

*Building trust
by delivering support,
protection and justice*

San Marino

First thematic
evaluation report

GREVIO

Group of Experts
on Action against Violence
against Women and
Domestic Violence



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

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THE
ISTANBUL CONVENTION
SAVES LIVES

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and Domestic Violence (GREVIO)

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Adopted by GREVIO on 26 March 2026

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Executive summary

This evaluation report addresses progress made in providing support, protection and justice to victims of violence against women and domestic violence under selected provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention). It offers an assessment made by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO's findings identify developments that have taken place since the publication of its baseline evaluation report on San Marino on 23 September 2021 and are based on the information obtained during its first thematic evaluation procedure as set out in Article 68 of the convention. This information includes a state report submitted by the San Marinense authorities as well as a three-day evaluation visit to San Marino. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report assesses the wide variety of measures taken by the San Marinense authorities to prevent violence against women and domestic violence and to deliver protection, support and justice for victims – the theme chosen by GREVIO for its first thematic evaluation report. In identifying emerging trends in preventing and combating violence against women and domestic violence, GREVIO shines a light on laudable efforts made to implement this convention. Moreover, it provides in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution as building blocks for a comprehensive response to the different forms of violence against women that instils trust in victims.

In this regard GREVIO welcomes the steps taken to align criminal legislation with the requirements of the Istanbul Convention by introducing the offence of sexual harassment that corresponds to the requirements of Article 40 of the Istanbul Convention, by aligning the offence of stalking with the respective requirements of the convention and by introducing several new offences aimed at responding to the digital dimension of violence against women. Moreover, GREVIO welcomes the adoption of two national action plans to fill the gap previously identified by GREVIO. The Comprehensive National Plan to Combat Violence against Women 2024-2026 is based in large parts on GREVIO's findings made in its baseline evaluation report and is structured along the four main pillars of the Istanbul Convention – prevention, protection, prosecution and integrated policies. It is based on a distinctly gendered understanding of violence against women and places strong emphasis on primary prevention by addressing gender inequalities and stereotypes as the root causes for such violence. In addition, the National Multiyear Plan on the Elimination of Violence, Harassment and Discrimination in the World of Work lays out measures for the implementation of the International Labour Organization's 2019 Convention No. 190 on violence and harassment in the world of work. Moreover, the national co-ordinating bodies set up under Article 10 of the Istanbul Convention, the Authority for Equal Opportunities and the Commission for Equal Opportunities, now base their activities on the programmatic aims and measures set out in the two national action plans.

In another positive development, multi-agency co-operation has been firmly introduced in the work of all professionals working with women victims of violence against women. These include all members of the Anti-Violence Network ("Rete antiviolenza"), which comprises the Mental Health Unit, the Minors' Protection Unit and the Counselling Centre for Victims of Gender Violence, all members of the Institutional and Technical Panel, as well as law-enforcement authorities and the judiciary. A protocol sets out the different roles and responsibilities of each member and how the network is activated to ensure an adequate response for each victim. Multi-agency risk-assessment conferences (MARACs) have been introduced, although are not yet fully institutionalised, and individual safety plans are drawn up by the police, which include the victim and her children. The recent efforts to end family law mediation through joint meetings between the perpetrator and the victim and her children is another step towards enhancing victim safety at the level of legal proceedings. Similarly important efforts to avoid secondary victimisation in legal proceedings have been taken by introducing victim protection measures in civil and criminal proceedings, such as separate hearings or the possibility of audio or video recordings. In parallel, cases of violence within

the remit of the Istanbul Convention have been prioritised at the level of the Single Court of San Marino, resulting in no more examples of cases becoming time-barred.

Moreover, training of professionals on violence against women and domestic violence was made a priority Comprehensive National Plan to Combat Violence against Women, which is already producing some promising results, although training for some professional groups is not always mandatory. There is a continuously strong focus placed on integrating the concepts of gender equality, violence against women, mutual respect and consent in sexual relations into the mandatory curriculum for schoolchildren.

Beyond the progress made in San Marino to implement the convention, GREVIO has identified areas that require urgent action by the authorities to comply fully with the convention's provisions. An area of particular concern remains the need to increase the funding for the national co-ordinating bodies in order to ensure staff are adequately remunerated for their work and their activities can be sustained. A similar funding concern pertains to the situation of civil society organisations, including but not limited to women's rights organisations active in the area of violence against women. Very limited funding opportunities are available to them, which places limits on the type and scope of activities they may engage in. Crucial services such as work with perpetrators remain unfunded, despite the existence of high-quality programmes, a co-operation agreement signed by the authorities and the possibility for courts to order mandatory participation in such programmes.

Although the possibility to arrest a perpetrator of domestic violence exists, there is no possibility for law-enforcement authorities to issue an emergency barring order in a situation of immediate danger and hence to temporarily evict a domestic abuser from a residence shared with the victim. While a system of protection orders is in place, which are frequently issued within 48 hours, this does not comply with the requirement of ensuring immediate safety where necessary by removing the perpetrator from the home and barring any contact with the victim and her children. In relation to sexual violence and rape, the report points to very low rates of reporting by victims and of prosecution, and points to the need to identify and address any barriers women victims of rape and sexual violence may face in turning to the authorities. This includes the need to enhance the capacity of law-enforcement agencies to investigate and prosecute instances of rape and sexual violence, including choking and strangulation, committed in the context of intimate partner violence and to also enhance the police responses to psychological forms of violence against women, as well as digital manifestations of violence against women and domestic violence.

GREVIO has identified a number of additional issues that require sustained action in order to effectively build trust by delivering protection, support and justice for acts of violence against women. These relate to the need to:

- ensure that national policy documents and strategies, including awareness-raising activities, give due importance to all forms of violence covered by the Istanbul Convention, and that they take into account the perspective of women who are or might be exposed to intersecting forms of violence;
- enhance systematic mandatory initial and in-service training for all relevant professionals, including teachers and members of the judiciary;
- ensure that specialised support services for women victims of violence meet the needs of victims of all forms of violence covered by the Istanbul Convention, including in their digital dimension, and involve civil society organisations that play a role in protecting and supporting women victims in multi-agency co-operation mechanisms;
- step up measures to ensure the economic independence of women victims of violence through general support services provided by the Social Security Institute, including financial assistance and support for housing;
- require, through relevant legislation, that incidents of violence against women be considered a mandatory legal criterion in the determination of custody and visitation rights where a history of violence is known, and that screening mechanisms be introduced in order to identify such cases, including in cases where family mediation is proposed;

-
- ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive, and examine and address factors that contribute to the elevated number of dismissals in criminal justice proceedings in relation to cases of violence against women covered by the Istanbul Convention;
 - in the event of breaches of protection orders, systematically apply the regime of sanctions available.

GREVIO has identified further areas in which improvements are required in order to comply fully with the obligations of the convention under this round's theme. These relate to, among other things, the need to evaluate, on a regular basis, the policies introduced for the implementation of the comprehensive and co-ordinated policy approach required by the Istanbul Convention, and to ensure not only adequate victim referral by staff in the healthcare sector but proactive screening for violence against women and domestic violence in the public and private healthcare sectors.

Last, GREVIO highlights several emerging trends, including in the area of legislation, where measures have been taken to further align the Criminal Code with the Istanbul Convention and intensified efforts made to ensure the prevention of violence against women in sports. The trends also highlight the limited involvement of civil society organisations in the development and implementation of public policies aimed at preventing and combating violence against women.

Introduction

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, the “Istanbul Convention”) is the most far-reaching international treaty to tackle violence against women and domestic violence.

It sets up a two-pillar monitoring mechanism to assess the level of implementation by its parties: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention. In line with Article 68 of the convention, GREVIO has been providing country-based monitoring reports under its baseline evaluation procedure since 2017. Its baseline evaluation report on San Marino, offering a comprehensive assessment of the convention’s implementation in its entirety, was published on 23 September 2021, following San Marino’s ratification of the Istanbul Convention on 28 January 2016.

This report was drawn up under GREVIO’s first thematic evaluation round launched in 2023 focusing on the theme of building trust by delivering support, protection and justice. To address this overarching theme, it describes emerging trends in the areas of preventing and combating violence against women and domestic violence in the country. Section two aims to identify developments in key areas such as comprehensive and co-ordinated policies, funding and data collection that have ensued following the completion of the baseline evaluation procedure. Section three presents more in-depth information on the implementation of selected provisions in the areas of prevention, protection and prosecution, in respect of which baseline evaluation procedures and the conclusions on the implementation of recommendations of the Committee of the Parties to the Istanbul Convention have revealed significant challenges and the need for further action.

In respect of San Marino, the first thematic evaluation procedure was initiated in accordance with Article 68 of the convention by letter and transmission of GREVIO’s first thematic questionnaire on 15 March 2024. The San Marinese authorities subsequently submitted their state report on 9 September 2024 – the deadline set by GREVIO. Following a preliminary examination of San Marino’s state report, GREVIO carried out an evaluation visit to San Marino, which took place from 24 to 26 February 2025. The delegation was composed of:

- Marie-Claude Hofner, Member of GREVIO
- Grzegorz Wrona, Member of GREVIO
- Sabrina Wittmann, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. GREVIO wishes to highlight its constructive exchanges with the San Marinese authorities, in particular Francesca Civerchia and Dalibor Riccardi, His Excellencies the Captains Regent, Mr Luca Beccari, Minister of Foreign Affairs, Mr Stefano Canti, Minister of Justice, Ms Mariella Mularoni, Minister of Health and Social Security, and Mr Teodoro Lonfernini, Minister of Education and Culture. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them. For the co-operation and support provided throughout the entire evaluation procedure, it wishes to extend its gratitude to Ms Gloria Valentini, who was appointed as contact person. The state report is available on the country monitoring website of the Istanbul Convention.¹

The present assessment was drawn up under the exclusive responsibility of GREVIO and is based on the information collected during the various steps of the evaluation procedure. In keeping with the approach adopted in its baseline evaluation reports, the findings made reflect different levels of urgency, indicated in order of priority by the following verbs: “urges”, “strongly encourages”, “encourages” and “invites”.

1. www.coe.int/en/web/istanbul-convention/san-marino.

Resulting from a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement within the national context of the party under review, this report describes the situation as observed by GREVIO up until 13 October 2025. Where applicable, relevant developments up until 26 March 2026 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

I. Emerging trends in the areas of violence against women and domestic violence

Legal measures to further align the Criminal Code with the Istanbul Convention

1. Since GREVIO's baseline evaluation report, the San Marinense authorities have further aligned their national legal framework with the requirements of the Istanbul Convention. Some of the amendments came in direct response to GREVIO's findings. The most recent example of such alignment is the introduction of the criminal offence of sexual harassment as set out in Delegated Decree No. 161 of 29 October 2024. It fully aligns with Article 40 of the convention and also corresponds to the respective recommendation made by the Committee of the Parties to the Istanbul Convention.² It defines sexual harassment as any unwanted act or conduct of a sexual nature, including through social media, thereby also taking into account the digital dimension of such conduct. Certain contexts, notably if the harassment occurs in the context of employment, a traineeship or through the abuse of power by the perpetrator, qualify as aggravating factors. In addition, the decree also introduced important changes to the offence of stalking (Article 181-bis of the Criminal Code). It now lists the elements of causing severe moral suffering and harm by repeatedly pestering or threatening a person as an alternative to causing the victim to fear for his or her safety. The amendment brought the conceptualisation into line with the requirements of the Istanbul Convention, which criminalises intentional conduct directed at another person that causes the victim to fear for their safety irrespective of any severe moral suffering and harm. Equally, a standalone offence of solicitation of children for the purposes of committing certain criminal offences, including sexual offences ("grooming"), was introduced (Article 177-quinquies of the Criminal Code).

2. Giving due importance to the digital dimension of violence against women and following the guidance proposed by GREVIO's General Recommendation No. 1 on this topic,³ the San Marinense authorities criminalised the illicit dissemination of sexually explicit images or videos through Law No. 16/2021. Sending, publishing or disseminating images or videos of sexual organs or sexually explicit content without the consent of the persons represented is now punishable by imprisonment and a fine (Article 181-ter of the Criminal Code). Aggravating circumstances apply if the offence is committed against a current or former intimate partner or if committed through information and communication technology. By contrast, psychological violence, a frequent element in an abusive relationship, is yet to be criminalised in San Marino in order to fully align legislation with the requirements of the Istanbul Convention. While Decree No. 161/2024 introduces a definition of psychological violence to Law No. 97/2008, it does not yet criminalise the behaviour. Similarly, the offences of rape and sexual violence that continue to require an element of force or coercion for their commission remains at odds with the requirements stemming from Article 36 of the Istanbul Convention.

Preventing violence against women in sports

3. In a bid to ensure compliance with the standards of the Istanbul Convention in all areas of life, several initiatives have seen the light of day in recent years that aim to introduce memoranda of understanding and greater raise awareness of violence against women perpetrated in sports contexts, to train relevant professionals and to ensure referrals to the existing support services for women victims of violence. These are supported by a recently introduced legislative changes, which anchored in Law No.115 of 23 September 2025 legally binding provisions aimed at combating gender-based violence and child abuse in the field of sport.

2. See Committee of the Parties to the Istanbul Convention, Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by San Marino, IC-CP/Inf(2021)9, 7 December 2021.

3. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, Council of Europe (2021), available at: www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

Limited participation of non-governmental organisations in the development of public policies and the provision of support services to victims

4. Although civil society organisations active in the area of women's rights enjoy political and legal recognition in San Marino, their involvement in the drawing up and implementation of public policies aimed at preventing and combating violence against women remains limited. Most of their activities focus on awareness raising of the different forms of violence against women and advocacy on the Istanbul Convention and its implementation, with little to no role assigned to them in the implementation of the many policies on violence against women in San Marino. Moreover, their funding from public sources is minimal and has not increased since the respective findings made by GREVIO in its baseline evaluation report. Similarly, there is no evidence of formal consultation processes with NGOs and civil society organisations in the design of policies or drawing up of relevant protocols. This extends to the work of the national co-ordinating bodies established under Article 10 of the Istanbul Convention, despite a parliamentary decision to establish co-operation mechanisms for the purposes of the design, monitoring, evaluation and implementation of measures and policies to prevent and combat violence against women. Instead, and as is visible throughout this report, civil society organisations and women's rights NGOs remain sidelined from the very visible efforts of the authorities to advance the implementation of the Istanbul Convention.

5. This situation contrasts with the principles of the Istanbul Convention, already emphasised by GREVIO in its baseline evaluation report, which require civil society organisations to play a major role in preventing and combating all forms of violence covered by the scope of the convention. Article 9 requires parties to the Istanbul Convention to recognise their work and involve them as partners in multi-agency co-operation, because their expertise and perspective are valuable resources for making these policies more suited to the needs and rights of women victims of the different forms of violence against women covered by the Istanbul Convention.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

6. Chapter I of the Istanbul Convention sets out general principles that apply to all the substantive articles contained in Chapters II to VII and therefore lay the foundation for a comprehensive and adequate response that ensures the delivery of support, protection and justice for all women and girls at risk of or who have experienced gender-based violence. These principles include the notions that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies, sustained by the necessary institutional, financial and organisational structures.

A. Definitions (Article 3)

7. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. “Violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” provided in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered, by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

8. In its baseline evaluation report, GREVIO had welcomed the legal requirement for the San Marinese authorities to adopt a gender perspective when implementing and evaluating laws, policies and measures related to the Istanbul Convention. As a result, the different protocols and guidelines framing the interventions of institutional bodies, in particular health and social services as well as law-enforcement authorities, demonstrated a strong gender perspective in recognition of the structural nature of violence against women. In terms of definitions, Law No. 57/2016 translated key definitions set out in the Istanbul Convention into national law.

9. GREVIO notes that Law No. 97/2008 on the Prevention and Repression of Violence against Women and Gender Violence adopted in 2008 and amended in 2016 remains the reference framework for action on preventing and combating violence against women, offering specific definitions. While it refers, in its title heading of Article 2, to the gendered nature of violence against women, it currently offers a gender-neutral definition of “violence against a person”.⁴ By contrast, the Comprehensive National Plan to Combat Violence against Women 2024-2026 conceptualises gender-based violence as male violence against women, referencing its escalation to “femicide” as a reason to engage in preventive measures.⁵ In order to align the legal definition in use with policy documents and much of the practice by social services and other important bodies, it would be important to introduce a robust definition of violence against women as a gendered phenomenon in line with Article 3a of the Istanbul Convention.

4. The first paragraph of Article 2 of Law No. 97/2008, as amended by Law No. 57/2016, reads as follows: “Violence against a person shall mean any act of sex or gender-based violence that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to the victim, including threats of such acts, coercion or arbitrary deprivation of liberty, whether in public or in private life”.

5. Comprehensive National Plan to Combat Violence against Women 2024-2026, section on prevention.

10. In an important development since the baseline evaluation report, Article 1 of Delegated Decree No. 161/2024 introduces a definition of psychological violence to Law No. 97/2008. It reads as follows: “Psychological violence shall include any intentional behaviour that seriously harms the psychological integrity of another person, carried out through various means and methods such as isolation, control, coercion, intimidation, denigration and humiliation, including in respect of persons close to the victim”. While GREVIO welcomes the fact that this definition of psychological violence is wider than that required by Article 33 of the Istanbul Convention, this legislative amendment defines but does not criminalise acts of psychological violence.

11. GREVIO encourages the San Marinese authorities to align all legal definitions in use with the requirement of Article 3a of the Istanbul Convention by clearly integrating a definition of violence against women.

B. Comprehensive and co-ordinated policies (Article 7)

12. Article 7 of the Istanbul Convention requires parties to take co-ordinated and comprehensive measures to prevent and combat all forms of violence against women. Policies must ensure effective co-operation and place the rights of victims at their centre. This includes taking into account and addressing the specific circumstances and barriers experienced by women exposed to or at risk of multiple forms of discrimination,⁶ in line with Article 4, paragraph 3, of the convention. Ensuring service delivery, effective protection and justice with a comprehensive understanding of intersecting forms of discrimination is a fundamental element of building trust among all women and girls.

13. In its baseline evaluation report, GREVIO had expressed concern about the absence of a long-term and comprehensive action plan or strategy, giving due importance to all forms of violence against women as covered by the Istanbul Convention and based on the involvement of all relevant actors, including civil society organisations. It had pointed out that certain forms of violence against women, in particular sexual violence, stalking and sexual harassment, had not been sufficiently addressed in law or policy. Moreover, GREVIO had observed that an intersectional approach to violence against women had been missing and had considered that measures were needed to inform women exposed to intersectional discrimination, including women with disabilities, LGBTI women and migrant women, of their rights and opportunities for accessing protection and support services for victims of violence.

14. Since then, San Marino has adopted two national action plans, which GREVIO welcomes. The first, the Comprehensive National Plan to Combat Violence against Women 2024-2026 is based in large parts on GREVIO’s findings from its baseline evaluation report of 2021 and structured along the four pillars of the Istanbul Convention – prevention, protection, prosecution and integrated policies.⁷ This plan takes a distinctly gendered perspective on violence against women by recognising the structural nature of such violence and that it is deeply rooted in gender inequalities and stereotypes. It places a strong focus on prevention, including through further training initiatives and by combating inequalities, gender stereotypes and cultural norms that prevail in society through awareness-raising activities. It also aims to strengthen the multidisciplinary approach to combating violence against women, including through improving risk assessments by adapting the multi-agency risk-assessment conference (MARAC) model to the San Marino context. GREVIO welcomes the drawing up of the plan in collaboration with many relevant stakeholders, albeit without the involvement of civil society organisations, which it regrets. The second national action plan is the National Multiyear Plan on the Elimination of Violence, Harassment and Discrimination in the World of Work, which lays out measures for the implementation of the International Labour Organization’s 2019 Convention No. 190 on violence and harassment in the world of work, which the country ratified

6. These include, but are not limited to, women from national and/or ethnic minorities, Roma women, migrant, asylum-seeking and refugee women, women with disabilities, women without a residence permit, LGBTI women, women from rural areas, women in prostitution and women with addiction issues.

7. Available at: www.gov.sm/pub2/GovSM/Amministrazione-Trasparente/Organizzazione-dell-Amministrazione/Unit-Extra-Dipartimentali/Authority-Pari-Opportunita.html.

on 14 April 2022.⁸ The drawing up of this plan involved both trade unions and employers' associations and it includes concrete action such as the implementation of mechanisms for monitoring and applying the plan, identification of first points of contact for victims and verifying whether sufficient mechanisms for redress for victims and sanctions for perpetrators exist.

15. While the Comprehensive National Plan to Combat Violence against Women 2024-2026 has a strong focus on women with disabilities, GREVIO notes with concern that a broader intersectional approach is missing in this and other policies and measures on violence against women. Groups of women who face intersectional discrimination and heightened exposure to violence, including migrant women, LGBTI women, elderly women and women in prostitution, receive little to no attention in policies and measures, despite an evident need to better protect them. For example, San Marino has a relatively high proportion of elderly persons living in the country, which would require the authorities to ensure that violence against elderly women is detected, and policies are in place if cases emerge. GREVIO thus points to the continuing need to improve access to support and justice for all groups of women that are exposed to intersectional discrimination. In this context, GREVIO notes that the project currently being defined aimed at creating the Hub for Equal Opportunities and for the Prevention and Fight against Discrimination and Intolerance is a step in the right direction to address intersectional discrimination, as it allows all relevant national commissions and bodies working in these areas to exchange and collaborate, including the Authority for Equal Opportunities, the Commission for Equal Opportunities and the Commission for the Implementation of the United Nations Convention on the Rights of Persons with Disabilities.

16. As regards the forms of violence against women that had been identified in GREVIO's baseline evaluation report as lacking attention in San Marino, GREVIO notes with satisfaction that sexual harassment has since been criminalised, new criminal offences of cyberbullying, cyber-harassment and the non-consensual sharing of intimate images have been introduced, and the offence of stalking has been aligned with Article 34 of the Istanbul Convention. However, the criminal provisions on rape and sexual violence continue to lack the element of "consent". Moreover, no concrete policy measures on preventing and combating stalking, sexual harassment and sexual violence/rape have been formulated in the Comprehensive National Plan to Combat Violence against Women 2024-2026, apart from training initiatives. GREVIO underlines that any changes in the legal framework must be accompanied by corresponding policies and awareness-raising measures in order to yield the desired result of prevention and to ultimately increase the trust of victims in terms of reporting these forms of violence to the authorities.

17. GREVIO welcomes the fact that since the adoption of the above-mentioned action plans, the national co-ordinating bodies under Article 10 of the Istanbul Convention, which consist of the Authority for Equal Opportunities and the Commission for Equal Opportunities, now base their work on these strategic tools that define the steps needed to achieve the objectives set. This had been lacking at the time of the baseline evaluation procedure. While welcoming this improvement, GREVIO regrets that no significant developments have taken place to increase civil society involvement in the work of the national co-ordinating bodies or in policy making and evaluation. The NGO Unione Donne Sammarinesi presented a petition ("Istanza d'Arengo") to the San Marino Parliament in 2023, requesting the adoption of measures to support and recognise civil society organisations active in preventing and combating violence against women, which was approved. As a result, the parliament decided that co-operation mechanisms with civil society organisations should be established, in order to involve them in the design, implementation, monitoring and evaluation of related measures and policies. However, it appears that no such mechanisms have been implemented to date. GREVIO notes with regret that women's rights NGOs remain on the sidelines of government action on violence against women and domestic violence and that their expertise is not being tapped into.

8. Available at: www.normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190.

18. **GREVIO strongly encourages the San Marinese authorities to:**
- a. **ensure that national strategies, action plans and measures give due importance to all forms of violence covered by the Istanbul Convention, including stalking, sexual harassment and sexual violence;**
 - b. **ensure that such policies take into consideration and integrate the perspective of women who are or might be exposed to intersecting forms of discrimination, including migrant women, LBTI women, elderly women and women in prostitution;**
 - c. **ensure that the national co-ordinating bodies for the Istanbul Convention exercise their functions in close consultation with relevant civil society organisations;**
 - d. **ensure the involvement, on a regular basis, of civil society organisations working in the field of violence against women in policy making and in the monitoring and evaluation of policies and measures as a way of meaningfully tapping into their expertise.**
19. **GREVIO invites the San Marinese authorities to evaluate, on a regular basis, their policies that aim to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data.**

C. Financial resources (Article 8)

20. Article 8 of the Istanbul Convention aims to ensure the allocation of appropriate financial and human resources for activities carried out by public authorities and by relevant non-governmental and civil society organisations.⁹

21. In its baseline evaluation report, GREVIO had observed that it was impossible to determine the share of public funding that goes towards preventing and combating violence against women, as there was no document listing amounts specifically allocated to this area in the various ministries and institutions. Among the identifiable sums spent was the budget for activities of the Commission of Equal Opportunities and of the Authority of Equal Opportunities, which together constitute the national co-ordinating body under Article 10 of the convention. However, the members of these bodies carried out their tasks as volunteers without financial remuneration.

22. Since the baseline evaluation report, the Technical and Administrative Office for Equal Opportunities, Bioethics and Social Inclusion has been introduced, with an annual budget of €171 000 for salaries and equipment. It is to serve the Commission of Equal Opportunities and the Authority of Equal Opportunities in their responsibilities related to their role of national co-ordinating body under the convention. Both the commission and the authority have also seen an increase in their financial resources, including the doubling of funds for the activities of the Authority for Equal Opportunities from €15 000 to €30 000. Additionally, these bodies receive donations from associations, individuals and private companies, although their total amount is unclear. The emergency fund of €5 000 for urgent expenses for women victims of violence continues to exist.

23. In terms of the financial remuneration for members of the Commission and the Authority of Equal Opportunities, GREVIO notes that the members of the authority now receive a modest remuneration for their services (between €200 and €400 per month per member). Members of the Commission for Equal Opportunities, however, are still not remunerated, and carry out their functions after working hours in their daytime jobs. GREVIO thus reiterates its call for adequate financial compensation for the members of both national co-ordinating bodies to ensure the effective discharge of their duties.

24. GREVIO had underlined in its baseline evaluation report the added value of adopting gender budgeting at all levels of government and the need to introduce earmarked funding for all measures

9. Explanatory Report to the Istanbul Convention, paragraph 66.

and actions taken on violence against women. In the absence of measures taken to implement this finding, GREVIO underlines the added value of adopting gender budgeting at all levels of public administration in order to plan and monitor public funding devoted to the prevention and eradication of violence against women. Moreover, it stresses the need to identify and monitor more effectively the sums spent not only by the national co-ordinating bodies as mentioned above but by all relevant authorities, and to adjust the allocation of funds, where needed.

25. Concerning the absence of government funding for civil society organisations active in the field of violence against women and domestic violence as identified in its baseline evaluation report, GREVIO notes with concern that no progress has been made. The funding made available is mainly limited to awareness-raising activities on violence against women and gender equality and does not allow for the development of specialist support services for women victims. GREVIO points to the important role women's rights NGOs in San Marino play in terms of advocacy around the aims of the Istanbul Convention by presenting popular petitions ("Istanza d'Arengo") to parliament on important topics related to the convention's implementation. Yet, there is no formal role envisaged for NGOs in terms of responding to the needs of women victims of violence through counselling and other, low-threshold support services, nor are they integrated into the policy design or implementation of policies and measures to combat violence against women.

26. The lack of government funding also concerns the association Il Confine, which provides crucial preventive intervention and treatment programmes for perpetrators of domestic and sexual violence. The therapists working for the NGO have to carry out their activities from their own homes and during their free time. Despite the authorities having concluded a service contract with the association and the clear recognition of the government that the association provides crucial services for perpetrators of violence, no public funding is provided to it. In sum, no civil society organisations that carry out activities in the area of violence against women and domestic violence receive any government funding, which is clearly detrimental to the situation of women victims in San Marino, and in the context of perpetrator programmes, also detrimental to the rehabilitation and treatment of perpetrators of violence.

27. Recalling the findings made in its baseline evaluation report, GREVIO urges the San Marinese authorities to:

- a. step up efforts to adopt gender budgeting principles and to introduce earmarked funding, with the aim of identifying and monitoring the overall state expenditure on violence against women;**
- b. ensure the appropriate allocation of funds for the national co-ordinating bodies, including through adequate remuneration for its members;**
- c. provide sustainable and sufficient financial resources to civil society organisations that carry out activities and services in the field of violence against women and domestic violence, including to those that provide preventive intervention and treatment programmes for perpetrators of violence, through funding opportunities that allow for continuous service provision, for example long-term grants.**

D. Data collection (Article 11)

28. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.

1. Law-enforcement agencies and the justice sector

29. In its baseline evaluation report, GREVIO had noted that the Authority for Equal Opportunities was responsible for collecting administrative data on violence against women and published

an annual report that included relevant data. Statistics on criminal proceedings were broken down by type of offence, sex and age of the victim, and the relationship between the victim and the perpetrator, but did not specify the sex and age of the perpetrator. Prosecution and conviction rates by type of violence or by type and duration of the sentences handed down did not exist, and it had not been possible to track cases of violence across all stages of the criminal justice system. Moreover, data on the number of protection orders requested or granted had not been collected.

30. Progress on this latter point has now been made, which GREVIO welcomes. Data collection on the number of emergency barring and protection orders, both those requested and those granted, as well as on any breaches and related sanctions, has been introduced. In addition, data are now being collected on the number of cases where (alleged) violence by one parent against the other resulted in limitations placed on or the withdrawal of parental rights. Similarly, the number of cases of violence against children and cases of violence in which children are exposed to violence are being recorded, which GREVIO welcomes. Furthermore, the data collection efforts and enhanced co-operation between the relevant services allow the number of women with disabilities who experience violence to emerge. The practice of annual reports by the Authority for Equal Opportunities setting out data and statistics continues, offering a comprehensive overview of activities and measures taken in the area of violence against women and information on the extent of the issue.¹⁰

31. As regards the need to ensure the recording of data on the sex and age of the perpetrator, GREVIO notes the ongoing efforts, in the context of the reorganisation of the IT system in operation at the San Marino Criminal Court, to reform disaggregated data collection for all pending criminal proceedings. Moreover, the judicial authorities have started to collect information on the sex and age of the perpetrator, as well as general statistics on the outcome of criminal proceedings, disaggregated by type of violence and whether the proceedings were discontinued, ended in an acquittal or led to a conviction, and what the sentence was. The ongoing reform of the IT system is also being used to identify ways in which the automated tracking of a case's progression throughout the criminal justice system can be ensured, from its initial report to the police to the final decision rendered by the courts. While this is currently not possible in an automated manner, it can be ensured manually in view of the small number of cases. While GREVIO welcomes the possibility of manually assessing how cases of rape and sexual violence, domestic violence or any other case relevant to the Istanbul Convention move through the criminal justice system, it points to the need to ensure, through an automated case-management system, the tracking of cases of violence against women, from reporting to indictment and beyond. The aims of such harmonised data collection would be to, *inter alia*, allow for an assessment of conviction, attrition and recidivism rates and identify shortcomings in the different stages of the criminal justice chain. Introducing an automated process for a reliable analysis of possible systemic gaps in the institutional and judicial response to the forms of violence against women addressed in the Istanbul Convention would therefore be of great value.

32. In terms of the age of the victim and the perpetrator, the data categories in use do not consist of different age brackets but distinguish only between adults, that is, those aged 18 and above, and those below. While this does not allow for trends in perpetration, for example any increases in sexual violence perpetration by specific age groups, to emerge, the small population size and local context may warrant a cautious approach to the number and type of data categories in order to avoid rendering individuals identifiable.

2. Health and social services

33. In its baseline evaluation report, GREVIO had noted that administrative data were crucial for recording how victims are using social services and how, in return, government agencies and general support services were providing support in terms of counselling, housing or the provision of other types of support. Moreover, GREVIO had strongly encouraged the San Marinese authorities to ensure that the healthcare sector collect data on all forms of violence against women.

10. Available at: www.gov.sm/pub2/GovSM/Amministrazione-Trasparente/Organizzazione-dell-Amministrazione/Unit-Extra-Dipartimentali/Authority-Pari-Opportunita.html.

34. Since the baseline evaluation report, the Authority for Equal Opportunities, in collaboration with the Health Authority, and with individual social and healthcare services, has started to collate data on the number of women and girls who contact health and social services seeking help in relation to their experiences of violence against women, including domestic violence, broken down by sex and age (18 plus or below) of the victim and the perpetrator and the relationship between them, the type of violence, any children involved, and whether it is a woman victim with a disability. The data are being provided by the relevant social services in San Marino, which are the Mental Health Unit, the Minors' Protection Organisational Unit and the Counselling Centre for Gender Violence. All three collect data on the basis of the same data categories.

35. Data on the number of women seeking services after rape and sexual violence are collected by the hospital of San Marino. As every case of a woman identified as a victim of domestic or gender-based violence, for example by a healthcare practitioner or in a hospital, must be reported to the Mental Health Unit (or in case of an *ex officio* offence to the Law Commissioner),¹¹ and is thereafter referred to a relevant general service within the Social Security Institute, the picture the data provide is relatively comprehensive. Moreover, any such violence experienced by girls, all reports made are transmitted to the Minors' Protection Unit. The Authority for Equal Opportunities publishes an overview of the data received in its annual report.

36. **GREVIO encourages the San Marinense authorities to continue their efforts to introduce an IT-based case-management system, based on a common set of data categories, for use by law-enforcement agencies, prosecution services and the judiciary, with a view to allowing for the automated tracking of cases across all levels of the criminal justice system.**

11. See Article 3 of Delegated Decree No. 161 of 29 October 2024.

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution

A. Prevention

37. Chapter III of the Istanbul Convention contains a number of general and more specific obligations in the area of prevention. This section analyses the progress made since the baseline evaluation monitoring procedure towards the implementation of early preventive measures. It also covers progress made towards the implementation of the more specific preventive measures provided under this chapter in the areas of education, training of all relevant professionals and perpetrator programmes. Ensuring the effective prevention of all forms of violence against women and domestic violence is an important step in rendering it unacceptable and reducing levels of perpetration.¹² In turn, effective prevention empowers women and girls to speak out about their experiences and seek support and protection.

1. General obligations (Article 12)

38. Article 12 sets out a number of general preventive measures which represent the overarching principles of the parties' duty to prevent violence against women. These include the requirement to promote changes in the social and cultural patterns of behaviour of women and men, with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. A positive contribution to achieving such change can be made by men and boys acting as role models and advocates for equality between women and men and mutual respect, including by speaking out against violence, engaging other men in ending violence against women or actively taking on caring responsibilities. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 further requires that parties adopt specific measures to empower women in order to enable them to recognise and reject discrimination, unequal power relations and, ultimately, reduce women's vulnerability to violence and achieve greater gender equality.

39. In its baseline evaluation report, GREVIO had observed that despite welcome efforts made by the authorities to promote a culture of equality, patriarchal attitudes and stereotypes persisted regarding the roles, responsibilities and the expected behaviour of women and men in society. It had strongly encouraged the San Marinense authorities to take proactive and sustained measures to promote changes in sexist social and cultural patterns of behaviour and to expand and diversify their awareness-raising efforts by conducting regular campaigns throughout the year, including in collaboration with civil society organisations.

40. GREVIO welcomes the continuation of efforts by the San Marinense authorities since the baseline evaluation report to promote equality between women and men, for example through measures promoting gender equality in the labour market and quotas for the participation of women in politics. A strong focus has been placed on the prevention of violence against women as a gendered phenomenon, including in the Comprehensive National Plan to Combat Violence against Women 2024-2026, which foresees action to raise awareness of violence against women on radio and TV and in print media, training initiatives for all relevant professionals, the strengthening of perpetrator programmes, better information for victims on support services and the involvement of employers in violence prevention.¹³ GREVIO notes with satisfaction that a strong understanding of the gendered nature of the different forms of violence against women permeates the policies and measures proposed. There is strong recognition of the link between violence against women and women's lack of effective equality with men and the need to address both.

41. In addition, GREVIO notes that efforts are made to ensure awareness raising on various forms of violence against women in a continuous manner, and that the national co-ordinating bodies

12. The importance of this endeavour has been reiterated and strengthened through the Dublin Declaration on the Prevention of Domestic, Sexual and Gender-Based Violence, adopted in Dublin, Ireland, on 30 September 2022, by 38 member states of the Council of Europe.

13. See Chapter II, Comprehensive and co-ordinated policies (Article 7).

have a dedicated annual budget for awareness-raising activities. While many events still centre on the International Day for the Elimination of Violence against Women on 25 November and the 16 Days of Activism on Gender-based violence that follow, GREVIO welcomes the shift towards more long-term and sustainable awareness-raising efforts. For example, the campaign “AGATA è”, an awareness-raising initiative on the offences of stalking, physical, sexual, economic and psychological violence against women, in their digital dimension and offline, is conceptualised to reach women victims throughout the year, including through an online information portal for victims.¹⁴ Leaflets containing information on what constitutes violence and where to seek help have been distributed to all households in San Marino, TV and media campaigns have been aired and posters are displayed in public places. Work with schoolchildren is also carried out in relation to gender stereotypes and women’s equality with men. In the area of sport, the Authority for Equal Opportunities has launched an initiative to raise awareness among coaches and athletes about what constitutes violence and how to prevent and detect it.

42. Reinforcing GREVIO’s concerns regarding the involvement of civil society organisations in action to prevent and combat violence against women, GREVIO notes that important women’s rights organisations are not integrated into the authorities’ awareness-raising efforts. Women’s rights NGOs such as Unione Donne Sammarinesi and the Soroptimists conduct awareness-raising activities on their own initiative but do not take part in or are excluded from a comprehensive and co-ordinated effort to ensure primary prevention of the different forms of violence – an issue GREVIO has already pointed out in its baseline evaluation report.

43. According to indications GREVIO received from various stakeholders, violence against women continues to be seen as a private matter, with high levels of shame attached to it. The small size of the country adds to victims’ perceived inability to speak out and seek help. GREVIO therefore points to the importance of ensuring long-term primary prevention measures and sustained efforts to deconstruct gender stereotypes by promoting changes in the social and cultural patterns of the behaviour of women and men that are based on the idea of the inferiority of women or on stereotyped roles for women and men, as required under Article 12 of the convention.

44. In terms of the type and forms of violence against women addressed in specific awareness-raising activities in San Marino, these currently centre on the different forms of domestic violence (sexual, physical, psychological and economic) and stalking, including in their digital dimension, but do not specifically address other forms of violence against women, such as sexual harassment, female genital mutilation (FGM), forced marriage, forced abortion or forced sterilisation. While some of these appear to have a low prevalence in San Marino, GREVIO stresses that these phenomena would still benefit from being incorporated into a broader, co-ordinated policy framework. Such a comprehensive approach would enhance the understanding of such forms of violence and support the development of appropriate policy responses. Additionally, the extremely low number of reported cases of sexual violence and rape point to the need for increased awareness-raising efforts on the help available as well as with a view to reducing shame and stigma.

45. When it comes to women exposed to intersectional discrimination, who generally face higher exposure to violence, GREVIO notes that some measures aimed at preventing violence against women with disabilities and LBTI women have been taken. Other groups, however, such as elderly women, migrant women and women in prostitution, have so far not been addressed by or included in prevention or awareness-raising measures.

46. Moreover, the existing approaches to awareness-raising events and campaigns do not seem to sufficiently address the important role men and boys can play in preventing and combating violence against women and domestic violence. A positive contribution to achieving a change in mentalities and attitudes can be made by men and boys acting as role models, agents of change and advocates for equality between women and men and mutual respect. Exploring avenues to encourage them to speak out against violence, engage with other men in ending violence against

14. See www.agata.sm/.

women or to actively take on caring responsibilities are important steps towards the implementation of Article 12, according to the drafters of the Istanbul Convention.¹⁵

47. Last, GREVIO points to the need to ensure regular evaluation of any awareness-raising campaigns and preventive measures in order to assess their impact.

48. **Welcoming the increasing focus on long-term awareness raising on violence against women, GREVIO encourages the San Marinese authorities to pursue their efforts to eradicate prejudice, gender stereotypes and patriarchal attitudes in society, through wider prevention measures on violence against women and with a view to the measures set out in Recommendation CM/Rec(2019)1 of the Committee of Ministers of the Council of Europe to member States on preventing and combating sexism.**

49. **Furthermore, GREVIO encourages the San Marinese authorities to:**

- a. **conduct regular and long-term awareness-raising campaigns, addressing a wider spectrum of manifestations of violence against women and girls as covered by the Istanbul Convention, focusing in particular on sexual violence, rape and sexual harassment and the heightened exposure of women with disabilities, LGBTI women, elderly women, migrant women and women in prostitution, while actively engaging men and boys in prevention measures;**
- b. **increase efforts to establish partnerships with civil society organisations for awareness-raising activities and the primary prevention of violence against women;**
- c. **regularly evaluate the impact of awareness-raising campaigns and other measures in the area of prevention.**

2. Education (Article 14)

50. The drafters of the convention recognised the important role that formal and informal educational settings play in addressing the root causes of violence against women and girls. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and informs learners of the different forms of gender-based violence against women, adapted to the age and capacity of learners and where parties deem appropriate. The obligation to promote these principles extends to informal educational facilities as well as any sports, cultural and leisure facilities. In this context, GREVIO underlines the importance of informing parents about the content and objectives of related courses, the qualifications of the persons providing the courses and to whom any questions can be directed.

51. In its baseline evaluation report, GREVIO had welcomed the emphasis placed by the San Marinese authorities on raising awareness in schools of the issue of violence against women. Based on a vertical curriculum that took into account the issues referred to in Article 14 of the convention, workshops and projects addressed gender stereotypes, emotion management and sexual relations based on consent, as well as the prevention of bullying, including cyberbullying, and fostering positive relationships. However, teachers in San Marino had reported that they lacked specific training on violence against women and gender stereotypes.

52. GREVIO welcomes the fact that mandatory in-service training on awareness of gender stereotypes and the importance of inclusive and pluralistic education is now being provided. Similarly, the Comprehensive National Plan to Combat Violence against Women 2024-2026 foresees further training on violence against women and places an emphasis on the promotion of gender equality in schools to overcome gender stereotypes, including through the revision of textbooks. Non-teaching staff in schools have received mandatory in-service training on the

15. Explanatory Report to the Istanbul Convention, paragraph 88.

legislation in force on preventing and combating violence against women and gender-based violence, enabling them to detect and support children facing such forms of violence.

53. GREVIO further welcomes the continuous provision of education on topics such as consent, gender stereotypes, relationship education, violence, gender equality and equal opportunities in every school in San Marino, from kindergarten to high school. Workshops and educational projects are organised at all levels of education to raise awareness of these issues among the student body. In middle schools and high schools, the issue of violence against women is also approached through artistic projects, such as drawing competitions and theatre performances. It is stipulated by law that initiatives and programmes be carried out in multiple languages, including English and the main foreign languages spoken by communities in San Marino, as well as in ways that are accessible to women and girls with sensory disabilities, in order to prevent unwanted pregnancies and to promote education in schools around sexual and reproductive rights, including the issue of consent.¹⁶ Moreover, Delegated Decree No. 77/2024 adopted provisions to combat cyberbullying, through preventive action and a strategy based on the protection and education of the children involved.

54. The interactive workshop #Respect, which targeted primary and upper secondary school students, was implemented in order to comply with requirements under the Istanbul Convention and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and approached the topics of gender stereotypes, prejudice and violence, including sexual violence. Raising awareness of sexual violence is of particular importance in view of the increasing exposure of children to sexual violence and sexual harassment, including through technology, and the worrying trend of a decrease in the age of sexual violence perpetrators that GREVIO has been observing in several parties to the convention. Schools play an important role not only in identifying such violence but also in questioning gender stereotypes, harmful concepts of masculinity and sexual relations.

55. In this context, GREVIO notes the importance of promoting the empowerment of girls, including girls that are at risk of intersectional discrimination, in order to enable them to recognise and reject violence, discrimination, unequal power relations and abuse, including in their digital dimension. Programmes on digital literacy and online safety should be added to formal curricula, in order to address issues of relevance such as non-consensual image-based abuse, forced sexting, sexual extortion and grooming, among many other things. GREVIO's General Recommendation No. 1 on the digital dimension of violence against women offers an important basis for such action.¹⁷

56. In the area of higher education, GREVIO welcomes the strong focus placed by the University of San Marino on gender equality and inclusion in its research activities and teaching. The university also organises training courses for relevant professionals in San Marino, as well as events and debates on violence against women, gender-based violence and gender equality.

57. GREVIO encourages the San Marinese authorities to include digital literacy and online safety in formal curricula and to pursue their efforts to teach children the notion of freely given consent in sexual relations.

3. Training of professionals (Article 15)

58. Building society's trust by delivering support, protection and justice to women and girls with experiences of gender-based violence requires well-trained professionals across a wide spectrum of fields. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of all those who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

16. Law No. 127 of 7 September 2022 regulating the voluntary termination of pregnancy.

17. See GREVIO's General Recommendation No. 1 on the digital dimension of violence against women, available at: www.rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147.

59. In its baseline evaluation report, GREVIO had welcomed the efforts made by the San Marinese authorities in the training of professionals. A legal obligation to provide mandatory training to all professionals who deal with cases of violence against women, including judges and magistrates, had been introduced by Law No. 97/2008 and Delegated Decree No. 60/2012. However, GREVIO had found that in the absence of a training policy in the field of violence against women and domestic violence, training courses varied from year to year and from one professional group to the next. It had considered that a comprehensive approach would allow for more systematic training based on a complete set of training courses offered to all relevant professional groups and on the basis of clear objectives and methods of evaluation.

60. Since the baseline evaluation report, training on violence against women and domestic violence has been declared a priority in the Comprehensive National Plan to Combat Violence against Women 2024-2026. The plan foresees training on the root causes and consequences of violence against women and the elimination of stereotypes underlying violence. In this context, GREVIO notes that the Authority for Equal Opportunities co-operates with the Department of Human Sciences at the University of San Marino to implement an annual training plan on violence against women. This department is mandated by Delegated Decree No. 60/2012 to carry out such professional training.

61. Currently, the Department of Human Sciences carries out, once a year, in-service professional training courses for magistrates, law-enforcement personnel, family mediators, professional associations, staff working in health and social services, school staff and teachers on various issues related to violence against women. Mandatory in-service training is provided for psychologists, medical staff, including forensic examiners, operators at the Social Security Institute and various professional groups in the education sector. Mandatory professional in-service training on violence against women, including on feminist perspectives on victims' responses to violence and how to receive victims, continues to be offered by the Social Security Institute for its social and healthcare staff. Law-enforcement officers also receive mandatory in-service training on different forms of violence against women and how to deal with perpetrators, also in collaboration with the Italian law enforcement authorities. As regards their ability to respond to the digital dimension of violence against women, GREVIO welcomes the recent offering of a course on cybercrime and cyberviolence but points to the importance of embedding training on effective law-enforcement responses to non-consensual image sharing, online threats, harassment and stalking, as well as the digital dimension of domestic violence, and the multitude of additional forms of abuse online and through technology in the mandatory and continuous training.

62. As a more general observation, non-fatal strangulation, despite the high health risks it carries, does not appear to be covered by training initiatives for law enforcement or other professionals.¹⁸ Victims of prior strangulation are seven times more likely to later become victims of murder,¹⁹ and strangulation is a common method of killing in domestic violence settings.²⁰ If non-fatal, it is likely to cause serious permanent injuries, such as brain damage, as well as extreme distress to victims, who commonly feel like they are about to die.²¹ Healthcare professionals in particular need to be trained on asking specific questions to victims on the side-effects of strangulation in order to detect this form of violence, such as whether they have lost control over their bowels, as victims often have no recollection of having been strangled if they lost consciousness as a result. Training is equally

18. Strangulation – the obstruction of blood vessels and/or airflow by external (often manual) pressure to the neck – causes decreased oxygen supply to the brain and can lead to unconsciousness and the loss of bladder control within seven to 15 seconds. These time spans are commonly accepted in the medico-legal field, and were first examined in a study from 1943: Kabat H. and Anderson J. P., “Acute arrest of cerebral circulation in man: Lieutenant Ralph Rossen (MC), U.S.N.R.”, *Arch NeurPsych*. 1943; 50(5): 510-528, available at: www.jamanetwork.com/journals/archneurpsyc/article-abstract/649750.

19. Glass N., Laughon K., Campbell J., Block C. R., Hanson G., Sharps P. W. and Taliaferro E., “Non-fatal strangulation is an important risk factor for homicide of women”, *The Journal of Emergency Medicine*, Volume 35, Issue 3, 2008, pp. 329-335, available at: www.ncbi.nlm.nih.gov/articles/PMC2573025/.

20. See, for example, www.femicidecensus.org/reports/ for data from the UK.

21. White C., Martin G., Schofield A. M. and Majeed-Ariss R. (2021), “‘I thought he was going to kill me’: analysis of 204 case files of adults reporting non-fatal strangulation as part of a sexual assault over a 3-year period”, *Journal of Forensic and Legal Medicine*, Volume 79, available at: www.sciencedirect.com/science/article/abs/pii/S1752928X21000135.

needed for legal professionals, in particular public prosecutors and judges, in order to raise their awareness of the seriousness and frequency of non-fatal strangulation in domestic violence cases.²²

63. In addition to the in-service training offered, conferences and events are regularly organised by the University of the Republic of San Marino and the Authority for Equal Opportunities. In addition, a training course for journalists and media representatives was organised on the use of language that is respectful, non-stigmatising and prevents secondary victimisation when reporting on violence against women, in recognition of the important role the media plays in preventing the perpetuation of gender stereotypes and victim-blaming rhetoric.

64. GREVIO welcomes the efforts made to train all relevant professionals in San Marino, but notes that these tend to concentrate on physical, psychological, economic and sexual violence as well as stalking, and less on other forms of violence against women, such as sexual harassment, digital manifestations of violence against women, forced marriage, FGM and forced abortion/sterilisation. More effort should be made to ensure that all forms of violence against women covered by the Istanbul Convention are addressed in training initiatives. Moreover, all relevant professionals should receive trauma-informed training, which GREVIO considers an important element in ensuring a victim-sensitive response by law enforcement and other authorities.

65. GREVIO strongly encourages the San Marinese authorities to pursue their efforts to provide training for relevant professionals in relation to all forms of violence against women covered by the Istanbul Convention, including by ensuring systematic and comprehensive initial and in-service training for all relevant professionals, based on structured training plans for the different professional categories involved.

4. Preventive intervention and treatment programmes (Article 16)

66. Perpetrator programmes are important elements of an integrated and comprehensive approach to preventing and combating violence against women. Under Article 16 of the Istanbul Convention, parties are required to set up or support programmes that prevent perpetrators of domestic violence and of sexual violence from reoffending and support them to adopt non-violent behavioural strategies. Making the safety of, the support for and the human rights of victims a primary concern, these programmes are key elements for ensuring women's safety from known perpetrators. The convention requires their close co-ordination with specialist support services for victims.

a. Programmes for perpetrators of domestic violence

67. In its baseline evaluation report, GREVIO had observed that Law No. 97/2008 provided for perpetrators of domestic and sexual violence to be placed on probation subject to their agreement to participate in a rehabilitation programme. However, preventive intervention and treatment programmes did not form part of a multi-agency response to violence against women, and no perpetrators had been referred to such a programme by the judiciary. Specially trained psychologists and psychotherapists from the association Il Confine provided individual counselling and group sessions to perpetrators based on internationally recognised standards, in a non-custodial setting, and taking a victim-centred approach, albeit without any government funding.

68. GREVIO notes with concern that in San Marino very limited progress has been made in terms of the structural obligations of the authorities under Article 16. No preventive intervention and treatment programmes exist in custodial and prison settings in San Marino due to the low prison capacity, and many convicted offenders serve their custodial sentences in Italy, whether fully or partially.²³ As far as work with perpetrators outside of prison settings is concerned, the organisation Il Confine continues to represent the only organisation offering such group or individual counselling and behavioural change programmes. GREVIO regrets, however, that despite the importance

22. In England and Wales, non-fatal strangulation was made a free-standing offence under the Domestic Abuse Act (2021), because the authorities had recognised the pervasiveness of this severe form of physical violence; see www.legislation.gov.uk/ukpga/2021/17/section/70.

23. For more information on programmes for perpetrators of domestic violence in custodial settings in Italy, see GREVIO's first thematic evaluation report on Italy, paragraphs 66-71.

attached to preventive intervention and treatment programmes in the Comprehensive National Plan on Violence against Women 2024-2026, no funding is made available for this important work. Following the conclusion of an agreement between the Social Security Institute (SSI) and Il Confinare, perpetrators of domestic violence may be referred to such programmes by the Mental Health and Minors' Protection Units, thus embedding Il Confinare in multi-agency co-operation in San Marino, which GREVIO welcomes. However, no financial remuneration by the SSI or any other authority is stipulated in the contract; rather, the association is expected to continue to charge perpetrators for individual and group sessions, and in addition must take out an insurance policy for civil liability at its own cost. GREVIO notes with concern that the psychologists and psychotherapists of Il Confinare continue to provide their services as volunteers rather than duly remunerated professionals. Moreover, GREVIO notes with concern that demanding a payment from perpetrators of domestic violence to attend behavioural change programmes may act as a deterrent for voluntary attendance.

69. Progress has, however, been made in relation to the existing pathways of attendance of perpetrator programmes. In addition to voluntary participation and referral by the SSI, participation may also be court ordered, for example when a criminal sentence is handed down, and serves as a conditional suspension of the sentence. Attendance may also be ordered subsequently by the enforcement judge as one of the requirements that the convicted person must comply with, if admitted to a probationary placement with social services, which serves as an alternative measure to the enforcement of imprisonment. In cases involving children as victims, the Guardianship Judge may order, before the conclusion of criminal proceedings, the perpetrator to participate in such a programme.²⁴ This applies not only to perpetrators of domestic violence but may also be ordered in cases of stalking and in cases of sexual violence. However, the number of such orders is very low. In 2024, Il Confinare provided intervention and treatment programmes to two perpetrators under a court order to attend. Courts may also order perpetrators to follow treatment with resident psychologists and psychotherapists, but no data are available on the use made of this possibility.

70. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinese authorities to ensure that sufficient funding is provided for work with perpetrators of domestic violence, allowing for their voluntary attendance free of charge, and to ensure that referral pathways to such programmes are consistently made use of.

b. Programmes for perpetrators of sexual violence

71. As regards programmes for perpetrators of sexual violence, there are no such programmes in prison settings for the reasons laid out above. Il Confinare is the only entity providing work with perpetrators of sexual violence, who may participate on a voluntary or court-mandated basis as described above. GREVIO notes that in the recent past one perpetrator has been ordered by the San Marino court to follow such a programme.

72. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinese authorities to ensure that sufficient funding is provided for work with perpetrators of sexual violence, allowing for their voluntary attendance free of charge, and to ensure that referral pathways to such programmes are consistently made use of.

B. Protection and support

73. Chapter IV of the Istanbul Convention requires a multifaceted, professional and victim-oriented support structure for any woman or girl who has experienced any of the forms of violence covered by the convention. General and specialist support services that are victim-oriented, accessible to all and adequate in numbers greatly facilitate recovery by offering support, protection and assistance to overcome the multiple consequences of such violence. As such, they play a key role in offering a comprehensive and adequate response to the different forms of violence covered by the convention.

24. Article 86 bis of Law No.49/1986.

1. General obligations (Article 18)

74. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services for women victims of violence. One of these principles is the need for services to act in a concerted and co-ordinated manner, with the involvement of all the agencies concerned. More specifically, Article 18, paragraph 2, of the convention requires parties to put in place appropriate co-ordination mechanisms that can ensure effective co-operation among, *inter alia*, the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities, NGOs and other relevant entities and organisations. In this regard, women's rights NGOs and specialist women's support services play an important role in guaranteeing that the rights of victims are safeguarded in multi-agency co-operation. Other general principles established under this article include the need for measures of protection and support to be based on a gendered understanding of violence against women and to focus on women's safety and human rights, taking into account the relationship between victims, perpetrators, children and their wider environment, and addressing their needs holistically. Specialist support services must aim at the empowerment and economic independence of women victims of violence and avoid their secondary victimisation. This provision equally stresses the importance of ensuring that access to services is not subject to the victim's willingness to press charges or testify against the perpetrator.

75. In its baseline evaluation report, GREVIO had noted the important role the Authority for Equal Opportunities had under Law No. 97/2008 in concluding co-operation agreements with relevant stakeholders and had welcomed the co-ordination of social and healthcare services for women victims of violence within the Social Security Institute. However, GREVIO had noted that the co-ordination with agencies outside the Social Security Institute appeared to be arranged on an ad hoc basis rather than in the framework of a multi-agency co-ordination mechanism, including with the judiciary and law-enforcement agencies. In addition, civil society organisations had not formed part of any co-ordination efforts.

76. GREVIO welcomes the fact that since the baseline evaluation report regular communication and the exchange of information on cases of violence against women among all relevant authorities has become the standard in San Marino. Multi-agency co-operation between government authorities, including law-enforcement agencies and the judiciary, has been firmly established in the Anti-Violence Network ("Rete antiviolenza"), which comprises the Mental Health Unit, the Minors' Protection Unit and the Counselling Centre for Victims of Gender Violence and all members of the Institutional and Technical Panel.²⁵ These are the Authority for Equal Opportunities, representatives of all three police forces, the judiciary, the Social Security Institute, the Education Department, the University of the Republic of San Marino and the two professional associations for lawyers and psychologists. A new protocol designed to improve the management of the Anti-Violence Network has been drawn up pursuant to the recent Delegated Decree No. 161 of 29 October 2024, laying the basis for effective co-ordination when responding to the needs of individual victims. The protocol stipulates that the network is activated as soon as a victim of violence requiring support turns to any partner within the network with the aim of providing immediate intervention or assistance and further referral. The Anti-Violence Network allows for the swift exchange of information among network members who are well informed of their respective roles and responsibilities. GREVIO in particular welcomes the fact that the network members operate on the basis of a gender-sensitive and victim-centred approach to the provision of support for women's experiences of gender-based violence. The network also collaborates with the association Il Confine in the context of work with perpetrators.

77. In terms of co-operation with women's rights organisations, however, GREVIO notes with regret that these have not been embedded in the existing multi-agency co-operation structures. They do not form part of the Anti-Violence Network nor the Institutional and Technical Panel. While this may be explained by the limited role they currently play in the provision of specialist support services, GREVIO reiterates that it is important to strengthen this role in order to allow for the provision of specialist support services for women victims of violence by non-governmental bodies in addition or

25. For more details, see www.agata.sm/la-rete-antiviolenza/.

as an alternative to state-run services, as the drafters of the convention had in mind. It is in view of this important role for women's rights organisations that Article 18, paragraph 2, requires multi-agency co-operation structures to integrate non-governmental bodies that play a role in protecting and supporting victims and witnesses of any of the forms of violence covered by the Istanbul Convention.

78. The requirement to strive to locate services for women victims of violence in the same building, known as one-stop-shop services, is in some ways established in San Marino. The Counselling Centre for Victims of Gender Violence currently provides many relevant services under one roof, including psychological support and counselling, information on the rights of victims and contact with legal aid lawyers. Referrals to the services in the remit of the Social Security Institute (such as healthcare services or social services) are swiftly made. Additionally, the Counselling Centre for Victims of Gender Violence has concluded a protocol for co-operation with law-enforcement agencies and is regularly in touch with social workers for the support of victims, reporting to the police must be done at the Gender Violence and Child Abuse Office of the Gendarmerie, where a special room for interviewing women victims of gender-based violence has been set up, or with any other brigade located throughout the territory, the Fortress Guard or directly at the Single Court of the Republic of San Marino. The "Guidelines to be adopted in activities related to incidents of gender-based violence and violence against minors requiring the intervention of the police forces" ensure police intervention enabling victims to report at any time and irrespective of the opening hours of the Gender Violence and Child Abuse Office at the Gendarmerie. This means that law enforcement officers as well as military staff trained to file reports related to gender-based violence come to the victim as soon as requested by the victim herself or any service. The Social Security Institute itself and the services it offers already group many elements of vital support under one roof, as explained in the baseline evaluation report. Similarly, the services provided by the San Marino Hospital for victims of rape and sexual violence group together essential services, including the storing of forensic evidence. In view of the low number of reports made to law-enforcement agencies of rape and sexual violence, GREVIO points to the need to lower the threshold for women victims willing to report, for example by embedding police reporting in the existing one-stop provision of support, where feasible.

79. As regards the requirement to provide support to victims regardless of their willingness to report the violence, GREVIO notes that the situation has only partially improved since the baseline evaluation report, in which it had expressed concern about the extensive reporting obligations for professionals who come into contact with women victims of violence. Article 19 of Law No. 97/2008, requiring public and private healthcare professionals, social services, law-enforcement agencies and teachers to report any case of violence to the judicial authorities, regardless of the gravity of the offence, was amended by Delegated Decree No. 161/2024, limiting such reporting obligation to *ex officio* offences. Cases of violence against women that cannot be prosecuted *ex officio* must no longer be reported to the judicial authorities, but to the Mental Health Unit of the Social Security Institute with regard to adult victims, and to the Minors' Protection Unit with regard to children. GREVIO notes that the blanket reporting obligation remains in force for many offences, including rape and sexual violence. Medical professionals who neglect their reporting obligation face a fine.

80. GREVIO notes with concern that this may raise issues around the provision of victim-centred and gender-sensitive support services, especially in the context of the service provision for victims of rape and sexual violence as provided by expert staff at the San Marino Hospital. Mandatory reporting may in fact constitute a barrier to seeking help for women victims who do not feel ready to initiate formal procedures and/or fear the consequences of reporting for them or for their children, for example retaliation from the abuser, financial insecurity or the removal of children from their care. Where the authorities have introduced mandatory obligations for professionals, GREVIO notes that these should allow for the balancing of the victims' protection needs – including those of her children – with respect for the victim's autonomy and empowerment, and should thus be circumscribed to cases in which there are reasonable grounds to believe that a serious act of violence covered by the scope of the convention has been committed and further serious acts are to be expected. In these cases, reporting may need to be made subject to certain appropriate conditions such as the consent of the victim, with the exception of some specific cases such as where the victim is a child or is unable to protect her/himself because of disabilities.

81. **GREVIO strongly encourages the San Marinense authorities to ensure that civil society organisations that play a role in protecting and supporting women victims of any of the forms of violence covered by the Istanbul Convention are integrated in a structured manner into multi-agency co-operation mechanisms.**

2. General support services (Article 20)

82. General support services, such as social services, health services and housing or employment services, must be equipped to offer support and protection to women victims of gender-based violence of all ages and backgrounds. Article 20 of the Istanbul Convention requires parties to ensure that these services are adequately resourced and that the staff are adequately trained on the different forms of violence against women and able to respond to victims in a supportive manner, in particular those that women and girls turn to first (most often health and social services).²⁶ Their interventions are often decisive for victims' onward journey towards a life free from violence and thus a core element of a trust-based system of protection and support.

a. Social services

83. In its baseline evaluation report, GREVIO had noted that in San Marino both general and specialist support services for women victims of violence were being provided by the Social Security Institute, which manages a wide range of services, from healthcare to social assistance. The SSI's protocol on care for victims of violence provided guidance to all its departments on the steps to be taken upon victim identification, including the need to ensure a risk assessment and the establishment of a support plan. Where needed, emergency accommodation was organised, either in a nearby shelter in Italy, as no shelters existed in San Marino, or at the San Marino Hospital if a referral to a shelter was not possible. GREVIO had expressed concern over this practice of "social hospitalisation", as such a temporary solution did not provide the necessary support or empowerment that was offered by specialist women's shelters for victims of domestic violence. Moreover, GREVIO had noted that women victims of violence had only very limited access to financial and housing support and had called for social services to be equipped with the necessary financial and human resources to enable them to assist women victims of violence effectively.

84. GREVIO therefore welcomes the progress that has been made in terms of the practice of "social hospitalisation". In 2024, an "Emergency Centre" was established, a short-term apartment for victims of violence and their children, which is located in a secure and protected location. The Emergency Centre provides victims with immediate assistance from specially trained social and healthcare workers, including psychologists, and is open around the clock, seven days a week. It offers short-term accommodation to women victims of domestic violence for the time needed to start procedures for social or legal assistance, and/or until a place in a women's shelter in Italy becomes available, if necessary. The operational instruction "Sheltered accommodation for adult victims of ill-treatment/abuse" provides standardised guidance for all professionals involved. GREVIO welcomes the consequence that the opening of the Emergency Centre has meant an end to the practice of "social hospitalisation" of women and their children and constitutes an important step forward for the support of women victims of violence in San Marino. At the time of the evaluation visit, five women had made use of this new service, four of whom had brought their children.

85. Apart from the Emergency Centre, health and social services provided by the SSI continue to represent important support for women victims of violence. Guidance is provided by the recently updated protocol "Taking charge of adult victims of violence", which includes provisions for the care of women victims and their children. The Mental Health Unit of the SSI, after an individual assessment of the case, draws up a personalised support plan that may include social support, education and training, employment support through job placements or housing support. The details of these measures, however, in terms of ensuring access to the labour market and employment opportunities for women who have left an abusive relationship, remain unclear.

26. Explanatory Report to the Istanbul Convention, paragraph 127.

86. The personalised support plan may also include placement in a women's shelter. However, no longer-term financial support or schemes that prioritise women victims of violence in the housing sector seem to be available. Instead, the financial support available to victims remains focused on their immediate needs, with a lump sum of €5 000 per year available to the SSI to cover women's short-term expenses such as clothing and other immediate necessities.

87. GREVIO strongly encourages the San Marinese authorities to increase the measures taken to ensure the economic independence of women victims of violence through targeted general support measures, including financial assistance and housing support.

b. Healthcare services

88. The health sector in San Marino continues to provide a range of services to victims of violence against women, and significant training initiatives ensure a high degree of expertise among staff members regarding internal guidelines and procedures for cases of violence against women. These continue to enable healthcare professionals to identify victims of violence, which GREVIO welcomes. It notes, however, that the existing protocols set out the steps to be taken upon victim identification. They do not require or ensure systematic or proactive screening for domestic violence or other forms of violence against women in the healthcare system. Such systematic and proactive screening for domestic violence and all other forms of violence against women by all health professionals, including private practitioners, however, would significantly enhance victim identification in the health sector with a view to ensuring adequate referrals for further counselling and support. In this respect, GREVIO notes the importance of providing, to women and girls seeking health services, information on the services available for experiences of violence covered by the Istanbul Convention, notably by placing leaflets in strategic places such as hospitals, doctors' offices and other healthcare facilities. For example, the practice of placing information leaflets in public bathrooms has proven to be effective, as it allows women to take a leaflet unnoticed.

89. GREVIO encourages the San Marinese authorities to include proactive screening for violence against women and domestic violence in existing protocols for healthcare workers in the public and private healthcare sectors in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence and the violence suffered, and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries.

3. Specialist support services (Article 22)

90. Specialist support services ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs and are an equally important cornerstone of a trust-based system of protection and support. Much of this is best ensured by women's organisations and by support services provided by, for example, local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. They need to be able to address the different types of violence covered by the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

91. In its baseline evaluation report, GREVIO had observed that the SSI's assistance centre for victims of violence, staffed by one psychologist, had been established to provide specialist psychological support to victims, and that there had been no NGOs providing such services for any of the forms of violence covered by the convention. GREVIO had acknowledged the difficulties that small states parties to the convention faced in providing sufficient levels of specialist support services to victims but had recalled that the aim of specialist support services was to empower victims through individual support and assistance, which was usually best ensured by women's rights organisations. In relation to the telephone helpline, GREVIO had noted that while during office hours the assistance centre responded to callers, during the night the helpline was answered by law-enforcement officers, which is not in compliance with the Istanbul Convention, which requires specially trained staff to provide support, crisis counselling and information to women victims of violence.

92. The Counselling Centre for Victims of Gender Violence set up by the SSI and already discussed in the baseline evaluation report, continues to form the nucleus of the Anti-Violence Network and links in with other general support services, the police, the judicial authorities and many other relevant bodies. GREVIO welcomes the location of the centre in a busy commercial area, thereby providing low-threshold access for women victims of violence to counselling and advice. The Counselling Centre is also in charge of managing the phone calls to the emergency hotline for women victims of violence during its office hours. The centre is in principle equipped to provide support to victims for any form of violence, though most cases concern domestic violence and stalking. The degree of specialisation of support provided in terms of responding to online and technology-facilitated violence, whether this is in the context of an abusive relationship, post-separation abuse or anything else, is unclear. Moreover, no victims of rape or sexual violence have so far sought the centre's services. In view of the low number of reports of rape and sexual violence to the police, this suggests the need to enhance women's access to initial counselling and support for such experiences, for example by providing more targeted information on where and how to receive support, as mentioned earlier in this report.²⁷

93. When it comes to other forms of violence, GREVIO notes that so far no cases of FGM, forced marriage, forced abortion, forced sterilisation or violence in the name of "honour" have come to the attention of the authorities in San Marino. Mindful that these forms of violence may not be as prevalent as others in San Marino, GREVIO nonetheless points to the importance of ensuring adequate levels of knowledge and expertise among professionals working in victim support services.

94. While all women can turn to the Counselling Centre, including women exposed to intersectional discrimination such as women without health insurance or women with an irregular migration status, it is not clear what steps have been taken to effectively ensure access to the centre for women with disabilities and what outreach activities are being carried out.

95. As regards the telephone helpline, GREVIO notes with regret that no progress has been made to ensure that specifically trained staff are on call outside of daytime working hours. While calls are now answered during the day by the Counselling Centre instead of the Assistance Centre, calls made outside of their working hours still go to the law-enforcement agencies. GREVIO notes that plans are being discussed to address this situation by ensuring that calls are taken at night by a trained social worker, a measure stated in the Comprehensive National Plan to Combat Violence against Women 2024-2026. GREVIO reiterates that any professional answering the helpline must be specifically trained on all issues related to violence against women and domestic violence and should be able to provide information, counselling and support confidentially, irrespective of any reporting, as well as referrals to other general and specialist services, where needed. Between January and October 2024, eight calls were received by the helpline, seven of which were answered by the Counselling Centre and one by the police.

96. Last, GREVIO reiterates the importance of integrating women's rights organisations into the provision of specialist support services for women victims of the forms of violence covered by the Istanbul Convention.

97. GREVIO strongly encourages the San Marinese authorities to ensure that specialised support services for women victims of gender-based violence are able to meet the needs of victims of all forms of violence covered by the Istanbul Convention, including in their digital dimension.

98. GREVIO welcomes the efforts made by the San Marinese authorities to operate a telephone helpline that is in line with the requirements of the Istanbul Convention and encourages them to pursue their efforts to provide support, crisis counselling and information confidentially and on all forms of violence against women covered by the scope of the Istanbul Convention, also during night-time hours.

27. See Chapter II, General obligations (Article 12).

4. Support for victims of sexual violence (Article 25)

99. Under Article 25 of the Istanbul Convention, parties are required to provide a set of holistic services to victims of sexual violence, including immediate medical care and trauma support, combined with forensic examinations, as well as short- and long-term psychological counselling and therapy to ensure the victim's recovery. Such services should be provided by trained and specialised staff in an appropriate manner to respond to the victims' needs, preferably within rape crisis or sexual violence referral centres established in sufficient number throughout the country to ensure their easy access. The recommendation is to set up one of the above-mentioned centres per every 200 000 inhabitants.²⁸

100. In its baseline evaluation report, GREVIO had noted that San Marino's hospital provided crucial medical and forensic services for women victims of sexual violence, with specially trained medical professionals ensuring the collection of evidence and the prevention of secondary victimisation. The procedure did not depend on victim's willingness to report the violence. Evidence was stored for up to six months, or longer if requested by the judiciary.

101. GREVIO notes with satisfaction that the support services provided to women victims of rape and sexual violence by the San Marino Hospital remain of high quality and continue to be ensured by specially trained medical professionals. All services are free of charge, including for women without health insurance. Evidence is now stored for up to 18 months, or longer if requested by the judicial authorities, which GREVIO welcomes.

102. Moreover, the concern expressed by GREVIO in its baseline evaluation report about certain limitations placed on the practical implementation of Article 25 and the willingness of women victims of rape to seek help because of the criminalisation of abortions, including in cases of rape, has become obsolete. Following a referendum in 2021 in which 77% of voters supported the decriminalisation of abortions under all circumstances, the parliament approved, in 2022, a bill that legalised abortions in the first 12 weeks of gestation, and up to the moment of foetal viability in cases where the woman's life was at risk because of the pregnancy, in cases of rape and incest, and in cases of foetal anomalies.

C. Substantive law

103. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law, which aim to create the necessary legislative framework to prevent women and girls' further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. This section focuses on the progress made with respect to selected provisions of the convention in the area of substantive law, notably Article 31 on custody, visitation rights and safety and Article 48 on the prohibition of mandatory alternative dispute resolution processes or sentencing in cases of violence against women.

1. Custody, visitation rights and safety (Article 31)

104. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights, to ensure that the exercise of these rights does

28. Explanatory Report to the Istanbul Convention, paragraph 142.

not harm the rights and safety of the victim or children. This provision contributes directly to their trust in the authorities because it offers essential protection from post-separation abuse.²⁹

105. In its baseline evaluation report, GREVIO had observed that in cases of violence against a child, a judge may limit or withdraw the exercise of parental authority or remove the child from the family, including in cases where the non-violent parent tolerated violence against the child. GREVIO had noted two important shortcomings in this context. First, the law in San Marino did not require consideration for violence by one parent against the other when determining custody and visitation rights nor did the necessary screening mechanisms to identify a history of violence exist. Second, the law failed to acknowledge a power imbalance between perpetrator and victim in domestic violence cases. Consequently, a woman victim of domestic violence ran the risk of seeing her parental rights restricted rather than receiving protection from the perpetrator together with her children. GREVIO had underlined that the safety of the victim and her children had to be a central factor when deciding on the best interests of the child in relation to custody and visitation arrangements, which required the establishment of official communication channels between civil and criminal courts and social services for the exchange of information.

106. GREVIO welcomes the setting up of official communication channels following the conclusion in 2024 of an operational protocol for the co-operation and exchange of information between civil and criminal magistrates of the Single Court of the Republic of San Marino for the protection and defence of victims of domestic violence. The protocol explicitly takes into account the requirements of Article 31 of the Istanbul Convention and GREVIO's respective findings on San Marino. It establishes a framework for the active sharing of information between the relevant stakeholders (civil and criminal law magistrates, the law commissioner, the police forces, court-appointed experts and lawyers) on instances of domestic violence in a specific family law case, relevant police reports and any past or current protection orders. Upon receipt of a report of violence, the relevant police authority shall inquire whether proceedings for divorce, separation, child custody and/or guardianship are pending, and transmit this information to the criminal registrar who notes this on the case file. According to the protocol, when a civil judge notes from a case file that a prosecutable crime may have been committed, they are expected to forward a notice to the criminal division of the Single Court. Conversely, upon request by civil magistrates, criminal judges shall transmit information and documents on any pending criminal cases. GREVIO further welcomes the acknowledgement in the civil law division of the court that family and child protection is to be considered a priority area.

107. Moreover, a protocol between the Single Court of San Marino and the Minors Protection Organisational Unit of the Social Security Institute was concluded in 2024, which aims to facilitate the exchange of information on existing cases in the area of the protection of children, ensuring prompt responses by the parties involved and monitoring of the implementation of the measures ordered. GREVIO welcomes the explicit reference in the protocol to the requirement to make the safety of the non-violent parent and the children a central element in the assessment of the child's best interests in matters of custody. The protocol takes into consideration the fact that the European Court of Human Rights, in the case of *I.M. and Others v. Italy*,³⁰ had condemned practices aimed at implying that women who report acts of domestic violence, refuse meetings between the ex-spouse and their children and oppose shared custody are "unco-operative parents and unfit mothers". The protocol mandates the Minors Protection Organisational Unit to assess in cases concerning custody and visitation rights whether the relationship between the parents was marred by violence. This is required with a view to ensuring that child psychologists and psychiatrists involved in a case are

29. It is noteworthy that in the case of *Bizdiga v. the Republic of Moldova* (Application No. 15646/18, 17 October 2023), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be considered in the assessment by the domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (Application No. 55351/17, 17 October 2023), the Court found a violation of Article 8 of the European Convention on Human Rights on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights.

30. *I.M. and Others v. Italy*, Application No. 25426/20, 10 November 2022.

familiar with topics related to violence against women and the Istanbul Convention and avoid recourse to concepts such as parental alienation.

108. Moreover, GREVIO welcomes the fact that the introduction of this protocol ends the practice of requiring women victims of domestic violence and their children to take part in joint meetings with the perpetrator. This is a step towards greater recognition of the need for protection and support, and the authorities' obligation under the Istanbul Convention to provide such protection and support, for women victims of domestic violence and their children. GREVIO considers this an important recognition of the system of abuse, control and manipulation that perpetrators of domestic violence impose and that significantly undermines the safety of the victims and their children. Hence, decisions taken under family law following their separation from the abuser should be guided by the relevant principles of the Istanbul Convention such as women's empowerment, gender sensitivity and victim-centredness, instead of notions of women victims "tolerating violence".

109. GREVIO notes that all relevant professionals hold the firm understanding that children exposed to violence by one parent against the other are victims of violence in their own right, which is an important element in the adequate consideration of issues related to custody and visitation decisions in the aftermath of such abuse. Moreover, the level of awareness among members of the judiciary of the harm done by positioning women victims of abuse as "alienating" or "manipulative" by resorting to the so-called parental alienation syndrome or similar notions in family law proceedings is growing. In this context, GREVIO notes that in 2023 and 2024, in a total of nine cases, family courts took into account previous episodes of violence by one parent against the other when deciding on custody and visitation rights. In several of these cases, protection orders were issued *ex officio* in respect of the victim and her children to ensure adequate protection.

110. In addition, GREVIO notes that in criminal proceedings, Article 82 of the Criminal Code provides for the possibility to withdraw a perpetrator's parental rights as an accessory punishment for a criminal conviction of a certain gravity, when the best interests of the child so require. The criminal judgment is transmitted to a civil law judge, who is mandated to take the appropriate measures to enforce such an order.

111. Despite the promising progress, it remains to be seen to what extent the implementation of the above-mentioned measures will result in changes in professional practice. In light of its findings, GREVIO considers that it is essential to explicitly include in legislation incidents of violence against women, including those witnessed by children, as criteria to be taken into account when determining custody and visitation rights.³¹ Judges should specifically lay out the reasons in their decisions to maintain custody and visitation rights of perpetrators in the presence of such incidents. GREVIO reiterates that children's exposure to physical, sexual or psychological violence and abuse between parents or other family members breeds fear, causes trauma and adversely affects children's health and development.³² GREVIO also reiterates that joint parenting in these circumstances allows perpetrators to maintain their control and dominance over the mother and children. GREVIO underscores the importance of introducing screening mechanisms within family law proceedings to detect a history of domestic violence. Additionally, GREVIO stresses the importance of having mechanisms in place for safe supervised visits as well as adequate support from social services. In this context, it is essential to ensure appropriate training of all professionals involved, including judges, court-appointed experts, and social services and child-protection professionals, on violence against women and domestic violence.³³

31. Explanatory Report to the Istanbul Convention, paragraph 144.

32. Explanatory Report to the Istanbul Convention, paragraph 143.

33. See Chapter III, Training of professionals (Article 15).

112. GREVIO welcomes the steps taken by the San Marinese authorities and strongly encourages them to pursue their efforts by ensuring that:

- a. in the determination of custody and visitation, incidents of violence against women and their children are mandatory legal criteria to be taken into account;**
- b. a screening mechanism is introduced in order to identify cases with a prior history of violence by one parent against the other.**

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

113. Article 48, paragraph 1, of the Istanbul Convention requires parties to prohibit the mandatory participation in any alternative dispute resolution processes, including mediation and conciliation, in relation to cases of all forms of violence against women covered by the convention. This provision stems from the principle that violence against women is a manifestation of unequal power relations and that victims of such violence can never enter the alternative dispute resolution processes on an equal footing with the perpetrator. To avoid the re-privatisation of such violence and to enable the victim to seek justice, it is the responsibility of the state to provide access to adversarial court proceedings on the basis of robust criminal and civil law provisions.

114. In its baseline evaluation report, GREVIO had observed that there were no mandatory alternative dispute resolution processes in place in San Marino, either in civil or criminal law. Family mediation was an integral part of separation proceedings, but participation was voluntary and could be interrupted at any time at the request of either of the parties. As the rules on mediation were silent on cases with a history of domestic violence, GREVIO had considered it necessary to ensure screening measures and to proactively inform women victims of domestic violence that mediation was a voluntary process.

115. GREVIO welcomes the requirement that, in terms of family mediation proposed during separation proceedings, the above-mentioned protocol adopted at the level of the Single Court of San Marino that introduces a range of measures to improve information sharing among its civil and criminal branches on possible elements that help identify a history of domestic violence in a specific case also formally ends the practice of requiring joint meetings between the victim and the perpetrator to reach an agreement on custody and visitation rights. Where a context of domestic violence is known to the judge, mediation is not proposed. Where it becomes known to the mediator, mediation is stopped as soon as such facts come to light.

116. As a recent development, however, GREVIO is not in a position to assess whether the protocol is systematically being implemented or whether cases where the victim of domestic violence has not reported the violence may still go undetected. It therefore reiterates the need for a systematic screening process for domestic violence in family law proceedings and for proactively communicating to women the non-mandatory nature of family law mediation.

117. GREVIO encourages the San Marinese authorities to ensure that professionals involved in family mediation in the context of separation proceedings in family law are required to take measures to proactively identify a history of domestic violence and to always inform women victims of violence of the non-mandatory nature of such mediation.

D. Investigation, prosecution, procedural law and protective measures

118. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions in a manner that validates women's and girls' experiences of violence, that avoids their secondary victimisation and that offers protection throughout the different stages of proceedings. The provisions covered in this section are fundamental to the delivery of protection and justice for all women and girls at risk of or who have experienced gender-based violence.

1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)

119. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages. Professionals from law enforcement or the judiciary often do not prioritise incidents of violence against women and domestic violence, thereby contributing to the impunity of perpetrators and reinforcing the misconception that this type of violence is "acceptable" in society.³⁴ A consequence of assigning low priority to incidents of violence against women and domestic violence are delays in initiating investigations and judicial processes, which in turn may lead to the loss of vital evidence and to an increased risk for the victim of repeated violence. For these reasons, Article 49 of the convention requires parties to ensure that investigations and judicial proceedings are conducted without undue delay, while at the same time respecting the rights of victims during each stage of these processes. Article 50 further reinforces these obligations by requiring that law-enforcement agencies react promptly and appropriately in cases of violence against women, including by offering victims immediate protection and by engaging in the prevention of violence. GREVIO reports focus on the application of Article 50 at key stages in the criminal justice process, notably reporting, investigation, prosecution and conviction, all of which are key contributors to victims' sense of support, protection and justice.

a. Reporting to, immediate response and investigations by law-enforcement agencies

120. In its baseline evaluation report, GREVIO had welcomed the training of law-enforcement officers that had meaningfully increased their awareness about violence against women and domestic violence. Interventions for cases of violence has been based on a protocol for law-enforcement agencies on gender-based violence, which had clearly recognised the structural nature of such violence, warned against the risk of secondary victimisation and clearly attributed the responsibility for the violence to the perpetrator. The law-enforcement agencies consisted of three different corps in San Marino: the Fortress Guard, the Civil Police and the Gendarmerie, with the latter including a special unit for gender-based violence. However, GREVIO had expressed concern about reports from civil society organisations that in some instances women had been discouraged by law-enforcement officials from pressing charges against a perpetrator of violence. It had noted a relatively low number of recorded offences of ill-treatment, pointing to a lack of reporting of domestic violence. Moreover, only a small fraction of the members of the Gendarmerie and the Civil Police were women, and the Fortress Guard consisted of men only.

121. GREVIO welcomes the continuation since the baseline evaluation report of the training of law-enforcement officials on issues related to the Istanbul Convention and the fact that awareness of the different forms of violence against women remains high among the members of the three corps in San Marino. Moreover, the number of women among the three corps has increased. Three women have joined the Fortress Guard (three women out of 40 officers), the Gendarmerie now counts 13 women (out of 89 officers) and the Civil Police employs 17 women out of a total of 82 officers. The three corps operate on an on-call system during night-time hours, and at least one female member is on duty at night. The first point of contact for women victims of violence,

34. Explanatory Report to the Istanbul Convention, paragraph 255.

the specialist gender-based violence unit of the Gendarmerie, always ensures the presence of a female officer during the day.

122. Moreover, a recently established protocol requires requests for police intervention, including in relation to experiences of violence within the remit of the Istanbul Convention, to be handled within 90 seconds, and for a patrol car to arrive at the scene within five minutes. The telephone operator is required to stay on the phone with the victim until the patrol car arrives and checks the police database for previous interventions for violence and any weapons that may be registered at the home. Additionally, the smartphone application “TECUM”, discussed in GREVIO’s baseline evaluation report, continues to allow a victim of violence to send a request for immediate intervention to the police forces without arousing the perpetrator’s attention.

123. In the three-year period between 2021 and 2023, a total of 112 women (93 adults and 19 children) filed a criminal complaint for allegations of domestic violence with the authorities. An unspecified number of reports concerned stalking. Very few reports were received for sexual violence or rape, and the cases that were reported concerned mostly children. Very few adult women have reported a rape in recent years, which suggests that this form of violence is still highly stigmatised in the country. The criminal provision of sexual harassment has been introduced only recently, and no reports have been registered to date. No cases of other specific criminal offences of violence against women provided for in the Criminal Code, such as forced marriage, female genital mutilation, forced abortion or forced sterilisation, have been reported in San Marino.

124. Civil society organisations indicated to GREVIO that they observed a trend in more reporting by women victims of violence in San Marino, which may point to an increase in trust in the authorities. This may be linked to the continuous initial and in-house training of law-enforcement personnel on issues related to the Istanbul Convention and to the progress made in multi-agency co-operation between the three police corps and the support services for victims. The setting up of the Counselling Centre for Victims of Gender Violence and the specialist support it offers may have also contributed to the increase in women’s willingness to report their experiences of domestic violence. There are no indications of women being discouraged from reporting.

125. However, GREVIO notes with concern that women victims of sexual violence and rape, including such instances committed in the context of an abusive relationship, do not seem to report their experiences to the authorities, despite the existence of state-of-the art medical, forensic and counselling services. This raises a concern that women victims of rape and sexual violence may face barriers to reporting their experiences to law enforcement, and that these forms of violence are associated with high levels of stigma and shame. This indicates the need to significantly strengthen efforts to encourage reporting to the authorities and to ensure a sensitive response from all relevant authorities across the criminal justice system. While GREVIO notes the efforts made by the judiciary in San Marino to apply in their decisions a consent-based understanding of rape and sexual violence, it points to the important message of zero tolerance towards this form of violence that an alignment of the Criminal Code with a consent-based definition as required by Article 36 of the Istanbul Convention would send. This has been recommended by the Committee of the Parties in its recommendation adopted in respect of San Marino.³⁵ Evidence from other countries has shown that a shift towards a conceptualisation of rape and sexual violence as sexual acts of a non-consensual nature instead of requiring an element of violence, threat, coercion, hypnotic suggestion or other forceful or deceitful means, has led to an increase in the number of reported instances of rape and their prosecution.³⁶ Furthermore, GREVIO points to the important role that public debate around legal reforms in the area of sexual offences can play in removing stigma and shame around rape and sexual violence, by enabling a conversation on consent in sexual relations and deconstructing gender stereotypes and rape myths.

35. See Committee of the Parties Recommendation on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, IC-CP/Inf(2021)9, adopted on 7 December 2021, paragraph A.8.

36. See GREVIO’s First thematic evaluation report on Sweden, paragraphs 118-119.

126. As regards the investigation and prosecution of domestic violence, covering not only the physical but also the psychological violence exerted on women victims, GREVIO notes that abusive behaviour amounting to psychological violence or even coercive control such as locking the front door or hiding car keys and any other demeaning behaviour is being included in the case building and ultimately in charging decisions on the basis of Article 235 of the Criminal Code, which criminalises the “ill-treatment” of family members, cohabiting persons or persons otherwise linked by an emotional relationship.

127. The recently inaugurated victim-friendly interviewing room at the Gendarmerie for victims of violence will further contribute to the rise in trust in the law-enforcement authorities. The project “A room for you” was initiated by the Soroptimists of San Marino in collaboration with the Gendarmerie and under the auspices of the Authority for Equal Opportunities to encourage the reception of and reporting by victims of gender-based violence in a safe environment. The Gendarmerie provided a room, including an entertainment area for accompanying children, which was entirely financed, designed and furnished by the Soroptimists. The interview is usually held by a specially trained female officer from the gender-based violence unit of the Gendarmerie.

128. GREVIO welcomes the news that the Gendarmerie is investing in the preservation of digital evidence in criminal cases. Officers regularly attend training courses on this topic, either in co-operation with the Italian police or outside Italy. Basic training provided to all police staff includes information on the seizure of electronic evidence. It is unclear, however, whether these efforts are also aimed at enhancing the police response to online and technology-facilitated violence against women, including in, but not limited to, contexts of intimate partner violence.

129. **Welcoming the ongoing efforts to improve the police response to violence against women in San Marino, GREVIO strongly encourages the San Marinese authorities to take measures to:**

- a. **identify and address any barriers women victims of rape and sexual violence may face to reporting to law-enforcement officers and to enhance the capacity of law-enforcement agencies to investigate and prosecute instances of rape and sexual violence, including choking and strangulation, committed in the context of intimate partner violence;**
- b. **extend their efforts to enhance police responses to psychological forms of violence against women as well as digital manifestations of violence against women and domestic violence.**

b. Effective investigation and prosecution

130. In its baseline evaluation report, GREVIO had noted that the applicable statutes of limitations posed an obstacle to women’s access to justice, with some cases having become time-barred even where prosecution had been initiated.

131. GREVIO notes with satisfaction that since the baseline evaluation report, no cases initiated after 1 January 2020 have become time-barred and that investigations into the reasons why previously initiated cases had become time-barred were ongoing with a view to preventing such situations from recurring.

132. In this context, GREVIO welcomes the development that, pursuant to provisions on judicial work adopted in October 2022 by the Head of the Single Court of San Marino, cases involving child victims or civil parties and stalking, as well as acts of violence against women or domestic violence and family abuse, are given priority in the criminal division of the court. The responsibility for investigations and prosecutions lies with the investigating judge and a *Procuratore del Fisco*. The prioritisation of cases relevant to the Istanbul Convention has clearly helped to overcome issues around cases becoming time-barred, contributing to higher levels of trust in the system among women victims of violence.

133. In 2022, 25 proceedings were opened for different forms of violence against women, ranging from domestic violence to rape and stalking. Five led to a conviction, 12 were discontinued and eight of them were still pending at the time of the evaluation visit. Similar numbers were provided for 2023, while in 2024 the number of criminal proceedings for the different forms of violence had grown to 43. Two of these resulted in a conviction, while 14 were discontinued and the rest were still pending. Of these cases, many concern the offence of stalking, which GREVIO notes is frequently prosecuted in San Marino under Article 181-bis of the Criminal Code, with at least 22 cases between 2022 and 2024.

134. GREVIO notes with concern that over a third of all cases pending were discontinued in the period between 2022 and 2024. These concerned minor physical injuries, which under San Marinese criminal legislation require the victim to submit a complaint for prosecution to proceed. While GREVIO notes that parties to the convention may reserve the right not to apply Article 55, paragraph 1, which requires investigations for physical violence not to be dependent on a complaint filed by the victim, San Marino has not availed itself of this opportunity. GREVIO thus reiterates its concern already expressed in its baseline evaluation report regarding the requirement placed on victims of domestic violence to file a complaint for prosecution to proceed. In addition, this requirement means that victims who cannot express their will, including some women with intellectual disabilities, may not be able to initiate prosecution for these offences, as Articles 155 (personal injury) and 157 (simple assault) of the Criminal Code make no exception for persons who are incapacitated. Nevertheless, the offence of sexual harassment (Article 171-bis of the Criminal Code) is prosecuted *ex officio* if the offence is committed against a victim who cannot express her will because of her age or other reasons.

135. GREVIO reiterates that domestic violence habitually consists of several acts of violence over a period of time, which may vary in intensity and in themselves may not reach the level of serious harm, but when looked at as a whole would reveal a pattern that is typical for domestic violence. Article 235 of the Criminal Code allows for the prosecution of such a pattern *ex officio*, which GREVIO welcomes. It notes, however, that between 2022 and 2024, only 15 cases concerned this offence. GREVIO thus points to the importance of ensuring a clear comprehension among law enforcement and prosecution authorities as to how to establish a pattern of abusive acts over a period of time, consisting of habitual behaviour, which may or may not including physical violence. Ensuring perpetrator accountability for patterns of abusive behaviour attacking the physical or moral integrity of the victim is critical.

136. In this context, GREVIO notes with concern that “warnings” or “verbal reprimands” have been introduced by Article 5 of Delegated Decree No. 161 of 29 October 2024. This is an administrative measure that may be issued by the Commander of the Gendarmerie upon request of a victim in respect of individuals suspected of having committed certain offences under the Istanbul Convention. Notably, these include those offences that require a complaint from the victim and cannot be prosecuted *ex officio*, such as simple assault, personal injury, threats, persecutory acts (stalking) and sexual harassment. The aim is to prevent further harmful behaviour and any escalation of violence. While in some cases this might be an appropriate response to the situation, in many others it may raise concerns around the safety of domestic violence victims, as this measure does not seem to be preceded by a risk assessment and is not accompanied by the application of protection measures.

137. Recalling the findings made in its baseline evaluation report, GREVIO urges the San Marinese authorities to review their legislation in respect of *ex officio* proceedings in order to comply with Article 55, paragraph 1, of the Istanbul Convention, and, in this context, review the impact of warnings on victims’ safety and perpetrator accountability to assess whether their use is appropriate in these cases and take the necessary measures based on these results.

138. Furthermore, GREVIO urges the San Marinese authorities to take measures to enhance the adequate and effective prosecution of cases of sexual violence and rape as well as cases of psychological violence.

c. Conviction rates

139. In its baseline evaluation report, GREVIO had noted with concern that between 2016 and May 2020, there had only been two convictions for cases of violence against women. Data on the average duration of cases, attrition rates, conviction rates or types of sanctions by type of violence had not been available, making it very difficult to evaluate the effectiveness of the judicial system's response to violence against women.

140. GREVIO thus welcomes the provision by the San Marinese authorities – for the purpose of the current thematic evaluation procedure – of detailed data on every criminal case in relation to a form of violence within the remit of the Istanbul Convention prosecuted and tried in 2022, 2023 and 2024, as well as the respective sentences. From these data, it appears that the overall number of cases brought to the authorities is low, and even fewer are being prosecuted or go to trial. It is therefore difficult to draw general conclusions as to the response by the criminal justice system to these types of offences. Many cases of domestic violence, physical injury and stalking, however, lead to a fine and suspended sentences, suggesting the need to resort to the full range of punishments available. As GREVIO has had the opportunity to note, suspended sentences for instances of violence against women, in particular domestic violence, present a recurring challenge, and that the use of fines create additional insecurities for women victims and their children.³⁷ In this respect, GREVIO points to the importance of holding perpetrators accountable for criminal acts and to the need to impose dissuasive sanctions.

141. Moreover, the low number of perpetrators of domestic violence ordered to attend preventive intervention and treatment programmes, currently at two per year, suggests that greater use should be made by the judiciary of this new tool.

142. **GREVIO strongly encourages the San Marinese authorities to ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive and to examine and address factors that contribute to the elevated number of dismissals in criminal justice proceedings in relation to cases of violence against women covered by the Istanbul Convention.**

2. Risk assessment and risk management (Article 51)

143. Many perpetrators of domestic violence, rape, stalking, sexual harassment, forced marriage and other forms of violence covered by the Istanbul Convention threaten their victims with serious violence, including death, and have subjected their victims to serious violence in the past, including non-fatal strangulation. The growing digital dimension to such violence further exacerbates women's and girls' sense of fear. Article 51 thus places concern for their safety at the heart of any intervention in such cases by requiring the establishment of a multi-agency network of professionals to protect high-risk victims without aggravating the harm experienced. It sets out the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces, on a case-by-case basis, according to standardised procedures and in co-operation with each other.

144. In its baseline evaluation report, GREVIO had observed that both the police and the Social Security Institute use standardised risk-assessment forms. However, because of scarce information available at the time, it had remained unclear what use had been made of these tools, whether subsequent risk assessments were made or whether they formed part of a multi-agency approach to violence against women.

145. Since the baseline evaluation report, multi-agency co-operation in San Marino has significantly improved, and risk assessments are now an integral part thereof, which GREVIO welcomes. Multi-agency risk-assessment conferences, though not yet institutionalised, are regularly held by the Gendarmerie and involve all relevant members of the Anti-Violence Network, both for

37. Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 397.

emergency situations and for non-acute cases of violence.³⁸ Meetings can be held repeatedly over time, if necessary, including to assess whether the level of risk to the victim has changed. Safety plans are devised by the police and include considerations of the safety of the victim's children. They include practical measures as necessary, for example sending patrol cars to the victim's workplace, home and her children's school daily, priority procedures for emergencies and the temporary relocation of the victim and her children to a safe place. GREVIO welcomes the fact that all three police forces recently received training on risk assessment by an Italian NGO, and the Gendarmerie together with the Civil Police are considering adopting the standardised Spousal Assault Risk Assessment (SARA) questionnaire. In this regard, GREVIO points to the need to ensure that risk-assessment tools systematically check for any known "red flags" that indicate an elevated risk of serious violence. Access to firearms is one such "red flag", as are separation, pregnancy and instances of non-fatal strangulation – a particularly dangerous form of physical violence and known to considerably increase the risk of escalation and lethal violence.³⁹

146. Moreover, GREVIO points to the need to ensure risk assessment is carried out in relation to all forms of violence covered by the Istanbul Convention and is conducted by trained professionals. This would apply for example to cases of stalking, including post-separation stalking, and to any risk of harm to women and girls who may be exposed to online or technology-facilitated violence.

147. As regards women's risk of gender-related killings resulting from instances of violence, GREVIO notes that no women have been murdered in San Marino in the past 25 years. There is hence no mechanism for reviewing past cases of gender-related killings of women with the aim of preventing similar cases in the future. In this context, GREVIO points to the growing efforts made in other parties to the Istanbul Convention to examine suspicious deaths and suicides of women for a possible connection with domestic violence.⁴⁰ It notes with interest a recent expert meeting organised by the University of San Marino in collaboration with the Violence and Suicide Observatory on the risk of suicide in victims of gender-based violence.⁴¹

148. GREVIO encourages the San Marinese authorities to ensure that all known high-risk factors for an escalation of violence, including access to firearms and non-fatal strangulation, form part of risk-assessment forms or tools in use by the relevant authorities, and that risk assessment is carried out in relation to all forms of violence covered by the Istanbul Convention.

3. Emergency barring orders (Article 52)

149. Under Article 52 of the Istanbul Convention, in situations of immediate danger, the authorities are granted the power to issue an emergency barring order, ordering the perpetrator to leave the residence of the victim or person at risk for a specific period of time, and to prohibit the perpetrator from entering the victim's residence or contacting the victim or person at risk. Emergency barring orders are tools intended to prevent a crime and to put safety first.⁴² They should therefore be time-bound and incident-based, with the possibility of renewal in the case of continued danger. Longer-term protection should, however, be granted by a court by means of a protection order, upon application by the victim. An emergency barring order should in principle extend to children in need of protection and should have immediate effect.

38. See Chapter III, General obligations (Article 18).

39. Glass N., Laughon K., Campbell J., Block C. R., Hanson G., Sharps P. W. and Taliaferro E., "Non-fatal strangulation is an important risk factor for homicide of women", *The Journal of Emergency Medicine*, Volume 35, Issue 3, 2008, pp. 329-335, available at: www.ncbi.nlm.nih.gov/articles/PMC2573025/.

40. To give an example, in the UK, official data have shown that the number of domestic violence-related suicides has surpassed the number of intimate partner homicides. The UK includes such suicides in its domestic homicide review mechanism. See www.homicide-review.homeoffice.gov.uk/ and GREVIO baseline evaluation report on the UK, paragraphs 36 and 88.

41. Available at: www.sanmarinortv.sm/news/attualita-c4/suicidi-e-violenze-intersezioni-cliniche-criminologiche-e-giuridiche-al-centro-dell-incontro-dell-unirsm-a273338.

42. See GREVIO's baseline evaluation reports on Denmark, paragraph 207, and Malta, paragraph 218.

150. In its baseline evaluation report, GREVIO had proposed that the system of emergency barring and protection orders in San Marino be reviewed because there had been no equivalent to emergency barring orders for victims of domestic violence.

151. GREVIO regrets that since then no progress has been made and that emergency barring orders that comply with the requirements of Article 52 of the convention are still not available in law or in practice. While court protection orders may indeed be issued quickly upon request by the police, they still take up to 48 hours to be issued, which does not make them an immediate tool to remove the perpetrator from the common home in situations of immediate danger.⁴³ GREVIO repeats that the purpose of emergency barring orders is to ensure the safety of domestic violence victims in full respect of their right to remain in their own home. The aim of such orders is to ensure physical distance between victims and perpetrator by removing the perpetrator instead of uprooting victims and their children. As a measure of protection, emergency barring orders should not depend on the will of the victim but must be ordered *ex officio* as part of the state's obligation to prevent any act of violence covered by the Istanbul Convention by non-state actors, including any acts of violence directed at the victim and her children (Article 5, paragraph 2).

152. While GREVIO notes that alternative measures such as arrest are available to law-enforcement authorities in San Marino, these serve separate purposes and do not substitute an emergency barring order. As a short-term protective measure for women victims of domestic violence and their children, to be extended by the court upon application by the victim under the regime of protection orders, emergency barring orders were intended by the drafters of the Istanbul Convention to add to the range of protective measures. GREVIO thus reiterates the importance of taking steps to introduce them. Care should be taken to include the victim's children in the protective scope of such orders and no gap in the protection of the victim should arise after the expiry of any barring order by making available successive protection measures that can be applied for immediately afterwards, such as civil or criminal law protection orders (see Article 53 of the convention).

153. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinense authorities to ensure that victims of domestic violence have access, in situations of imminent danger, to emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention.

4. Restraining or protection orders (Article 53)

154. Restraining and protection orders are conceived to prolong the protection afforded to the victim and her children by emergency barring orders and may be considered complementary to the protection offered by emergency barring orders. Under Article 53 of the Istanbul Convention, victims of all forms of violence against women should be able to obtain a protection order available for immediate protection – without undue financial or administrative burden placed on the victim and irrespective of whether or not they choose to set in motion any other legal proceedings.

155. In its baseline evaluation report, GREVIO had noted that two different kinds of protection orders were available in San Marino. The first consisted in protection orders as special precautionary measures in criminal proceedings issued by an investigating judge upon request by a victim within a 48-hour period. The second referred to orders issued under civil law to protect a person from conduct that is harmful but that cannot be prosecuted *ex officio*. GREVIO had voiced concern that protection orders, while in principle applicable to victims of all forms of violence covered by the Istanbul Convention, were not necessarily applied outside of cases of intimate partner violence. Moreover, the frequent administrative difficulties encountered by victims in obtaining such protection orders resulted in low numbers of requests.

156. Since the baseline evaluation report, the legal basis for criminal law protection orders in San Marino has remained the same, with the exception of a new minimum distance of 500 metres for the perpetrator to respect at all times, as introduced by Article 6 of Delegated Decree No. 161

43. See Chapter III, Restraining or protection orders (Article 53).

of 29 October 2024. GREVIO notes the growing numbers of protection orders granted, rising from four in 2022 to 13 in 2024. However, the overall low numbers and the short time span make it difficult to draw definitive conclusions as to their increased use.

157. While most of the protection orders have concerned acts of domestic violence, some of the orders have been issued for the protection of victims of stalking, which GREVIO welcomes. It is unclear, however, whether such orders might also be issued in respect of online and technology-facilitated violence against women, including online sexual harassment, or types of violence that have not yet come to the attention of the authorities in San Marino, such as forced marriage.

158. In terms of breaches of protection orders, violations of criminal law protection orders entail criminal sanctions. GREVIO notes, however, that on the basis of the available data, such sanctions are not always imposed. In 2022, there was one incident of a breach of a criminal law protection order, which resulted in a criminal sentence for the underlying criminal acts and a sentence of one year and four months' imprisonment. For 2023, the data show one case of a breach that did not lead to any sanctions at all, and in 2024, one breach led to the extension of the original order while in another case of a breach no sanctions were imposed. GREVIO reiterates that Article 53, paragraph 3, requires breaches of restraining or protection orders issued pursuant to this article to be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

159. In the area of civil law, four protection orders were issued between 2023 and October 2024, with no recorded breaches. The cases in which civil judges issued such orders all concerned proceedings involving parental separation or divorce and custody and visitation rights, and they systematically included children in their scope of protection, which GREVIO welcomes.

160. **GREVIO strongly encourages the San Marinense authorities to ensure that breaches of restraining or protection orders issued give rise to effective, proportionate and dissuasive criminal or other legal sanctions, and that these are systematically applied in practice.**

5. Measures of protection (Article 56)

161. Article 56 of the Istanbul Convention is a key provision for building trust at the level of judicial proceedings for women and girls who have experienced or who are witness to any of the forms of violence covered by the convention. It sets forth a non-exhaustive list of procedures designed to protect victims of violence from intimidation, retaliation and secondary victimisation at all stages of proceedings, during investigations and at trial. The drafters intended this list to be indicative, and parties may adopt additional protection measures that are more favourable than those provided in the convention. Moreover, intimidation and secondary victimisation can occur not only at the hands of perpetrators but also when investigations and judicial proceedings are not based on a gendered understanding of violence against women, which is why the practical application of measures of protection should be firmly anchored in such an understanding.

162. In its baseline evaluation report, GREVIO had noted that several measures had been adopted in San Marino to comply with Article 56 of the convention. They include the provision of psychological support for victims during criminal proceedings, the requirement for same-sex court-ordered experts, the principle that victims should not be required to repeat their testimony, including through making use of video recordings of their witness statements, and that criminal proceedings should be held in camera if the victim is a child or upon request by adult victims.

163. Since the baseline evaluation report, the existing measures taken for the protection of women victims of violence covered by the Istanbul Convention have been extended to family law proceedings. Separate and in camera hearings are available to women victims of domestic violence to avoid encounters with the perpetrator, and children are heard via remote audiovisual connection from a youth centre in the presence of a professional.

164. In criminal cases, the protection of the privacy and the image of victims of violence is guaranteed through Article 16 of Law No. 97/2008, which stipulates that during criminal trials

the victim's confidentiality and privacy, as well as that of her children, shall be protected, and the circulation of personal information or images is prohibited. Breaches of this provision are punishable by law. Delegated Decree No. 109 of 9 August 2024 introduced the requirement for the investigating judge to complete investigations into violence against women "as soon as possible", in a bid to ensure swift criminal procedures. Criminal judges are required to take appropriate measures for the victim's protection, including by informing them of the release or escape of the perpetrator and, if necessary, by issuing a protective order if the perpetrator is released from custody.

165. Moreover, audio recording of victims' statements is available and being expanded to audiovisual recordings for use in court. Should additional testimony become necessary during the trial hearing, the victim is questioned via video link from a separate room to relieve her of the burden of testifying in front of the perpetrator. In view of the small number of offences related to domestic violence and the forms of violence against women covered by the Istanbul Convention in San Marino, GREVIO was unable to assess whether the existing measures of protection are systematically made use of in practice.

166. GREVIO encourages the San Marinese authorities to ensure that all measures of protection that are enumerated in Article 56 of the Istanbul Convention are systematically made use of in practice.

Appendix I

List of proposals and suggestions by GREVIO

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

A. Definitions (Article 3)

1. GREVIO encourages the San Marinese authorities to align all legal definitions in use with the requirement of Article 3a of the Istanbul Convention by clearly integrating a definition of violence against women. (paragraph 11)

B. Comprehensive and co-ordinated policies (Article 7)

2. GREVIO strongly encourages the San Marinese authorities to:

- a. ensure that national strategies, action plans and measures give due importance to all forms of violence covered by the Istanbul Convention, including stalking, sexual harassment and sexual violence;
- b. ensure that such policies take into consideration and integrate the perspective of women who are or might be exposed to intersecting forms of discrimination, including migrant women, LBTI women, elderly women and women in prostitution;
- c. ensure that the national co-ordinating bodies for the Istanbul Convention exercise their functions in close consultation with relevant civil society organisations;
- d. ensure the involvement, on a regular basis, of civil society organisations working in the field of violence against women in policy making and in the monitoring and evaluation of policies and measures as a way of meaningfully tapping into their expertise. (paragraph 18)

3. GREVIO invites the San Marinese authorities to evaluate, on a regular basis, their policies that aim to achieve the comprehensive and co-ordinated policy approach required by the Istanbul Convention. Such evaluations should be carried out on the basis of predefined indicators in order to assess their impact and ensure that policy making is based on reliable data. (paragraph 19)

C. Financial resources (Article 8)

4. Recalling the findings made in its baseline evaluation report, GREVIO urges the San Marinese authorities to:

- a. step up efforts to adopt gender budgeting principles and to introduce earmarked funding, with the aim of identifying and monitoring the overall state expenditure on violence against women;
- b. ensure the appropriate allocation of funds for the national co-ordinating bodies, including through adequate remuneration for its members;
- c. provide sustainable and sufficient financial resources to civil society organisations that carry out activities and services in the field of violence against women and domestic violence, including to those that provide preventive intervention and treatment programmes for perpetrators of violence, through funding opportunities that allow for continuous service provision, for example long-term grants. (paragraph 27)

D. Data collection (Article 11)**2. Health and social services**

5. GREVIO encourages the San Marinese authorities to continue their efforts to introduce an IT-based case-management system, based on a common set of data categories, for use by law-enforcement agencies, prosecution services and the judiciary, with a view to allowing for the automated tracking of cases across all levels of the criminal justice system. (paragraph 36)

III. Analysis of the implementation of selected provisions in priority areas in the fields of prevention, protection and prosecution**A. Prevention****1. General obligations (Article 12)**

6. Welcoming the increasing focus on long-term awareness raising on violence against women, GREVIO encourages the San Marinese authorities to pursue their efforts to eradicate prejudice, gender stereotypes and patriarchal attitudes in society, through wider prevention measures on violence against women and with a view to the measures set out in Recommendation CM/Rec(2019)1 of the Committee of Ministers of the Council of Europe to member States on preventing and combating sexism. (paragraph 48)

7. Furthermore, GREVIO encourages the San Marinese authorities to:

- a. conduct regular and long-term awareness-raising campaigns, addressing a wider spectrum of manifestations of violence against women and girls as covered by the Istanbul Convention, focusing in particular on sexual violence, rape and sexual harassment and the heightened exposure of women with disabilities, LGBTI women, elderly women, migrant women and women in prostitution, while actively engaging men and boys in prevention measures;
- b. increase efforts to establish partnerships with civil society organisations for awareness-raising activities and the primary prevention of violence against women;
- c. regularly evaluate the impact of awareness-raising campaigns and other measures in the area of prevention. (paragraph 49)

2. Education (Article 14)

8. GREVIO encourages the San Marinese authorities to include digital literacy and online safety in formal curricula and to pursue their efforts to teach children the notion of freely given consent in sexual relations. (paragraph 57)

3. Training of professionals (Article 15)

9. GREVIO strongly encourages the San Marinese authorities to pursue their efforts to provide training for relevant professionals in relation to all forms of violence against women covered by the Istanbul Convention, including by ensuring systematic and comprehensive initial and in-service training for all relevant professionals, based on structured training plans for the different professional categories involved. (paragraph 65)

4. Preventive intervention and treatment programmes (Article 16)

a. Programmes for perpetrators of domestic violence

10. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinese authorities to ensure that sufficient funding is provided for work with perpetrators of domestic violence, allowing for their voluntary attendance free of charge, and to ensure that referral pathways to such programmes are consistently made use of. (paragraph 70)

b. Programmes for perpetrators of sexual violence

11. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinese authorities to ensure that sufficient funding is provided for work with perpetrators of sexual violence, allowing for their voluntary attendance free of charge, and to ensure that referral pathways to such programmes are consistently made use of. (paragraph 72)

B. Protection and support

1. General obligations (Article 18)

12. GREVIO strongly encourages the San Marinese authorities to ensure that civil society organisations that play a role in protecting and supporting women victims of any of the forms of violence covered by the Istanbul Convention are integrated in a structured manner into multi-agency co-operation mechanisms. (paragraph 81)

2. General support services (Article 20)

a. Social services

13. GREVIO strongly encourages the San Marinese authorities to increase the measures taken to ensure the economic independence of women victims of violence through targeted general support measures, including financial assistance and housing support. (paragraph 87)

b. Healthcare services

14. GREVIO encourages the San Marinese authorities to include proactive screening for violence against women and domestic violence in existing protocols for healthcare workers in the public and private healthcare sectors in order to ensure the identification of victims, their diagnosis, treatment, documentation of the type of violence and the violence suffered, and referral to appropriate specialist support services in a gender-sensitive and non-judgmental manner, as well as the provision of a forensic report for victims documenting their injuries. (paragraph 89)

3. Specialist support services (Article 22)

15. GREVIO strongly encourages the San Marinese authorities to ensure that specialised support services for women victims of gender-based violence are able to meet the needs of victims of all forms of violence covered by the Istanbul Convention, including in their digital dimension. (paragraph 97)

16. GREVIO welcomes the efforts made by the San Marinese authorities to operate a telephone helpline that is in line with the requirements of the Istanbul Convention and encourages them to pursue their efforts to provide support, crisis counselling and information confidentially and on all forms of violence against women covered by the scope of the Istanbul Convention, also during night-time hours. (paragraph 98)

C. Substantive law**1. Custody, visitation rights and safety (Article 31)**

17. GREVIO welcomes the steps taken by the San Marinese authorities and strongly encourages them to pursue their efforts by ensuring that:

- a. in the determination of custody and visitation, incidents of violence against women and their children are mandatory legal criteria to be taken into account;
- b. a screening mechanism is introduced in order to identify cases with a prior history of violence by one parent against the other. (paragraph 112)

2. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

18. GREVIO encourages the San Marinese authorities to ensure that professionals involved in family mediation in the context of separation proceedings in family law are required to take measures to proactively identify a history of domestic violence and to always inform women victims of violence of the non-mandatory nature of such mediation. (paragraph 117)

D. Investigation, prosecution, procedural law and protective measures**1. General obligations (Article 49) and Immediate response, prevention and protection (Article 50)****a. Reporting to, immediate response and investigations by law-enforcement agencies**

19. Welcoming the ongoing efforts to improve the police response to violence against women in San Marino, GREVIO strongly encourages the San Marinese authorities to take measures to:

- a. identify and address any barriers women victims of rape and sexual violence may face to reporting to law-enforcement officers and to enhance the capacity of law-enforcement agencies to investigate and prosecute instances of rape and sexual violence, including choking and strangulation, committed in the context of intimate partner violence;
- b. extend their efforts to enhance police responses to psychological forms of violence against women as well as digital manifestations of violence against women and domestic violence. (paragraph 129)

b. Effective investigation and prosecution

20. Recalling the findings made in its baseline evaluation report, GREVIO urges the San Marinese authorities to review their legislation in respect of ex officio proceedings in order to comply with Article 55, paragraph 1, of the Istanbul Convention, and, in this context, review the impact of warnings on victims' safety and perpetrator accountability to assess whether their use is appropriate in these cases and take the necessary measures based on these results. (paragraph 136)

21. Furthermore, GREVIO urges the San Marinese authorities to take measures to enhance the adequate and effective prosecution of cases of sexual violence and rape as well as cases of psychological violence. (paragraph 137)

c. Conviction rates

22. GREVIO strongly encourages the San Marinese authorities to ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive and to examine and address factors that contribute to the elevated number of dismissals in criminal justice proceedings in relation to cases of violence against women covered by the Istanbul Convention. (paragraph 142)

2. Risk assessment and risk management (Article 51)

23. GREVIO encourages the San Marinese authorities to ensure that all known high-risk factors for an escalation of violence, including access to firearms and non-fatal strangulation, form part of risk-assessment forms or tools in use by the relevant authorities, and that risk assessment is carried out in relation to all forms of violence covered by the Istanbul Convention. (paragraph 148)

3. Emergency barring orders (Article 52)

24. Recalling the findings issued in GREVIO's baseline evaluation report, GREVIO urges the San Marinese authorities to ensure that victims of domestic violence have access, in situations of imminent danger, to emergency barring orders that meet the requirements of Article 52 of the Istanbul Convention. (paragraph 153)

4. Restraining or protection orders (Article 53)

25. GREVIO strongly encourages the San Marinese authorities to ensure that breaches of restraining or protection orders issued give rise to effective, proportionate and dissuasive criminal or other legal sanctions, and that these are systematically applied in practice. (paragraph 160)

5. Measures of protection (Article 56)

26. GREVIO encourages the San Marinese authorities to ensure that all measures of protection that are enumerated in Article 56 of the Istanbul Convention are systematically made use of in practice. (paragraph 166)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities and other public bodies

- Captains Regent of the Republic of San Marino, H.E. Francesca Civerchia and H.E. Dalibor Riccardi
- Ministry of Foreign Affairs, Political Affairs, International Economic Cooperation and Digital Transition
- Ministry of Internal Affairs, Public Sector, Institutional Affairs, Relations with the Township Councils and Regulatory Simplification
- Ministry of Health and Social Security, Social Affairs and Equal Opportunities
- Ministry of Education and Culture, University and Scientific Research, Youth Policies
- Ministry of Labour, Economic Planning, Relations with the Autonomous Public Utilities State Corporation, Ecological Transition and Technological Innovation
- Ministry of Justice, Welfare and Family
- Authority for Equal Opportunities
- Commission for Equal Opportunities
- Commission for the Implementation of the United Nations Convention on the Rights of Persons with Disabilities
- University of the Republic of San Marino – Department of Human Sciences
- Gendarmerie
- Civil Police
- Fortress Guard
- Single Court of the Republic of San Marino
- Judicial Council
- Social Security Institute
- Counselling centre for victims of violence
- Members of the Great and General Council for Permanent Parliamentary Committees I and IV
- Technical and Institutional Panel
- Technical and Administrative Secretariat for Equal Opportunities, Bioethics and Social Inclusion

Non-governmental organisations and civil society organisations

- Association Emma Rossi
- Association Il Confine
- Association of Lawyers and Notaries of San Marino
- Soroptimists International San Marino
- Trade union Confederazione Sammarinese del Lavoro (CSdL)
- Unione Donne Sammarinesi

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence, is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by the parties.

Following the comprehensive stocktaking exercise set out in its baseline evaluation reports, GREVIO's first thematic evaluation round identifies progress made in building trust among women and girls by delivering support, protection and justice for any of the forms of violence against women covered by the Istanbul Convention. This report contains an analysis of developments in law and policy in respect of provisions of the convention relating to victim support and protection, criminal investigation and prosecution of acts of violence. It also covers developments in the determination of child custody and visitation rights in cases with a history of violence and wider preventive measures.

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