

# Protection of Children against Sexual Abuse in the Circle of Trust: Legal Frameworks (Lanzarote Convention Monitoring Questionnaire)

Fields marked with \* are mandatory.

## Introduction

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1. The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter “the Lanzarote Convention” or “the Convention”), which entered into force in July 2010, requires criminalisation of all forms of child sexual abuse. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

2. The Committee of the Parties to the Convention (also known as the “Lanzarote Committee”), established to monitor whether Parties effectively implement the Convention (Article 1 § 2), decided that:

*“1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.*

*2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.*

*3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time-limit set by the Lanzarote Committee.”[1]*

### **The notion of the circle of trust**

3. In January 2018, the Lanzarote Committee concluded its first monitoring round “Protection of children against sexual abuse in the circle of trust”. The notion of “circle of trust” includes members of the extended family, persons having care-taking functions or exercising control over the child, and any other persons with whom the child has relations, including his/her peers.[2]

### **The previous and current monitoring rounds on the circle of trust**

4. The two implementation reports adopted as a result of the first monitoring round evaluated the frameworks and strategies put in place by the 26 States Parties to the Lanzarote Convention which had ratified it by the time the monitoring round was launched[3]. Since then, the Convention has been ratified by 22 other Parties,[4] and numerous changes have taken place in the subject area due to the development of international standards and national reforms. Furthermore, a child’s circle of trust remains the environment

where the vast majority of sexual abuse occurs.[5] The Committee therefore decided to come back to the subject matter of the first monitoring round in 2023, to both take stock of the situation in the 22 Parties that had not been examined in the first round and to evaluate the follow-up given to the Committee's recommendations by the 26 Parties that had.

5. All of the current 48 Parties will be monitored at the same time to create a momentum around specific aspects of the monitoring theme. To ensure a more accurate reflection of the situation in the Parties and a speedier publication of intermediary results, the monitoring round will be divided into several parts and conducted on the basis of information submitted by the Parties and other stakeholders in response to questionnaires specific for each part.

#### ***Involvement of civil society and other relevant stakeholders in the monitoring round***

6. In accordance with paragraph 4 of Rule 26 of the Lanzarote Committee's Rules of Procedure, the Secretariat shall seek the views of the representatives of civil society and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children on the implementation of the Convention by Parties, in particular by asking them to comment on the replies to this questionnaire or by any other means (e.g. by offering the observers and participants in the Lanzarote Committee to submit any relevant information they may have with regard to any Party to the Convention by replying directly to some or all of the questions of this questionnaire). These comments and replies will be transmitted by the Secretariat to the Party(ies) concerned and made public.

#### ***Type of questions and elements to be borne in mind when replying***

7. Each of the questionnaires of this monitoring round will contain questions derived from the Committee's first monitoring round recommendations and findings, as well as a few new questions based on the Committee's adopted texts and international standards that have emerged in the meantime, including the case-law of the European Court of Human Rights, to gather information for capacity-building purposes. The first part of the monitoring round will assess the legal framework and related procedures with respect to sexual abuse of children in the circle of trust ("Legal frameworks").

8. This specific first questionnaire was adopted by the Lanzarote Committee on 2 June 2023. It is recalled that, in accordance with Rule 26 of the Lanzarote Committee's Rules of Procedure:

*"...2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".*

*3. Parties shall submit their replies in one of the official languages of the Council of Europe to the secretariat within the time limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public.*

*5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation."*

9. In addition, Parties are kindly requested to:

- answer the questions with regard to central, regional and local levels to the extent possible. Federal States may, in respect of their sovereign entities, answer the questions in a summarised way;
- provide, whenever questions/answers refer to it, the relevant text (or a summary) of legislation or other regulations in English or French;

- answer the questions from a gender equality perspective, i.e. specifying, where relevant, whether and how measures for victims and/or offenders take into account gender-specific requirements.

10. The term “national legal framework” used in the questionnaire includes not only laws but also all forms of regulations (decrees, resolutions, administrative directions, instructions, and any other decisions creating legal consequences for more than one individual) and higher courts’ directive rulings.

11. The questions asked concern the legal frameworks pertaining to both online and offline forms of activity. Should your national legal framework distinguish between them, please provide details.

12. As indicated above, some of the questions are included for capacity-building purposes. Therefore, nothing in the wording of these questions should be taken as an indication of a preferred state of affairs or course of action.

13. The questionnaire uses a colour-coded system to help you differentiate questions based on the Lanzarote Committee’s 1st monitoring report’s “invite” recommendations (in blue) and “urge”/ “consider” recommendations (in red). The questions based on the European Court of Human Rights’ case law and the Committee’s adopted texts are coloured red. The questions included for capacity-building purposes are coloured blue.

14. Some of the questions are addressed only to specific Parties found to be not in compliance with a particular requirement of the Convention in the first monitoring round, or to those Parties and to the 22 Parties which had not been evaluated during the first monitoring round. All other questions are meant to be replied to by all Parties.

[1] Rule 24 of the Lanzarote Committee’s [Rules of Procedure](#)

[2] See [1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”](#), p. 12. Examples of the different categories of persons may be found in paragraphs 123-125 of the [Explanatory Report to the Lanzarote Convention](#)

[3] Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, France, Greece, Iceland, Italy, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, North Macedonia, Portugal, Romania, San Marino, Serbia, Spain, Türkiye and Ukraine

[4] Andorra, Armenia, Azerbaijan, Cyprus, Czech Republic, Estonia, Georgia, Germany, Hungary, Ireland, Latvia, Liechtenstein, Monaco, Norway, Poland, the Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, United Kingdom

[5] See the [Explanatory Report to the Lanzarote Convention](#), paras. 48 and 123-125

## IDENTIFICATION OF THE RESPONDER

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\* Name of the Party responding or concerned by your response

Republic of San Marino

\* Name of the contact person/coordinator

\* Email address of the contact person/coordinator

## KEY NOTIONS Question 1. Does your national legal framework:

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a. [have a reference to “abuse of a recognised position of trust, authority or influence” as a separate sexual offence against children?](#)<sup>[6]</sup> If yes, please provide a copy of the relevant provision(s).

[6] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework” adopted by the Lanzarote Committee on 4 December 15, Recommendation 3.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.a Yes)

Article 171, paragraph 1 of the San Marino Criminal Code punishes with imprisonment anyone who commits lewd acts on another person. The second paragraph of Article 171 provides for a specific aggravating circumstance of the criminal offence if the act is committed by persons having a special relationship of trust, authority or influence with the victim. In addition, Article 172, as integrated by Law no. 97 of 20 June 2008, regulates further specific aggravating circumstances of the criminal offence of violation of sexual freedom. In particular, these circumstances include the lewd act committed through sexual intercourse, or the circumstance in which the act is committed by the spouse or cohabiting partner or by a person who has an emotional relationship with the victim, or when the act is committed to the detriment of a disabled person. The material element of the criminal offence referred to in Article 171 consists in the performance of the lewd act, which includes various types of sexual behaviour, from the simplest gestures, such as groping, to the most aberrant actions.

With regard to the psychological element, it is sufficient to prove the intention to commit lewd acts with the awareness of their sexual nature and of the use of violence or abuses.

The second paragraph of Article 171 provides for a specific aggravating circumstance when the criminal offence is committed by persons who have a special relationship with or are entrusted with special responsibilities towards the victim. In this respect, the law identifies the following persons: ascendant, adopter, guardian, educator, teacher, health professional, the person having custody of a child for reasons of supervision, education and care.

It is also important to mention Article 173, which regulates the criminal offence of lewd acts on consenting minors or incapacitated persons, when the lewd acts are performed without violence, threat or deception, but to the detriment of a minor under fourteen years of age, or of a person who, due to physical or mental conditions, is unable to resist them.

In particular, it should be pointed out that the legislation establishes that any consent given by persons who are in a situation of inferiority with respect to the agent or on account of their physical or mental condition is of no value. Such persons need special protection and therefore the law treats the agent's abuse in the same way as violence or deception. The punishable acts are the lewd acts referred to in Article 171, with the aggravating circumstances referred to in Article 171, paragraph 2 and Article 172.

The victims covered by the legislation are: a minor under the age of fourteen, a person of any age who is mentally ill at the time of the act, or who is unable to resist on account of mental or physical inferiority, even if this is independent of the offender's act.

Furthermore, by virtue of the second paragraph of Article 173, the offender cannot plead ignorance of the victim's minor age; instead, we consider that, in the absence of specific legislation, failure in assessing the victim's mental conditions excludes intent.

Finally, Article 174 takes into account lewd acts that are not covered by the cases examined above. The rule qualifies them as "abusive", since, from a subjective point of view, the criminal offence can be committed by persons who are entrusted with custody and have authority over the victim, who is in a certain condition. Therefore, a person who commits lewd acts on a person admitted to hospital, hospice, boarding school or on a person who is kept in custody or held in detention, or on a person who is entrusted to the agent for ex officio reasons, is punishable. In this case, too, the use of violence or deception is not required, for the same reasons we have indicated when commenting on Article 173.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium and Luxembourg]** establish a separate offence of sexual abuse of children by someone in a recognised position of trust, authority or influence instead of considering the fact that the perpetrator holds that position just as an "aggravating circumstance"?<sup>[7]</sup> If yes, please indicate the specific legal provision.

[7] *Ibid.*, Recommendation 2

- Yes  
 No

Here you can upload any file(s) in support of your answer

c. [list specific categories of adults in contact with children automatically qualifying as holding this position?](#)<sup>[8]</sup>

[8] *Ibid.*, Recommendation 4. Examples: members of the extended family (including new partners), persons having caretaking functions (including trainers of any kind) or exercising control over the child professionally or on a voluntary basis (including persons who look after children in their leisure-time) and any other person trusted by the child (including other children).

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (1.c Yes)

The second paragraph of Article 171 concerns persons who have a special relationship with or are entrusted with special responsibilities towards the victim, and in particular the following persons: ascendant, adopter, guardian, educator, teacher, health professional, the person having custody of a child for reasons of supervision, education and care.

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d. [define the notion of “circle of trust”?](#)<sup>[9]</sup>

[9] *Ibid.*

- Yes  
 No

If appropriate, please provide more information (1.d No)

No, but the wording of Articles 171 and 174 of the Criminal Code makes it possible to clearly identify which persons the law considers to be in a position of influence/authority/trust with respect to the child

Here you can upload any file(s) in support of your answer

**VICTIMS' AGE Question 2. Does your national legal framework:**

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a. [for 22 Parties + Italy, Portugal, San Marino, and Türkiye] provide that every child up to 18 years of age is protected against the criminal offence of sexual abuse by someone in a recognised position of trust, authority or influence?<sup>[10]</sup>Please refer to the specific legal provisions.

[10] *Ibid.*, Recommendation 6

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (2.a Yes)

In San Marino legal system, the punishability of manifestations of sexual instinct implies that the punishable act is committed through the use of violence, threats or deception, or under conditions deemed equivalent. In addition, the criminal offence is also characterised by forms of moral violence and psychological intimidation capable of compromising the self-determination of the victim. From a subjective point of view, the term "victim" refers to any individual, regardless of gender, age and social or moral conditions.

Article 171, paragraph 1 of the San Marino Criminal Code punishes with imprisonment anyone who commits lewd acts on another person. The second paragraph of Article 171 provides for a specific aggravating circumstance of the criminal offence if the act is committed by persons having a special relationship of trust, authority or influence with the victim. In addition, Article 172, as integrated by Law no. 97 of 20 June 2008, regulates further specific aggravating circumstances of the criminal offence of violation of sexual freedom. In particular, these circumstances include the lewd act committed through sexual intercourse, or the circumstance in which the act is committed by the spouse or cohabiting partner or by a person who has an emotional relationship with the victim, or when the act is committed to the detriment of a disabled person. The material element of the criminal offence referred to in Article 171 consists in the performance of the lewd act, which includes various types of sexual behaviour, from the simplest gestures, such as groping, to the most aberrant actions.

With regard to the psychological element, it is sufficient to prove the intention to commit lewd acts with the awareness of their sexual nature and of the use of violence or abuses.

The second paragraph of Article 171 provides for a specific aggravating circumstance when the criminal offence is committed by persons who have a special relationship with or are entrusted with special responsibilities towards the victim. In this respect, the law identifies the following persons: ascendant, adopter, guardian, educator, teacher, health professional, the person having custody of a child for reasons of supervision, education and care.

The Criminal Code provides for a further aggravating circumstance (Art. 172, paragraph 1) when lewd acts committed with violence or deception are associated with sexual intercourse. Sexual intercourse certainly occurs whenever there is a physiological union between two persons. Case law has held that there is "sexual intercourse" whenever the genital organ of the active subject is totally or partially introduced into the body of the passive subject: therefore, the concept of "sexual intercourse" must be extended in San Marino to any form of sexual activity.

Law no. 97 of 2008 provided for two further specific aggravating circumstances for the criminal offence of violation of sexual freedom in the presence of sexual intercourse. This occurs when the criminal offence is committed by the spouse or cohabiting partner, or the person who has or has had an emotional relationship with the victim, or if the offence is committed to the detriment of a disabled person.

Article 172 bis, introduced by Law no. 97 of 2008, regulates the criminal offence of group sexual violence, namely the criminal offence referred to in Article 171, committed by two or more persons. This is a common criminal offence, necessarily committed by several persons: it constitutes an autonomous criminal offence, introduced following directives of the Council of Europe, and which represents a response to the change in social opinion regarding despicable acts such as group sexual violence.

The victims covered by the legislation are: a minor under the age of fourteen, a person of any age who is

mentally ill at the time of the act, or who is unable to resist on account of mental or physical inferiority, even if this is independent of the offender's act.

Finally, by virtue of the second paragraph of Article 173, the offender cannot plead ignorance of the victim's minor age; instead, we consider that, in the absence of specific legislation, failure in assessing the victim's mental conditions excludes intent.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + North Macedonia and Ukraine]** indicate that the child's legal age for engaging in sexual activities is not relevant in the case of child sexual abuse by someone in a recognised position of trust, authority or influence?<sup>[1]</sup> Please provide details.

[1] *Ibid.*, Recommendation 5

- Yes  
 No

Here you can upload any file(s) in support of your answer

## SCOPE OF OFFENCE Question 3. Does your national legal framework criminalise sexual abuse of children:

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a. **where the offender abuses a recognised position of influence?** <sup>[12]</sup> Please refer to the specific legal provisions.

[12] *Ibid.*, Recommendation 1

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (3.a Yes)

See the answers to question 1a.

Here you can upload any file(s) in support of your answer

b. **[for 22 Parties + Belgium]** where the victim is below 18 and emancipated through marriage, and the perpetrator is the victim's spouse or marital partner?<sup>[13]</sup> Please refer to the specific legal provisions.

[13] *Ibid.*, Recommendation 7

- Yes



No

Here you can upload any file(s) in support of your answer

c. **[for 22 Parties + the Republic of Moldova] where no coercion, force or threat is used by the perpetrator holding the position of trust, authority or influence?**<sup>[14]</sup> Please refer to the specific legal provisions.

[14] *Ibid.*, Recommendation 8

- Yes  
 No

Here you can upload any file(s) in support of your answer

## SCOPE OF OFFENCE Question 4. Does your national legal framework:

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a. **criminalise sexual abuse of children for acts other than sexual intercourse and equivalent actions?**<sup>[15]</sup>

Please specify which other acts are covered and whether violation of a child's "sexual integrity" specifically is criminalised.

[15] *Ibid.*, Recommendation 9

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (4.a Yes)

Bearing in mind that the San Marino national legal framework criminalises all types of sexual behaviour, from the simplest gestures, such as groping, to the most aberrant actions, it should be noted that other acts of a different nature are also criminalised.

The purpose of Article 177 is to protect the minor from possible corruption acts concerning sexuality and other dangerous phenomena, such as the use of alcohol or drugs, as well as gambling.

The aim of the provision is to avert the danger that the minor may face experiences that are totally inappropriate to his/her level of sexual and mental maturity.

It is necessary that the act does not constitute a criminal offence punishable under a different name, as in the case of Article 173 (lewd acts on minors) and Article 171 (violation of sexual freedom).

Article 177 bis punishes anyone engaging in sex acts with a child under eighteen against payment of a sum of money or other advantage. Although not literally provided for in the legislation, it is possible to consider this conduct a form of child prostitution. San Marino law punishes the "performance" of sexual acts in return for financial gain and not the mere "incitement" to child prostitution. Obviously, sexual act means any sexual activity, even if it does not involve sexual intercourse. The punishment is raised to a higher degree if the victim is under fourteen years of age or under eighteen years of age, but suffers from mental illness.

Moreover, Article 177 ter regulates the phenomenon of child pornography, which consists of the production of "performances, works or material" (publications, electronic media, the Internet, gadgets, etc.) "that show a

minor having a sexually explicit conduct aimed at sexual incitement".

Law no. 61 of 30 April 2002, in addition to introducing the criminal offences examined above and reaffirming the punishability of the general exploitation of prostitution under Article 168-bis ("Anyone who incites others to engage in prostitution shall be punished with third degree imprisonment and disqualification from political rights, public offices, profession or art. The punishment of imprisonment shall be increased by one degree if the offence is committed: 1) with violence, threat or deception; 2) against a person aged less than 18 or suffering from mental disorders or disabilities; 3) against any person having direct family links in descending or ascending line, relative by affinity, adopter, adopted, spouse, brother or sister.") regulated the matter with the following provisions:

- the provisions set forth in Articles 177 bis, 177 ter, 177 quater, and those set forth in Article 168-bis (if the offence is committed to the detriment of a minor) shall also apply if the act is committed abroad by or to the detriment of a San Marino citizen, without prejudice to certain conditions of inadmissibility;
- where disqualification is provided for generically, the judge shall choose the type of disqualification to be applied or shall apply several types of disqualification jointly;
- Finally, from a procedural point of view, the above-mentioned law a) obliges the public official who becomes aware of episodes of child prostitution to notify the judge immediately; b) authorises the judge, for any initiative taken, also ex officio, to carry out investigations and apply measures for the protection of the child, whether a San Marino national or resident in the territory, or in case of a San Marino national who commits acts of prostitution abroad, to resort to the minors' service, with the possibility of appointing a curator c) finally, it grants the judge the widest powers of investigation to ascertain the criminal offences examined herein and to use all precautions for the best protection of the child.

Finally, it should be noted that the Government intends to introduce the criminal offence of solicitation of minors, defined as any act aimed at gaining the trust of a minor through artifice, flattery or threats, including through the use of the Internet or other networks or means of communication.

Here you can upload any file(s) in support of your answer

**b. [for 22 Parties + Bulgaria] ensure equal sanctions for sexual abuse committed within a heterosexual and homosexual sexual activity?**<sup>[16]</sup> Please refer to the specific legal provisions.

[16] *Ibid.*, Recommendation 11

- Yes
- No

Here you can upload any file(s) in support of your answer

**c. [for 22 Parties + Albania and the Republic of Moldova] make any distinct reference to "homosexual activities" in the description of criminal offences involving sexual abuse and sexual exploitation of children?**<sup>[17]</sup> Please refer to the specific legal provisions.

[17] *Ibid.*, Recommendation 12

- Yes
- No

Here you can upload any file(s) in support of your answer

## EX OFFICIO PROSECUTION Question 5. Does your national legal framework:

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- a. **contain a requirement to investigate and prosecute sexual abuse and exploitation of children by someone in a recognised position of trust, authority or influence without a complaint from the victim or his/her legal representative?** [18] Please refer to the specific legal provisions.

[18] *Ibid.*, Recommendation 57

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.a Yes)

Article 178 of the Criminal Code establishes that 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. Furthermore, it should be emphasised that in the event that the victim is a minor, the statute of limitations, as well as the deadline for filing the complaint, shall begin to run after reaching the age of majority.

Here you can upload any file(s) in support of your answer

- b. **contain a requirement to continue the proceedings even if the victim has withdrawn his/her complaint /statements?**[19] Please refer to the specific legal provision(s).

[19] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (5.b Yes)

For the criminal offences covered by the provisions of Articles 153, third paragraph, no. 1) (abortion without the woman's consent), 154 bis (forced sterilisation), 156 bis (aggravating events), 171 (violation of sexual freedom), 172 (aggravating circumstance), 172 bis (group sexual violence), 176 (kidnapping for the purpose of lewd acts or marriage), 176 bis (forced marriage), the withdrawal of the complaint by the victim shall not extinguish the criminal offence and shall have no effect on any criminal proceedings initiated. Article 178, paragraph 2, of the Criminal Code establishes, also for the criminal offence under Article 177 of the Criminal Code ("Corruption of minors"), that the complaint may no longer be withdrawn once the proceedings have been initiated. The third paragraph of Article 178 of the Criminal Code also establishes, in relation to the criminal offence referred to in Article 171 of the Criminal Code, that the withdrawal of the

complaint by the victim shall not extinguish the criminal offence and shall have no effect on any criminal proceedings initiated.

Here you can upload any file(s) in support of your answer

c. **[for Portugal]** in case of a sexual act committed by an adult in respect of a child aged 14-16 years old which does not result in the child's death or suicide, require the child victim to lodge a complaint as a prerequisite for investigation and prosecution?[20]

[20] *Ibid.*, Recommendation 56

- Yes  
 No

Here you can upload any file(s) in support of your answer

## MEASURES IN RESPECT OF CHILDREN WHO SEXUALLY OFFEND AND CHILDREN DISPLAYING RISKY AND HARMFUL SEXUAL BEHAVIOUR Question 6. Does your national legal framework:

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a. provide for non-criminal measures in respect of the children below the age of criminal responsibility who commit acts of sexual abuse towards other children?[21] Please provide details.

[21] Inspired by *X and Others v. Bulgaria* (no. 22457/16), 2 February 2021 and *A.P. v. the Republic of Moldova* (no. 41086/12), 26 October 2021

- Yes  
 No

If appropriate, please provide more information (6.a No)

There are no provisions that specifically envisage such measures, however, pursuant to Article 33 of Law no. 29/2022 the child may be monitored and assisted by the Minors' Service

The full text of Article 33 of Law no. 129/2022 is the following:

“(Services for families)

1. In the context of the reform of the Organisational Act, the Executive Committee of the SSI shall be required to reorganise:

- a dedicated parenting support service aimed at supporting families in need of help, with the aim of supporting parenting skills while children are growing up and ensuring that families have direct access to useful information on services and resources in the territory, enhancing the well-being of families from a promotional and proactive point of view;

- a service dedicated to social investigations, the monitoring of situations requiring child protection and the performance of control and monitoring tasks indicated by the Guardianship Judge, separate from the parenting support service.

2. To support families in economic difficulty, for the payment of expert opinions on minors requested by the

Guardianship Judge in civil matters, expenditure chapter 1-2-5990 "Expenses for judicial intervention in matters of adoption and protection of incapacitated persons" shall be used, for which adequate allocations are provided. For the assessment of economic conditions, reference shall be made to the criteria for minimum family income.

3. The changes to the assessment criteria referred to in paragraph 2 may be amended by means of a delegated decree".

Here you can upload any file(s) in support of your answer

b. [differentiate between adults and children above the age of criminal responsibility in the application of sanctions for offences involving sexual abuse of children?](#)<sup>[22]</sup> Please refer to the specific legal provision(s) and specify the age of criminal responsibility in your legislation.

[22] Question included for capacity-building purposes

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (6.b Yes)

The national legal framework, in general, links capacity to consent to age groups. The Criminal Code (Art. 10, paragraph 1) introduces a presumption of absolute incapacity, which does not admit proof to the contrary. According to the Code, "the age of criminal liability shall be set at 14 years".

With respect to minors between the ages of 14 and 18, the judge (Art. 10, paragraph 2) shall first establish their capacity to consent to commit the crime and, if such capacity is established, shall decrease the punishment by one or two degrees. Finally, the San Marino judge may apply a lower degree punishment to those who, at the time of the crime, were not more than twenty-one years of age (Art. 10, paragraph 3). For minors between the ages of 14 and 18, this is a relative presumption, as the judge from time to time shall specifically establish whether the minor is liable or not. Even for minors under the age of twenty-one, mitigating circumstances are granted based on the judge's discretionary powers.

Juvenile incapacity does not find its main foundation on the concept of insanity, but rather on that of immaturity, understood as a deficiency in cognitive abilities and inadequate development of moral consciousness.

Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHT TO PROTECTION AND PARENTAL RIGHTS

### Question 7. Does your national legal framework:

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a. [provide for the possibility for child protection professionals to conduct exploratory interviews of a child without informing in advance the parents/legal guardians in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?](#)<sup>[23]</sup> Please provide

details.

[23] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 26

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.a Yes)

Yes, the Investigating Judge has the power to order that a child is heard in a way as to prevent the guardians /parents from learning about it, for example by ordering that the hearing be conducted during school hours, in school premises, with due care. There is no specific rule, but the Investigating Judge has wide latitude to acquire evidence in the manner he or she deems appropriate to avoid any danger of evidence tampering.

Here you can upload any file(s) in support of your answer

b. provide for the possibility for child protection professionals to conduct exploratory interviews of a child without acquiring the parents/legal guardians' prior consent in cases in which there is a reasonable suspicion of sexual abuse by someone in a recognised position of trust, authority or influence and there is a reason to believe that parents/legal guardians may prevent a child from disclosing sexual abuse?<sup>[24]</sup> Please provide details.

[24] *Ibid*

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.b Yes)

See the answer to the previous question.

Here you can upload any file(s) in support of your answer

c. allow for the removal of the suspected perpetrator from the family environment in case of reasonable suspicion of sexual abuse of a child living in the same environment together with the suspect?<sup>[25]</sup> Please provide details.

[25] This question results from the Committee's reasoning that "before resorting to the removal of the victim, the removal of the perpetrator should be preferred" (page 28 of the 1st implementation report).

- Yes
- No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.c Yes)

Yes, under Article 22 of Law n. 97/2008, "When dealing with a criminal 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 suspect or defendant to stay away from the family house and not to return or enter it without authorisation, 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 suspect or defendant to stay away from places usually frequented by the victim, in particular the working place, the home of the family of origin or the close relatives, unless attendance is necessary for work purposes. In the latter case, the Judge shall establish the relevant modalities and may impose limitations."

Here you can upload any file(s) in support of your answer

d. **consider the removal of the child victim from the family environment as a last resort procedure? Is that procedure clearly defined, and does it set out conditions for and duration of the removal?**<sup>[26]</sup> Please provide details.

[26] *Ibid.*, Recommendation 27

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.d Yes)

Art. 86 of Law no. 49 of 26 April 1986 (Suspension of parental authority) establishes that: "The Law Commissioner may suspend parental authority when the parent violates or seriously neglects the relevant obligations or abuses powers to the detriment of the child. In this case, the Law Commissioner shall take all necessary measures in the interest of the child. The Judge may reinstate the parent's authority following suspension thereof when the reasons for such suspension cease to apply and any risk of damage to the child is excluded".

Art. 86 bis (Limitation of the parental authority) of Law no. 49 of 26 April 1986, as introduced by Law no. 68 of 28 April 2008, establishes that: "Where the parent's conduct detrimental to the child is not so serious as to entail the suspension of parental authority, the Judge shall take all measures appropriate to the child's best interest, restricting the parent's authority primarily by means of some requirements, including that of accepting control and support interventions by the Minors' Service.

If the parent does not comply with such requirements, the Judge shall favour indirect coercion by proposing a more severe limitation of parental authority or, in the most serious cases, separation from the child. If for the protection of the child it is necessary to remove him/her from the family, the judge shall order the most suitable placement by the Minors' Service, which may be given a mandate from the Judge to manage the enforcement of the removal, as well as the power to request the assistance of the Gendarmerie.

The Minors' Service, or another entity entrusted with the power to ensure the child's best interests, shall report periodically to the Judge. The latter may at any time modify or revoke the measure, which would in any case lapse when the protected person becomes of age".

Art. 86 ter (Persistence of parents' obligations) of Law no. 49 of 26 April 1986, establishes that: "The parent who has been deprived of his or her parental authority or whose authority has been restricted shall remain obliged to bear the costs of the child's maintenance, education and upbringing".

Art. 86 quater (Protection initiative and provisional protection), establishes that: "The measures provided for in Articles 86 and 86 bis shall be adopted following a report of the other parent, or of a relative of the child, or of the Minors' Service, after having obtained all relevant information and after hearing the parents and the child who is capable of expressing himself or herself, without prejudice to the need to understand his or her signals through the Service.

In case of urgency the Judge may order, also ex officio, temporary measures in the interest of the child, which shall be effective for one month if not confirmed after the hearings referred to in paragraph 1";

The State also provides housing and facilities, at its own expense, to victims of violence who need to be removed, even temporarily, from their family home pursuant to Article 4 of Law no. 97/2008, Articles 4 and 5 of Law no. 57/2016, Article 3 of Delegated Decree no. 56/2018 and Article 3 of Delegated Decree no. 60 /2012

Here you can upload any file(s) in support of your answer

e. [ensure that the different agencies involved in the coordination and collaboration concerning child sexual abuse are allowed to share personal information as appropriate?](#)<sup>[27]</sup> Please provide details.

[27] *Ibid.*, Recommendation 25

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (7.e Yes)

Article 19 of Law no. 97/2008 establishes reporting requirements and sharing of relevant information among law enforcement agencies, Social Services and the Court.

Article 19 of Law no. 97/2008

(Reporting requirements)

Social Services, law enforcement agencies and health professionals, both public or private, shall be 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 criminal offences that are prosecuted upon complaint.

Teachers of any grade or level shall be required to timely report to the Minors' Service any act specified in the previous paragraph of which they may have knowledge.

Reporting shall not entail any violation of official or professional secrecy. The Law Commissioner shall ensure that the report and the records of the proceedings are kept confidential.

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

Following a report, the Law Commissioner shall mandate the 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.

If the facts constitute offences that can be prosecuted ex officio or in case of private initiative, when the victim has filed a complaint, the report mentioned in paragraph 1 shall be made to the Law Commissioner acting as Investigating Judge, who shall adopt protection measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge shall be required to promptly report the *notitia criminis* to the Guardianship Judge for any necessary action falling within his/her competence.



Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

### Question 8. Does your national legal framework clearly distinguish:

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- cases of suspension of parental rights as a provisional measure to protect the child before a court decision on the conviction of the concerned parent is taken, and
- cases of withdrawal of parental rights once the court has convicted the said parent?<sup>[28]</sup> Please provide details.

[28] *Ibid.*, Recommendation 32

- Yes  
 No

Please provide information in support of your answer, if possible by referring to specific legal provisions and their exact wording (8 Yes)

Yes, as the legal system distinguishes between the punishment of disqualification from parental authority (under art. 82 of the Criminal Code), which is applied upon final conviction, and the precautionary measure of suspension of parental authority (see Art. 53 of the Code of Criminal Procedure), applicable while criminal proceedings are pending, which is temporary.

- Art. 82 of the Criminal Code

(Disqualification and types thereof)

Disqualification shall provide for the following degrees:

- 1) from fifteen days to one year;
- 2) from nine months to two years;
- 3) from one to three years;
- 4) from two to five years.

Disqualification shall include:

disqualification from public offices, political rights, a profession or art;

loss of parental authority, offices of guardian or curator or of the testamentary capacity;

lapse of any government authorisation or licence and of the rights deriving from it.

Disqualification from public offices shall deprive the convicted person of:

- 1) any public office or service and the relevant functions of public official and officer responsible for a public service;
- 2) titles, decorations and honours;
- 3) salaries and personal cheques to be paid by the Republic or by any other public body, except for the rights accrued with regard to the payment of allowances and old-age pension;
- 4) the capacity to perform the functions and to acquire the titles, decorations and honours referred to in points 1) and 2) respectively, as well as the relevant benefits.

Disqualification from political rights shall deprive the convicted person of the rights to vote and to be elected, or of the capacity to acquire such rights.

Disqualification from a profession or art shall imply the loss of the right to practise a profession, art, industrial or commercial activity, or trade for which a special permit, qualification, authorisation or licence has been required; it shall also deprive the convicted person of the capacity to obtain such permit, qualification, authorisation or licence.

The loss of parental authority and of the offices of guardian or curator shall deprive the convicted person of such offices and of any non-inheritance rights that parents have over their child's property.

- Art. 53 of the Code of Criminal Procedure

(Personal precautionary measures)

1. By means of a reasoned decree, the Investigating Judge may legitimately order limitations on the personal liberty of the defendant only in the cases and in the manner provided for in this Chapter.
2. No one may be subjected to personal precautionary measures unless the need for precautionary measures is established and if there is no serious evidence of guilt in the documents of the proceedings that, as things stand, would cause the defendant to be deemed responsible for the acts being prosecuted.
3. Personal precautionary measures shall be coercive measures, either custodial or imposing an obligation, or disqualification measures.
4. Custodial coercive personal precautionary measures shall include, in order of severity: precautionary detention in prison, precautionary detention in a place of care and house arrest.
5. Coercive personal precautionary measures imposing an obligation shall include prohibition of expatriation, obligation to report to the judicial police or surveillance obligation, removal from the family home or from a domicile, prohibition to approach the offended party and places frequented by him/her, prohibition and obligation to stay in the Republic.
6. Disqualification personal precautionary measures shall include suspension from exercising parental responsibility, suspension from acting as guardian and curator, suspension from exercising a public office or service, temporary prohibition of exercising specific professional or business activities or of exercising administrative and representative functions for natural and legal persons and entities, and prohibition of negotiating with the public administration.
7. No personal precautionary measure shall be applied if, at the time of its adoption, it appears that the fact being prosecuted was committed in the presence of grounds for justification or non-punishability or if there are grounds for the extinction of the crime or punishment.

In addition, Article 31 of Law no. 97 of 20 June 2008 and subsequent amendments "Prevention and Elimination of Violence against Women and Gender Violence," provides that in all cases where the act of violence is committed against a minor, and until liability is established, the Law Commissioner may suspend the exercise of parental authority by the suspect or the parent who tolerated the violence.

Finally, the cases entailing a loss of parental authority are specified in the following articles of the Criminal Code: 171 (and from previous answers consequently also Art. 173), 228, 230, 231 bis, 232, 233, 234, 277 (consequently also Articles 168 bis and 272).

Here you can upload any file(s) in support of your answer

## CHILD VICTIMS' RIGHTS TO PROTECTION AND PARENTAL RIGHTS

### Question 9. Does your national legal framework provide for:

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- a. [automatic suspension of parental, visitation, and child hosting rights of parents against whom criminal proceedings for sexual abuse of own child are pending](#)?<sup>[29]</sup> Please provide details.

[29] Question included for capacity-building purposes, i.e. to map whether there are Parties that have a particular legal framework in such cases.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.a Yes)

There is no automatism; however, it is possible for the Guardianship Judge and the Criminal Judge to suspend parental authority.

See answer to question 7d, and in addition, as previously reported, also note that Article 31 of Law no. 97 of 20 June 2008 provides that when the act of violence is committed against a minor, and until liability is established, the Law Commissioner may suspend the exercise of parental authority by the suspect or the parent who tolerated the violence.

Article 22 of Law no. 97/2008 establishes that when dealing with a criminal 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 suspect or defendant to stay away from the family house and not to return or enter it without authorisation, 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 suspect or defendant to stay away from places usually frequented by the victim, in particular the working place, the home of the family of origin or the close relatives, unless attendance is necessary for work purposes. In the latter case, the Judge shall establish the relevant modalities and may impose limitations.

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.

Finally, under Art. 27, spouses or cohabiting partners having acted in a detrimental way are ordered by the judge to cease such conduct and vacate the family home. Perpetrators are also prohibited, where necessary, from approaching the places usually frequented by the applicant, in particular the working place, the birth family's house or other close relatives' houses or other persons' houses as well as the educational institutions attended by the couple's children, unless they have to attend such places for working reasons.

The judge may also order, where necessary:

- the involvement of the social services or family mediation centres, as well as of associations whose statutory purpose is to provide support and shelter to women and minors or other abused and ill-treated persons;
- the regular payment of a cheque to cohabiting persons who, as a result of the measures referred to in the first paragraph, are deprived of adequate financial means. The judge determines the manner and terms of payment and orders, if necessary, that the sum be paid directly to the rightful claimant by the offender's employer, deducting it from the remuneration due to the offender.

By the same decree Judges establish, in the cases referred to in the previous paragraphs, the duration of protection orders, which starts from the day of their execution. The maximum duration of protection orders is six months and may be extended, at the request of a party, only if there are serious reasons for the time strictly necessary.

By the same decree Judges determine the methods of execution. In case of barring orders, Judges request the support of law enforcement agencies for the forced removal of the recipients of such orders who do not comply with them spontaneously.

Judges may also indicate the appropriate measures to prevent subsequent breach of barrings orders, including the supervision and assistance of law enforcement agencies. Such decrees are always communicated to the Gendarmerie and to the Neuro-Psychiatric Service for the possible adoption of measures regarding weapons and ammunition.

Here you can upload any file(s) in support of your answer

b. [automatic withdrawal of parental rights of parents convicted of sexual abuse of own child?](#)<sup>[30]</sup> Please provide details.

[30] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (9.b Yes)

As set forth above, if the criminal offence is committed by the ascendant, adopter, guardian (as well as by the 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 apply jointly with third-degree imprisonment. [Art. 171 of the Criminal Code]

Here you can upload any file(s) in support of your answer

## GUARANTEES OF PROTECTION FOR PERSONS REPORTING SUSPECTED OFFENCES Question 10.

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**How does your national legal framework ensure that any person reporting in good faith suspected sexual abuse and sexual exploitation of a child, including a person bound by professional confidentiality rules, does not get prosecuted or punished by judicial proceedings for defamation, libel or similar offences?**<sup>[31]</sup>

[31] Based on *Yuppala v. Finland* (no. 18620/03), 2 December 2008 and *M.P. v. Finland* (no. 36487/12), 15 December 2016. Partly based on Article 12 of the Lanzarote Convention.

Pursuant to Art. 7 of Law no. 57/2016 “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.”

Here you can upload any file(s) in support of your answer

## ASSISTANCE TO THIRD PARTIES Question 11.

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**What kind of legislative or other measures does your national legal framework have in place to ensure that persons close to the victim may benefit, where appropriate, from therapeutic assistance, notably emergency psychological care?**<sup>[32]</sup>

[32] 1st Implementation Report “Protection of Children against Sexual Abuse in the Circle of Trust: The Framework”, Recommendation 30

See the provisions of Article 4 of Law no. 97/2008 and Articles 4 and 5 of Law no. 57/2016 already mentioned above, as well as the provisions of Articles 8 and 11 of Delegated Decree no. 56/2018

- Art. 8 of Delegated Decree no. 56/2018

(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. 11 of Delegated Decree no. 56/2018

(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.

Here you can upload any file(s) in support of your answer

## ASSISTANCE TO THIRD PARTIES Question 12.

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When determining the support required to the victim and the persons close to him or her, how does your national legal framework ensure that the child's disclosure does not worsen his or her situation and that of the other non-offending members of the family?<sup>[33]</sup>

[33] *Ibid.*, Recommendation 31

See all the victim support measures referred to in the articles mentioned in the answers to questions 7d and 11

Here you can upload any file(s) in support of your answer

## MONITORING OF OFFENDERS Question 13. Does your national legal framework provide for:

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a. a mechanism to monitor or supervise persons convicted of child sexual abuse and, specifically, persons convicted of child sexual abuse while holding a recognised position of trust, authority or influence?<sup>[34]</sup>

Please provide details.

[34] *Ibid.*, Recommendation 33

Yes

No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

In case of a final conviction of the above crimes, criminals are punished, among others, with disqualification from guardianship, disqualification from exercising parental authority and/or from exercising a profession (if the relationship of custody/authority over the minor is related to the offender's profession). Such punishment appears effective in limiting the commission of further criminal offences similar to that of which the offender is convicted.

It should also be pointed out that the legal system provides for measures aimed at the recovery-rehabilitation of abusers, as stipulated in Art. 25 of Law no. 97/2008 and Art. 11 of Delegated Decree no. 56/2018.

More generally, the Guardianship Judge may entrust the Minors' Service with the monitoring of families affected by past history of abuse, pursuant to Art. 33 of Law no. 129/2022.

- Art. 25 of Law no. 97/2008

(Placing a person convicted of sexual and family violence on probation)

Where it is permitted by law, probation for those convicted of sexual or family violence may take place only if it is accompanied by the convicted person's participation in a specific rehabilitation program.

- Art. 11 of Delegated Decree no. 56/2018

(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. 33 of Law no. 129/2022

(Services for families)

1. In the context of the reform of the Organisational Act, the Executive Committee of the SSI shall be required to reorganise:

- a dedicated parenting support service aimed at supporting families in need of help, with the aim of supporting parenting skills while children are growing up and ensuring that families have direct access to useful information on services and resources in the territory, enhancing the well-being of families from a promotional and proactive point of view;

- a service dedicated to social investigations, the monitoring of situations requiring child protection and the performance of control and monitoring tasks indicated by the Guardianship Judge, separate from the parenting support service.

2. To support families in economic difficulty, for the payment of expert opinions on minors requested by the Guardianship Judge in civil matters, expenditure chapter 1-2-5990 "Expenses for judicial intervention in matters of adoption and protection of incapacitated persons" shall be used, for which adequate allocations are provided. For the assessment of economic conditions, reference shall be made to the criteria for minimum family income.

3. The changes to the assessment criteria referred to in paragraph 2 may be amended by means of a delegated decree.

Here you can upload any file(s) in support of your answer

b. **sharing with other countries data concerning persons convicted of child sexual abuse?**<sup>[35]</sup> Please provide details.

[35] Based on Article 38 of the Lanzarote Convention.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

It is possible to provide such data to reply to international letters rogatory from foreign judicial authorities, pursuant to international, multilateral and bilateral conventions on judicial assistance entered into by San Marino as well as, even in the absence of international agreements, pursuant to Article 27 of Law no. 104 /2009.

Art. 27 of Law no. 104/2009

(Exchange of judgements)

1. The Republic, upon specific requests from relevant foreign judicial authorities, shall provide information on criminal judgements entered into the criminal records.

Here you can upload any file(s) in support of your answer

## MEASURES IN RESPECT OF PROFESSIONALS AND LEGAL PERSONS Question 14. Does your national legal framework:

a. **allow for the immediate removal or suspension of a professional or volunteer working with children suspected of sexually abusing a child?**<sup>[36]</sup> Please provide details.

[36] Based on Article 27§3(b) of the Lanzarote Convention.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.a Yes)

Yes, if a person is being investigated for sexual criminal offences against minors, it is possible to apply against such person, while the investigation is pending, the precautionary measure of suspension from acting as guardian or curator, suspension from the exercise of a public office or service and a temporary prohibition from exercising certain professional activities, pursuant to Article 53 of the Code of Criminal Procedure, mentioned above.

Here you can upload any file(s) in support of your answer

b. **ensure that professionals working in the public, private or voluntary sectors failing to report offences of child sexual abuse occurring in “out-of-home care”<sup>[37]</sup> settings are held liable?**<sup>[38]</sup> Please provide details.

[37] In accordance with the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse adopted at its 25th meeting (15-18 October 2019), “out-of-home care” represents all settings in which children can be placed out of their home for care (see point b of the Declaration).

[38] Based on the Declaration of the Lanzarote Committee on protecting children in out-of-home care from sexual exploitation and sexual abuse, point 6.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.b Yes)

Yes, based on Article 19 of Law no. 97/2008 (mentioned above) and Article 350 of the Criminal Code.  
Art. 350 of the Criminal Code  
Failure to report  
Anyone, being legally bound to do so, who fails to report a crime to a judge or a public official that shall report it to a judge, shall be punished by terms of first-degree arrest. If the conduct is committed by a police officer or agent or a traffic policeman, second-degree disqualification from public offices shall be applied.

Here you can upload any file(s) in support of your answer

c. **ensure that legal persons failing to protect children in their care from sexual abuse are held liable?**<sup>[39]</sup>  
Please provide details.

[39] *Ibid.*, see point 7.

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (13.c Yes)

It is possible. Indeed, Article 2 of Law no. 99/2013, regulating liability of legal persons for crimes committed by related natural persons, establishes the following: "A legal person shall be liable: [...] b) for offences committed in carrying out the activity of the legal person if the offence was possible because of an organisational failure attributable to the legal person, to lack of supervision or control or if the offence was committed upon indication of the organisational or managerial leaders of the legal person".

Here you can upload any file(s) in support of your answer

## SPECIAL REPRESENTATIVES Question 15. How does your national legal framework ensure that special representatives and guardians ad litem who are appointed to avoid a conflict of interest between the holders of parental authority and the child victim:

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a. **receive appropriate training and legal knowledge to ensure and safeguard the best interests of the child victim during criminal investigations and proceedings?**<sup>[40]</sup>

[40] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 35



The relevant legislation is the following:

Decree no. 98/1999

Art. 5

"The list of guardians shall be maintained by the Minors' Service of the Social Security Institute. It shall be public and anyone can consult it at the Minors' Service of the Social Security Institute.

The list shall be transmitted to the relevant judicial authority and updates shall be sent to it promptly".

Art. 6

The competent judicial authority shall be required to appoint guardians from among those on the list. It shall also be required to report to the Minors' Service of the Social Security Institute any facts which it deems may affect the guardianship functions of those on the list, for appropriate action and in any case to immediately revoke the appointment and replace the person in question.

Art. 7

It shall be within the responsibility of the Minors' Service of the Social Security Institute to ensure that conflicts of interest do not arise in individual cases.

If the Minors' Service of the Social Security Institute identifies a conflict of interest, it shall report it without delay to the competent judicial authority, which, upon establishing such a circumstance, shall immediately replace the guardian.

For supervisory purposes, anyone with an interest may report to the Minors' Service of the Social Security Institute facts that they believe may affect the guardianship functions of persons on the list.

Here you can upload any file(s) in support of your answer

b. [avoid combining the functions of a lawyer and guardian ad litem in one person?](#)<sup>[41]</sup>

[41] Ibid., Recommendation 36

It is clear when reading Arts. 17 and 18 of Law no. 97/2008 that the curator shall not also act as the lawyer of the child represented in court by the curator.

Art. 17 of Law no. 97/2008

(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, even when the conditions for free legal aid do not apply.

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.

Lawyers included in the list shall not refuse to provide assistance, unless for serious and proven reasons. Legal assistance shall be free of charge. However, lawyers shall be entitled to payment of the fees by the offender or the perpetrator if violence is established with a final civil or criminal judgement or results from the acts following a specific statement made in adversarial proceedings by the Judge ordering that the criminal proceedings or the civil case be closed, or when protection orders have been taken.

In case of absolute need and urgency, the lawyer appointed ex officio shall provide for the legal assistance of the victim. This lawyer shall immediately contact a lawyer included in the list to replace him once the urgency is over.

Procedural acts carried out in the interest of the victim of violence shall be exempt from any duty.

The State shall advance the expenses incurred to carry out or take part in procedural acts, including expert

reports, necessary to protect the victim of violence.

The State shall have the right to seek reimbursement from the offender if violence is established with a final civil or criminal judgement or results from the acts following a specific statement made in adversarial proceedings by the Judge ordering that the criminal proceedings or the civil case be closed, or when protection orders have been taken.

Art. 18 of Law no. 97/2008

(Representation of minors in criminal proceedings)

When the victim of criminal offences against personal freedom or of maltreatment is a minor and the criminal 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 shall be entrusted with the representation of the minor in court with a view to protecting the minor's rights. The curator shall be appointed by the Guardianship Judge upon immediate request by the Investigating Judge.

If the criminal 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.


All procedural acts detrimental to the child's best interest in which the special curator has not participated shall be declared 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.

Here you can upload any file(s) in support of your answer

c. [are provided free of charge for the child victim?](#)<sup>[42]</sup>

[42] *Ibid.*, Recommendation 37

See the last paragraph of Article 18 of Law 97/2008, already mentioned. 

Here you can upload any file(s) in support of your answer

## **SPECIAL REPRESENTATIVES Question 16. [for 22 Parties + Malta]**

a. [Do you appoint a special representative or guardian ad litem when there is a conflict of interest between the holders of parental authority and a child?](#)<sup>[43]</sup> Please provide details.

[43] *Ibid.*, Recommendation 34

- Yes  
 No

Here you can upload any file(s) in support of your answer

b. [Is this person allowed to be present throughout the criminal proceedings?](#)<sup>[44]</sup> Please provide details.

[44] *Ibid*

- Yes  
 No

Here you can upload any file(s) in support of your answer

## SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 17. In investigative and judicial proceedings how does your national legal framework ensure that:

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- a. [protection measures are available to all children irrespective of their age](#)?<sup>[45]</sup> Please provide details.

[45] *Ibid.*, Recommendation 38

See Article 86 bis of Law no. 49 of 26 April 1986, already mentioned, as well as Articles 4 (already mentioned) and 6 of Law no. 57/2016

Art. 6 of Law no. 57/2016

(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.

Here you can upload any file(s) in support of your answer

- b. [specificities of sexual abuse committed in respect of a child by someone in a recognised position of trust, authority or influence are taken into account in the measures and procedures applied during criminal investigations and proceedings in order not to aggravate the trauma experienced by the child](#)?<sup>[46]</sup> Please provide details.

[46] *Ibid.*, Recommendation 39

During investigations, in order to avoid further trauma to children involved in suspected sexual abuse, the victim shall be heard by adopting protection measures, i.e. the hearing shall be video-taped (to avoid further hearings of the child) in the presence of a child psychologist. It is also possible for the victim and witnesses or defendant to be confronted through the use of a mirror glass and an interphone device or of other suitable equipment that ensures confidentiality.

To avoid further trauma, the hearing shall also take place in camera. During the hearing, it is possible to avoid that the child is heard again if his or her statement was video-taped during investigations.

Art. 23 of Law no. 97/2008

(Psychological support for victims of violence in criminal proceedings and other protection measures in

criminal preliminary investigation)

When criminal 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 take all appropriate measures, including video recording the hearing.

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. 24 of Law no. 97/2008

(Protection of victims during the trial)

In criminal proceedings for criminal offences against personal safety, personal freedom or maltreatment, the hearing shall always take place in camera if the victim is a minor, and upon the victim's request, if he/she is older than 18 years of age.

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 confrontation needs to be repeated, the provisions set out in Article 23 shall be complied with. If the victim of the criminal offence is a minor, repetition shall not be ordered if there is a concrete danger of worsening the minor's conditions; such danger shall be proven by an expert opinion given in the court proceedings in the presence of party-appointed experts.

Here you can upload any file(s) in support of your answer

c. **a child who is a presumed victim of sexual abuse is supported by a professional trained to safeguard children's psychological well-being?**<sup>[47]</sup> Please provide details.

[47] Based on *N.Ç. v. Türkiye* (no. 40591/11), 9 February 2021

See the last paragraph of Article 23 of Law no. 97/2008, mentioned above, which establishes that the child shall always be assisted by a child psychologist, who is auxiliary to the judge, during the child's hearing. More generally, the State offers free psychological support services to victims of abuse pursuant to Article 4 of Law no. 97/2008, mentioned above, Article 4 of Law no. 57/2016, mentioned above, and Article 8 of Decree no. 56/2018.

Art. 8 of Delegated Decree no. 56/2018

(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.

Here you can upload any file(s) in support of your answer

## SUPPORT FOR CHILD VICTIMS IN INVESTIGATIVE AND JUDICIAL PROCEEDINGS Question 18.

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Since the adoption of the 1st implementation report in the 1st monitoring round in 2015, has your national legal framework been amended to ensure that the justice system accommodates more fully the specificities attached to the participation of children as victims in proceedings and not solely as perpetrators of criminal offences?<sup>[48]</sup> Please provide details.

[48] 1st Implementation Report "Protection of Children against Sexual Abuse in the Circle of Trust: The Framework", Recommendation 40

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (18 Yes)

Yes, through the provision of Articles 3 and 5 of Law no. 57/2016.

- Art. 3 of Law no. 57/2016

(Extension of 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 [Istanbul] Convention.

- Art. 5 of Law no. 57/2016

(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.

Here you can upload any file(s) in support of your answer

## INVESTIGATION Question 19. In the investigation phase:

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***In 2023 the Steering Committee for the Rights of the Child (CDEF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.***

a. are interviews of child victims arranged in a child-friendly setting separate from the usual premises where investigations and interviews are conducted (such as police, hospital or court premises), and are such settings provided throughout your territory?<sup>[49]</sup> Please provide details.

[49] *Ibid.*, Recommendation 41

- Yes  
 No

If appropriate, please provide more information (19.a No)

It is essential to outline that the Gendarmerie Corps is equipped with a Department dealing with Gender Violence and Violence Against Minors within which there are Offices with environments for the reception of minors and victims of gender violence. In the event that it is necessary to subject a child victim to a testimonial hearing, this takes place at the Judge's order, in a protected environment set up at the Bureau of Tutela Minori. At present, there is no specific regulation on this matter, but the above is the result of a long-established practice.

Here you can upload any file(s) in support of your answer

b. [are all staff responsible for interviewing child victims required to undergo suitable qualifying training?](#)<sup>[50]</sup>  
Please provide details.

[50] *Ibid.*, Recommendation 42

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.b Yes)

Article 4 of Law No. 97 of June 20, 2008 provides specific training for law enforcement officers who are entrusted with prosecutions involving minors.

Here you can upload any file(s) in support of your answer

c. [does your national legal framework require that interviews with child victims are conducted as soon as possible after the offence, that their duration and number are limited, and that in their organisation account is taken of the child's age and attention span?](#)<sup>[51]</sup> Please provide details.

[51] *Ibid.*, Recommendation 43

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.c Yes)

Although the procedure regarding interrogations involving child victims is not regulated by Law, as a general rule, interrogations should always be conducted as soon as possible after the crime has been established,

according to the rules established by the Code of Criminal Procedure. There is no statutory limitation on the duration and number of interrogations although common sense considerations suggest that every form of protection for the child victim should be adopted.

Here you can upload any file(s) in support of your answer

d. **[for Serbia] how do you ensure that child victims of sexual abuse by someone in a recognised position of trust, authority or influence are not repeatedly interviewed during the proceedings?**<sup>[52]</sup>

[52] *Ibid.*, Recommendation 54

Here you can upload any file(s) in support of your answer

e. **where it is indispensable to interview the child victim more than once, does your national legal framework require that the interviews should, if possible and where appropriate, be conducted by the same person and under the same material conditions as the first?**<sup>[53]</sup> Please provide details.

[53] *Ibid.*, Recommendation 44

- Yes  
 No

If appropriate, please provide more information (19.e No)

Here you can upload any file(s) in support of your answer

f. **does your national legal framework offer criminal defence the possibility to contest a child's disclosure during the interview through questions, thus obviating the need for the child to be present in the court room during the proceedings?**<sup>[54]</sup> Please provide details.

[54] *Ibid.*, Recommendation 45

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (19.f Yes)

There is no specific rule, however, Article 3 of Law No. 93 of June 17, 2008, in regulating the right to defense, grants any defendant (thus not only minors) the right to participate through his or her defense counsel in any investigative act, including interrogations and witness hearings.

Here you can upload any file(s) in support of your answer

## JUDICIAL PROCEEDINGS Question 20. In the judicial proceedings:

***In 2023 the Steering Committee for the Rights of the Child (CDENF) circulated a questionnaire in the framework of its mapping study of the implementation and development of Barnahus model in Europe. Should your authorities have responded to this questionnaire, you may reiterate those replies and complete as need be.***

a. **is systematic use of video equipment made in order to record interviews of child victims or enable him or her to testify remotely during the proceedings?**<sup>[55]</sup> Please provide details.

[55] *Ibid.*, Recommendation 46

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.a Yes)

See the provisions of Article 23 of Law no. 97/2008, mentioned above.

It is also possible to arrange a remote hearing of the child. However, a child psychologist shall be physically present at the child's side, by virtue of the provisions of Article 17, second paragraph, of Decree Law no 14 /2021.

Art. 17

(Provisions relating to judicial activity)

[..]

2. All the activities to be carried out within the Court shall be conducted in strict compliance with the hygiene and health measures and with interpersonal safety distance, taking into account the maximum number of operators and users that the Court is able to host for simultaneous access. Upon the order of the Judge, subject to the presence of the Judge and the Registrar in the courtroom, hearings may take place by videoconference or otherwise through the use of IT tools.

Here you can upload any file(s) in support of your answer

b. **does your national legal framework make an exception in the requirement to be physically present at court hearings for child victims of sexual abuse, including when they are giving evidence?**<sup>[56]</sup> Please provide details.



[56] *Ibid.*, Recommendation 59

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.b Yes)

Yes, see Articles 23 and 24 of Law no. 97/2008, mentioned above

Here you can upload any file(s) in support of your answer

c. [is there any difference in the scope of the application of this requirement based on the child's age?](#)<sup>[57]</sup> Please provide details.

[57] *Ibid.*, Recommendation 60

- Yes  
 No

If appropriate, please provide more information (20.c No)

Here you can upload any file(s) in support of your answer

d. [are video recordings of interviews of child victims regarded as admissible evidence?](#)<sup>[58]</sup> Please provide details.

[58] *Ibid.*, Recommendation 47

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.d Yes)

Yes, see Articles 23 and 24 of Law no. 97/2008, mentioned above

Here you can upload any file(s) in support of your answer

e. [what measures do you take to guard against any further contact between a child victim of sexual abuse by someone in a recognised position of trust, authority or influence and a presumed offender during the](#)

criminal proceedings?[59]

[59] *Ibid.*, Recommendation 48

See Articles 23 and 24 of Law no. 97/2008, mentioned above

Here you can upload any file(s) in support of your answer

f. [does your national legal framework allow taking the child's testimony without the presumed offender being present?](#)<sup>[60]</sup> Please provide details.

[60] *Ibid*

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.f Yes)

See Articles 23 and 24 of Law no. 97/2008, mentioned above

Here you can upload any file(s) in support of your answer

g. [how do you ensure that face-to-face confrontation with the defendant during the proceedings does not take place?](#)<sup>[61]</sup>

[61] *Ibid*

See Articles 23 and 24 of Law no. 97/2008, mentioned above

Here you can upload any file(s) in support of your answer

h. [what measures do you take to prevent violation of the child victims' right to privacy by the media through disclosure or publication of personal information or data?](#)<sup>[62]</sup>

[62] *Ibid.*, Recommendation 49

The confidentiality of child victims and of any minor involved in criminal proceedings pursuant to Article 8 of Law no. 93/2008 and subsequent amendments is guaranteed.

Art. 8 of Law no. 93/2008  
(Publicity of proceedings)

1. Until the case is committed for trial, and also following committal for trial for the cases involving minors, the crimes envisaged in Articles 171, 172, 173, 174, 175, 176, 177, 177 bis, 177 ter and 177 quarter of the

Criminal Code and data and information covered by bank secrecy under Article 36 of Law no. 165 of 17 November 2005, the magistrates, registrars and any other employee of the Court shall be obliged not to disseminate or publish in any way the documents before the Court, the documents obtained and their content, and they shall continue to be bound by official secrecy under Article 29, letter b) of Law no. 41 of 22 December 1972 and Article 377 of the Criminal Code, while lawyers and experts, both appointed by the Court and of one's own choosing, as well as their employees and collaborators, shall continue to be bound by professional secrecy under Article 192 of the Criminal Code. Anyone violating the above-mentioned provisions shall be punished according to Article 192 of the Criminal Code, unless the fact constitutes a more serious crime.

2. The files concerning both cases committed for trial and closed cases, except for cases involving minors and cases concerning the crimes envisaged in Articles 171, 172, 173, 174, 175, 176, 177, 177 bis, 177 ter and 177 quarter of the Criminal Code, and except for data and information covered by bank secrecy under Article 36 of Law no. 165 of 17 November 2005, may be provided to the parties to the proceedings and their counsels, to Their Excellencies the Captains Regent and to the Parliamentary Commission for Justice upon request of at least one third (1/3) of the members of said Commission. The Judge may provide the above-mentioned files also to parties with a legitimate interest by means of a reasoned measure, which can also entail some limitations to the use of the copy.

3. Judgements and decisions to close the cases, except for cases involving minors and the crimes envisaged in Articles 171, 172, 173, 174, 175, 176, 177, 177 bis, 177 ter and 177 quarter of the Criminal Code, shall be public, except for the parts containing data and information covered by bank secrecy under Article 36 of Law no. 165 of 17 November 2005. Anyone may consult them and take copies thereof.

4. Judgements relative to cases involving minors and cases concerning the crimes envisaged in Articles 171, 172, 173, 174, 175, 176, 177, 177 bis, 177 ter and 177 quarter of the Criminal Code shall be made available only for consultation purposes and by indicating only the initials of the names and surnames of the persons involved at any title in the proceedings.

5. The content of the documents before the Court, as well as of the judgements and decisions to close the cases, or of documents collected during criminal proceedings, with reference only to the parts subject to special secrecy requirements under the legal order, shall in any case continue to be subject to such requirements. Anyone disseminating or inadequately using their content shall be punished according to Articles 191 and 192 of the Criminal Code, unless the fact constitutes a more serious crime.

Here you can upload any file(s) in support of your answer

i. [does your national legal framework provide for free legal aid to child victims of sexual abuse by someone in a recognised position of trust, authority or influence under the same or more lenient conditions as that available to adults?](#)<sup>[63]</sup> Please provide details.

[63] *Ibid.*, Recommendation 50

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.i Yes)

Yes, according to the provisions of Article 17 of Law no. 97/2008.

Here you can upload any file(s) in support of your answer

j. [does your national legal framework grant to child victims of sexual abuse by someone in a recognised position of trust, authority or influence the right to be represented in their own name by a lawyer trained in the relevant matters?](#)<sup>[64]</sup> Please provide details.

[64] *Ibid.*, Recommendation 51

- Yes  
 No

Please provide information in support of your answer, if possible referring to specific legal provisions and their exact wording (20.j Yes)

Yes, based on Art. 18 of Law no. 97/2008 and Art. 4 of Delegated Decree no. 60/2012, mentioned above

Here you can upload any file(s) in support of your answer

k. [what assistance, if any, do you provide to child victims of sexual abuse by someone in a recognised position of trust, authority or influence, once a criminal justice decision has been taken?](#)<sup>[65]</sup>

[65] *Ibid.*, Recommendation 52

See Art. 4 of Law no. 57/2016, mentioned above, which refers to the recovery of victims including child 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.

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