

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2017)9

Report submitted by the authorities of San Marino
on measures taken to comply with
Committee of the Parties Recommendation
CP(2014)17 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings

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Comments of the Republic of San Marino on follow-up to GRETA's Recommendation CP(2014)17

Several legislative texts with ramifications for action against trafficking in human beings have been passed by Parliament since the first GRETA report on San Marino was adopted.

The “provisions bringing San Marino's system into line with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence” of 6 May 2016, no. 57, amended Law no. 97 of 20 June 2008 on “Prevention and suppression of violence against women and gender”.

A new definition of violence has been introduced:

“Violence against a person shall mean any act of sex or gender-based violence that results, 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 occurring in public or in private life.”

The notion of “person” at the centre of the new definition makes it possible to include any victim in assistance measures provided for in law. (Rec. no. 2)

In addition, Article 3 “Extension of measures of protection and assistance for victims” clearly broadens the scope of these measures to any victim of any form of violence mentioned in the Convention, including, therefore, deprivation of liberty – in both the public and private spheres -, coercion or the threat of violence.

Article 4 on assistance for victims stipulates that: “Consultations with legal experts, counselling, financial assistance, accommodation, education and assistance for job-seeking shall be provided in response to the specific requirements of assistance and rehabilitation of victims.” (Rec. no. 10)

The aforementioned provisions of 6 May 2016 confirm that the Authority for Equal Opportunities is responsible for coordination but also tasks it with concluding protocols with the relevant services. (Rec. no. 3)

For the time being, the Authority has not been able to conclude those protocols owing to the crisis in the Government previously in charge and the early dissolution of Parliament. It will not be able to do so until a new Parliament and Government are in place; the same applies to the planning of future training activities.

Where the collection of data is concerned, an assessment has been carried out. The health services, the Minors' Service, the Counselling Centre for victims and the Authority for Equal Opportunities hold data collected on victims of violence which are broken down by type of violence, age, gender and country of origin of the victim and the perpetrator of the violence, employment and possible link with the perpetrator. (Rec. no. 5)

With regard to raising awareness of action against trafficking in human beings, GRETA's visit was widely reported in the press and on television in San Marino, as was the ensuing report, which was made public via a press release. The country's participation in the Committee of the Parties was also reported in the media.

The GRETA report setting out the recommendations was sent to the Heads of State, all the political movements in Parliament, the members of Government, the law enforcement agencies, the Labour Office and also the Authority for Equal Opportunities, which shared their content with the members of the Technical Committee on violence. (Rec. no. 7)

The National Interpol office for San Marino is in contact with Interpol's headquarters in Lyon and all its national offices. The offices share information on victims of crime, including where identification is concerned. (Rec. no. 9)

Decree no. 21 of 24 February 2016 on "Action for elderly and disabled persons who are unable to look after themselves and receive continuous assistance" set up an Assistance office (Art. 3), the "*Sportello Assistenza*", which enables current or aspiring foreign workers to familiarise themselves with the applicable legislation in a language they understand, know their rights and examine the conditions stipulated in a contract. This gives workers, domestic or otherwise, a contact point for any doubts over their rights. (Rec. no. 8)

The Law on the entry and stay of foreigners was also amended on 30 July 2015.

Article 14 on the stay permit for humanitarian reasons of social protection now provides for the possibility of issuing the permit to trafficking victims "as defined by the international human rights protection instruments ratified by the Republic of San Marino, in the light of their personal circumstances and/or their cooperation in connection with investigations and criminal proceedings". The permit is renewed if necessary, on the basis of instructions from the Authority for Equal Opportunities and the judicial authorities. (Rec. no. 12)

With regard to compensation for victims, this was introduced by the provisions bringing San Marino's system into line with the provisions of the Istanbul Convention of 6 May 2016. Article 8 provides for the possibility of lodging a claim with the judicial authorities for compensation when the State has failed to take adequate protection and prevention measures.

In addition, the new provisions provide for the setting up of a Fund providing financial assistance to victims of violence (Art. 5).

The Authority for Equal Opportunities assesses whether funding should be granted to victims in the light of their specific circumstances. (Rec. no. 13)

On the subject of expulsions or repatriations, the new 2015 law governing stay permits mentioned above introduced the possibility of lodging an appeal within 120 days following the decision, presenting the reasons and any documents. We refer to the information above regarding the annually renewable stay permit for victims of trafficking in human beings. (Rec. no. 14)

Finally, protection measures, including during the investigation and the judicial proceedings, are applicable for all victims of violence, whether in connection with sexual exploitation or not, since the definition of violence has been broadened to include among the victims anyone who has been threatened, coerced and/or deprived of their liberty. (Rec. no. 17).