



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Combined initial to fifth periodic reports submitted by  
San Marino under article 18 of the Convention, due  
in 2024\*, \*\*, \*\*\***

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\* The present document is being issued without formal editing.

\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CEDAW/C/SMR/QPR/1-5](#)).

\*\*\* The annex to the present document may be accessed from the web page of the Committee.



## I. Preamble

1. The Republic of San Marino ratified the Convention on the Elimination of All Forms of Discrimination against Women on 20 November 2003 and adhered to the Optional Protocol to the Convention on 15 September 2005.

2. This document, prepared in response to the list of preliminary issues sent by the Committee on the Elimination of Discrimination against Women on 5 June 2023, constitutes the combined initial to fifth report (CEDAW/C/SMR/QPR/1-5). This is the first report submitted by San Marino since the entry into force of the Convention and therefore covers the reference period from 2003 to the present.

3. All relevant Ministries were involved in the preparation of the material for this report, the drafting of which was coordinated by the Department of Foreign Affairs. The Department of Foreign Affairs also involved civil society associations, asking them to provide input on the initiatives implemented, as well as their views on the problems existing in the country in the field of discrimination against women.

## II. Statistical Analysis

4. On the occasion of International Women's Day of 8 March 2024, the IT, Technology, Data and Statistics Office analysed the evolution of the status of women in the period 2014-2023.

5. As of 31 December 2023, there were 17,134 female residents in San Marino, corresponding to 50.5 per cent of the residents, and their average age was 46.4 years: 1.6 years more than that of male residents. In 2014, the average age of female residents was 43.7 years and that of male residents was 41.5 years. In 2023, the life expectancy at birth of the female population was 87 years, that of the male population was 83.3 years; ten years ago, female life expectancy at birth was 86.4 years and that of males 81.7 years.

6. Married women represent 47 per cent of the total and 36 per cent are single; in 2014, the percentage of married women was 51 per cent and single women 35 per cent. Within the 25-34 age group, single women account for 71 per cent and only 25 per cent are married; single men in the 25-34 age group represent 82 per cent of the total and married men 16 per cent. Within the 35-49 age group, the percentages are the opposite: married women make up 67 per cent and single women 23 per cent; the same trend can be observed in the male population with 59 per cent of married men and 34 per cent of single men. When analysing the same data from 2014, it can be noted that only 52 per cent of women aged 25-34 were single and 47 per cent married, with the latter percentage rising to 76 per cent within the 35-49 age group. It can be noted that in a decade, the population's propensity to marry has decreased significantly, and the percentage of divorced women has risen from 5 per cent in 2014 to 7 per cent in 2023, and in particular, in the 50-64 age group, from 8 per cent to 14 per cent.

7. Particularly interesting is the analysis of the level of education of female residents: while 13 per cent had a university degree in 2014, this percentage has risen to 16 per cent in 2023. Within the male population, graduates account for 11 per cent and this percentage has remained stable over the past decade. The evolution of women's access to university education can be analysed by dividing the population into age groups: in 2014, female graduates between 35 and 49 were 23 per cent, in 2023 the percentage has risen to 34 per cent (+11 per cent). In the same age group, male graduates have increased, but to a lesser extent: from 16 per cent in 2014 to

20 per cent in 2023 (+4 per cent). Therefore, over the past ten years, women have been more inclined to obtain university degrees than men.

8. As far as women's access to employment is concerned, it can be noted that the majority of them are employed. In the 25-59 age group 79 per cent of women work, while in the same age group 83 per cent of men are employed. In 2014, employed women between 25 and 59 were 73 per cent and those seeking employment 10 per cent (840 women), in 2023 the latter percentage dropped to 5 per cent (385 women).

9. In December 2023, female employees accounted for 44 per cent of all employees. When comparing the private and public sectors, the percentage of women employed in the private sector is 40 per cent of the total, while in the public sector the female presence rises to 60 per cent. Female workers are predominantly employees: in the private sector, 55 per cent of women are employees, while in the public sector this percentage rises to 83 per cent.

10. When analysing the number of female workers according to qualification, it can be seen that in the private sector only 13 per cent of managers are women, while in the public sector this percentage rises to 44 per cent. White-collar jobs are predominantly held by women in the public sector (69 per cent), while in the private sector there is an equal gender distribution.

11. Part-time work contracts are predominantly stipulated for women and account for 78 per cent of the total. Out of the total number of female workers, 23 per cent have a part-time contract, while for male workers this percentage drops to 5 per cent.

12. The average number of children per woman fell from 1.53 in 2014 to 1.09 in 2023. In 2023 the average age of mothers was 34, ten years ago it was 32.3. The average age of women having their first child rose from 30.9 years in 2014 to 33.6 years in 2023.

### **III. Answer to paragraph 1 of the list of questions**

13. The COVID-19 health emergency was tackled thanks to a strong synergy between the institutions and bodies in charge of managing the emergency, including the Social Security Institute, the Health Authority, the Civil Protection, the Department of Foreign Affairs and Police Forces.

14. In managing the COVID-19 emergency, the San Marino administration never even considered diversifying in any way the treatment of citizens, residents, or people staying in the Republic, all of whom were considered and treated equally and were guaranteed the necessary care. Treatment was provided without distinction of status and vaccines were administered giving priority to the weak and elderly, and then gradually to all segments of the population, following the order of telephone bookings.

15. Among the many actions implemented to cope with the crisis, which could be replicated in any future disaster scenarios, was the establishment of the "*Plan for the Management of an Epidemic Emergency*" by the Coordination Group for Health Emergencies. The document envisages different phases depending on the severity of the epidemic event and, for each phase, the public health objectives to be achieved are indicated. This plan, based on the experience gained during the months of the COVID-19 epidemic, can also be followed in the unfortunate event that a new pathogen may emerge in the future. This plan describes in detail the activities of the various Health and Socio-Health Operational Units, the Health Authority and the Civil Protection. The definition of a clear chain of command and responsibility is essential to provide quick and concrete responses to any situation of emergency.

Particular emphasis is placed on surveillance activities in the territory, the training of operators, the correct information of the population with specific communication strategies, and coordination activities with international bodies and the neighbouring area. A specific chapter of the plan is dedicated to fragile persons, and it provides for the closure of residential facilities to the public and increases the health surveillance by employees, while at the same time activating a telephone psychological assistance service.

16. In the numerous regulatory documents promulgated during the pandemic period, aimed at regulating and protecting all aspects of daily life according to the pandemic's development, particular attention was paid to the support of pregnant women and women in the puerperium by providing specific rules aimed at guaranteeing their greater protection both in terms of health prevention in the workplace and in terms of economic security.

17. The legislation issued during such period resulted in strong collaboration among all the sectors involved in the assistance to female workers guaranteeing the protection of pregnant women: employers, the Internal Protection and Prevention Service (RSPP), the Social Security Institute and trade unions. By way of example, worth mentioning are the provisions contained in Article 5 of Decree Law no. 66 of 30 April 2020, which provide for the possibility for pregnant women with the relevant medical certificate, starting from the date on which the pregnancy condition is established, to resort to early leave from work with 100 per cent of their salary or income for holders of a licence or self-employed persons. Article 5 also states that if, as a result of the contractual obligations by the employer with respect to the employee, a supplement shall be paid by the employer, this supplement shall be equal to the amount due by the employer before the issue of the aforementioned regulatory measures.

18. The COVID-19 epidemic also highlighted the importance of investing in human resources and, in particular, in nurses, the majority of whom are female. A solution was therefore found to the need to regularise the employment relationship of the Social Security Institute's nursing staff in particular, who had been in a precarious situation for years.

19. During the COVID-19 pandemic, the Authority for Equal Opportunities and the Commission for Equal Opportunities shared and implemented awareness-raising campaigns against domestic violence, in view of the increase of cases during the pandemic period. In particular, in order to provide a direct testimony and instruments to tackle this widespread issue, a video including data and updates on the topic was shared through social media by the Commission for Equal Opportunities and the Commission for Youth Policies.

20. In October 2020, following the forced isolation due to the lockdown, another important initiative was also launched for women as part of the fight against gender-based violence: the creation of the Tecum APP, a safe and confidential tool for seeking help in cases of maltreatment, mobbing, stalking and other maltreatment situations. The Tecum App project, supported by a plurality of stakeholders including first and foremost the Authority for Equal Opportunities and the Ministry of Health, is an App with which it is possible to make a call to the 24-hour emergency number, share one's GPS position, make an environmental registration, communicate to victims of violence their rights, with comprehensive information on the roles of the Authority for Equal Opportunities and the Counselling Centre, as well as on how gender-based violence can occur in its different forms: within the couple, domestic, physical, sexual, psychological, stalking, economic, mobbing, witnessing. Through the app it is also possible to view all the laws that make up the legal framework on combating

gender-based violence. The app was then integrated with information on legislation and contact details for voluntary termination of pregnancy.

#### **IV. Answer to paragraph 2 of the list of questions**

21. In the Republic of San Marino, there are no rules guaranteeing the presence of women in administrative and institutional bodies with proposal and decision-making functions in the areas envisaged by the question in paragraph 2 - for instance, rules providing for the mandatory presence of a minimum percentage of women in collegial bodies - nor are there any indirect measures aimed at achieving this goal. However, the bodies set up by the government with proposal and decision-making functions for the implementation of climate action, disaster risk reduction, and the reduction of greenhouse gas emissions, are composed of top professionals of the administration, some of whom are women, and by representatives of public sector offices.

22. For instance, the Technical Working Group on Climate Change, whose objectives include updating the data available on greenhouse gas emissions in San Marino and drafting the analysis and proposals for the achievement of the international commitments to reduce emissions by 20 per cent by 2030, is composed of 11 members, some of whom are women. It is not possible to determine the percentage composition of men and women within this body in a well-defined manner because the officials attending the meetings of the Working Group as representatives of the offices vary depending on the choices made from time to time by the director. Moreover, the officials participating as top professionals of the Administration are chosen directly by the Government and designated by the relevant Minister. Therefore they often remain in office for the duration of a single legislature and sometimes for even less time. In this regard, it should be noted that the majority of the officials who attended the last Working Group meeting were women. The same applies to the Working Group for Sustainable Development, a body established by Congress of State Decision no. 11 of 5 May 2020 with the aim of drafting a “Plan of Interventions to Achieve the Sustainable Development Goals (SDGs)” of the United Nations 2030 Agenda, with particular reference to interventions to combat and adapt to climate change.

#### **V. Answer to paragraph 3 of the list of questions**

23. San Marino is considering the ratification of the International Convention for the Protection of all Persons from Enforced Disappearances. At the moment, however, ratification is not expected in the near future, in consideration of the fact that a large part of the provisions contained in the Convention are not currently included in the San Marino legal system and, in the event of ratification of the Convention, it would be necessary to approve a substantial and detailed legislative framework capable of incorporating a large part of the Convention’s provisions. In addition to this, it should be specified that in San Marino, considering its small size (61 square kilometres), the extensive control work carried out by the police forces and the strong social cohesion, as well as the intense cooperation with the INTERPOL and EUROPOL networks, there have never been any cases of enforced disappearance in modern times.

24. Similarly, there are no plans to ratify the Convention on the Status of Stateless Persons in the near future, since major changes to the San Marino legislative framework would be required to fully comply with the Convention and considering that there are currently no stateless persons in the territory. However, we are committed to a thorough study of the Convention in order to consider a possible future accession.

25. ILO Domestic Workers Convention no. 189 has not yet been studied by the San Marino administration and is not expected to be ratified in the near future. Also in this case, it will be necessary to achieve compliance with the national legal system and the rules adjusting it, which will have to involve several Departments of the State.
26. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families includes provisions that are not easy to apply in San Marino, given the specificities of the country and its legal system. It will be reconsidered following the finalisation of the Association Agreement between San Marino and the European Union and the provisions contained therein.
27. The San Marino administration has examined the Convention relating to the Status of Refugees and its 1967 Protocol, and has considered whether to initiate the accession process. However, no action has been taken since the adjustment to the provisions of the Convention and the Protocol is complex and would require the creation of new structures and the training of personnel. This objective is not easy to achieve since San Marino has no control over its borders, on the basis of the treaties concluded with its neighbouring State - Italy - and with the European Union.
28. On the other hand, the Revised European Social Charter is expected to be examined soon in order to consider the adherence to it, a proposal which is often encouraged by civil society as well.

## **VI. Answer to paragraph 4 of the list of questions**

29. At the constitutional level, San Marino law protects and promotes the equality between men and women, as enshrined in the “*Declaration of the Citizens’ Rights and Fundamental Principles of San Marino Legal System*”, adopted by Law no. 59 of 8 July 1974, which represents a fundamental document for the Republic of San Marino.
30. The Declaration of the Citizens’ Rights goes hand in hand with the European Convention on Human Rights (ECHR) and its protocols, to which the Republic adhered on 9 March 1989. Indeed, by virtue of Article 1 of the Declaration of the Citizen’s Rights, San Marino “*shall recognise, guarantee and implement*” the European Convention on Human Rights. It follows that the ECHR has a special position in San Marino’s system of regulatory sources, capable of complementing the Declaration of the Citizen’s Rights in the same way as generally recognised rules of international law. Article 1 paragraph 4 of the Declaration states that “*regularly signed and enforced international agreements on the protection of human rights and freedoms shall prevail over domestic legislation in case of conflict.*”
31. The principles contained in the Declaration of the Citizens’ Rights already governed the then existing Legal System of the State of San Marino, particularly with regard to civil and political relations. Over the last decades, these principles have progressively been implemented in legislation, albeit with a gradual process of implementation in the economic and social sectors.
32. It is crucial to emphasise that the principles governing constitutional powers, while enjoying special protection, are not the only existing general principles enshrined in *ius commune*. It follows that, over time, changes in social conditions, greater awareness and sensitivity to previously neglected issues have led to a progressive integration and redefinition of the principles that constitute the foundation of human development. Article 5 of the Declaration, according to which “*human rights shall be inviolable*”, serves this purpose. It is an “open” provision which cannot be considered as merely summarising the rights protected in the Declaration, but is, indeed, a provision that is open to the principles of the European constitutional heritage.

33. The original text of Article 4 of Law no. 59/1974 states that: “*All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status All citizens shall have the right of access to public offices and elective posts, in the manner laid down by law.*” Article 4 underwent its first substantial legislative amendment with the introduction of Article 1 of Law no. 95 of 19 September 2000, which amended its first paragraph, specifying non-discrimination also on the basis of sex. “*All shall be equal before the law, without any distinction based on sex or personal, economic, social, political and religious status.*[...]”

34. Subsequently, Article 5 of Law no. 36 of 26 February 2002 introduced the principle of substantive equality in the third paragraph of Article 4 by adding the following: “*The Republic shall guarantee equal social dignity and equal protection of rights and freedoms. It shall promote the conditions for the effective participation of citizens in the economic and social life of the country.*” The correct interpretation of the first paragraph of Article 4 is that the Declaration prohibits unreasonable discrimination: this assumption establishes the principle of formal equality, which can have at least three meanings, namely equality before the law, equality as the prohibition of discrimination and equality as the prohibition of unreasonable distinctions or equalisations. In the knowledge that formal equality is not enough, since concrete relationships and human nature physiologically imply diversities, the Declaration therefore called for the Republic’s commitment to correcting *de facto* inequalities, the so-called principle of substantive equality. This can be done either through the instruments of the welfare state or through positive actions aimed at rebalancing positions: an example of such activities is represented by measures aimed at achieving equal opportunities between sexes.

35. The principle of equality expressed in Art. 4 of the Declaration of the Citizens’ Rights is further applied in concrete terms in Law no. 66 of 28 April 2008 “*Provisions on racial, ethnic, religious and sexual discrimination*”, which integrated the provisions of the Criminal Code. Indeed, a major innovation is the inclusion in the Criminal Code of Article 179 bis, which punishes the dissemination of ideas based on superiority or racial, ethnic, national, religious hatred, or related to sexual orientation, introducing the possibility of criminally prosecuting such offences, the commission of which with discriminatory intent is considered an aggravating circumstance, without the need for a formal complaint.

36. Subsequently, Law no. 57 of 6 May 2016 “*Rules adjusting San Marino legal system to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence*” amended Article 179 bis by including specifications regarding discrimination based on gender identity.

37. Following the approval of Law no. 147 of 20 November 2018 “*Regulating Civil Partnerships*”, the Republic of San Marino undertook to adjust the first paragraph of Article 4 of Law no. 59/1974. Therefore, Constitutional Review Law no. 1 of 28 March 2019 was intended to broaden the application of the principle of equality before the law, including distinctions that refer to sexual orientation. This legislation, alongside the regulation of civil partnerships, brought about a profound social transformation, contributing to the further evolution and development of the protection and promotion of civil rights in our country.

38. Over time, San Marino has established a wide-ranging social protection framework, ensuring equal treatment for all, regardless of ethnic, national or linguistic background, with particular attention to the labour sector.

39. With regard to the promotion of equal opportunities, in order to close the gender gap and further enhance the guarantee of gender equality, San Marino has long

implemented numerous legislative, political, administrative measures and awareness-raising, prevention and training projects on various levels.

40. From a national point of view, thanks also to the small size of San Marino, civil society as a whole, associations and trade unions, represent important drivers in the implementation of ad hoc measures aimed at enhancing the commitment of the competent Authorities and Offices.

41. From an international point of view, the Republic of San Marino has ratified numerous international conventions concerning gender equality and the respect of human rights. Subsequently, it established domestic institutional bodies to monitor and implement the provisions contained therein:

- The Commission for Equal Opportunities, established by Law no. 26 of 25 February 2004, consists of 10 representatives elected by the Parliament and remains in office for the duration of the legislature (5 years). It is responsible for all matters relating to gender equality and the promotion of equal opportunities, including the rights of persons with disabilities and the fight against racism, homophobia and other forms of intolerance and discrimination;
- The Authority for Equal Opportunities, established by Law no. 97 of 20 June 2008, is assigned, more specifically, the functions of preventing and combating sexual and gender-based violence and assisting the victims of such acts, as well as - but only “alongside” the Commission - tasks concerning legal equality and equal opportunities. The legislation on preventing and combating sexual and gender-based violence and on victim assistance provides the Authority - composed of 3 members renewed every 4 years - with a number of powers in terms of operation, functioning and effectiveness: such as the conclusion of protocols/conventions with various bodies, institutes and professional associations for multi-level support of victims of such violence, and an assistance fund for victims;
- The National Bioethics Committee, established by Law no. 34 of 29 January 2010, promotes the principles enshrined in the international conventions on bioethics ratified by San Marino and performs support and advisory functions to the Government and the Great and General Council (Parliament);
- The Commission for the Implementation of the UN Convention on the Rights of Persons with Disabilities (CSD ONU Commission), provided for by Law no. 28 of 10 March 2015 and established in compliance with Art. 33 of the UN Convention on the Rights of Persons with Disabilities, is in charge of monitoring its proper implementation, as well as equal opportunities in general.

42. In addition to the above, worth mentioning are two recent initiatives aimed at improving coordination among the different bodies dealing with equal opportunities.

43. First of all, the Congress of State (Government), with Decision no. 5 of 25 April 2022, set up a working group with the mandate of drafting a document aimed at establishing a Special Commission to combat intolerance and racism, incitement to hatred and violence, with the tasks of monitoring, analysis, guidance and promoting initiatives. In addition to an overall legislative intervention to bring the Authority and the Commission for Equal Opportunities more in line with international recommendations and more effective with regard to the needs and tasks that these bodies are called upon to perform, by changing their composition, competencies and functioning, the final report of this working group also proposed the establishment of the “*Hub for Equal Opportunities and for preventing and combating discrimination and intolerance*”, which would bring together the Commission for Equal Opportunities, the Authority for Equal Opportunities and all other bodies potentially competent in this field.



44. Secondly, Delegated Decree no. 143 of 29 September 2023 established an office called “*Technical and Administrative Secretariat Office for Equal Opportunities, Bioethics and Social Inclusion*”. It has the mission to support Commissions, Authorities and Committees in the areas of equal opportunities, bioethics, social inclusion and the rights of persons with disabilities, and to perform administrative, accounting and secretariat functions, as well as technical and legal support tasks. The Office became operative on 1 May 2024 and its headquarters meet all needs of the Committees involved, such as the provision of accessible premises for persons with disabilities, rooms reserved for dealing with sensitive issues and meeting rooms.

## VII. Answer to paragraph 5 of the list of questions

45. Law no. 97 of 20 June 2008 “*Prevention and elimination of violence against women and gender violence*” regulates the legal assistance, psychological, guardianship and protection measures applied to women and children who are victims of violence.

46. In all legal proceedings, whether civil, criminal or administrative, legal and psychological assistance is guaranteed to victims of violence, even if the conditions for free legal aid are not met, when they cannot objectively afford their own legal defence. Through a broad interpretation of the legislation, the same protection measures apply to victims of crimes against personal safety, freedom or maltreatment, and thus also to female victims of discrimination.

47. To this end, the Association of Lawyers and Notaries has created a list of experienced lawyers willing to accept assignments in favour of victims. The Association of Lawyers and Notaries is also responsible for the ongoing and specialized training of the lawyers listed and organises interdisciplinary training courses.

48. The non-recording of the victim’s testimony through the use of videotaping equipment, a curator appointed by the Guardianship Judge in the case of minors and a ban on public hearings and the disclosure of the victim’s personal data at all stages of the judicial proceedings are also envisaged. Finally, in case of absolute need and urgency, the lawyer appointed ex officio shall provide for the legal assistance of the victim. This lawyer shall promptly contact a lawyer included in the list to replace him once the urgency is over.

49. The legal framework on discrimination has been extended and supplemented to provide greater protection for women and prevent discriminatory acts. Worth mentioning, in this regard, is Delegated Decree no. 62 of 20 March 2024, which amended the aforementioned Law no. 97/2008 and the Criminal Code. In addition to a series of amendments aimed at ensuring greater protection for women victims of violence, such Delegated Decree introduced the offence of sexual harassment, previously absent in San Marino law.

50. Annex 1 contains data on criminal proceedings on gender-based violence against women from 2021 to 2023.

51. Delegated Decree no. 60 of 31 May 2012, approved in implementation of Art. 4 of Law no. 97/ 2008, entrusts to the Department of Education (now Department of Human Sciences - DSU) of the University of the Republic of San Marino the organisation, on an annual basis, of compulsory professional training courses aimed at providing adequate tools for intervention in this field and the training of specialised personnel addressed to Magistrates, Police Forces, Professional Associations, Socio-Health Services, School Operators, Family Mediators.

52. The DSU, in cooperation with the Authority for Equal Opportunities and with the heads of the different categories of public employees concerned, implemented the provisions of Delegated Decree no. 60 in two different ways: by directly organising training proposals, previously agreed upon with the different personnel categories; and by approving training projects autonomously proposed by some personnel categories.

53. On 22 May 2024, an agreement was signed between the Ministry of Health and Social Security and the University of San Marino regulating annual professional training against gender-based violence. This is a high-level training course, organised by the Department of Human Sciences, in cooperation with the Authority for Equal Opportunities, aimed at health workers, police forces, school operators and other professionals involved in the reception and support of victims, including those accompanied by minors.

## **VIII. Answer to paragraph 6 of the list of questions**

54. The call for the establishment of a national human rights guarantor to promote, safeguard and protect human rights has been made to our country over the years by various international bodies under different forms and names, such as ombudsman or institution for the protection of human rights.

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

56. Following the discussion on the third cycle of the Universal Periodic Review (UPR), held in Geneva on 6 November 2019, San Marino accepted (on 12 March 2020) two recommendations on the establishment of the Ombudsman and the creation of a national human rights institution in line with the Paris principles, but has not yet followed up and effectively implemented the two recommendations.

57. Recently, on 18 March 2024, the Great and General Council approved a popular petition (Istanza d'Arengo) for the establishment of the National Human Rights Guarantor, committing the Congress of State (Government) to take the necessary measures within the limits of its powers. When we speak of Istanza d'Arengo we are referring to an institution of direct democracy that allows citizens to submit petitions of public interest to Their Excellencies the Captains Regent, who, after having assessed their admissibility in the presence of the requirements established by Law no. 72 of 24 May 1995 and subsequent amendments, have a duty to submit them to the Great and General Council for their possible approval. Such requirements include: the submission of the petitions by San Marino citizens, that they relate to public interest issues, and that petitions of similar content have not already been rejected by the Grand and General Council in the previous three semesters. If the Istanza d'Arengo is approved, the Congress of State will have six months to implement its provisions. Therefore, the Istanza d'Arengo calling for the establishment of the Ombudsman will have to be implemented during the next legislature. In accordance with Article 7 of Law no. 72 of 24 May 1995, these measures must be submitted to the competent Permanent Parliamentary Commission by the competent member of the Congress of State within six months of receiving the approval.

58. It is worth mentioning early general elections were held in the Republic on 9 June 2024. It follows that the measures in question are likely to be completed in the new legislature.

59. To date, functions comparable to those of the Ombudsman are assigned to the Heads of State who, on a weekly basis, receive people who wish to lodge complaints about violations of their rights by the public administration.

## **IX. Answer to paragraph 7 of the list of questions**

60. The Authority for Equal Opportunities is composed of three members appointed by the Great and General Council for a four-year term from among legal experts, representatives of associations or non-governmental organisations active in the field of equal opportunities, communication experts and psychologists. It constantly works to promote the implementation and transposition into San Marino legal system of the recommendations and provisions contained in the Istanbul Convention and indicated by international bodies such as GREVIO. This work is carried out in cooperation with the Technical-Institutional Working Group, the Institutions and civil society involved in the fight against violence against women and gender-based violence. The above-mentioned Technical Working Group was established by Delegated Decree no. 60/2012 and includes, together with the Authority for Equal Opportunities, the three Police Forces, the Judiciary, SSI General Directorate, the Education Department and the two Professional Associations of Lawyers and Psychologists.

61. Within the framework of the tasks assigned to it by law, the Authority for Equal Opportunities promotes and supports all initiatives aimed at preventing violence and guarantees support for victims, including through the signing of specific operational protocols.

62. The collection of data on violence against women by the Authority for Equal Opportunities takes place periodically every six months (Art. 34, paragraph 5 of Law no. 97/2008 and subsequent amendments and integrations) by directly requesting them to the stakeholders of the anti-violence network, such as the police, social services, Minors' Service, the Court and the Counselling Centre for women victims of violence. The data is then processed and published annually on 25 November as part of the usual annual Report prepared by the Authority for Equal Opportunities and submitted to Their Excellencies the Captains Regent during a public Audience. The report on the developments during the annual activity, together with statistics on the phenomenon, is subsequently transmitted also to the members of the Great and General Council and the Ministries directly involved. Moreover, the data are made widely accessible via the institutional website and the press.

63. The data is provided by the Criminal Registry of the Court and processed with the cooperation of the Health Authority. In the three-year period 2021-2023, a total of 112 victims of violence filed a criminal complaint, specifically 93 adults and 19 minors. In particular: in 2021, 7 minors and 26 adults equally distributed in the 18-49 age group; in 2022, 8 minors and 36 adults, predominantly in the 40-49 age group and 18-29 age group; in 2023, 6 minors and 29 women predominantly in the 18-29 age group.

64. The victims are in most cases San Marino nationals, the remainder Italian and/or foreign. The perpetrator is in half of the cases a San Marino citizen. The document instituting criminal proceedings in 2021 was predominantly the Gendarmerie's Judicial Report, while in 2022 and 2023 the transmission of the complaint by the Gendarmerie, and in 2023 the report by the Minors' Service was also relevant.

65. The most frequently reported offences were in 2021 Personal Injury (Art. 155 of the Criminal Code), Beating (Art. 157 of the Criminal Code) and Persecutory acts (Art. 181 bis of the Criminal Code); in 2022 Persecutory acts (Art. 181 bis of the Criminal Code), Threat (Art. 181 of the Criminal Code), Personal Injury (Art. 155 of

the Criminal Code) and Insult (Art. 184 of the Criminal Code). In 2023 Maltreatment against family members and cohabitants (Art. 235 of the Criminal Code), personal injury (Art. 155 of the Criminal Code) and persecutory acts (Art. 181 bis of the Criminal Code)

66. With regard to judicial data on offences of violence against women, it should be noted, in this context, that Delegated Decree no. 62/2024 also introduced the offence of sexual harassment by punishing, upon a complaint lodged by the offended person, *“Unless the act constitutes a more serious offence, anyone who, by means of acts or behaviour of a sexual nature, including by means of social communications, seriously violates the freedom and dignity of the person who suffers them [...]”*. This offence may be prosecuted ex officio if the act is committed against a person incapacitated by reason of age or insanity.

67. With regard to data collection, it should also be noted that meetings have been held since 2022 with the participation of the IT Office and representatives of the anti-violence network to assess the feasibility of developing a common database for data collection; however, no solution has yet been found that complies with the legislation on privacy and the protection of sensitive data.

68. The Authority for Equal Opportunities holds a Fund in a special Expenditure Chapter in the State Budget, established pursuant to Article 7 of Law no. 60/2012, in which all charges related to the application of the relevant legislation are recorded, including the victims assistance fund, professional training obligations, remuneration of members introduced by Law no. 207 of 22 December 2021, on the basis of GREVIO’s recommendations. The resources for this expenditure chapter shall be constituted annually by the funds allocated by the State when the Law on the Budget of the State and Public Entities is approved, by the sums deriving from donations from private individuals, economic operators, associations and any other donor, and by the sums deriving from compensation for criminal proceedings joined by the Authority as a civil party pursuant to Article 29 of Law no. 160 of 3 November 2015.

69. Delegated Decree no. 56 of 17 May 2018 *“Provisions for the operational independence of the Authority for Equal Opportunities”* provides for the establishment of a special fund, with the opening of an appropriate current account in favour of the Department of Institutional Affairs and Justice, managed according to the directives and directions of the Authority. The account was opened to allow for more streamlined management of the amounts deposited, which are allocated for the assistance of victims, urgent expenses such as, for example, the purchase of clothing, the payment of facilities to accommodate victims on a temporary and immediate basis, and in any case for all urgent expenses. The accounting management of the above funds will soon be in the hands of the Technical and Administrative Secretariat Office for Equal Opportunities, Bioethics and Social Inclusion.

70. By way of information, it should be noted that in 2022, the Authority was able to support victims by providing EUR 2,200.00, not only in the first moment of emergency, but also in the days immediately following the report or the intervention by the services, to promote campaigns and initiatives for EUR 1,103.01, and to allocate EUR 20,000.00 for training and awareness-raising activities to combat gender violence. The current amount of the Fund for the assistance to victims is EUR 30,046.49.

71. There are no NGOs in San Marino that provide direct assistance to women victims of violence, but there are associations that promote women’s rights and have as one of their objectives the support of women’s social roles and gender equality also in women’s participation in social and political life. There is also active cooperation between the Authority for Equal Opportunities and the Association Confine, an Italian

Association dealing with the rehabilitation and re-education processes for perpetrators after their conviction.

72. The Authority for Equal Opportunities also issued an official opinion on the popular petition submitted by the Union of San Marino Women (UDS) on 2 April 2023. This petition called for the adoption of measures to support and recognise civil society organisations working to prevent and combat violence against women. Recognising its value and experience, it stressed the need to establish cooperation and consultation mechanisms for the design, monitoring, assessment and implementation of policies to prevent and combat violence against women. The Authority for Equal Opportunities expressed a favourable opinion on the request, thus agreeing with the content of GREVIO Recommendations nos. 29, 30 and 31 on the involvement of civil society in preventing and combating gender violence and violence against women. More specifically, it was suggested that a list be set up in which the associations mentioned above could be registered. In this respect, it will also be possible to benefit from public funding for the organisation of projects, initiatives and events identified within a specially created fund.

73. In this regard, it is also noted that Article 1 of Delegated Decree no. 60/2012 establishes that the Authority for Equal Opportunities “*shall favour and monitor the activity of the Associations promoting the knowledge of services granting assistance and starting prevention projects*”. It was therefore suggested to draw up a list of civil society associations and organisations legally involved in assistance, prevention and awareness raising. This would provide a greater understanding of these social situations. On this occasion, the Authority gave a favourable opinion on access to public financing for the organisation of initiatives and events related to this issue. According to Article 1 of the aforementioned Decree-Law no. 60/2012, projects must be submitted to the Authority for Equal Opportunities and shared with the anti-violence network in order to ensure synergy between all stakeholders of the network and to further integrate the objectives of the programme in the fight against violence against women.

74. Finally, it should also be noted that Article 20 of Law no. 97/2008, as amended by Delegated Decree no. 62/2024, expressly provides that, in cases of violence against women, minors or gender violence, the Authority for Equal Opportunities has the right to intervene and join as a plaintiff, thereby being able to request the conviction of the defendant, who has been finally convicted of crimes of violence against women, to pay compensation to the Authority, which will allocate such money to support activities for victims of violence.

## **X. Answer to paragraph 8 of the list of questions**

75. The IT, Technology, Data and Statistics Office of the Republic of San Marino collects data to monitor the Sustainable Development Goals partly from a gender perspective and therefore provides data broken down between males and females. In particular, this division appears on [www.statistica.sm](http://www.statistica.sm) in the areas concerning population, demographic structure and dynamics, deaths, education level and employment.

76. The implementation of the 2030 Agenda for Sustainable Development requires a solid statistical and information basis. From the moment San Marino undertook to implement it, it emerged that the main need was to enhance the collection, gathering and processing of timely data that would reflect the situation of San Marino in relation to the envisaged objectives and monitoring indicators. In this regard, the Government is considering a concrete intervention to contribute to the achievement of the Sustainable Development Goals by implementing a project that envisages the

establishment of an information system on the socio-economic situation of San Marino. This may also include the development of the indicators envisaged by the 2030 Agenda with particular reference to Goal 8 and the study of different development scenarios.

77. Indeed, every country that has undertaken to achieve these objectives has had to provide for a reprogramming and upgrading of its information and statistical system. This is even more essential in San Marino, where, due to its small size, ad hoc indicators have to be created or a different reading is required from what is provided for by the indicators at the international level, in this case, with reference to the various Goals.

78. At present, the Government of San Marino has the data, sometimes partial, at its disposal, but not the demographic, social and economic analyses needed to make strategic decisions, implement actions and policies based on up-to-date and reliable statistical information, nor does it have the possibility of monitoring the impact of the measures adopted in order to be able to make changes and corrections if necessary.

79. Among the concrete interventions aimed at facilitating and monitoring the achievement of the Sustainable Development Goals from a gender perspective is the ratification by Parliamentary Decree no. 42 of 23 March 2022 of the International Labour Organisation's Convention no. 190 - Convention on the Elimination of Violence and Harassment in the World of Work. For the purpose of its implementation, a National Multi-year Plan on the Elimination of Violence and Harassment in the World of Work was signed jointly by the Government and Social Partners, with the aim of promoting the implementation of the Convention by involving all public and private parties, including civil society. The Plan includes a commitment by all signatories to promote training activities for employers and employees to combat and prevent harassment in the workplace, envisaging support measures for victims and identifying work sectors most at risk of gender-based violence. The primary and secondary legislation on health and safety in the workplace should be supplemented by including the risk of violence and harassment among the specific risks of the workplace.

## **XI. Answer to paragraph 9 of the list of questions**

80. Law no. 129 of 14 September 2022 "*Measures to support the family*" was meant to revise and integrate family policies in support of the birth rate and maternity protection, in order to reorganise and better arrange the support system and provide for a strengthening in favour of families with children. A single legislative act was created that encompasses the protections already provided for by the legal system with the introduction of some innovations related to the protection of parenthood and support for families, taking into account the principle of equal dignity between employer and employee.

81. The main innovations concern the introduction of paternity leave, providing for 10 days, even non-continuous, of paid leave, to be used within the first 5 months of the child's life, as well as 2 months of unpaid leave, within the first 3 years of the child's life; the increase in the allowance (+10 per cent in the first year of the child's life) of parental leave (formerly post-partum leave); the introduction of 12 hours of paid leave for prenatal medical examinations; the introduction of 5 hours of unpaid leave for each parent for children's medical examinations; the introduction of 5 hours of unpaid leave for parent-teacher meetings; the introduction of leave for serious family reasons; the introduction of flexible work. In addition, there are plans to strengthen childcare and parental support services, ensuring greater equality, support and presence at different stages of family life. Efforts were made to ensure an equal

opportunity in the transferability of leaves between father and mother. However, civil society has pointed out that the period of voluntary absence from work is not counted for the purposes of career advancement and for any other economic purpose or contractual arrangement, including seniority allowance or severance indemnity. The tax relief was also increased from 5 per cent to 40 per cent in favour of the employer who relocates a pregnant woman within the company, to protect the safety and health of such pregnant woman. These developments, together with what our legislation already provided for, have enabled fathers and mothers to increase their presence and participation within the family environment, ensuring equal opportunities for parents by avoiding gender discrimination in the workplace.

82. Moreover, Law no. 158 of 29 November 2022 defines a regulatory framework to ensure the protection and support of women who, for reasons sometimes beyond their control, go through pregnancy and puerperium in conditions of psychological, economic and social discomfort.

83. The Government is working on strengthening services and active labour policies aimed in particular at the most vulnerable people by upgrading monitoring tools, procedures and management of interventions.

84. In order to further strengthen the work carried out by the Office for Active Labour Policies and to further improve the services and active policies for young people and women, and in general for those who have lost their jobs and are struggling to find one, a study was carried out on the unemployed population aimed at defining intervention activities and targeted active labour policies.

85. A reform is being implemented to reorganise incentives for employment, active policies, and vocational training and retraining, with a special focus on the so-called weak categories (first and foremost women and the over-50s, who have the most difficulty in finding a new job) and also to provide incentives for corporate welfare. These interventions are also aimed at helping both parents balance work and family life to meet the needs of both companies and workers. The implementation of such measures would support families and boost the birth rate, thus counteracting the progressive ageing of the population. The reform will therefore promote the right to work and the reduction of gender differences by introducing into our legal system and regulating a number of non-subordinate employment relationships (working pensioners, administrators and partners, partners, caregivers) and reviewing project-based work contracts, imposing greater limits on this instrument.

86. In addition, Delegated Decree no. 79 of 18 May 2022 “*Interventions for employment, training and active labour policies*” was approved with the aim of reorganising the system of employment incentives and interventions for vocational retraining and active labour policies, providing instruments and new employment opportunities designed, in particular, to promote female employment, also through the mitigation of the effects on work organisation due to maternity. The Delegated Decree facilitates the employment of a new worker to work alongside the pregnant woman from the moment when the pregnancy certificate is issued and until her return to the workplace. It also promotes work-life balance by implementing measures to encourage the implementation of post-partum part-time employment, providing benefits in favour of employers that temporarily transform the employment relationship from full-time to part-time within the first three years of a child’s life (incentive that can be extended until the child attends primary school included or in the case of non-self-sufficient persons to be assisted).

## **XII. Answer to paragraph 10 of the list of questions**

87. Art. 1 of Law no. 21/1998 “*General rules on education*” establishes that the right to education and the right to training of any individual are implemented in San Marino school without any discrimination, ensuring that individual freedom and identity are respected, through the transmission of knowledge, the progressive discovery of reality, the development of a critical method, research and exchange of views, study experience and forms of civil and democratic coexistence.

88. The State recognises the right to education and training at least until the age of 18, given that attendance at the various education levels and, where applicable, at the various levels of training and other forms of school resumption, provides an opportunity for everyone to have a cultural preparation suitable for personal development and the acquisition of basic skills indispensable for social and professional integration or for access to higher education.

89. According to the curricular indications adopted with Law no. 95/2019 “*Launch of testing of curricula for San Marino schools*”, “debate pedagogy” is a necessary tool to promote the overcoming of stereotypes and prejudices, mutual knowledge and self-criticism. Through debate pedagogy, San Marino school aims at encouraging dialogue and debate between different cultures and the willingness to accept differences (of gender, age, faith, language...) in order to contribute to the building of a society of active tolerance and peaceful coexistence. The school is aware that citizenship education essentially takes place in everyday contexts and is then transferred to a wider social dimension, and therefore becomes a place for the effective exercise of rights and duties.

90. The University of San Marino (UNIRSM) identifies inclusion, gender equality and attention to the well-being of the entire academic community as one of the fundamental principles characterising the University’s Quality Policies. UNIRSM focuses its decisions on achieving the well-being of all people who are part of the academic community, considering equality, attention to diversity and inclusion as essential elements to achieve this goal. UNIRSM’s actions are based on the fight against all forms of discrimination based on gender identity, ethnicity, political and religious beliefs, diversity of abilities, age, sexual orientation and socio-economic status. Specifically, as far as research is concerned, the university is committed to introducing subjects related to gender within its research topics, paying attention to its different content aspects, to overcoming gender-based languages, to the presence of different points of view in research groups. On the other hand, as far as training is concerned, the university undertakes to include topics and subjects related to gender differences in its educational courses, with a focus on overcoming stereotypes and the equal enhancement of different identities and with reference to the specificities of being male and female students in the context of the university environment. Moreover, the University acts on the territory as a point of reference for social inclusion and to promote awareness-raising and intervention activities in the fight against discrimination and to support inclusion. Finally, with regard to internal conduct, the University respects and enhances gender differences in every moment of its administrative life, with the adoption of behaviours fully oriented towards equal opportunities in the establishment of committees, in the distribution of posts, in recruitment and, in general, in the conduct of all activities related to academic life.

91. The University of San Marino also attaches considerable importance to the issue of stereotypes and gender identity in relation to the media, demonstrating its commitment also through the courses it offers. Teaching activities include the course “Media Theories and Techniques” (30 hours - 6 credits) and “English II - Gender and Media” (30 hours - 6 credits), part of the degree course in Communication and Digital



Media at the Department of Human Sciences. In addition, the university organises numerous initiatives in cooperation with the interdepartmental group L.E.I. - Laboratory for Gender Identity Education. These included the panel discussion “Gender Equality and Audiovisual Careers” on 13 March 2024, and the international conference “Media and Gender: Beyond Stereotypes” in May 2022, which was attended by thirty selected speakers from different countries to discuss the evolution of the image of women in the media. Moreover, the University of San Marino is involved in the GEMINI project (Gender Equality through Media Investigation and New Training Insights) for the period 2023-2024, funded by the European Commission within the CERV programme.

92. Also, with regard to stereotypes in the media, it should be noted that Law no. 40 of 8 March 2023 “*Information and Media Law*” was recently approved. Article 56 thereof mentions, among the duties of the radio and television service provider, the commitment to overcome gender stereotypes, in order to promote equality and to respect the image and dignity of women, also according to the principle of non-discrimination. This measure aims not only to improve the representation of women in the media, but also to raise awareness of the importance of gender equality and the fight against discrimination.

### **XIII. Answer to paragraph 11 of the list of questions**

93. The Authority for Equal Opportunities coordinates and sponsors all events and initiatives organised each year on the occasion of the International Day for the Elimination of Violence against Women (25 November). The numerous initiatives to disseminate Law no. 97/2008 include the publication of leaflets and information booklets on the contents of the law, as well as the explanation of the law and the protection measures that the State grants to women victims of violence.

94. By way of example, worth mentioning are the initiatives put in place for 25 November 2020, the International Day for the Elimination of Violence against Women, including the planting in the historical centre of San Marino of the tree of kind words, a symbolic gesture aimed at guiding the use of positive words in everyday life, full of understanding, feeling and gratitude; the creation of a weekly column dedicated to social issues entitled “the social perception of gender violence, let’s talk about it”; the prize-giving and presentation of the awareness-raising initiative “Bluebeard - an art contest against violence against women” addressed to the students of the San Marino Republic’s Lower and Upper Secondary Schools, Vocational Centre and University, who were asked to create a graphic work related to the topic of 25 November; the illumination of the Third Tower of San Marino in orange, to join the global action “Orange the world” aimed at putting an end to violence against women and girls.

95. In order to increase awareness of Law no. 97/2008, Delegated Decree no. 62/2024 enhanced the legislative instruments for the prevention and suppression of violence against women and gender-based violence. In accordance with the GREVIO recommendations, among other measures, the notion of violence against women and gender-based violence was redefined and its scope extended; the system for reporting violence was strengthened; the administrative prevention measure of verbal reprimands by the Commander of the Gendarmerie against the perpetrator of behaviour involving beatings, injuries, threats, persecutory acts and sexual harassment has been introduced; the system of special precautionary measures in criminal proceedings for the protection of victims of violence has been strengthened, as well as the 24-hour assistance of victims of violence by the Social Services by means of on-call shifts. Procedures and protocols for effectively combating and

preventing incidents of violence have also been strengthened, as well as additional measures to support victims of violence.

96. In addition, a training meeting was recently held to present the innovations brought by Delegated Decree no. 62/2024 entitled “prevention and repression of violence against women and gender violence and subsequent amendments to the criminal code”.

97. During the period 2021/2022, the Authority for Equal Opportunities launched the awareness-raising campaign called “Agata è” as part of the various anti-violence projects. The “Agata è” campaign involved various communication tools: from information leaflets delivered to every home in the Republic to posters affixed on the walls of the various Townships but also in public offices; from social media campaigns to the preparation of articles and reportages on the State television broadcaster. The project is now coming to an end with the creation of a web portal with direct communication methods that can inform, raise awareness and connect the victim with the anti-violence network more quickly.

98. Considering the need to create a culture of respect for gender in all social contexts and the increasing need to keep up with current international legislation, upon request of the San Marino Athletics Federation, the Authority for Equal Opportunities also worked on the creation of an instrument that could provide for prevention, awareness-raising and training measures against violence perpetrated in sports contexts.

99. In April 2023, a significant collaboration was established between the San Marino National Olympic Committee (CONS) and the Authority for Equal Opportunities, which aims to create a shared instrument that can connect incidents related to gender-based violence to the operation of the anti-violence network and to the regulations currently in force, including international provisions, whose requirements are now considered mandatory for athletes to be admitted to international competitions. With regard to this, a draft protocol was prepared and shared with the competent Ministries, as well as with the San Marino National Fair Play Committee, which provides for the extension of the customary annual training (proposed by the Authority in cooperation with the Department of Human Sciences of the University of San Marino) to both male and female coaches and athletes, in order to increase personal awareness of what constitutes violence and to raise the awareness of the entire sports world on this issue.

100. Furthermore, the Congress of State with Decision no. 83 of 28 December 2023, in order to increase the instruments to combat violence against women, adopted the Comprehensive National Plan of Action against Violence against Women (2024-2026). The request had been made by UDS with popular petition no. 20 of 2 October 2022. The Plan aims to harmonise the involvement of all institutions, Government, associations and the socio-economic partners in the prevention and management of the phenomenon of violence, which has certainly been aggravated by the lockdown implemented due to the COVID-19 epidemic and by the global socio-economic crisis. The Plan therefore intends to implement the GREVIO Recommendations by putting them into practice not only through prevention, protection of victims and punishment of perpetrators of violence, but also by setting up training and education programmes for operators and the general population, informing and raising awareness among the community, protecting victims of discrimination in general, and facilitating employment, economic and housing autonomy.

101. With regard to the reason why 39 per cent of the first victims of violence are foreign women, worth highlighting is that the Republic of San Marino, despite being a small State, has welcomed an increasing number of foreign female citizens in recent years, including, due to its territorial proximity, many Italian women. The small size

of the territory of the Republic of San Marino, which is an enclave state within Italy, entails a constant presence of Italian citizens in the Republic, who are therefore considered foreigners. It should be specified that non-Italian foreign women victims of violence in the years 2021-2023 amounted to a total of 11 out of 112, namely, 5 Romanian, 2 Ukrainian, 1 Brazilian, 1 Moldavian, 1 Slovakian and 1 Russian. This number is not sufficient to infer any particular hardship of these women compared to San Marino or Italian women. In this regard, it should also be noted that, during the humanitarian emergency linked to the outbreak of the war in Ukraine and the consequent reception of refugees in San Marino, the Authority for Equal Opportunities, in cooperation with the Fortress Guard, issued leaflets and posters specifically addressed to Ukrainian women so that they could be directly informed of their rights and of the existence of an anti-violence network ready to help and protect them in any situation of danger or from any abuse they may suffer.

#### **XIV. Answer to paragraph 12 of the list of questions**

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

103. This permit may be granted to foreigners in case of special humanitarian needs of social protection and entitles the holders to receive health services and temporary economic benefits from the Social Security Institute, as well as the possibility to work in San Marino. The extraordinary stay permit is also issued to victims of trafficking and violence, in consideration of their personal situation and/or for the purpose of cooperating in criminal investigations or proceedings. The stay permit is granted following the necessary authorisation of the Authority for Equal Opportunities, which may carry out the necessary verifications, also with the support of public services and offices. The extraordinary stay permit is temporary and may be renewed annually until the reasons for social protection exist. For victims of trafficking and violence, it is renewed on the basis of indications from the Authority for Equal Opportunities or the Judicial Authority.

104. In the light of the above, worth specifying is that the extraordinary stay permit for humanitarian needs of social protection, in the case of victims of violence, is issued to foreign women holding any stay, domicile or residence permit in San Marino. Therefore, it is clear that foreign women victims of violence are granted protection regardless of whether their presence in San Marino is related to their spouse or partner.

105. To fight against violence against women and gender violence in San Marino, a series of criminal offences were introduced to punish various forms and acts of violence against women and gender violence.

106. Law no. 97/2008 introduced and/or amended and/or replaced several criminal offences, among which the following are mentioned here: - Art. 167 of the Criminal Code Reducing or holding in slavery or servitude; - Art. 168 of the Criminal Code Trafficking in human beings; - Art. 172 bis of the Criminal Code Group sexual violence; - Art. 181 bis of the Criminal Code Persecutory acts; - Art. 231 bis of the Criminal Code Abduction and holding of a minor abroad; - Art. 235 Maltreatment of family members and cohabitants, domestic violence.

107. In this regard, it should also be noted that Delegated Decree no. 62/2024 also introduced the criminal offences of sexual harassment (Art. 171 bis of the Criminal Code) and solicitation of children (Art. 177 quinquies of the Criminal Code), and reformulated the offence of persecutory acts in order to provide for a wider range of acts of violence punishable under criminal law.

108. It should be noted that Article 235 of the Criminal Code providing for the offence of maltreatment of family members and cohabitants, domestic violence punishes anyone maltreating a family member or in any case a cohabitant, a person to whom he/she was or is bound by an emotional relationship, although not involving any cohabitation, or a person subject to his/her authority or entrusted to his/her care, and provides for an aggravating circumstance if one of the events referred to in Article 156 or death. The case-law of the Court of the Republic of San Marino has already dealt with this type of crime. It established, inter alia, that the criminal offence of maltreatment against family members and cohabitants, domestic violence is established when committed against a family member or in any case a cohabitant, or against a person to whom the perpetrator was or is bound by an emotional relationship, although not involving any cohabitation. The prerequisite for the commission of this offence is the existence of a stable family relationship between the perpetrator and the victim, i.e. a bond, not necessarily of civil or natural kinship, but at least of close relations and life habits, even if they do not live together, such as to establish relationship of assistance and solidarity. With reference to the above, it should also be noted that recently, on 29 February 2024, an operational protocol for cooperation and exchange of information between civil and criminal magistrates of the Court of the Republic of San Marino was signed, in agreement with the Judicial Police and the Corps of the Gendarmerie, the Fortress Guard and the Civil Police, as well as the Lawyers' Association. This protocol enables a dialogue and exchange of information aimed at providing more effective protection against gender-based violence and violence against women.

109. With regard to other specific criminal offences provided for in San Marino legal system, such as forced marriage (Art. 176 bis of the Criminal Code), female genital mutilation (Art. 156 bis of the Criminal Code) or forced sterilisation (Art. 154 bis of the Criminal Code), no cases have been reported in the Republic of San Marino as of today.

## **XV. Answer to paragraph 13 of the list of questions**

110. The Authority for Equal Opportunities cooperates with San Marino Bioethics Committee for the collection and processing of data to assess the impact of the pandemic from various social perspectives, including violence against women, minors and the disabled, and with the Health Authority for the preparation of statistics, as provided for in Article 5 of Delegated Decree no. 60/2012.

111. The Authority encourages and monitors the work of associations aimed at promoting knowledge of the assistance services capable of initiating preventive processes. There are many associations, cultural centres and institutional bodies that cooperate with the Authority for Equal Opportunities throughout the year for initiatives aimed at raising awareness on violence against women.

112. These include collaboration with the Association Confine for the care and rehabilitation of perpetrators of acts of violence. Worth noting is that, while the victim can benefit from protection and support, there is no rehabilitation process for the perpetrator. This year, a Convention has been signed between the Social Security Institute (SSI) and the Association Confine, thanks to which it will be possible to provide for rehabilitation and re-education processes (possibly even compulsory)

after a conviction has been pronounced. Therefore, the Association Confine will be able to provide qualified and specific assistance according to the situation, basing its interventions on the guiding principles of the victim's safety and the perpetrator's liability for his violent behaviour, in line with the European and international regulations in force. Users' access to the services of the Association Confine can be autonomous or established in collaboration with SSI services. The interventions carried out by the Association Confine, their duration and their interruption are decided by the Association's team of professionals and are planned with a view to networking with SSI services, in order to ensure adequate coordination between treatment programmes for men and those intended to protect and support women and children. An important provision of this recent agreement is financial coverage by SSI for the services provided by the Association Confine to users.

## **XVI. Answer to paragraph 14 of the list of questions**

113. Although San Marino has never reported any cases of trafficking in human beings, mainly because of the small size of its territory and the social and police control conditions, it is a signatory to the Council of Europe Convention on Action against Trafficking in Human Beings and, pursuant to Article 36 thereof, is regularly subject to monitoring by GRETA – the Group of Experts on Action against Trafficking in Human Beings.

114. In December 2023, a GRETA delegation visited San Marino to carry out the third round of monitoring focusing on access to justice and effective remedies for victims of trafficking. The report was discussed at the GRETA plenary meeting in March 2024 and is expected to be adopted in July this year.

115. San Marino has made considerable progress in developing and strengthening its instruments to prevent and prosecute trafficking in human beings and to protect potential victims.

116. With regard to the legislative measures adopted, San Marino Criminal Code already provides for the following offences: reducing or holding in slavery or servitude (Art. 167), trafficking in human beings (Art. 168) and incitement to prostitution (Art. 168 bis). These are all serious criminal offences that can be prosecuted ex officio and for which the perpetrator can be ordered to pay damages in both criminal and civil proceedings.

117. Law no. 97/2008 regulates the legal assistance, psychological, guardianship and protection measures applied to women and children who are victims of violence. Through a broad interpretation of this Law, the same protection measures apply to victims of crimes against personal safety, freedom or maltreatment, and thus also to victims of trafficking in human beings. The non-recording of the victim's testimony through the use of videotaping equipment, a curator appointed by the Guardianship Judge in the case of minors, free legal and psychological assistance, and a ban on public hearings and the disclosure of the victim's personal data at all stages of the judicial proceedings are therefore envisaged.

118. It should also be noted that San Marino authorities are currently preparing a "*National Strategy against Trafficking in Human Beings*" in order to comply with the recommendations made by GRETA in its second Evaluation Report. This document includes awareness-raising and training activities, as well as a compilation and codification of all the measures currently in place to prevent trafficking. The Strategy will be accompanied by an operational protocol setting out the procedures to be followed and action programme priorities.

119. In the recent document prepared by GRETA entitled “*Practical impact of GRETA’s monitoring work in improving the implementation of the Convention on Action against Trafficking in Human Beings*”, San Marino is listed among the States that have made important changes at national level over the years. Indeed, worth praising is the provision of the Law on entry and stay of foreigners, which introduces the possibility for victims of trafficking to obtain a stay permit for humanitarian reasons. The document also recognises the importance of setting up a help desk for family and elderly carers, in order to provide them with a point of reference to inform them of their rights as workers.

120. To date, no cases have been reported of victims of trafficking in San Marino and, consequently, no case file or proceedings have been initiated before San Marino Court for the crime of trafficking in human beings. However, the priority criteria for the organisation of judicial work provide that priority is given to crimes involving serious and socially relevant criminal behaviour. Therefore, in the case of trafficking, the proceedings would have absolute priority. The most urgent proceedings according to priority criteria, such as cases of violence against women, are decided in an average time of no more than three years.

121. Regular training is provided for professionals who, in their various capacities, may come into contact with victims of trafficking. In this context, the following training and awareness-raising courses have recently been organised:

- Course entitled “From trafficking (e.g. gender-based sexual exploitation) to gender-based violence in migrations of asylum seekers. Introduction to the topic of trafficking starting from gender-based violence, which includes the different forms and levels of violence experienced by women (with reference to Articles 60-61 of the Istanbul Convention)”, organised by the University of San Marino in 2019 and addressed to teachers and socio-health workers;
- Course entitled “Abuse and situations of violence suffered by women during the migration process and subsequently in the countries of destination (also with reference to field research, particularly in Sicily, with images and concrete examples of life stories)”, organised by the University of San Marino in 2019 and addressed to teachers and socio-health workers;
- Course entitled “Combating trafficking in human beings and smuggling of migrants” organised by the International Centre for Advanced Training in the Prevention of and Fight against Organised Crime from 22 November to 2 December 2022 and addressed to the Judicial Police.

122. The 2024 training programme for career magistrates includes trafficking-related offences as one of the main topics to be studied more in-depth in the criminal field.

123. Finally, Article 33 of San Marino Criminal Code establishes that “*A person shall not be punished if he/she has been forced to commit an offence, through physical violence from which he/she could not escape. In this case, the perpetrator of violence shall be held liable for the offence committed by the forced person*”. Persons who have violated national laws during trafficking or as a result thereof shall have access to the remedies provided for victims of trafficking.

124. As previously mentioned, persons victims of trafficking may apply for a stay permit for humanitarian reasons, which is valid for one year and may be renewed.

## **XVII. Answer to paragraph 15 of the list of questions**

125. With regard to the legislative framework, San Marino has a rather advanced legislation and provides for guarantees regarding the participation of women in

politics and elected offices. In 2007, the Electoral Law (Law no. 6 of 31 January 1996) was amended by Qualified Law no. 1 of 11 May 2007, which introduced some measures aimed at encouraging the participation of women in political life. With regard to the composition of electoral lists, Article 15, paragraph 1 of the above-mentioned Law provides that “*no list shall include more than two thirds of candidates belonging to the same gender; when necessary, the number shall be rounded down*” (so-called “gender quotas”). The fifth paragraph of Article 40 of the Electoral Law was also amended in 2007 to include the female gender, as opposed to the male gender, as one of the criteria to be considered for the allocation of a seat between two candidates having obtained the same number of votes.

126. At present, in the Government there is only one female Minister out of ten, and one-third of the members of Parliament are women (20 female and 40 male Parliamentarians). The average age of the twenty female Parliamentarians in this legislature is 47.5 years. 35 per cent of them are in the 50-60 age group, 35 per cent in the 40-50 age group, 15 per cent in the 30-40 age group, 10 per cent in the 60-70 age group and 5 per cent in the 20-30 age group. 45 per cent of female Parliamentarians are employed in the Public Administration, 40 per cent in the private sector, 5 per cent are housewives, 5 per cent are students, 5 per cent are self-employed.

127. Women are represented in all branches of the State (Parliament, Government and in the Judiciary) with higher numbers – around one third of the total – in both the legislative and the judiciary sectors. In the Public Administration, although female directors are 27 compared to 37 male directors, the total number of female directors, heads and sector experts is 537 compared to 211 males. As of March 2024, the Public Administration had 1,540 female and 654 male workers, totalling 2,194. As of March 2024, the total number of employees in the Overall Public Administration was 3,901 (1,398 male and 2,503 female employees).

128. With reference to the judiciary, Constitutional Law no. 1 of 7 December 2021 “*The Judiciary. Judicial System and Judicial Council*” does not contain any specific provisions on gender equality for the recruitment of magistrates. Recruitment is subject to specific requirements that candidates must meet, regardless of gender. Magistrates currently include 4 Uditori Commissariali (Clerks), who are the youngest magistrates, 3 of whom are female. Similarly, out of 3 Procuratori del Fisco (Prosecuting Magistrates), 2 are female. There are 4 Judges of Appeal, of whom the 2 Judges of Appeal in civil matters are both females.

129. The office of Captain Regent was first held by a woman in 1981. In the six-month mandate from 1 April to 1 October 2017, two women were elected Captains Regent for the first time. In the current six-month mandate, one of the two Heads of State is female.

130. With regard to the current electoral legislation and the presence of women in the legislative and executive branches, there are currently no plans to revise the quotas provided for in Law no. 1/2008. Considered all together, the lists of candidates submitted for the parliamentary elections on 9 June 2024 far exceed the minimum threshold required by law: out of a total of 259 candidates, 119 are female (45.95 per cent of the total). However, there is an ongoing debate in the country about how to encourage greater political participation by women. Civil society is focusing on this issue, on which a reflection is encouraged, since the number of women in political life is still lower than that of men.

131. Political involvement of women, as well as their full participation in political life and processes, is closely monitored by the Commission for Equal Opportunities and the Authority for Equal Opportunities, which promote initiatives to raise awareness of the daily challenges faced by women. To name but one, on 8 March 2019, Women’s Day, these two bodies organised the initiative entitled “*In our Shoes*”,

with a particular focus on national activities and legislation to combat discrimination against women in the labour world and in politics.

132. In 2017, San Marino joined the Group of Friends for Gender Equality, an informal group within the United Nations, with the aim of favouring women's leadership as a prerequisite for promoting international peace and development.

## **XVIII. Answer to paragraph 16 of the list of questions**

133. San Marino citizenship can be acquired by origin or by naturalisation.

134. San Marino citizens by origin are children born of parents who are both San Marino citizens, born of only one San Marino parent, born of a San Marino parent, if the other parent is unknown or stateless, adopted by a San Marino citizen in accordance with adoption rules and with the preceding points, and finally born on the territory of the Republic, both parents being unknown or stateless.

135. The criteria for obtaining citizenship by naturalisation, laid down in Article 2 of Law no. 121 of 2 August 2019, amending Law no. 114 of 30 November 2000 "*Law on citizenship*", provide that foreign citizens or stateless persons wishing to become San Marino citizens shall be entered in the registers of the resident population at the time of application and shall actually reside in the territory of the Republic. In addition, they must have resided continuously in the territory of the Republic for at least twenty years, the term "resided" being understood to refer exclusively to the periods during which they held registered residence and ordinary stay permit.

136. However, the exceptions to this rule provide for the reduction to 10 years of the period of actual residence for those who have been adopted by a San Marino citizen under the *adoptio semiplena* institution provided for by *ius commune* and for the spouse or registered partner of a San Marino citizen, provided that there are no pending separation or annulment proceedings. The spouse or registered partner of a deceased San Marino citizen may also be naturalised before completing the required residence period.

137. Other criteria include the absence of any conviction, in the Republic or abroad, for a crime committed intentionally, for which imprisonment or disqualification from public offices is envisaged, the absence of pending charges, in the Republic or abroad, or judicial notices for a crime committed intentionally, for which similar punishments are envisaged, and renouncing any other citizenship held. Moreover, it is required to take an oath of allegiance to the Republic of San Marino before the Captains Regent and the Minister of Internal Affairs.

138. Finally, those who become naturalised citizens may obtain San Marino citizenship by origin if they are the children of a mother holding San Marino citizenship by origin. Anyone who, for at least eighteen continuous years, has actually resided in the territory of the Republic of San Marino since birth and without interruption, may apply for San Marino citizenship by naturalisation.

139. The effects of naturalisation automatically extend to the minor children of the naturalised parent who has applied for it, provided that they are resident on the date of application. This provision also applies to a minor whose parent, who would have been eligible for naturalisation, died before the application was submitted, provided that he or she was resident in the Republic of San Marino on the date of death.

140. Article 6 of Law no. 121/2019 also introduced a temporary regularisation with regard to citizenship, which allows children of a San Marino mother and a non-San Marino father to acquire San Marino citizenship. San Marino citizenship so acquired



may be transmitted to children, including those of full age, provided they submit the same declaration submitted by their parent, within the same time-limit.

141. Law no 131 of 15 July 2021 on the acquisition of San Marino citizenship introduced the possibility of acquiring citizenship also for the child of a San Marino citizen by origin who became a foreign citizen by marriage and did not reacquire San Marino citizenship. It is possible to acquire San Marino citizenship also for the child whose parent has died without having applied for San Marino citizenship as child of a woman holding San Marino citizenship, although he/she was entitled to do so. The latter case guarantees that San Marino citizenship is passed on through the maternal line, even if the lineage is interrupted by death.

142. This was also extended to the regularisation cases introduced by Law no. 121/2019, the duration of which was extended until 30 June 2023.

143. The legislative measures adopted are considered to have overcome the existing discrimination between persons entitled to San Marino citizenship through the maternal line, by aligning the rules on the transmission of San Marino citizenship through the maternal line with those through the paternal line.

## **XIX. Answer to paragraph 17 of the list of questions**

144. With regard to gender equality, the curricular indications for San Marino schools adopted in 2019 by school level provide for the following.

145. The pre-primary school has always been linked with the social context, the territory and the community of origin. This enables to understand children's identities and culture, as well as to design programmes aimed at mutual respect, coexistence and responsible citizenship. Pre-primary school is the first community where, through experience and game, children can talk, communicate, grow up in contact with different cultures and become citizens.

146. In primary school, children lay the foundation for active citizenship, reinforcing the knowledge acquired in pre-primary school. The educational experience is more deeply rooted in the social function of the school, to ensure equality in diversity and the inclusion of all, respecting and enhancing all identities, in their affective, emotional, cognitive, physical, ethical and cultural dimensions.

147. In lower secondary school, a strong transformation of the body takes place, which has an impact on the affective and emotional dimensions and on gender relations. The need to affirm one's individuality in relation to one's family leads to an attraction to peer groups, with the risk of uncritically accepting their values and behaviour. Due to the pressure of dedicated promotional messages, one is exposed to forms of subservience to trends and the market. The concept of the common good emerges and the first forms of respect and protection thereof are introduced.

148. In upper secondary school (first two years), the ability to establish interpersonal relationships with peers and to experience early forms of emotional bonds is further developed. The school helps girls and boys to live their different socialisation experiences with serenity and respect, counteracting any possible bullying and marginalisation.

149. Several awareness-raising projects against gender-based violence are also implemented every year. Some of these projects are listed below, broken down by school level:

- Primary School:

- The issue of gender stereotypes is also addressed through practical workshops in which both boys and girls participate in activities generally designed for one or the other sex (sewing, knitting, macramé, mechanics and technology);
- Specific projects. “Males vs. Females” and “The ABC of Emotions” include activities to develop a relationship of respect, recognition and cooperation among pupils.
- Lower Secondary School:
  - The exhibition “Portraits of Women” illustrates the faces and the lives of women who have become icons of rights, enterprise and courage;
  - “Inspiring girls” is a project promoting female talent and leadership in the labour world and particularly in STEM.
- Upper Secondary School: art contests (painting, poetry, photography);
- University:
  - In San Marino: organisation of conferences on labour and gender issues, women in the audiovisual industry;
  - Abroad: participation in OCEAN, an international conference on the role of the educational and academic system in the implementation of the Istanbul Convention (Milan, 27-28 October 2023).

## **XX. Answer to paragraph 18 of the list of questions**

150. According to the latest report provided by the Statistical Office - Observatory on the state of employment (2023), the proportion of men and women in employment is 56.3 per cent and 43.7 per cent respectively. In the private sector, women make up 39 per cent of the workforce, while in the public sector they constitute a significant majority at 64 per cent. Among the unemployed, 28.7 per cent are men and 71.3 per cent are women. The overall unemployment rate fell by 3.5 per cent between 2019 and 2023, with a reduction of 5 per cent for women and 1.9 per cent for men. Moreover, the number of unemployed persons in the strict sense fell by 58.95 per cent over the same period.

151. With regard to the COVID-19 emergency and its impact on female employment, according to the WHO, San Marino was among the countries most affected by COVID in relation to its population. However, no one was left behind, either from the point of view of health or from that of labour market protection, by providing sickness benefits and social safety nets to workers in public and private companies, who were forced to suspend their working activities due to the restrictions imposed to combat the pandemic. Also in San Marino, the most affected groups were young people and women. Indeed, the number of women is higher in the sectors most affected by the pandemic and are also at the forefront of coping with the greater burden of family care.

152. The labour market reform introduced an inclusive, integrated and gender-sensitive approach and made progress on a further priority issue in the labour market, namely “work-life balance”, with measures related to part-time employment and aimed at improving working time flexibility.

153. In addition, as mentioned above, a family-supporting reform was promoted, providing updated and improved tools to support parents and caregivers in balancing work and family/private life.

## XXI. Answer to paragraph 19 of the list of questions

154. Law no. 127 of 7 September 2022 regulating voluntary termination of pregnancy was approved following a referendum promoted by the Union of San Marino Women, held on 26 September 2021. Prior to the adoption of this Law, Articles 153 and 154 of the Criminal Code envisaged in San Marino, with a rule dating back to 1865, a punishment of six months to three years' imprisonment for anyone procuring or assisting in abortion, with a mitigating circumstance in case of extramarital pregnancy.

155. The referendum was called after several years of attempts to decriminalise voluntary termination of pregnancy. The last attempt, in March 2019, consisted in the submission of a draft law of popular initiative entitled "*Rules on conscious and responsible procreation and voluntary termination of pregnancy*", which *de facto* reopened the debate on this issue. However, after the first reading, the procedure was interrupted. In 2021, a referendum committee supported by the Union of San Marino Women collected signatures for a referendum on the decriminalisation and legalisation of voluntary termination of pregnancy. With a majority of 77.3 per cent, 41 per cent of San Marino citizens voted in favour of decriminalisation, thus committing the Parliament to amend the Criminal Code and to regulate this issue by means of a new law. The Law includes the necessary amendments to the Criminal Code, both for the decriminalisation of the act and for the protection of the procedure: Article 16 replaces Article 153 of the Criminal Code "Unlawful termination of pregnancy", Article 17 added Article 153-bis to the Criminal Code "Prohibition of trade in gametes, embryos, foetal tissues", and Article 19 repeals Article 154 of the Criminal Code "Abortion for reasons of honour".

156. The Executive Committee of the Social Security Institute has set up and authorised operational procedures for the supervision and implementation of all steps necessary for voluntary termination of pregnancy, from the first contact with the person concerned to the post-termination phase.

157. The Social Security Institute supervises and ensures the implementation of the procedures envisaged in the Law by regulating and assigning roles, tasks and responsibilities both to the competent sectors and to the professionals involved. These procedures include the forms to be provided to the person concerned during the various stages of the process, taking into account compliance with the legislation on privacy and the extremely delicate moment that the assisted person is going through. They are distributed in paper and electronic format and are available to the staff of the Institute through the systems in use, while the informed consent forms for voluntary termination of pregnancy by pharmacological and surgical methods are available to users, together with a brief information notice on the Law in the dedicated section of the Social Security Institute's website.

158. The first annual report drawn up by the Executive Committee, as required by the current legislation, was submitted on 14 September 2023 and, in addition to providing information on the treatments carried out during the year, it contains some statistical information and specific references on the application of Law no. 127/2022. Based on the results of the first year of application of the Law, additional analytical tools related to the monitoring system can be implemented.

159. According to Article 3 of Law no. 127/2022, and in line with the directives of the "Education to Health" project, since 2023, the following informative meetings have been held in schools: "Emotional and Sexual Education", optional for the 5th grade classes (Primary School), compulsory for the 8th grade classes (Lower Secondary School) and the 10th grade classes (Upper Secondary School and Vocational Training Centre)".

160. The topics covered in the 5th grade classes (Primary School) include: life cycle; pubertal development; answering anonymous questions prepared in advance with teachers (questions are received by email before the meeting). Special meetings led by a midwife and a psychologist are also held at the request of the teachers.

161. The meetings held in the 8th grade classes (Lower Secondary School) entitled "The changing body and mind" include: definition of the terms puberty and adolescence; physical changes, anatomy and physiology of the male and female sexual organs; psychological changes (in experiences, way of thinking, relationships and interests); physical, psychological, relational and emotional prerequisites for a shared intimate relationship, lived in a serene, conscious and responsible manner, emphasising mutual respect; contraceptives and sexually transmitted infections; answers to anonymous questions previously prepared with the teachers or made during the meeting. Two-hour meetings per class are also organised, preceded by a public meeting with parents to describe their objectives, and a final report is then provided to the teachers. The meetings are conducted by a gynaecologist or midwife and a psychologist.

162. Finally, the topics covered in the 10th grade classes of the Upper Secondary School and the Vocational Training Centre include: prevention of risky behaviour; contraceptives; preserving fertility. Plenary meeting on: anatomy and physiology of the female and male reproductive systems; intimate hygiene; contraceptives; sexually transmitted infections; sexuality. In Upper Secondary School, the meetings are held twice, since the classes are divided into two groups. Students are given the opportunity to write down anonymous questions/curiosities to be discussed in subsequent meetings. The meetings are conducted by a gynaecologist or midwife and a psychologist, followed by an interactive meeting in small groups. For girls, an in-depth discussion on the menstrual cycle, contraceptives, gynaecological examination and modalities for accessing the dedicated outpatient clinic is envisaged, at the end of which questions can be made. The meetings are conducted by a gynaecologist or midwife and a psychologist. The problems related to the male reproductive system and modalities for accessing the dedicated urological outpatient clinic are discussed with boys; an in-depth discussion on the use of condoms and male intimate hygiene is also envisaged, at the end of which questions can be made. The meetings are conducted by a urologist or an andrologist. In the last half hour, the girls and boys are brought together in one room to answer the anonymous questions written in the previous plenary meeting.

163. Additional topics covered in Lower and Upper Secondary Schools include: responsibility for the consequences of one's actions; a mature and free relationship with the partner (no violence); respect for oneself and the partner (timing, values, expectations...); homosexuality.

## **XXII. Answer to paragraph 20 of the list of questions**

164. The Women's Health Centre is a simple organisational unit of the Gynaecology and Obstetrics complex organisational unit, which also collaborates with other hospital units, such as the Paediatrics complex organisational unit, to implement the so-called "Birth Process". The Unit works in San Marino with regard to the prevention, diagnosis and treatment of diseases of the female reproductive system and to promote the general well-being of women, families, adolescents, mothers who have recently given birth and infants.

165. It was set up in 1998 as "Centre for the protection of women's health during the menopause" with the specific intention of carrying out on the territory part of the health and socio-health activities carried out in the hospital, in order to achieve

greater integration with the population and to implement a health policy aimed at improving synergy among the various services and the different levels of care.

166. With the increase in the number of services provided, especially for women, and the increase in human resources, the Centre was called “Women’s Health Centre”. In 1999, the bone densitometry service was introduced, with the collaboration of the Radiology and Internal Medicine operational units. In 2013, the Centre was equipped with a densitometer. In 2000, the gynaecological outpatient clinic for female adolescents was added. In 2015, the uro-andrological outpatient clinic for male adolescents was introduced, thus creating the “Youth Space” within the Centre, to which users up to 20 years of age, who need advice on sexual and health problems or on prevention and contraceptives, can turn free of charge.

167. Other activities developed over the years include the management of cervical cancer screening, the establishment of a dedicated outpatient clinic for the follow-up of breast surgery patients, the outpatient and home-based maternity and infant care service, and the creation of the Registry of sexually transmitted infections/diseases.

168. The Women’s Health Centre has also set up the Counselling Centre for violence against women and gender violence, which collaborates with the services of the Social Security Institute and other bodies dealing with this phenomenon, such as the Authority for Equal Opportunities, the Department of Human Sciences of the University of San Marino, the police, the school, the professional associations of psychologists and lawyers and the Court. The Centre provides psychological assistance with direct access or telephone appointment for an initial assistance and counselling. It also deals with providing information on one’s rights and the measures envisaged by Laws nos. 97/2008 and 57/2016 on violence against women and gender violence; collaboration for the arrangement of protection programmes in cooperation with the services of the Social Security Institute and other bodies, aimed at offering hospitality in shelter homes; contact with dedicated legal services; collaboration for the organisation of educational initiatives to prevent violence in schools; collaboration with local associations in the promotion of public awareness initiatives on this subject.

169. According to Law no. 127/2022, the Women’s Health Centre also offers assistance to women seeking voluntary termination of pregnancy, who request it before the 12th week of amenorrhoea, by assessing the gestational age and providing all the necessary information on the relevant procedure.

### **XXIII. Answer to paragraph 21 of the list of questions**

170. In accordance with the Declaration of the Citizens’ Rights, the Republic of San Marino ensures family support and protection of pregnancy and puerperium, recognises the right of all persons to enjoy the highest health standard, and provides for appropriate measures to ensure support, care and assistance for pregnant women and parenting.

171. The draft law “*Forms of support for single pregnant women and single-parent families in vulnerable socio-economic situations*” stems from a deeply felt need to supplement Law no. 129/2022 on family support measures, with a view to defining a regulatory framework that guarantees the protection and support of women experiencing pregnancy and puerperium in conditions of psychological, economic and social difficulties.

172. The draft law was approved by the Great and General Council during its sitting of 18 November 2022, with the consent of all political forces, and was promulgated by Law no. 158 of 29 November 2022.

173. From a legal point of view, the scope of this legislative measure has been limited to “single pregnant women”, who form an independent family unit without any kind of family support, and to “single-parent families” residing in San Marino, who are in particularly serious socio-economic situations. “Single-parent families” refers to a family consisting only of the mother or father and one or more children (one of whom is under the age of three), who are completely dependent on the single parent, without any other family support.

174. In accordance with the provisions of the Declaration of the Citizens’ Rights, Article 3 of the Law prohibits any form of discrimination against women in all fields, with particular reference to access to employment, career advancement, vocational re-training, study, guidance, training and specialisation, including for reasons relating to the composition of the family unit to which they belong. Violations are subject to the sanctions provided for by Law no. 40 of 25 May 1981 “Employment equality between men and women”.

175. According to the Law, the Minors’ Service complex operational unit, through highly qualified staff, provides parenting support services to the persons concerned, through psychological support, assistance with the submission and management of applications for access to minimum income provided for in Article 1 of Decree-Law no. 91 of 26 May 2020, applications for exemption from the payment of nursery and school canteen fees, and the promotion of all forms of assistance to support and facilitate the mother or father in their daily lives. Access to facilitated forms of employment, support for the continuation of university studies, with a view to regulating the integration of people into the labour market and to accompany them throughout their schooling, the possibility of free housing in State-owned buildings, and legal aid in proceedings relating to children’s maintenance and recognition of paternity or maternity are also guaranteed.

176. In addition, the right to anonymity and privacy of a woman is also protected in case she chooses, for whatever reason, to give birth anonymously, not to recognise her newborn child and to entrust him/her to hospital staff immediately after birth.

#### **XXIV. Answer to paragraph 22 of the list of questions**

177. As of October 2023 San Marino had 258 female migrant workers employed in the private sector as carers from the following countries: Ukraine 143, Albania 38, Romania 20, Georgia 15, Philippines 11, other countries 31.

178. Delegated Decree no. 21 of 24 February 2016 “*Measures in favour of the elderly and of persons with disabilities who are not self-sufficient and rely on continued assistance*” establishes and regulates the “Help Desk for the recruitment of carers” at the Territorial Home Service of the Social Security Institute, in order to meet the increasingly complex needs of citizens and their families. The Territorial Home Service has the task of collecting all documents and managing the file for the recruitment of carers, which is sent in its entirety to the Labour Office for the issue of the work permit.

179. The above procedure provides access to the network of services offered by the Territorial Home Service, through an interpersonal relationship aimed at receiving, guiding and informing the person in need, in synergy with public and private services present in San Marino, with a view to providing customised responses.

180. Article 3 of Delegated Decree no. 21/2016 establishes and regulates the activity of the help desk and assistance operators, who, among their tasks, also provide help to foreign female workers in relation to their employment. In particular, the staff working at the help desk provides assistance in the initiation and completion of

administrative, social and health procedures concerning the regularisation of carers, up to the signing of the employment contract. In recent years, these functions have been extended to include the booking of medical examinations to be carried out at the Primary Health Care complex operational unit.

181. With regard to carers, the Service provides training at the employer's home, based on information relating to the personal and social conditions of the person being assisted.

182. During the training, carers have the opportunity to learn operational and practical techniques and may seek advice on the regularisation procedures related to their employment relationship and on their rights.

183. In the event of a report to the Service of a possible human rights violation, the help desk operator will contact the competent social worker, who has taken all appropriate measures to provide adequate assistance to the persons concerned, in accordance with the legislation in force on the protection of workers, gender violence and non-discrimination.

184. The most frequent situations concern complaints by foreign female workers against their employers. In some cases, carers reported embarrassment due to inappropriate attitudes on the part of the employer's family members (son, husband, etc.). In the vast majority of cases, the Service verified what happened, monitored the home situation and acted as mediator between those involved. In the few cases in which violations of the law were detected, the Service involved the network of services and competent territorial bodies, such as the Mental Health complex operational unit, the police forces and the Court. In 2023, out of 5 reports, 2 cases required complex management.

185. Carers for the elderly are regularly employed, and therefore have access to trade unions like any other worker. They hold a regular stay permit and, in the event of a dispute, they have the same access to the Court and bodies protecting equal opportunities as any other person holding a stay permit.

186. Pursuant to Law no. 118/2010, as amended by Law no. 118/2015, the stay permit for employment reasons may be renewed for 4 consecutive years. After this period, the worker shall stop working for 30 days and then obtain renewal for a further 4 years. During the period of interruption, a tourist permit is granted and the worker is not obliged to leave the territory.

187. Carers have annual contacts with social services and the Gendarmerie to renew work and stay permits. If necessary, the services mentioned are competent to report any problems that the worker may encounter.

## **XXV. Answer to paragraph 23 of the list of questions**

188. The rules to protect against abuses perpetrated against private carers are the ones in force in the Republic of San Marino to counter Gender-based Violence: the aforementioned Law no. 97/2008 and Delegated Decree no. 60/2012. It is also worth mentioning the initiative of the Authority for Equal Opportunities during the year 2022 with regard to the Ukrainian women hosted in the Republic of San Marino, through which special bilingual leaflets and posters were prepared, informing them of the protections that the Republic of San Marino guarantees to women who are victims or witnesses of physical or psychological violence, personal or labour exploitation, and providing the necessary emergency contact numbers.

**XXVI. Answer to paragraph 24 of the list of questions**

189. Law no. 97/2008 and subsequent amendments establishes a number of useful instruments to protect victims of gender-based violence within the family also in civil proceedings. Indeed, when the spouse's or cohabiting partner's conduct causes serious harm to the physical or moral integrity or freedom of the other spouse or cohabiting partner, if the offence is not prosecutable ex officio or if a complaint has not been lodged, the Judge in civil matters may order the spouse or cohabiting partner to be removed from the family home and - where necessary - impose a prohibition against going near places attended by the victim. Such measures may be adopted not only against the spouse and cohabiting partner, but also against any other member of the household. In addition to these measures, the judge may order the intervention of the social services, a family mediation centre or associations whose purpose is to support and shelter women, minors or weak persons, as well as order the periodic payment of an allowance to cohabiting partners who - as a result of the aforementioned measures - find themselves deprived of their livelihood.

190. In addition to what has already been mentioned in the answer to paragraph 4 of the questions regarding the inclusion in the Declaration of the Citizens' Rights of the prohibition of discrimination on the basis of sexual orientation and the approval of the Law regulating Civil Partnerships, it is worth pointing out that in the area of equal rights, Law no. 115 of 24 June 2021 was passed to improve the implementation of the legislation on civil partnerships and to amend the Criminal Code in order to provide as much regulatory coverage as possible and to avoid excluding certain cases. Therefore, among other things, the law establishes: that wherever the term 'spouse' or 'spouses' or equivalent terms appear, they shall also apply to civil partners; equal rights in the case of statutory inheritance and intestate succession; the amendment of Article 149 of the Criminal Code in order to treat civil partnerships in the same manner as marriage with regard to criminal matters.

191. Since the entry into force of Law no. 147/2018, 97 different-sex partnerships and 17 same-sex partnerships have been registered (data updated to June 2022).

192. With reference to policies in favour of information and assistance, including medical assistance, dedicated to LGBTI persons, Law no. 127/2022 includes some significant provisions in this regard. By way of example, it establishes that, through the Counselling Centre, the Social Security Institute shall provide psychological, gynaecological and andrological advice and assistance for women and men, including minors, at all stages of their lives and according to their sexual orientation, ensuring the utmost confidentiality and resorting to specifically trained SSI personnel. Access to the Counselling Centre shall be free, optional, free of charge and confidential. The Counselling Centre also provides psychological assistance to those in need of psychological counselling related to gender orientation; the Counselling Centre also provides information aimed at the prevention of unwanted pregnancies, sexually transmitted diseases, guidance on contraceptive methods, and the promotion of safe sexuality; facilitated access to contraceptive methods, strengthening of the protection of confidentiality and the right to privacy in relation to sexual health services and treatment, and with regard to one's own medical records.

193. With regard to the transmission of the surname to the child, the provisions in force, Law no. 173 of 26 November 2015 and Regulation no. 3 of 19 February 2016, aim to fully implement, when attributing the surname to children, the general principles already in force in the San Marino legal system of prohibiting any form of discrimination, in particular based on sex, which violates the principle of equality between men and women. Law no. 173/2015, adopted following the submission of a



draft law of popular initiative, implements the principle of equal transmission of the surname and aims to protect the unitary nature of the family name.

194. At the time of birth, married parents may choose between attributing their children the paternal surname, or, by joint request, the maternal surname or the surname of both parents, in the order agreed upon by them. The principle of attribution of the paternal surname only remains if the parents do not choose otherwise. The surname chosen for the first child is then also assigned ex officio to the other children from the same parents.

195. A child born of unmarried parents takes the surname of the parent who first recognised him/her. In the case of joint recognition, the provisions for married parents set out in the preceding paragraph apply. The provisions also apply to adopted children.

196. Lastly, the law provided for transitional rules applicable for one year from its entry into force, in order to allow the persons concerned to apply for the addition of the maternal surname for minors already born. The Law Commissioner was identified as the competent authority to decide on such requests. The same provisions were also extended to children of full age under 25, provided they are cohabiting.

197. The regulation implementing such law lays down supplementary provisions for the preparation of acts of the Vital Statistics Office with regard to the equal attribution of surnames to children by their parents.

## **XXVII. Answer to paragraph 25 of the list of questions**

### **Developments, plans, programmes, collaborations**

198. Collaboration between the Authority for Equal Opportunities and the Psychologists' Association: pursuant to Delegated Decree no. 56 of 17 May 2018, in particular with reference to art. 8, in January 2023 a memorandum of understanding was formalised and signed between the Authority for Equal Opportunities and the Psychologists' Association to ensure a process of reception and support for victims of violence at a reduced rate paid by the Authority; under the same conditions, the protocol also extends to minors under 18 years of age.

199. Cooperation between the Authority for Equal Opportunities and the Lawyers' Association: pending the signing of a memorandum of understanding with the Lawyers' Association - a protocol that has already been agreed upon and is currently being finalised - the Authority for Equal Opportunities grants legal professionals who support victims of violence, reimbursement of expenses incurred and work performed, establishing a reduced rate.

200. On-call duty of socio-health professionals: Article 32 of Law no. 97/2008 as recently replaced by Article 8 of Delegated Decree no. 62/2024 in paragraphs 3, 4 and 5 expressly states that: "3. *In the event of a real and concrete danger for the victim's safety, the Police shall act to ensure the victim's safety, through the competent Social Services, which shall intervene in accordance with the protocols in force, also for the purpose of temporary placement in a protected facility.* 4. *If the persons involved are minors, the Police Forces shall contact the Minors' Service. In all cases in which the Service, even following autonomous intervention or even outside the scope of this article, finds that there is a temporary inability or impossibility for both parents to exercise parental authority over the child, and that there is an immediate need to protect the child, it shall arrange for the child to be placed in a protected facility in accordance with the protocols in force, notifying the Guardianship Judge, for the measures falling within his competence, within the following twenty-four hours.* 5. *In*

*order to ensure the regular performance of the intervention activities referred to in paragraphs 3 and 4, the SSI Executive Committee shall guarantee, through the Social Services and the Minors' Service, the fulfilment of their duties, i.e. guaranteeing 24-hour on-call shifts". In this regard, it should be specified that GREVIO emphasises that "both short-term emergency interventions and long-term support services, including psychological counselling, financial assistance and accommodation, must be available".*

201. First reception centre: To make up for the lack in San Marino of a first reception centre, a protected and welcoming place was identified, together with the support of the SSI General Directorate and the Social Services, where victims can be received for the time necessary to initiate the socio-health and legal assistance process, with minor dependent children. More specifically, the centre can provide emergency accommodation for 24/48 hours or, in some cases, until the judge rules on the case and the possible placement of the victim(s), provide the necessary protection in risk situations, and provide immediate assistance from specialised socio-health personnel.

202. 24-hour helpline: a 24/7 helpline for victims of violence was set up in 2020. Pursuant to GREVIO's recommendation, which strongly encourages the San Marino authorities to provide the general social services with adequate human resources to enable them to effectively assist women victims of violence, the 24-hour on-call service of Social Workers will enable women who call the helpline to speak to a trained social worker capable of supporting them, no longer diverting calls to the Police Inter-agency Operations Centre.

### **Ratifications of international instruments**

203. In March 2020, San Marino acceded to the UNESCO Convention against Discrimination in Education, in consideration of the commitment made within the framework of the second cycle of the Universal Periodic Review, following a number of recommendations by the Member States and observers of the Human Rights Council, and of the importance of the Convention in the international context.

204. In May 2019, San Marino adhered to the International Labour Organisation's Maternity Protection Convention no. 183.

205. San Marino is a State Party to International Labour Organisation Convention no. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

### **Contributions and reports from civil society**

206. The synergetic activity of the network of services and civil society organisations is also crucial in combating this phenomenon, as also emphasised by GREVIO. Upon request of the Department of Foreign Affairs, a number of San Marino associations contributed to the report. Below are some reports from civil society about the need for improvements in the legislative framework concerning discrimination against women and activities carried out by civil society.

207. With regard to the right to family allowances provided for by the same Convention in Article 13, letter a), the San Marino Union of Workers (USL) points out that mothers who are not employed cannot exercise this right. Furthermore, USL points out that the new pension reform disadvantages women who have had children and who inevitably fall behind in terms of contributions. USL also points out that childcare leave under Law no. 129/2022 is unpaid.

208. Despite the progress made in the recognition of gender rights, the Union of San Marino Women (UDS) emphasises that disparities remain between men and women with regard to parental leaves, since men do not enjoy the same rights as women with regard to parental leave. Moreover, UDS points out that these discriminations are more evident in the private sector, whereas in the public sector it is more common to find women in management posts;

209. UDS followed with great interest the promulgation of Delegated Decree no. 62/2024, recognising the value of introducing a number of important integrations to implement the GREVIO recommendations and the increasing sensitivity to the problem. However it calls for the promulgation of a comprehensive law to coordinate the whole matter. UDS also points out that the current legislation on the so-called “gender quotas” is insufficient and stresses that discrimination in political participation persists.

210. The following are some of the most relevant activities carried out by civil society:

- UDS:
  - Meeting held on 8 March 2024 in cooperation with the Women’s Mutual Aid Society to reflect on the contribution of women in public, professional and political decision-making places and processes;
  - Organisation of the public event “*Let’s not hide Violence in Silence*”, held in March 2022, with the aim of demonstrating closeness to women victims of violence and bringing citizens together around an issue that requires the utmost attention, now more than ever;
  - Promotion of the show “*Penelope is tired of war*” on the theme of women victims of violence, war-related violence, gender-based violence, femicide, victims of a male-dominated narration of history, but also protagonists - like Penelope - in saying no to war;
  - Organisation of the public event “*Doing good with words. The importance of words to build bridges and break down walls*” with the participation of distinguished sociolinguist Vera Gheno.
  - Promotion of numerous popular petitions with the aim of enhancing illustrious women from the San Marino political scene, as an act of recognition and celebration of their contribution to society. This promotes gender equality, inspiring new generations to follow in their footsteps;
  - Promotion of the referendum on voluntary termination of pregnancy and participation in the drafting of the law, requesting meetings with all political forces and members of the anti-referendum committee to present the document it had prepared as a contribution to the new legislation on the voluntary termination of pregnancy, and also to seek consensus on the need to include this issue in a broader and more comprehensive law compared to the draft law submitted by the Congress of State. Moreover, the Union of San Marino Women continues to closely monitor the implementation and effectiveness of the Law to ensure that it is properly applied and meets the needs of the population;
  - Promotion of two popular petitions aimed at protecting women in employment to increase female employment and to introduce more controls on job advertisements;

- Promotion of a popular petition to introduce the possibility for women to use epidural anaesthesia during childbirth. The petition was approved by Decision of 18 March 2024;
- Promotion of a popular petition for more information on the possibility of passing on a mother's surname to her children. The petition was approved on 24 May 2023.
- USOT (San Marino Tourism Industry Association):
  - Awareness-raising initiative through which bars, hotels and restaurants associated with USOT, from 27 May to 2 June 2024 and then again from 25 to 30 November 2024, will gift customers with a key ring, in the shape of a red heeled shoe, symbolising the fight against gender-based violence. The initiative also aims to support the work of the Authority for Equal Opportunities.
- Soroptimist Club:
  - Organisation of a series of information and awareness-raising meetings dedicated to preventing and combating gender-based violence entitled "*Je suis Artemisia*". The topics addressed in the meetings include: "*Gender-based violence, let's take stock of prevention*", "*Recognising the signs of violence in a relationship*", "*Community antennas: the role of associations in the network against gender-based violence*";
  - Distribution in public places of the violence meter: a tool to recognise the signs of violence;
  - Organisation of a free prevention course to combat gender-based violence and promote health for girls and boys aged 16 to 23 aimed at overcoming gender stereotypes and the social image of violence, increasing knowledge of its different forms and offering young people possible strategies for protection and defence against today's risks and dangers. The course, comprising 8 meetings of approximately two and a half hours, emphasised the process of gradual exploration, processing and transformation of representations related to the topic of violence and was deliberately open to both girls and boys together. In parallel with the psychological intervention, emphasis was placed on the acquisition of specific theoretical knowledge and techniques of personal self-defence;
  - Presentation of the RicuciAmo pilot project, by the Department of Equal Opportunities and the SOS Donna Association of Faenza, developed together with important entrepreneurs and local bodies, aimed at training women victims of violence in the tailoring sector, favouring their integration in the companies of the sector, in order to give them economic independence and the possibility of recreating a life far from abuse, thus "rebuilding" their lives. Throughout the entire pre-Christmas period, the Club's members took care of the sale of Epiphany stockings, made by women from Faenza, and the preparation of gift packages with fabrics also provided by the SOS Donna Association, by free donation, the proceeds of which were used precisely to provide aid and support to women victims of violence;
  - "*A room for you*": a project, in cooperation with the Gendarmerie Corps, aimed at supporting victims of violence in the difficult and traumatic moment of reporting violence. It takes the form of a space specifically designed to welcome, put at ease and listen to the woman who decides to denounce persecutory and violent acts, maltreatment, stalking, very often perpetrated in the context of emotional relationships, unfortunately also involving minors.

For this reason, a space is also set up next to the room for children who may accompany their mother;

- Postcard “*A room for you: do not accept any form of violence. Ask for help*”. The postcard was distributed in the most popular places and, thanks to the cooperation of San Marino banks, promoted through ATMs. This campaign aims to help women understand, in good time, the behaviour and attitudes of their partners, before they escalate into actual physical violence, and to raise awareness against gender-based violence, so that women do not accept, in silence, abuse and prevarication, but find the strength to distance themselves, to end the relationship, to report to the police and to contact the services at the telephone numbers aimed at providing information and accepting requests.
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