour from the report, unless there are serious reasons.

Police Forces may enter the victim's house or other places or premises of private ownership where the victim is to be found, also coercively; 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 submitted a complaint. In case of a complaint, the report shall be made to the Investigating Judge, who may adopt the relevant precautionary measures, including the ones prescribed in this Law.

Police Forces shall seize, in any case, the weapons found in the abuser's house, informing the Law Commissioner or the Command of the Gendarmerie in order to start the procedure to suspend or revoke the firearm certificate or the hunting license.

The obligation of immediate action by the Police Forces shall also exist when they receive reports from anyone about abusers who are driving or are going to drive in a state of drunkenness, adopting the necessary preventive and precautionary measures.

If the request for intervention regards persecutory acts as defined by law, Police Forces are required to remove the molester away, making the reports referred to in this Law, also regardless of the complaint of the victim.

A relevant report shall be drafted for all actions taken and sent to the Command of the Gendarmerie and the Neuro-Psychiatric Service.

The data collected shall be transmitted to the Authority for Equal Opportunities and be 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 shall be appointed by the Great and General Council at the beginning of the legislature and for its duration. It shall be composed of:

- eight members proportionally chosen among the groups within the Great and General Council;
- a member designated by Union Trades;
- a member designated by the Consulta of San Marino Cultural Associations and Cooperatives.

The members of the Commission cannot be members of the Great and General Council.”.

**Art. 34**  
*(Transitory regulation)*

The Commission for Equal Opportunities established through Law No. 26 of 25 February 2004 shall be replaced by the Authority for Equal Opportunities for the competences envisaged by this Law.

The Commission for Equal Opportunities shall be supported by the Authority for Equal Opportunities in the exercise of the functions and tasks provided for in Article 2, points a, g, i, j, k, l of Law No. 26 of 25 February 2004 from the entry into force of this Law.

The Authority for Equal Opportunities shall be composed of three members holding their office for 4 years and appointed 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 composition of the Authority for Equal Opportunities shall ensure the participation of any of the above-mentioned professionals.

The Authority for Equal Opportunities shall collect data related to violence against women and gender violence every six months.

The Authority for Equal Opportunities shall prepare every year an apposite report which shall be publicly circulated.

**Art. 35**  
*(Entry into force)*

This Law shall enter into force on the fifth day following that of its legal publication.

*Done 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*