

# **REPUBLIC OF SAN MARINO**

**We the Captains Regent  
of the Most Serene Republic of San Marino**

*Having examined Article 4 of Constitutional Law no. 185 of 2005 and Article 6 of Qualified Law no. 186 of 2005;*

*Promulgate and order the publication of the following Ordinary Law approved by the Great and General Council during its session of 18 June 2008.*

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

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

### **CHAPTER I**

**UNDERLYING PRINCIPLES AND AWARENESS-RAISING AND PREVENTION  
MEASURES FOR COMBATING VIOLENCE AGAINST WOMEN AND GENDER  
VIOLENCE, INCLUDING DOMESTIC VIOLENCE**

## **Art. 1**

*(Purpose of this Law)*

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

## **Art. 2**

*(Definition of Violence against Women)*

Violence against the individual means any act of gender-based violence that results, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life

## **Art. 3**

*(Mass Media and Dissemination of Discriminatory Information)*

Mass media shall contribute to fostering and safeguarding equality between men and women and shall avoid any form of gender-based discrimination.

The use of images or expressions that are detrimental to individual dignity and identity, or having a discriminatory content, including references to a person's sexual orientation or gender identity in general, also for advertising purposes, is prohibited.

The specifically appointed Equal Opportunities Authority can request the Law Commissioner on its own initiative or upon notification made in writing by any interested person:

- a) to prevent the circulation of images, information or references that do not comply with the prohibition referred to in paragraph 2;
- b) to prevent their further circulation and to eliminate their effects;

without infringing on the right of the person portrayed or mentioned to apply for damages;

After listening to the party against which the measure is to be taken, the Law Commissioner issues a decree. In particularly urgent cases and when the party against which the measure is to be taken is not a resident or is not based in the Republic of San Marino, or has no legal representation in the trial, the Law Commissioner can order the enactment of the measure without a preliminary hearing.

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

The decree issued by the Law Commissioner can be challenged before the Judge of Appeal for nullity, but this shall not affect the enactment of the measure unless the Judge of Appeal should decide otherwise.

The State Law Office shall provide legal assistance to the Equal Opportunity Authority in court proceedings.

Trial records are exempt from legal taxes.

#### **Art. 4**

*(Assistance to the victims of violence)*

For victims of domestic and sexual violence, the State shall

- a) provide information on the measures envisaged by the law for the protection, safety and right to assistance and support for victims of violence;

- b) provide specialised social services that are conveniently located and easily accessible to victims and employing specifically trained staff;
- c) ensure that these services are able to face emergency situations and provide immediate support, also of psychological nature, and be responsible for medium-term cases, also for the purpose of family reunification;
- d) provide social support, protection, support for education, training and professional re-integration;
- e) ensure that, in the most serious cases, in which continuing to live in the family is deemed to be dangerous, victims are admitted to a family-sized community for the time necessary to develop a social reintegration project;
- f) create, if necessary, programs for the protection and social integration of the victims of violence, - which also address housing needs and ensure that their residence permit is prolonged, should it expire during the proceeding, at least for the whole duration of the proceeding - professional reintegration, care and support for dependent children;
- g) specific training for the judges presiding over judicial proceedings described in this Law and for law enforcement agencies. The planning and creation of services and the actual definition of the measures to be taken shall be set forth through a specific Delegate Decree to be issued six months after the entry into force of this Law.

## CHAPTER II

### AMENDMENTS TO THE CRIMINAL CODE

#### **Art. 5**

*(Aggravating circumstance for murder )*

The following article is inserted after Article 150, paragraph 2 of the Criminal Code :

“1-bis) by a spouse, cohabitant or person who was or is involved in an affective relationship with the victim, including cases of non-cohabitation”.

**Art. 6**

*(Aggravating circumstance for personal injuries)*

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

“When injury leads to abortion, life-threatening hazard, a disease requiring a healing time of more than sixty days or to an incurable disease, permanent facial scars, loss or significant weakening of one of the senses, one organ or its functions or the loss of procreation abilities, or genital mutilation, even when it is performed for religious reasons, third-degree imprisonment and disqualification shall apply. The same punishment shall apply if the victim is or was the spouse or is/was a person similarly situated to a spouse, including cases of non-cohabitation, or if the victim is a particularly vulnerable person living with the offender”.

**Art. 7**

*(Reducing or holding in slavery or servitude)*

Article 167 of the Criminal Code is amended as follows:

“Art. 167

Reducing or holding in slavery or servitude

Anyone who exercises on a person powers equal to property rights or anyone who enslaves or holds a person under continuous subjugation, forcing such person to work or

have sexual intercourse or to beg or subjects this person to any other form of exploitation, shall be punished by terms of fifth degree imprisonment and fourth degree disqualification. Reducing or holding a person in slavery means that the conduct was undertaken by means of violence, threat, deceit, abuse of authority or by exploiting his/her physical or psychological vulnerability or a situation of need, or by promising to provide or by providing money or other benefits to those who have authority over the person. The punishment shall be raised by one degree if the crimes referred to in the first paragraph are committed against a minor aged less than 18 years or are aimed at exploiting prostitution or at exploiting the person for the removal of organs ”.

#### **Art. 8**

#### *(Human Trafficking)*

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

#### “Human Trafficking

Anyone who trades or trafficks in human beings as described in Art. 167, i.e. for the purpose of reducing or holding a person in slavery or servitude, induces this person through deceit or forces such person by means of violence, threat, abuse of authority or by exploiting his/her physical or psychological vulnerability or a situation of need, or by promising to provide or by providing money or other benefits to the person who has authority over him/her, to enter, stay in, or leave the State or to move within its borders, shall be punished by terms of sixth degree imprisonment and fourth degree disqualification. The punishment shall be raised by one degree if the crimes referred to

in the first paragraph are committed against a minor aged less than 18 years or are aimed at exploiting prostitution or exploiting the person for the removal of organ”.

**Art. 9**

*(Repeal of “Trafficking for the Purpose of Prostitution” and Inclusion of “Incitement to Prostitution” among the Crimes against Individual Freedom)*

Article 268 is repealed.

Article 269 of the Criminal Code is a crime against individual freedom and is included in Chapter II of the Criminal Code as Art. 168-bis (Incitement to Prostitution).

**Art. 10**

*(Aggravating circumstance for offences involving violation of sexual freedom)*

The following paragraph is added after Article 172 of the Criminal Code: “The punishment shall be raised by one degree if the crime referred to in the first paragraph is committed by the spouse or the cohabitating partner or by the person who is or was involved in an affective relationship with the victim.

The punishment shall be raised by one degree if the crime is committed against a person with disabilities”.

**Art. 11**

*(Gang violence)*

The following article is inserted after Article 172 of the Criminal Code

“Art. 172-bis

Gang sexual violence

Gang sexual violence is defined as an offence against a person’s sexual freedom as described in Article 171 committed by at least two people acting jointly.

Perpetrators of acts of violation of sexual freedom are also those who do not physically engage in such violence, but have nonetheless significantly contributed to the crime, which also includes being a bystander to the act of violence.

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

The punishment shall be reduced by one degree for a perpetrator whose conduct had a minor impact on the preparation or commission of the crime as well as for persons who were led to commit the crime when the conditions referred to in numbers 2 and 3 of Article 90 apply.”.

## **Art. 12**

*(Prosecution of crimes against sexual freedom)*

Article 178 of the Criminal Code is superseded by the following:

“The offences referred to in Articles 171, 172, 172-bis, 173, 175, 176 and 177 can be prosecuted upon complaint filed by the offended party. The complaint can no longer be withdrawn after the date referred to in Art. 7, paragraph 3 of the Code of Criminal Procedure. If the offended party is a minor, the time limit for prosecution as well as the deadline for submitting the complaint starts to run from the date on which the minor comes of age. The court shall proceed ex officio if the offence is committed by the ascendant, the guardian or the adopter or by the person who has been entrusted with the

care or custody of the offended person. The court shall also proceed ex officio if the offence is committed jointly with an offence which is prosecutable ex officio or in cases of repeated offences”.

### **Art. 13**

*(Persecutory acts – Stalking-Mobbing)*

The following Article is inserted after Article 181 of the Criminal Code

“Art. 181-bis

Persecutory acts

Anyone who repeatedly pesters or threatens a person causing severe moral suffering and harming his/her dignity to such an extent as to upset his/her usual life conditions or to intimidate him/her or to cause substantial physical or psychological distress or reasonable fear for his/her own safety and for the safety of the people close to him/her shall be punished upon complaint filed by the offended party by terms of first degree imprisonment and a monetary fine.

If the harassment and threats mentioned in the first paragraph take place in the workplace as ongoing and repeated aggressive and intimidatory behaviours by the employer or colleagues with the intent to discredit, humiliate, or isolate an employee in order to force him/her to resign after causing him/her severe psycho-physical distress, the punishment shall be raised by one degree.

The Court shall proceed upon complaint filed by the offended party.

The Court shall proceed ex officio and imprisonment shall be raised by one degree if the crime is accompanied by the use of a weapon, violence or a particularly serious threat.

The court shall also proceed ex officio if the offence is committed jointly with an offence that can be prosecuted by the court ex officio.

#### **Art. 14**

*(Abduction and holding of a minor abroad)*

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

Anyone who abducts a minor from the person having custody over him/her regardless of the exercise of parental authority, taking such minor abroad or failing to bring such minor back to San Marino against the will of the parent or the guardian shall be punished by terms of second-degree imprisonment and a monetary fine.

If the crime is committed against a minor aged 14 years and with his/her consent, first-degree imprisonment shall apply.

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

#### **Art. 15**

*(Maltreatment of family members or cohabitants)*

Article 235 of the Criminal Code is superseded by the following:

“Maltreatment of family members and cohabitants”

Anyone who mistreats a family member or a cohabitant or a person under his/her authority or entrusted to him/her shall be punished by terms of second degree imprisonment. If the crime is committed against a person aged less than 14 years, third degree imprisonment shall apply.

If the crime derives from an aggravating circumstance described in Article 156, fourth degree imprisonment shall apply.

Fifth degree imprisonment shall apply if the crime leads to the victim’s death.

CHAPTER III

JUDICIAL MEASURES FOR THE PROTECTION AND SAFETY OF VICTIMS

TITLE I

GENERAL PROVISIONS

**Art. 16**

*(Protection of victims’ confidentiality)*

During civil or criminal trials for violence against the individual, including domestic violence, the victim’s confidentiality and privacy, his/her personally identifying information, that of the victim’s children or of any other person under his/her custody shall be protected.

The release of personal information as well as circulation of images of the victim is prohibited in any case.

Anyone who releases or publishes data, information, or images thus breaching the prohibitions mentioned above shall be punished with a fine of Euro 12,000.00.

**Art. 17**

*(Legal assistance)*

In all proceedings, whether civil, criminal or administrative, legal assistance shall be provided to victims of violence when they cannot objectively afford their own legal defence, including in those situations not usually defined as free of charge.

The Association of Lawyers and Notaries shall draw up a list of registered legal professionals ready to provide their assistance to victims. This list shall be transmitted to the relevant Social services, Law Enforcement Agencies, the Court and the Equal Opportunities Authority.

The Association of Lawyers and Notaries shall be responsible for the ongoing and specialized training of the people listed and organise interdisciplinary training courses.

A listed lawyer cannot refuse to take a case assigned to him/her, unless there are serious and well-grounded reasons.

Legal assistance shall be free of charge. However, lawyers are entitled to have the offender pay their fees, when a definitive civil or criminal sentence has been indeed passed for the offence or in cases where records show that the Judge issued a statement during cross-examination dismissing the criminal or civil proceeding, or when protection orders have been issued against the offender.

In case of extreme necessity and urgency, legal assistance shall be provided by a court-appointed lawyer, who shall promptly contact a lawyer on the list, by whom he/she will be replaced once the urgent situation is over.

The judicial proceedings in favour of victims of violence are not subject to taxation.

The State shall pay in advance the expenses necessary to carry out or participate in judicial actions, including judicial examinations necessary for the protection of the victim of violence.

The State shall be entitled to reimbursement by the convicted when a definitive civil or criminal sentence has been indeed passed or in cases where records show that the Judge issued a

statement during cross-examination dismissing the criminal or civil proceeding, or when protection orders have been issued against the offender.

## TITLE II

### PROTECTION MEASURES IN CRIMINAL PROCEEDINGS

#### **Art. 18**

*(Representation of minors in criminal proceedings)*

When the victim of offences against personal freedom or of maltreatment is a minor and the offence is committed by the ascendant, the guardian, the adopter, or other relatives or third parties having significant relationships with the minor or his/her parents, a special curator is entrusted with the representation of the minor in court with a view to protecting the minor's rights. The curator is appointed by the Guardianship Judge upon immediate request by the Investigating Judge.

If the offence referred to in paragraph 1 cannot be prosecuted ex officio, the complaint shall be filed by the special curator and the deadline for filing the complaint shall start running from the date of his/her appointment.

Judicial acts affecting the minor's interests in which the special curator has not taken part shall be null and void.

The legal assistance for a minor represented by the curator shall fall under the provisions set out in article 17 of this Law

#### **Art. 19**

*(Reporting obligations)*

Social Services, law enforcement agencies and health professionals, both public or private, are required to report to the Law Commissioner acting as civil Guardianship Judge any act of violence against women, minors or gender violence of which they may have knowledge because of their activities or professions, even for those offences that are prosecuted upon complaint.

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

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

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

Following a report, the Law Commissioner requires Social Services to carry out any necessary examinations; once the findings are available and, based on the report drawn up by the Social Services, the Law Commissioner shall summon the victim and, if necessary, adopt the protection measures provided for by this Law and entrust the competent Services.

When, based on the facts, it is reasonable to assume that offences were committed that may be prosecuted ex officio or, when the victim has filed a complaint, the report mentioned in paragraph 1 shall be made to the Law Commissioner, Investigating Judge, who shall adopt protection measures and programs, if necessary. If the victim of violence is a minor, the Investigating Judge is required to promptly report the *notitia criminis* to the Guardianship Judge for any necessary action from his/her end.

## **Art. 20**

*(Right to participate in criminal proceedings)*

In proceedings for violence against women, minors or gender violence, the Equal Opportunities Authority is entitled to participate and bring an action before the court.

For this purpose, the Investigating Judge shall promptly inform the Equal Opportunities Authority that a criminal proceeding is underway.

#### **Art. 21**

*(Prohibition to enquire about the victim's private or sexual life)*

In criminal proceedings for sexual offences, as well as during police investigations, it is forbidden to ask any questions concerning the victim's private life or sexuality, unless they are deemed necessary for evidentiary purposes.

#### **Art. 22**

*(Special precautionary measures in criminal proceedings)*

When addressing an offence against personal safety, personal freedom or family maltreatment by a co-habiting partner, the Investigating Judge may, upon the victim's request, order the defendant to stay away from the family house and not to return or enter it without his/her authorization, and, if necessary, establish visitation rules.

In cases where the safety of the victim or of his/her close relatives is at stake and needs to be protected, the Investigating Judge may, upon the victim's request, order the defendant or the suspect to stay away from places usually frequented by the victim, in particular the workplace, the residence of the family of origin or of his/her close relatives, unless it is necessary for work-related reasons. In this case, the Judge shall establish the relevant rules and may impose limitations.

Following a request, the Judge shall collect any relevant information and take measures through a motivated decree, after listening to the defendant and, if necessary, the petitioner, except for in urgent cases.

Upon the victim's request and in compliance with cross-examination procedure, the Investigating Judge may order that a cheque is regularly paid off to the co-habiting persons who have no adequate financial means as a result of the precautionary measure adopted. The Judge shall determine the amount to be paid based on the person's financial condition as well as the methods and terms of payment. He/she may order, if necessary, that the cheque is directly paid to the beneficiary by the offender's employer by deducting it from his/her wages. The order of payment is an enforceable act.

The provisions described in the second and fourth paragraphs may be also be adopted after the measure referred to in the first paragraph, provided that this measure has not been repealed or become null. Though adopted at a later time, these measures shall become null if the measure mentioned in the first paragraph is repealed or becomes null. The measure set forth in the fourth paragraph shall become null if it is in favour of the spouse or the children, as well as in cases where the Civil Judge adopts a measure in a legal separation case or another measure concerning the economic and property relationships between spouses or the financial support of children.

The measure envisaged in the fourth paragraph may be amended should the situation of the person obliged to pay or the beneficiary change, and it is repealed if co-habitation resumes.

### **Art. 23**

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

When offences against personal safety, freedom or mal-treatment of a person are proceeded against, psychological support shall be ensured to the victim by experts when the victim is examined as a witness or during the confrontation with the defendant or other witnesses.

When a judicial or medical and legal examination has to be conducted during the proceedings for one of the offences described in the first paragraph, the expert shall be preferably chosen among professionals of the same sex of the victim.

The examination of the victim in court shall take place so as to avoid having to repeat it. To this end, the Investigating Judge shall adopt any appropriate measure, including having the examination videotaped.

When the victim is a minor, the Investigating Judge shall carry out the examination of the victim of the offence, through a confrontation with the defendant or witnesses, by using a mirror glass and an interphone device or other suitable tools ensuring confidentiality. The examination shall be video-taped. The minor shall always be assisted by a child psychologist auxiliary to the Judge.

#### **Art. 24**

##### *(Protection of victims during the trial)*

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

Testimonies and confrontations shall not be repeated if the defendant's right to legal defence has been granted during the preliminary investigations or whenever they have been videotaped.

If the examination or the confrontation need to be repeated, the provisions set out in article 23 shall be complied with. If the victim is a minor, the repetition cannot be requested when there is a real danger of worsening the minor's conditions; the danger shall be proven through a judicial examination to be cross-examined by technical advisors of the parties involved.

#### **Art. 25**

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

A person convicted of sexual or family violence may be placed on probation, in those cases set forth by law, provided that the convicted person is prepared to undergo a specific rehabilitation program.

### **TITLE III**

#### **CIVIL PROTECTION MEASURES**

#### **Art. 26**

*(Protection against family abuse)*

When the conduct of the spouse or another co-habitant seriously affects the physical or ethical integrity or freedom of the other spouse or partner, the Judge, upon a complaint filed by either of spouses or co-habitant, may adopt through a decree one or more of the measures described in the following article in cases where the conduct does not constitute an offence to be prosecuted ex officio or if no complaints have been lodged.

The conducts mentioned in the first paragraph constitute a valid reason for the removal of the abuser from the family house, pursuant to Article 30 of Law No. 49 of 26 April 1986.

The provisions set out in this article also apply, inasmuch as they are compatible, in cases in which another family member different from the spouse or the co-habitant is responsible for the prejudicial conduct. In this case, the petition shall be filed by the family member who has been affected by the prejudicial conduct.

### **Art. 27**

#### *(Protection orders against family abuse)*

The Judge shall order the spouse or the cohabitant having undertaken a prejudicial conduct to cease this conduct and request that he/she be removed from the family house. Furthermore, if necessary, the Judge shall order the offender not to visit the places usually frequented by the petitioner and, in particular the workplace, the domicile of his/her family of origin or the domicile of other close relatives or people. In addition, the offender shall be prohibited from coming into the proximity of the educational facilities attended by the couple's children, unless the offender has to frequent these places for work-related reasons.

The Judge may also request, if necessary:

- the involvement of social services, family mediation centres, as well associations that aim at providing support and shelter to abused or ill-treated women, minors or other individuals as their statutory goals.
- That the cohabitants who have no adequate financial means as a result of the measures described in the first paragraph receive a check on a regular basis. The Judge shall determine the terms and methods of payment and order, where necessary, that the amount be directly paid to the beneficiary by the offender's employer by deducting it from his/her wages.

By virtue of the same decree and in the cases described in the previous paragraphs, the Judge shall establish the duration of the protection order starting from the date of the enactment of the order. The protection order shall not last more than six months and may be extended, upon a party's request, only if there are serious reasons and as strictly necessary.

By virtue of the same decree, the Judge shall determine the ways in which the order should be enacted. When ordering the offender to stay away from the family house, the Law Commissioner relies on the assistance of law enforcement agencies and orders the forced removal of the person subject to the order who does not comply with it spontaneously. The Law Commissioner may also indicate the measures deemed to be suitable in order to prevent violations of the provisions set out by the measure, including the supervision and the assistance by law enforcement agencies.

The decree shall always be transmitted to the Gendarmerie, a military corps responsible for internal security and public order, and to the Neuropsychiatric Service for the possible adoption of measures concerning arms and munitions.

## **Art. 28**

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

The petition can also be submitted personally by the party. In this case, after receiving it, the Judge shall choose a defence lawyer from the list referred to in Article 17.

After listening to the parties, the Law Commissioner carries out the necessary preliminary work for the case in the way deemed to be most suitable, by collecting, also officially, any relevant information, and issues a motivated and immediately enforceable decree.

In urgent cases, the Judge, after obtaining very general information, where necessary, may immediately enact the protection order, by fixing the hearing for the parties within no more than fifteen days. At the hearing, the Judge validates, amends or repeals the protection order.

It is possible to appeal to the Civil Judge of Appeal against the decree through which the Judge enacted the protection order or rejected the appeal under the second paragraph, or validated, amended or repealed the protection order previously adopted in the case described in the preceding paragraph. The appeal does not suspend the enactment of the protection order, unless otherwise decided by the Judge of Appeal.

#### **Art. 29**

*(Sanctions)*

Anyone violating the protection order provided for in article 27 of this Law, or a similar measure taken during a personal separation, dissolution of marriage or annulment proceeding shall be punished with the sanction set out in Article 366 of the Criminal Code.

#### **Art. 30**

*(Scope of protection orders)*

The provisions of Articles 27 and 28 of this Law shall not be applied when the prejudicial conduct is undertaken by the spouse seeking or from whom personal separation, dissolution or annulment of marriage are sought, if during the proceeding thereof the hearing of the spouses referred to in Articles 110 and 127 of Law No. 49 of 26 April 1986 has taken place. In such case, the Judge may adopt protection orders in these proceedings.

The protection order enacted under Articles 27 and 28 shall become null if during a separation, dissolution of marriage or annulment proceeding sought by the petitioning spouse or against him/her, a decree containing provisional and urgent measures has been subsequently issued.

**Art. 31**

*(Suspension of parental rights)*

When violence is committed against minors, the Law Commissioner may suspend the parental rights held by the defendant or the parent who tolerated the violence until liability is ascertained.

TITLE IV

PREVENTIVE ACTION BY LAW ENFORCEMENT AGENCIES

**Art. 32**

*(Request for help to law enforcement agencies)*

When a victim of violence or a third party witnessing the fact report the violence to Law Enforcement agencies, these shall immediately take action and, in any case, within an hour from the receipt of the report, unless there are serious reasons not to do so.

Law enforcement agencies may enter, also coercively, the victim's house or other privately owned places or premises where the victim is to be found; they shall curb the violent behaviour; they shall inform the victim of his/her rights, including the right to request protection orders; if there are concerns about a serious or irreparable prejudice, they shall immediately make a report

to the competent social services, unless it is an offence to be prosecuted ex officio or the victim has filed a complaint. In the latter case, the report shall be made to the Investigating Judge, who may adopt the relevant precautionary measures, including the ones described in this Law.

In all cases, police forces shall seize the weapons found in the abuser's house and inform the Law Commissioner or the Command of the Gendarmerie so that the necessary steps to suspend or revoke the firearm certificate or the hunting license might be taken..

Police Forces are also required to take immediate action when they receive reports regarding abusers who are driving or are going to drive in a state of drunkenness and adopt the necessary preventive and precautionary measures.

If the request for intervention relates to persecutory acts as defined by law, Law Enforcement Agencies are required to keep the offender away, and to make the necessary reports provided for by this Law, even regardless of the victim's complaint.

A report detailing the action taken shall be drafted and sent to the Command of the Gendarmerie and the Neuropsychiatric Service.

The data collected are sent to the Equal Opportunities Authority and are also available to the Civil Judge required to issue protection orders.

### **Art. 33**

Article 3 of Law No. 26 of 25 February 2004 shall be amended to read as follows:

“Art. 3

(Composition)

The Commission is appointed by the Great and General Council at the beginning of the legislature for the duration of its term. It is composed of:

- eight members chosen on a proportional basis from the groups within the Great and General Council;
- a member designated by Trade Unions
- a member designated by the Council (*Consulta*) of the SanMarinese Cultural Associations and Cooperatives.

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

### **Art. 34**

*(Temporary provision)*

The Commission on Equal Opportunities set up by Law No. 26 of 25 February 2004 shall be replaced by the Equal Opportunities Authority for the exercise of the functions described in this law.

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

The Equal Opportunities Authority shall be composed of three members appointed for a 4 year mandate by the Great and General Council among experts in legal issues, representatives of associations or NGOs operating in the field of Equal Opportunities, as well as experts in communication and psychology.

The Equal Opportunities Authority shall ensure the participation of all of the above-mentioned professionals.

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

The Equal Opportunities Authority shall draw up every year a specific report to be publicly circulated.

**Art. 35**

*(Entry into force)*

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

*Prepared at our Residence, on 20 June 2008/1707 since the Foundation of the Republic*

THE CAPTAINS REGENT

*Rosa Zafferani – Federico Pedini Amati*

On behalf of THE SECRETARY OF STATE

FOR INTERNAL AFFAIRS

*Secretary of State*

*Tito Masi*