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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

ITALY

Replies registered by the Secretariat on 6 February 2014

GENERAL FRAMEWORK

Question 1: Definition of “child”

- a. *Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?*

Under Italian law, anyone under 18 is a child. This is specified in the Civil Code at Article 2. This is in line with the UN Convention on the Rights of the Child, which Italy ratified on 27 May 1991 with Law no. 176. Moreover, under Italian law, the mere fact of being born grants an individual the status of a “person subject to the law”, with rights and duties (legal capacity). Minors gain the right to exercise their own rights independently – and legally – and are subject to certain duties upon turning 18 (art. 2 of the Italian Civil Code), which is the age when they acquire the so-called “capacity to act”. Until this point, the protection of minors’ rights is entrusted to the parents, legal guardians or a guardian appointed by a judge. However, it is possible to acquire a limited capacity to act before reaching 18, provided the minor is at least 16. This leads to *empowered minor* status, which can only be acquired following approval of the Juvenile Court – which assesses the minor’s physical and psychological maturity – for someone who is married. *Empowered* status means the minor is no longer under his/her parents’ control, thus being allowed to perform routine administrative tasks. However, the minor still needs the assistance of another party, called the *curator*, to make any asset-related decision.

In specific situations, the legal system might also bestow on minors greater power in exercising consent, for example (and especially), as regards healthcare treatment.

Criminal responsibility. The minor is not legally responsible for crimes committed up to the age of 14, presuming that until that age, for whatever crime, he or she is not sufficiently capable of forming the necessary criminal intent (art. 97, Criminal Code). Between the ages of 14 and 18, each case must be decided individually as to whether the minor, at the time of committing the crime, had the capacity to understand or the intention and therefore whether he or she was legally responsible for his or her actions (art. 98, Criminal Code). He or she cannot be subjected to administrative sanctions, unless, at the moment in which he or she committed an indictable administrative offence, he or she had reached the age of 18 (art. 2, Law no. 689 of 24 November 1981). Children under the age of 14 who commit serious crimes or who are considered to be dangerous can be placed in a judicial reformatory (art. 224, Criminal Code). There is no minimum age limit for this.

- b. *What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?*

According to the Italian legislation when the age of the victim is uncertain there is a presumption about the victim being a child. (Art. 602-c. of the Penal Code)

Moreover, the law of ratification of the Lanzarote Convention foresees the fact that not knowing the age of the person, minor of 18 years, cannot be considered an excuse in the crimes of reduction or maintenance in slavery or servitude, child prostitution, child pornography, possession of child pornography, tourism initiatives aimed at the exploitation of child prostitution, use of children begging, trafficking in persons, purchase and sale of slaves, sexual violence, sexual acts with a minor, gang rape, solicitation of a minor and corruption of minors.

As regards the Ministry of Justice, pursuant to Art.11 of Law no. 66/96, the necessary measures are adopted by the Offices of Youth Social Services of the Juvenile Justice Department pending the victim's age assessment.

Moreover, as regards the police force (Arma dei Carabinieri) in order to ensure protection and assistance provided for children, even when the age of a victim is uncertain, in accordance with Article 11 par 2, Italy established technical assessments by **NMR** (Nuclear magnetic resonance) and psychological evaluation of the victim age.

- c. *Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.*

Both girls and boys have the right to consent to sexual activity at the age of 14. This age comes from criminal law (art. 609, par. 4; Criminal Code), which prohibits sexual acts committed with minors of less than 14 years. This age limit is reduced to 13 years in the case in which consent has been given for a sexual encounter with a minor who is not more than 3 years older. A minor can never give valid consent to incest (punished within the limits set down by art. 564 of the Criminal Code) and, until the age of 18, the minor cannot consent to sexual acts with his or her guardian or with a person who has been in a position of care and control over him or her, whether it be for reasons of education, supervision or custody. Moreover, pursuant to Art. 609-bis criminal code, perpetrators of sexual activities with children under 14 are punished; the age limit rises to 16 when the perpetrator is an ascendant, a parent – also adoptive – or the parent's partner, the guardian or other person to whom the child is entrusted for reasons of care, education, surveillance or custody or a person cohabiting with the child. Beyond the cases set forth in Art. 609-bis, the ascendant, the parent, also adoptive, or the person cohabiting with the latter, or the guardian who – by abusing the powers related to his/her status – engages in sexual activities with a child over 16 shall be punished by a 3 to 6 years' term of imprisonment. Yet, a minor who engages in sexual activities with a child over 13 shall not be punished where the age difference between them is not over 3 years. Law no. 172/12 was amended by Law 15 October 2013 n.119 "Urgent measures on security and fight against gender violence" <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2013-10-15;119>

Question 2: Non-discrimination

*Is discrimination, on grounds such as the ones mentioned in the indicative list in **Article 2**, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.*

The right to non-discrimination in the enjoyment of the rights is guaranteed by the Italian constitution at art. 3 which establishes that all citizens have same social dignity and the law is equal for everyone, no matter what sex and race you are; what language you speak; what political opinion or social and personal condition you have. Non-discrimination is also ensured pursuant to Art.2 of Law 27 May 1991, n. 176 "Ratification and enforcement of the Convention on the Rights of the Child signed in New York on 20 November 1989".

Question 3: Overview of the implementation

Please indicate (without entering into details):

- a. *the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;*

Ratification of relevant international conventions:

- **Law no. 148 of 25 May 2000**, Ratification of the **ILO Convention no. 182 on the worst forms of child labour**;

- **Law no. 46 of 11 March 2002**, *Ratification and implementation of the Optional Protocols to the Convention on the rights of the child*, regarding the sale of children, child prostitution and child pornography as well as child involvement in armed conflicts, drafted in New York on 6 September 2000;
- **Law no. 77 of 20 March 2003**, *Ratification and implementation of the European Convention on the exercise of children's rights*, drafted in Strasbourg on 25 January 1996"
- **Law no. 146 of 16 March 2006**, *Ratification and implementation of the UN Convention and Protocols against transnational organized crime, adopted by the General Assembly on 15 November 2000 and 31 May 2000.*" The aim of the two protocols is, firstly, to prevent, repress and punish trade in people, specifically women and children, and secondly at fighting the trafficking of migrants.
- **Law n. 172 of 1 October 2012** ratifying the Lanzarote Convention.

National legislation:

- **Law no. 66 of 15 February 1996**, "**Rules on sexual assault**", that stems from deep social and cultural change in Italian society, since for the first time sexual crimes are considered as crimes against the person and not against public decency;
- **Law no. 269 of 3 August 1998**, "**Provisions against the exploitation of child prostitution, pornography, and sex tourism as new forms of slavery**", which accepts some of the main indications made on the occasion of the World Congress in Stockholm against sexual exploitation.
- **Law 154 of 5th April 2001**, **Measures on violence in family relationships**
- **Law no. 228 of 11 August 2003**, *Rules against the trafficking in human beings*
- **Law no. 38 of 6 February 2006**, "**New provisions on the sexual exploitation of children and child pornography, also through the Internet**", which introduces numerous new criminal events and regulates the crime of pornography on the Internet, thus adjusting the rule to the provisions included in Council Framework Decision 2004/68/JHA (Justice and Home Affairs) of the European Union, on combating the sexual exploitation of children and child pornography.
- **Law n. 119 of 15th October 2013** containing urgent norms to fight gender violence. The law also contains measures giving priority in trials to sexual acts with minors and corruption of minors.

b. whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

In 2002 the **First national plan for the prevention and fight against paedophilia** was adopted by the CICLOPE Committee. The plan contains indications for the elaboration of a systematic and coordinated strategy for the fight against paedophilia. The proposed initiatives focus on the aspects of repression, prevention and support to victims, through the definition of some strategic lines: collection of data, strengthening of laws in force, development of communication and awareness campaigns targeted at the public opinion, at children, families and workers in the field, creation of the emergency phone number 114. Some of the initiatives recommended in the Plan were actually carried out thanks to the stimulus provided by the CICLOPE Committee: the passing of a bill reforming and integrating regulations on paedophilia (the Law no. 38/2006); the setting up of the 114 Service and of two new institutions focusing on the fight against child abuse (art. 20, Law no. 38/2006).

Moreover, the **National action plan for the protection of the rights and development of children and adolescents** (requested by art. 2 of the Law no. 451/1997) has always included a specific part on child abuse and exploitation. The Plan is drafted by the National Observatory on childhood and adolescence and is therefore the result of the collaboration of representatives of the Ministries, of the local authorities and of the civil society. In view of the drawing up of the

document, the National Centre carries out a systematic review on the activities promoted by the central administration, the Regions and the main NGOs, with the aim to assess the degree of implementation of the guidelines contained in the expiring Action Plan and to provide the Observatory with useful information for the elaboration of the new one.

In this framework, the issue of child abuse is dealt with as an important component of a broader action plan which, in line with the provisions of the CRC, must cover all the aspects of a child's life (family, school, spare time).

The Third national biannual plan "Actions and interventions for the protection of rights and for the development of minors" was approved by the Government by Presidential Decree 21.1.2011 and published on the Official Gazette no.106 of 9.5.2011. http://www.lavoro.gov.it/Strumenti/Normativa/Documents/2011/20110121_DPR.pdf.

A monitoring and summary report was also drawn up with respect to this Action Plan http://www.lavoro.gov.it/md/AreaSociale/InfanziaAdolescenza/Documents/Pianoinfanzia2011_Rapportodisintesi.pdf The National Plan includes two specific actions related to the subject of child abuse and sexual exploitation, namely:

- Action B06 - System of protection of children and the protection of children from abuse and maltreatment: The objective is to complete the legislative framework of the system of protection of the child from abuse and neglect through education, information and awareness of the actors involved (professionals, children, the general public), in addition to the development and strengthening of services for early detection and timely treatment of post-traumatic consequences for children and adolescents victims of sexual abuse and maltreatment (physical, psychological, witnessing violence). The Plan also includes the adjustment of criminal law and procedural protection for the crime of child abuse.

- Action B10 - National Guidelines for the fight against paedophilia and Child pornography: the objective is to identify the minimum requirements of the national services for the prevention and fight of child abuse and the related operating procedures for the specific type of maltreatment, promoting the implementation at regional and local level. (on the basis of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse which entered into force in July 2010.)

- c. *whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify. With regard to judicial proceedings, please specify whether the Council of Europe Guidelines on Child-friendly Justice were taken as inspiration for your guidelines.*

As regards guidelines in relation to the prevention and fight against child abuse, the following initiatives shall be mentioned.

The first one dates back to 1998, when the National Coordination Committee for the protection of children from maltreatment, sexual abuse and exploitation (set up by Prime Ministerial Decree on 26 February 1998) drafted the document entitled **Action proposals for the prevention and fight against maltreatment**. This text describes strategies to combat violence against children which can be adopted by the public administration in collaboration with the other bodies and institutions involved, with NGOs, the third sector and civil society in general. The five strategies outlined in the document meet the principles laid down in art. 19 of the UN Convention adopted in New York in 1989 and the targets of the *Agenda for Action* signed at the World Congress of Stockholm in 1996: the collection of data and the mapping of resources across the whole national territory; the promotion of basic and specialist training; information campaigns on the phenomenon of child abuse; the setting up of integrated services and of inter-institutional agreements and the development of the relationship between the public sector and the third sector; agreements with the

media for the diffusion of a positive childhood culture. The tasks of the Committee, which was made up of representatives of all the Ministries involved in the process, of the main NGOs and of field experts, were to carry out research and analysis and to elaborate concrete, multidisciplinary strategies for the prevention and fight against child abuse. Today, the work of the Committee is still considered as a milestone for the planning of actions at a regional and at a local level, given that it was the first official opportunity for the setting up of a collaboration between experts and representatives of the NGOs and of the central Government.

The second is the approval of the document entitled *Guidelines for training on the topic of child abuse and maltreatment*, which was approved in 2001 by the then Coordination Committee for the protection of minors from sexual abuse and exploitation (art. 17, Law no. 269/1998) and by the National Observatory on childhood and adolescence. This text includes the guidelines for the training of personnel dealing with violence against children in the social, legal, medical and educational sectors. The training guidelines identify five different levels which have been taken into consideration by many regional and local institutions in the planning of training activities for professionals in this sector:

- information and awareness campaigns;
- multidisciplinary and integrated basic training courses, in order to enable public and private practitioners to early identify cases of violence and to quickly take measures for the protection and psychological, social and medical treatment of victims;
- specialist training courses for single professional groups aimed at studying specific issues in depth;
- training courses for the managers of local social services focusing on the analysis of different management and organizational models with the aim to create and develop integrated services.

Moreover, the Department for Juvenile Justice issued a Guideline on 13.11.2012 (ref. No. 39209) with respect to Law 1° October 2012, no. 172 “Ratification and Enforcement of the Council of Europe Convention for the protection of children against Sexual exploitation and sexual abuse made in Lanzarote on 25 October 2007, containing provisions to adjust the internal law”

http://www.giustizia.it/giustizia/it/mg_1_8_1.wp?facetNode_1=0_6&facetNode_3=0_6_0_9&facetNode_2=0_6_0&previousPage=mg_1_8&contentId=SDC955269

Italy also adopted the Council of Europe Guidelines on Child-friendly Justice.

Finally, the **Italian Authority for Children** is launching an **ad hoc Commission on Juvenile Justice Reform** that will deal also with the item of child friendly justice and child friendly implementation of laws and legislative measures. The Authority is also working, together with NGOs and national associations, on a document for the proposal to the public administration of the basic standards for social services to be implemented all over the country, as they haven't been set yet. The standard will also include issues related to child friendly justice and to social services for victims of sexual abuse and exploitation.

Question 4: Child participation

- a. *Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);*
- b. *In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).*

In relation to the presence of a national specific policy dealing with the fulfilment of the right of the child to participate and be heard in all the contests of interest, in Italy such a general policy is not present, but the Law of 28 August 1997, No. 285 triggered the activation of an indirect policy on child participation. Article 7 (Positive actions to promote the rights of children and adolescents) of the Law 285/1997 stated that for the purposes of the present law, “positive actions to promote the rights of children and adolescents” are actions aimed at improving the well-being and quality of life of minors, promoting their autonomy and creativity, as well as putting into value gender, cultural and ethnic characteristics, with respect for every form of diversity. Positive actions should provide for, in particular:

- a) actions that facilitate the use of time and urban spaces, remove obstacles to mobility, and broaden the enjoyment of environmental, cultural, social and sport goods and services;
- b) measures aimed at promoting knowledge of the rights of children and adolescents among all citizens, particularly those who work in the public service sector;
- c) measures aimed at promoting the participation of children and adolescents in the life of local communities.”

The law, in this manner, supports the development of programmes that at the national as well as at the local level promote the effective implementation of the rights of the child to participation.

Moreover, the National Observatory for childhood and adolescence has paid close attention to the importance of participation of children to the development and the implementation of policies and initiatives concerning the fight against sexual exploitation and sexual abuse.

Also the Offices of Social Services for Youth of the Juvenile Justice support children victims of abuse by way of interviews and by “hearing them” in “protected premises” as provided for by the Noto Charter of 1996 as amended in 2002.

http://italy.bacaworld.org/files/2010/01/CartaNoto_2002.pdf

In this field the role of NGOs, associations and other members of civil society should also be mentioned in relation to the promotion of children’s participation.

Finally, it is important to underline that the recent establishment in 2011 of a National Authority for children and adolescents will encourage the participation of children in the development and the implementation of state policies, programmes or other initiatives.

Question 5: Specialised bodies/mechanisms

- a. *Please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a));*

The National Authority for children and adolescents (<http://www.garanteinfanzia.org/>) has been introduced by law 112 of 12 July 2011. It is an independent monocratic body whose role is to ensure the fullest possible implementation of the UN Convention on the Rights of the Child and of other national and international provisions for the promotion and the protection of children’s rights, and to promote and protect the rights of children and adolescents according to the provisions of the UN Convention on the rights of the child, the Convention for the protection of human rights and fundamental freedoms, the European Convention on the exercise of children’s rights and other European and International provisions for the protection of children and youth.

The National Authority has various functions, among which: cooperating with national and international bodies and organisations for the promotion and protection of children and youth rights; ensuring equal opportunities of access to health and education services; formulating advices on the national plan for childhood; informing other competent bodies of critical situations concerning

children and adolescents; examining and investigating of complaints; undertaking of research and policy activities; chairing the Conference of regional Ombudsman for children.

The expenses for the carrying out of the National Authority's activities are ensured through a fund set aside for this purpose in the budget of the Presidency of the Council of Ministers.

As far as the Lanzarote Convention is concerned, the Italian Authority for children can formulate proposals and observations for the prevention of and the contrast against any kind of abuse of children, sexual exploitation and paedophilia, also through internet. Art. 3, para. 11 quotes that the National Authority may "... formulate observations and proposals for the prevention and the fight against the abuses on children and minors in compliance with the provisions of Law No 228 of 11th August 2003, setting out measures against the trafficking in human beings and Law No 38 of 6th February 2008 setting out measures against sexual exploitation of children and pedo-pornography also acted via the internet...".

Moreover, in Italy there are 12 local Ombudsperson for children in the regions of Lazio, Veneto, Campania, Molise, Toscana, Liguria, Emilia Romagna, Marche, Puglia, Calabria and the two autonomous provinces of Trento and Bolzano, some existing since 1988 (Veneto Region) and the most recent one appointed in 2013 (Molise). The national and regional laws establish, among others, the resources allocated to the Ombudspersons functioning.

Local Ombudspersons promote and protect the rights of the child in the geographical area of competence within the framework set by the Regional Laws that set up the Ombudsperson. For example, the Calabria's children ombudsman, according to law (L.R. 28/2004), generally controls, promotes and protects children's rights. In the field of minor's sexual abuse and sexual exploitation, the Ombudsman's role is to promote awareness programs and activities and promote actions to set out abuse.

In Tuscany the Regional Ombudsman for children and adolescents has been introduced by regional law n. 26 of the 3rd of March 2010, with entry into force from January 2012. The Ombudsman is settled within the Regional Council; it is a public and independent authority managed through public resources. It has the specific task to monitor the implementation of the UN Convention on the Rights of the Child, to report to the local competent authorities violations of children rights, to express opinions on the local plan of action for the protection of children's rights; to report to the Region and local authorities concerned all necessary steps to ensure the full promotion of the rights of children and adolescents: It can also express opinions on draft laws and bills regarding children at regional level.

In Puglia Region the Ombudsperson for children was established in November 2011 (Regional Law n.19/2006). It is in charge of the protection and promotion of the rights children living, even on temporary base, in the Region. It implements specific actions dealing with the rights to family, education, social and health assistance, care and psychophysical wellbeing, as well as promoting child participation. In close relationship with other local institution and NGOs it carries out awareness raising campaigns, and other initiatives to contrast maltreatment, abuse and violence against children, including activities provided by Law 269/1998, against sexual exploitation, pornography and sexual tourism against children.

- b. Which legislative or other measures have been taken to set up or designate mechanisms for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b));*

Italy still does not have a coordinated monitoring and data collection mechanism. Data mainly come from the *Ministry of the Interior*, which takes in consideration police crime reports to the Judicial Authority; from the *Social Services*, which take on responsibility of sexual crime victims; from *Eurispes*; and from *CISMAI* (Coordinated Italian Services against children mistreatment and abuse).

Furthermore, the **Observatory for the fight against paedophilia and child pornography** set up by law no. 38/2006 is in the process of creating a database to collect, in collaboration with the public authorities, all the information which may be useful to analyze the phenomenon and to evaluate the effectiveness of measures. The approach followed by the Observatory in the construction of the database is structured in three stages:

- collection of data;
- elaboration of the available data;
- discussion with all the professionals dealing with the phenomenon.

In 2008 National Centre for Documentation and Analysis of Children and Adolescence - Istituto degli Innocenti in Florence made a feasibility study of the database. This study was carried out making use of the indications of a technical group composed of the representatives of the Administrations involved. The main purpose of the database is to organize in a systematic and integrated way the information already available through the ability to draw on sources of existing data collection. The highly innovative element of this instrument is undoubtedly represented by the change in the perspective in relation to the existing information systems. Ultimately, the database will provide an analytical approach mainly focused on child victims of sexual violence, but without publicising sensitive data that would make the children victims and the perpetrators recognizable.

The **National centre for the fight against child pornography on the web**, also set up by law n. 38/2006, collects all the reports – coming also from foreign polices and from public and private subjects – concerning websites containing child pornography, their administrators and the recipients of payments. The reports are examined by the police and by the judicial authorities and, in case allegations are confirmed, the website as well as the names of its administrators and of the recipients of payments are included in a constantly updated list. The Centre must then communicate all the information and statistical data concerning child pornography on the web to the Presidency of the Council of Ministers - Family Policies Department.

Moreover, the project S.In.Ba. - Information System on the care and protection of children and their families - promoted in the year 2010 by the Ministry of Labour and Social Policy, and coordinated to the Region of Campania, in Italy is today the most important attempt to create a system at national level on children followed by the local social services. The project is part of a process of realization of the SISS - Information system of social services - as set out in article 21 of law no. 328/00.

The projects is based on the filling out of a specific file for each child who is in the care of the local social services. The minimum set of data on the card S.In.Ba. consists of the following sections:

1. Personal profile of the child (age, gender, etc. ..);
2. profile of the parents of the child (age , educational level , etc. ..);
3. profile of the child's family (composition, where the child lived at the time of registration);
4. reporting - evaluation of the application and the action taken;
5. closing the file.

As regards the Ministry of Justice, the Department of Juvenile Justice, Office I of the Head of the Department performed a survey regarding “Minors victims and perpetrators of sexual offences. Activities performed by Offices of Youth Social Services. Survey years 2011-2012”

http://www.giustizia.it/giustizia/it/mg_1_14_1.wp?facetNode_1=0_6&facetNode_2=1_5_29&previousPage=mg_1_14&contentId=SST950014

http://www.giustizia.it/giustizia/it/mg_1_12_1.wp?facetNode_1=0_6&facetNode_3=0_6_0_9&facetNode_2=0_6_0&previousPage=mg_1_12&contentId=SPS955053

- c. *Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).*

Article 3 of Law 172/2012 that ratifies the Lanzarote Convention identifies in the Ministry of the Interior the national authority responsible in relation to the recording and storing of national data on convicted sex offenders on the basis of the provisions contained in law 85/2009 for the ratification of the Treaty of Prum (see Law 85/2009 - Establishment of the DNA database).

There is also a criminal recording register that records the sanctions given to the perpetrators for their sexual crimes.

DNA database

Law 85/2009 establishes the DNA database and the central laboratory for the DNA database with the aim of facilitating the identification of the perpetrators of crimes, in particular allowing the comparison of DNA profiles of people already involved in criminal proceedings.

The creation of the two structures in different administrations allows to maintain a high level of security. In particular the place of collection and analysis of DNA profiles (national database of DNA) are kept separate from the place of extraction of the aforementioned profiles and conservation of the biological samples (central laboratory at the Penitentiary Administration), as well as from the place of extraction of profiles coming from the findings. (laboratories of the police).

The national database provides for the collection of DNA profiles by:

- persons subject to any restriction of personal freedom;
- relating to biological samples acquired during criminal proceedings, in the manner regulated by law;
- missing persons or their kin and corpses and remains of unidentified corpse.

The national database has also the task to compare the DNA for identification purposes.

As regards the activities of the National and regional Ombudspersons for children and adolescents, the following activities should be noted. First of all, the Italian Authority for children - in consideration of the need to ensure a more structured and complete data collection on abuse and maltreatment against children - is promoting a project, carried out with Terre des Hommes Italia and CISMAI (Italian Coordination of Public and Private Services Against Child Abuse) with the support of ANCI (Association of Italian Municipalities) and ISTAT (Italian Statistical Office), for the collection of data concerning abuse and maltreatment (including sexual abuse) of children from over 250 local municipalities. Local social services, in fact, are the authorities in charge of providing support and services to the children victim of abuse. The results of the data collection will be published at the end of 2014. This is an experimental project aiming at providing tools to national administrations for a structural data collection.

The Ombudsperson of Calabria notes: There are no legislative or other measures to set up mechanisms for data collection, especially on this field. Generally appointed institutions do not share with Ombudsman data on children's rights. In 2011, Ombudsman –in cooperation with “Istituto degli Innocenti” and Regione Calabria- has monitored, collecting data, children's condition in Calabria. The Regional Observatory on Childhood and Adolescence in Calabria is not open and the Provincial Observatory works only in Crotona. On this field, the Ombudsman through the “Istituto degli Innocenti” proposed a project at the Calabria Region without success. The Ombudsman also met on this field Provinces, A.S.P. (provincial health services), Juvenile Courts and the Regione Calabria without success. “Casa di Nilla” (private institution) collect data on sexual abuse, but only in provincial territory of Catanzaro.

The Ombudsperson of Tuscany notes: The main mechanism settled up at a regional level to ensure data collection on the interventions finalized to protect children right and in particular to protect children from sexual exploitation and sexual abuse is the Regional Centre of Documentation and Analysis on Children and Adolescents. The approach followed by this agency in the construction of the database is structured in three stages: collection of data, elaboration of the available data and, finally the dissemination of the results of the analysis in order to develop the future interventions.

The Ombudsperson of Veneto highlighted that in her Region a pilot project was established since 2003 aiming at the prevention, contrast and care in the cases of ill-treatment, abuse and sexual exploitation of children. The project helps in collecting useful data on the phenomenon. In 2013 out of the 5 centres active in the region, only 2 were confirmed, mainly due to financial constraints and re-organisation of the service.

The Ombudsperson of Emilia Romagna notes that it is promoting with CISMAI (Italian Coordination of Public and Private Services Against Child Abuse) a research on the cases of child separation from the family of origin when heavy dysfunctional parental condition appear, that will end in 2014. It will also include the cases of sexual abuse.

Question 6: National or local coordination, cooperation and partnerships

- a. *Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);*

Coordination at national level is ensured through a number of committees.

The **Inter-ministerial Coordination Committee for the fight against paedophilia (CICLOPE)** was set up in 2002 and is in charge of “coordinating the activities of all the public administrations for the prevention, assistance, legal counselling and protection of minors from sexual abuse and exploitation” (a function attributed to the Prime Minister by art. 17 of the Law no. 269/1998). The committee acts as a liaison between the various government departments in order to integrate their intervention strategies, including the ones carried out in collaboration with the third sector and civil society as a whole.

The Law no. 38/2006 introduced two new institutions: the **National centre for the fight against child pornography on the web**, within the Ministry of the Interior - Postal and Communication Police Service; and the **Observatory for the fight against paedophilia and child pornography**, within the Presidency of the Council of Ministers (Equal Opportunities Department), now within the competence of the Ministry for Family Policies. The **National centre for the fight against child pornography on the web** collects all the reports – coming also from foreign polices and from public and private subjects – concerning websites containing child pornography, their

administrators and the recipients of payments. At present, the afore-said Centre is the national coordination point of all the activities connected to prevention and fight against on line sexual exploitation of children. This Centre gathers the results of the operations conducted by the above-mentioned local police offices located in the 20 departments and 80 sections in the regional and provincial capital towns.

Furthermore, the Centre is the national coordination point of the information and data coming from:

- National and international NGOs, involved in protecting children and promoting the lawful and safe use of new technologies;
- Web providers and operators;
- A world coalition, led by Interpol with the participation of Europol, daily implementing international police cooperation aimed at identifying the victims of paedo-pornography;
- The national banking and financial systems, by means of the intermediation of Banca d'Italia (Italian National Bank), that make it possible to obtain information on financial transactions and illegal expenditure on the on-line market to buy photos and videos representing sexual abuse of minors (Article 14 quinquies).

The **Observatory for the fight against paedophilia and child pornography**, which is made up of a scientific technical group and of an administrative secretariat, monitors the activities carried out in this sector by all the public authorities and analyzes the whole phenomenon in order to elaborate strategies for the prevention and the fight against paedophilia and for the provision of support to victims. The Observatory was set up in order to overcome the fragmentation of the available information by integrating them in a more coordinated system.

The **National Observatory on childhood and adolescence** ensures the coordination among the relevant Ministries and bodies for the general policies on childhood and adolescence.

Moreover, it is important to recall that after the transfer of the full competences in the regulation of social policies from the Central Government to the Regions, there are coordinating structures at local and regional level in most Italian Regions. This system is not without problems since there is a risk of unequal distribution of resources among the regions.

As regards the **Ministry of the Interior**, the fight against sexual exploitation and sexual abuse of children carried out by the Department of Public Security involve different agencies and, in particular, some services of the Central Anti-Crime Directorate of the Italian State Police, some services of the Central Directorate for Highway, Railway and Communications Police with the State Police Special Units which are in charge also of the investigations to fight against paedophilia via the Internet. In early '60ies, the Italian State Police was the first police force to create a special, ad hoc structure, the Women's Police Corps.

As to the prevention and the fight against this phenomenon, at a central level the Central Operational Service (SCO) of the Central Anti-Crime Directorate of the Italian State Police directs and coordinates information and operations carried out by the local police offices in charge of the prevention and the fight against abuse of children.

The local police offices coordinated by the SCO are the following:

- Minors' Offices at the Local Anti-Crime Divisions, tasked with prevention;
- "Squadre Mobili" (Anti-Crime Units), tasked with investigative activities.

Minors' Offices were set up some months after the February 15, 1996 Law 66 - including "Norms against sexual violence" - was enacted within the framework of the "Rainbow Project" by Ministerial Document n. 123/A1/130/3/54, dated May 8, 1996; these special units' tasks consist not only in the protection of children, but also in protecting their families, and in being the reference

and coordination points between local institutions and associations. In this way, their intervention covers the whole family environment and the gender-based and domestic violence.

Further to the August 3, 1998 enactment of Law 269, including “Norms against the exploitation of prostitution, pornography, sex tourism to the detriment of children, as new forms of slavery” - Ministerial Document n. 123/A1/183/B/15/1 of November 27, 1998 - “**ad hoc**” Units were set up and located at every Squadra Mobile local offices, and tasked to investigate cases of exploitation of prostitution, pornography and sex tourism to the detriment of children.

Then, the directive by the Chief of the Italian Police, n. 123/A1/193B194, dated July 16, 1999, concerning “Prevention and fight against sexual violence, abuse and violence against women and children – extended the competences of the Special Units at the “Squadre Mobili” set up in compliance with the Interior Minister’s decree, pursuant to Article 17 of 269/98 Law, and entrusted the aforesaid Units with the delicate cases of gender-based violence in order to set up the one and only reference point.

Moreover, the cooperation with external institutions and private organizations is crucial in this field, since they offer the necessary logistic, legal and psychological support in case of police interventions. Such a cooperation has been strengthened by the recent provisions establishing - for some criminal offences (domestic violence, slavery, trafficking in human beings, child prostitution, paedo-pornography, sexual crimes, stalking) - the legal obligation to communicate to the victim any information concerning the presence of local Anti-Violence Centres.

Inter-institutional cooperation is aimed, on the one hand, at preventing violence against vulnerable subjects, such as women and children, on the other hand it enables the police operators to acquire info-investigative data useful to contextualize single cases.

The important institutional partnership between the “**1522**” **anti-violence national call center phone** number and the Police Forces - in compliance with the “Convention aimed at connecting the 1522 call center with the Police Services, with regard to sexual and gender-based violence” (January 12, 2011), signed in the framework of the **Memorandum of Understanding** entered by the Ministry of the Interior and the Department for Equal Opportunities in July 2012, establishes specific procedures of communication in case the 1522 call center number receives calls about cases to be reported to the police. The Memorandum of Understanding tool, already used at a local level in several provinces, is the most flexible way to keep the cooperation mechanisms updated within the so-called “network”. As a matter of fact, a directive by the Chief of the Police, dated July 2013, once more invited the “Questure” to sign new Memoranda of Understanding or to update the existing ones, with a view to supporting police activities.

One of the most recent national initiatives is the panel discussion started in October 2012 at the Central Directorate of Criminal Police to cooperate with the Authority for Childhood and Adolescence and develop intervention strategies aimed at ensuring the full respect and protection of minors’ rights and interests. On December 10, 2012 the cooperation between the Department of Public Security and the Authority for Childhood and Adolescence was made official by means of a specific Memorandum of Understanding including the following tasks:

- a) To analyze the issues concerning minors who are offenders, victims or witnesses of a crime, and their right to be heard;
- b) To identify the best practices to harmonize the police intervention patterns at a national level with regard children and, in particular, the identification and approach procedures in relation to unaccompanied minors who stay in our Country;
- c) To define the guidelines to harmonize the police intervention modes also in relation to the activity of other operators of the childhood and adolescence sector;

- d) To share the information and the analysis criteria with regard to the phenomena concerning minors;
- e) To identify and evaluate the issues and problems posed by the relevant legislation and/or by the enforcement of it, in order to promote new specific legislative interventions at a national and international level;
- f) To promote the education to legality and information campaigns.

The aforesaid tasks are fulfilled thanks to the Technical Group chaired by the Head of the Crime Analysis Service of the Central Directorate of Criminal Police, and made up of the representatives from the Central Anti-Crime Directorate of the Italian State Police – Central Operational Service, Central Directorate of Highway, Railway, Communications Police and Special Units of the State Police – Postal and Communications Police, Immigration Central Directorate, Customs Police – the Bureau of General and Juridical Affairs of Carabinieri and Guardia di Finanza, as well as the Authority for Childhood and Adolescence supporting the panel discussion.

Finally, as regards the **Ministry of Justice**, coordination is ensured at national level through the participation of the Directorate General for the Enforcement of Judicial Provisions to inter-institutional working tables such as the Inter-Ministerial Committee for Human Rights (CIDU) established within the Ministry of Foreign Affairs, the National Observatory Childhood and Adolescence within the Ministry of Labour and Welfare, and the Equal Opportunities working table within the Prime Minister’s Office.

At local level, the Centres for Juvenile Justice and the Social Services Offices of the Juvenile Justice Department promote and participate to coordination, planning and training activities.

Concerning the activities of the Regional Ombudspersons for children and adolescents, a number of coordination activities are listed below.

The Ombudsperson of Calabria notes: Children’s Ombudsman coordinates local institutions and agencies (Prefectures, Juvenile Courts, local Health Units, Municipalities) in order to build agreements to protect also abused children. Those agreements create provincial equipes that work – with a multidisciplinary approach- for a physical and psychological recovery of abused children to supply at human resources shortage of district’s health services. Concerning the field of coordination between judicial Authorities there is a very important agreement between all the judicial authorities of Reggio Calabria judicial territory to fight against sexual abuse of children.

The Ombudsperson of Tuscany notes that Coordination at a regional level is ensured through the settlement of a coordination body – named Codice rosa interinstitutional task force – with the representation of judiciary offices, police forces, social and health public services, NGO’s. This body is in the charge of the protection of the victims of sexual exploitation and sexual abuse all along the different phase of the procedures.

Another mechanism of coordination is ensured in the municipality of Florence by the development of a local network between judicial authorities and local security offices aimed to give prompt protection to victims of sexual abuse.

The Ombudsperson of Emilia Romagna notes that there is a long lasting cooperation and coordination among local authorities to combat and prevent sexual exploitation. In this framework it is worth mentioning that since 2003 the region has implemented a regional list of “Safe travel agencies” that ask the clients to subscribe an informative form with information on the phenomenon of sexual exploitation in the visited country, the relevant laws on this issue and the health risks related. Furthermore, the region has implemented a programme (Oltre la Strada) of integrated social

and health services to contrast sexual exploitation. The main areas of intervention include health prevention through street units, health prevention in the protected spaces, personal care intervention for protection and social integration, professional trainings and community awareness raising and social mediation. The most recent act promoted by the Region of Emilia Romagna are the regional Guidelines on care and foster and community care of children victim of violence and abuse that will be officially presented at the end of February 2014. The Guidelines have been set up by an interdisciplinary and inter-institutional group that included also NGOs working in the field of children protection.

The Ombudsperson of Puglia notes that at Regional level the “Social Plans Area” provides for a strong coordination among different institutions. In particular, there is an integrated equipe (multidisciplinary and multi-professional) to contrast sexual abuse against women and children that works in connection with the municipality social services and with the other services involved in child protections measures, thus ensuring a unified and effective framework of services for children and women victims.

- Its “access points” are the different health services (general family doctors and paediatricians, prevention department, etc.)
- It relates with an inter-institutional network of local services (social services, schools and education system, NGOs, courts, lawyers, etc.) that relate to the problem in order to share the aims and methodology of the intervention and act in a synergic way.

The professionals included in the equipe are social workers, psychologists, paediatricians, neuropsychiatrists, gynaecologists, legal doctors, etc. The Regional law provides also for the monitoring of the phenomenon.

b. Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

Italian coordination bodies, both the general ones and the ones specialized in child abuse, constitute a meeting point for the government, the local administrations and the NGOs, associations and professional organizations which advocate the respect of children’s rights or which play an important role for the implementation of national strategies (for instance, the associations of Internet providers play a decisive role in the fight against child pornography on the web).

Representatives of the civil society sit in the National Observatory on childhood and adolescence, bringing their knowledge, suggestions and criticisms of the actions taken by government at a national and at a regional level.

The central Administration promotes dialogue with the civil society through the dissemination of information, the involvement in consultative or planning bodies and the funding of laws which support the activities of the third sector and of civil society in general.

The collaboration with NGOs and the civil society does not involve solely the Observatory: in fact, some national organizations, such as “Telefono Azzurro” (child helpline) and the Italian Coordination Committee of centres and services against child abuse and maltreatment, participated in a national working group which was formed in 2001 to implement a training and information campaign on the issues of child abuse and maltreatment. The collaboration with these and other third sector organizations specialized in the field helped carry out some of the researches described in the following paragraphs and launch national services such as the emergency phone number for minors (114).

Furthermore, the Italian parliamentary committees can also send for experts or representatives of national organizations, as happened for instance during the debate of bills or of specific surveys in the Bicameral Committee on childhood.

An important stimulus for action is provided by the Working Group on the Convention on the rights of the child (made up of 62 organizations coordinated by Save the Children - Italy). In 2001, the working group presented its own report on the implementation of the Convention to the UN Committee. Since then, the group has undertaken to continue the monitoring by drafting an annual report which constitutes an opportunity for a constructive exchange of views with the institutions in charge of childhood policies. The results of the annual report have been presented publicly also in the presence of the Ministers involved; the contents of the 2007 Report have been recently discussed during a special hearing at the Parliamentary Committee on childhood.

The representatives of local authorities, professional and voluntary associations and NGOs dealing with children's issues and the prevention of violence are regularly consulted to draft the National Reports on the condition of children and adolescents in Italy and the periodical Reports on the implementation of three important Laws regarding the protection of children and the promotion of their well-being: the Law no. 269/1998, the Law no. 149/2001 and the Law no. 285/1997

As regards the Ministry of Justice, an example of cooperation is the National Memorandum of Understanding between the Directorate General for the Enforcement of Judicial Provisions and the *Roberta Lanzino Foundation* of Rende (Cosenza, Italy) concluded in 2013 and aimed at : providing legal aid to minors victims of sexual offences, testing paths to "mediation in criminal cases" and / or "messa alla prova" for juvenile sex offenders, sheltering victims of domestic violence and people suffering from abuse-related uneasiness thanks to the "La Casa Roberta Lanzino" Project.

- c. Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?*

There are programmes for persons convicted of offences related to the Convention. They are developed mainly inside the prisons and they are established with the cooperation of social services, health services and NGOs working in the field of child protection. See question 10 for further details.

As regards the Ministry of Justice, in order to implement operational strategies shared among all the governmental and non-governmental stakeholders, and specifically among the local health care services (which have been responsible for penitentiary health care since 2008), within a permanent table on penitentiary health care established at the State-Regions Conference, the Department for Juvenile Justice promoted the need for specific local intervention programmes to be implemented in order to meet the requirements related to the development of children who committed sexual offences, including those who are not chargeable yet, with a view to treating their problems, with special focus on their sexual behaviour.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

The Directorate-General for Cooperation and Development of the Italian Ministry of Foreign Affairs funds and carries out – either directly or through international organizations and Italian NGOs – several projects for the prevention and fight against sexual exploitation and sexual abuse. Trafficking and exploitation of children and violation of their physical or mental health through any form of violence are considered crimes against humanity by Italian Development Cooperation. According to the UN Convention on children's rights and its optional Protocols, the Lanzarote and Strasbourg Conventions, the Italian Cooperation, considers strategies to prevent and combat children's recruitment into prostitution, sexual tourism and child pornography, including through electronic media, are essential pre-conditions to fostering a culture of human rights. In order to avert and fight these serious abuses, Italian Development Cooperation supports the adoption and implementation of national and transnational policies and programmes aimed at preventing and combating all forms of violence against children, and in particular sexual abuse and exploitation.

The **Guidelines on Children of the General Directorate for Development Cooperation (DGCS)** contain a specific section about the sexual exploitation of children. This document, updated in **2012**, is the result of a broader consultation of experts of Italian institutions, private sector, civil society and academic world. The Guidelines are the framework of the Italian Co-operation activities concerning the promotion of children rights; they regulate the matter and the instruments to be used. They are addressed to cooperation decision-makers and operators, in the public and private sectors, with a view to promoting broader partnerships in order to make children actors of their own development.

(http://www.cooperazioneallosviluppo.esteri.it/pdgcs/documentazione/NormativaItaliana/2013-04-19_LineeGuida_Minori_ENG.pdf)

In the last five years the Italian Cooperation has financed some important initiatives for preventing and tackling sexual exploitation of children in different Countries of the world in collaboration with specialised International Organisations, NGOs, Italian Regions and Local Authorities.

All initiatives are based on a multisectoral methodology and often they are conceived with a regional approach in order to prevent phenomena of smuggling and trafficking for sexual exploitation purposes. The activities are targeted to create a broader synergy among the countries institutions where such tourism originates or it is intended.

The Italian Cooperation acknowledges a great importance to the **role of the communication**; all the funded programmes include a budget line for communication activities (awareness campaigns, radio and TV programmes, jingle, songs, films...) and there are a lot of positive experiences and best practices in this field.

- **Conference "The Role of International Cooperation in tackling sexual violence against children"**

On November 2012 the International Conference "*The Role of International Cooperation in tackling sexual violence against children*" was held.

The event was organized by the DGCS in collaboration with the Council of Europe, the Department of Equal Opportunities of the Presidency of the Ministers Council, the Ministry of Justice and the

Innocenti Institute of Florence. The meeting was a valuable opportunity to reflect on the provision of Article 38 of the Lanzarote Convention.

The Conference was attended by 200 people: representatives of the 30 state members of the Council of Europe, Morocco, International Organizations, governments involved in development cooperation programs funded by the Italian Cooperation, Italian institutions and civil society organizations. The Italian presence at the event was very qualified: it was a signal of strong interest and commitment at institutional and civil society level on the issue.

The opening session was attended by three Italian Ministers: Foreign Affairs, Justice and Labour and Social Affairs.

The Conference was an important opportunity to share best practices and experiences at national and international level.

The Conference was organized in plenary sessions about good practices in Italy, Europe and third Countries and in three working groups on the following topics : (I) "*Rule of Law and applicable measures at national and international level*" (II) "*Human Rights: strategic approaches in prevention and fighting against sexual exploitation and sexual abuse of children through development cooperation programmes* " and (III) "*Promoting Communication and Education Policies and Strategies through international cooperation*".

The outcome of the discussions of the working groups were shared in the closing plenary session and summarized in a final document.

http://www.cooperazioneallosviluppo.esteri.it/pdgcs/Documentazione/AttiConvegni/2013-02-20_Report_Conference_EN.pdf

- **Main initiatives on children's sexual exploitation funded by the Italian Cooperation**

Cambodia

"Integrated care for migrant children victims of sexual abuse" (ongoing)

The DGCS granted the IOM a contribution of € 2,500,000 for a regional project of prevention and fighting against child trafficking in South East Asia with particular reference to Cambodia, Vietnam and Laos. The main objective was to provide assistance to child victims of sexual exploitation and trafficking by strengthening the capacity of public institutions and civil society. In particular, it included technical assistance and training of social workers and representatives of civil society.

Central America

"Regional initiative to support young victims of trafficking, abuse and exploitation in collaboration with UNICEF in the TACRO area" (closed)

The DGCS has granted UNICEF a total funding of € 5,000,000 for a project aimed at preventing and combating child trafficking, sexual exploitation and abuse. The activities took place in Guatemala, El Salvador, Honduras, Nicaragua, Panama, Costa Rica, Belize and Mexico. The initiative has supported these countries in the drafting of relevant national laws on the topic with a successful communication component that included innovative activities, such as the creation of a soap opera, the involvement of the television channel MTV and some rap singers.

Nigeria

"Preventing and Combating Trafficking of Minors and Young Women from Nigeria to Italy" (closed)

The Italian Cooperation has granted UNICRI a funding of € 1.954.239 for this programme. This initiative aims to confront the issue of trafficking of minors and young women for sexual exploitation from Nigeria to Italy by creating, on the one hand, conditions that reduce the

vulnerability of women and children to trafficking, and on the other hand, by strengthening anti-trafficking capacities of Nigerians. To that effect, the programme will establish a fully operational and functional Monitoring Centre within the National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP), raise public awareness among the population, and provide economic and educational opportunities for vulnerable girls and young women. An important dialogue and network has been created between Nigeria and Italy on the issues of protection and re-integration process for victims of the sex trade. The projects constitute an interesting example of cooperation between two countries with different socio-cultural environments that collaborate to provide a coherent response to the phenomenon that affects them.

South-East Asia

“Regional initiative to support young victims of trafficking, abuse and exploitation in collaboration with UNICEF in the EAPRO area” (closed).

The project was carried out by UNICEF with DGCS funding for a total amount of € 4.054.500. It was mainly directed to the prevention and protection of child victims through a better legal protection, the prevention of the phenomenon and inter-agency coordination and cross-border cooperation for the recovery, assistance and reintegration of victims.

For a detailed description of the strategies adopted by the Italian cooperation in this area and the best practices realised, please see document attached entitled: “The Role Of International Cooperation in Tackling Sexual Violence Against Children. Background Paper for the International Conference in Rome. November 29-30, 2012” elaborated by the Istituto degli Innocenti.

Question 8: Education, awareness raising and training

a. Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62). Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63);*
- encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1);*
- ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).*

As regards prevention of child abuse and exploitation two main typologies of projects have been realised in Italy: projects specifically focused on the problem of sexual abuse, and the projects generally aimed at strengthening cognitive, emotional and social skills.

As regards primary prevention and support to parenthood, some of the most recent initiatives are the following:

a) The Communication Project “Becoming Parents”, promoted by the Ministry for Health.

As established in the Law no. 40 /2004, in 2007 the public institutions are carrying out information campaigns to promote the adoption of healthy lifestyles and behaviours among adolescents and the young. The aim is to spread a new culture of parenthood and protection of one’s own body and health, in terms of preservation of one’s own procreative power.

Besides the purely medical aspects, special emphasis will be on the concept of fatherhood/motherhood/parenthood, considered as a value which risks being lost considering the messages which the young receive every day:

- the difficulty to form stable families (increase in separations);
- the perception that children may represent an obstacle to independence, economic gain and career;
- the fear of not being able to look after children.

b) The creation of the Ministerial Committee on immigrants' health at the Ministry for Health.

The Committee is consulted by the Minister on the topics concerning immigrants' health. Some of the intervention priorities are related to the prevention and protection of women and minors from domestic violence:

- women's health - mother-child relationship - female genital mutilation
- health risks linked to prostitution and confinement

The Committee will also work towards the elaboration of a long-term Action Plan, i.e. a sort of strategic plan connected with the National Health Plan 2006-2008, which would identify for each topic instruments for: research, training, information, promotion of services, activation of specific services depending on the user's needs. The aims of the Plan are, among others:

- to help Regions and local bodies improve services to mothers, also through the introduction of personnel specialized in home visiting and assistance, in order to deal with every specific case;
- to promote information campaigns for the prevention of pregnancy and of voluntary termination of pregnancy;
- to promote information campaigns for foreign women on food education, on the harmonious physical and psychological growth of children, on the children's services available in the area of reference;
- to promote policies supporting maternity;
- in accordance with the Law no. 7/2006 on female genital mutilation: to promote specific training of health care and school workers and a constant, loyal relationship with families; to carry out, in collaboration with the local bodies and with specialist services, initiatives for the prevention of female genital mutilation and for the protection of mutilated women: these initiatives, which must be part of the more general fight against all forms of violence against women, must strive to produce a real change in the attitude towards women by acting on several factors: education, social status of women and girls, discrimination against women, insufficient knowledge of women's rights and of human rights in general, lack of economic empowerment.

c) The National Communication Campaign targeted at parents of the Ministry for Health.

The project is aimed at extending to the whole national territory the actions experimented during the "GenitoriPiù" Campaign of the Region of Veneto.

It is a programme for Active Prevention and Health Promotion in the first years of life, which is based on the provision of adequate information and support to parents to improve the quality of life and to reduce health risks in the perinatal period and during childhood.

From the methodological point of view, the project is based on an integrated network collaboration (in the health care sector and with the other stakeholders), on the optimization of resources and on the empowerment of families by actively involving them in the management of their own health and of their children's health.

Furthermore, the Ministry for Health, together with the Ministry for Family Policies, will promote education to parenthood, prevention of the causes of abortion through information and educational campaigns on conscious birth-control, and support to pregnant women and mothers in particularly difficult situations.

- d) *The promotion of debate at the European level.* The National documentation and analysis centre for childhood and adolescence, in its capacity as Secretariat of the European Network of national observatories on childhood (**ChildONEurope**), carried out a review on the systems for the monitoring of child abuse in the ChildONEurope Member States.

At the end of the research, ChildONEurope decided to continue its work on the issue of child abuse by promoting a more detailed survey on the national statistical systems and available data.

In the framework of ChildONEurope's activities, Italy and the other members have established a working group finalized to edit guidelines on the establishment of national monitoring system and data collection on child abuse.

- e) *Other relevant information and documentation initiatives* carried out by the Centre are:

1. The national seminar on the "Prevention of suffering in childhood and adolescence: promotion and protection policies and services, counselling to minors and networking" (Florence, 2002)
2. The national seminar on the collection of data concerning abused and maltreated minors assisted by the social services
3. Local training seminars for the monitoring of the phenomenon of child abuse and maltreatment
4. A manual on best practices for the prevention of troubles among children and adolescents
5. The booklet "Uscita di sicurezza" (lit: *Emergency exit*): adolescents speaking to adolescents about violence.

As regards projects for the prevention of child abuse and maltreatment carried out by **schools**, the Inter-ministerial Coordination Committee for the fight against paedophilia (**CICLOPE**) reports that in recent years schools have carried out projects targeted at teachers, students and families, also with the involvement of health care and social workers and of the third sector. Such projects are included in the plan of educational activities which each school autonomously approves and implements. Some examples are indicated in the box below.

In the **Emilia-Romagna** region, several Provincial Plans include awareness campaigns targeted at large segments of the population which involve many different social sectors in training activities.

- In the province of Piacenza, a reader-friendly **informative booklet** has been prepared with the aim to help people **detect symptoms of troubles** among minors and to give them **useful information** to seek for help. The informative booklet has been **distributed** with the involvement of large sections of the civil society (teachers, coaches, doctors, educators, etc.) during meetings with a psychologist aimed at raising public awareness and at promoting debate on this issue.

- The Provincial Plan of Forlì-Cesena includes a project labelled "**A town listening to children**", whose goal is to create best practices for the protection of minors (through preventive actions, seminars, information campaigns); this project involves teachers, educators and parents of children in nursery and primary schools, as well as the police. The school staff is trained by a team of experts who are in their turn trained by specialized agencies (such as "Hansel e Gretel", CBM, IRS).

The Region of **Piedmont** has carried out a vast information and training campaign for the prevention of child abuse and maltreatment in collaboration with the Regional Education Office and with several local study centres and cooperatives (e.g. "Hansel e Gretel", Paradigma...). Some of the most important projects are:

- “*Impariamo ad ascoltarli*” (lit. “*Let’s learn to listen to them*”), an inter-institutional initiative which aims at coordinating the schools, the health care services, the police and the local bodies in order to train the workers who deal with minors, their protection and education.
- A three-year project about minors at risk in the schools of Cuneo, which includes information and training activities for teachers, parents and social and health care workers in order to get to know and to face this issue.
- “*Le fiabe di Davide*” (lit. “*David’s fairy tales*”), i.e. a cd-rom which includes five fairy tales, narrated by two professional actors, which invite children to think about the sense of responsibility, about confidence and optimism in living life, about their possibilities and skills, about positive attitudes towards the “others” or the “monsters”. This cd-rom has been distributed in all of Piedmont’s nursery and primary schools.
- The activation of a service of protected access to the Internet for minors (*Davide.it*) in all of Piedmont’s middle schools, which allows them to surf the Internet safely, thanks to a system which eliminates, through a constantly updated filter, websites with violent or pornographic content.
- Experimentation of 2 information and training courses in Piedmont’s high schools: the courses included meetings for teachers, parents and students, as well as working groups of students who, under experts’ supervision, prepared informative material (in the form of comic strips, drawings, stories, etc.) on the topic for younger children; this material was elaborated with the most appropriate content and language for children, as it was prepared by their “elder brothers”, rather than by adults. The material was collected in two books, published by FIDAPA, which were distributed in Piedmont’s primary schools. The two volumes were presented to the general public in Alessandria, on 25 October 2003, and in Turin, on 28 February 2004.
- “*Lezioni di fiducia*” (lit. “*Lessons of confidence*”), a kit including a videotape and a manual, to be shown and discussed in middle schools. The video, which shows the various situations in which abuse may occur and which suggests adolescents how to behave, is intended to make them aware of the issue without leading to generalized and groundless fears of adults. The kit was produced by Telefono Azzurro in collaboration with Il teatro La Baracca -Testoni Ragazzi di Bologna

Lombardy’s Regional Education Office and the Region of Lombardy have agreed on common programmes to fight against the various forms of child abuse and maltreatment; these plans include the integrated training of teachers and of health care workers, as well as the carrying out of educational activities in hundreds of classes which participated in the project. In particular, the focus is on direct prevention, i.e. targeted at children, with a seminar which teaches minors to recognize negative and ambiguous approaches.

In the **Veneto** region, one of the most important initiatives is the one carried out in the province of Verona by the educational and health promotion services of the local health authorities and by the Centre of administrative services of Verona. This project included training courses for teachers and meetings with teachers, parents and social and health care workers, as well as the production of teaching material which was then used in class.

The Regional Education Office of **Liguria** monitored all the past and present initiatives (training of teachers, activities with students, initiatives with parents) and listed all the material made available (brochures, flyers, videotapes, posters, informative leaflets, questionnaires, collections of documents and laws, forms, children’s books, manuals for students and parents, graphic works, poems, re-elaborations of newspapers’ articles, cd-roms, agreement protocols between schools and the local health authorities).

In **Tuscany**, even if there have been several initiatives in the various provinces, information is available only for the province of Florence. In 1997, the Education Superintendency of Florence

initiated a collaboration with the Office for Minors of the central police station and in 1998 it joined the “Permanent round table against child abuse, maltreatment and sexual exploitation”, which was chaired by the Councillor for Education of the Municipality of Florence and by the Councillor for Social Policies of the Province of Florence.

A series of conferences were held in Florence with the participation of headmasters (in collaboration with the Office for Minors of the central police station), with the aim to spread information about cases of violence and to distribute specific educational material to teachers; furthermore, the collaboration with the local health care and social services has been strengthened, leading to the involvement of practitioners in school initiatives.

A Regional Directorate on this topic was also created and the following are some of its actions:

- creation of a regional round table with the representatives of the Centre of administrative services and of the Region of Tuscany, with the aim to coordinate activities;
- study of a regional protocol (for procedures);
- distribution, in collaboration with the Region of Tuscany (which allocated the necessary economic resources), of books/works for the different age groups.

The material is distributed with the involvement of the local school, social and health care workers in order to agree directly with them the best ways to intervene in troublesome situations.

The Regional Education Office of **Lazio** monitored data on the fight against child abuse and maltreatment and described actions taken at a local level.

Project "Maestramica 1 e 2" (*lit. Friend Teacher 1 and 2*) was carried out in Rome from 1999 to 2004, a project funded by means of the first city local plan of the Municipality of Rome (Law 285/97) and implemented by the professionals of Progetto Girasole from the Bambino Gesù Hospital. The project was repeated twice and trained around 300 teachers and school managers of nursery schools, kindergartens and primary schools in Rome. The end of the first Project was followed by publishing “GUIDELINES” (“Child abuse: action at school. Guidelines and practical indications for teachers, school managers and child professionals, edited by F. Montecchi), 7,000 copies of which were distributed in Rome schools by the Educational and School Policies Department of the Municipality of Rome. Given the high demand for the book from other Italian regions, it has been distributed and is used also in other school contexts in Italy.

In Frosinone, 34 training initiatives targeted at teachers, parents and students have been launched, among which 13 meetings with parents and 12 specific interventions in problematic situations. Collaborations have also been initiated with the Prefecture, the Office for Minors of the central police station, the social workers, the local health care authorities and the university.

The Centre of administrative services of Viterbo, in collaboration with the Province, has continued its project for the prevention of and assistance in cases of child abuse and maltreatment. On 20 November 2002, an agreement protocol specifying the operational aspects of the project was signed by the Centre of administrative services, the central police station, the Prefecture, the local health care authorities and the Municipality of Viterbo.

The first phase of the project involves 100 teachers in nursery and primary schools – with the possibility to involve also high school teachers – who are being trained on how to identify situations of risk and cases of abuse and maltreatment. The second phase, which will involve 50 teachers, will provide them with knowledge on how to support self-confidence and a sense of security in minors who suffered a physical or psychological trauma.

In Latina, schools have organized training courses for teachers and parents in collaboration with other local bodies and associations (such as in the district no. 1 of Terracina, in the district no. 3 of Latina and in the schools of Borgo Sabotino and of Caetani di Cisterna). A Provincial Technical Committee has been set up at the Prefecture of Latina, with the participation of three headmasters in representation of all the schools in the area of Latina.

As regards projects specifically focused on the problem of sexual abuse, some examples of best practices are the following:

- “Pierino e il lupo” (Pierino and the wolf) funded by law 285/97 aimed at providing a specific training to teachers on the topic of child abuse.
- “Le parole non dette” (Unspoken words): it is a primary prevention programme which is based on the involvement of children, their families and schools and is promoted by the Institute of Hygiene and Preventive Medicine of the University of Milan. It provides the tools so that the children themselves are able to recognize risky situations, to defend themselves properly and to understand the value and dignity of their body.
- “Impariamo a dire di no” (“Let’s learn to say no”): among the training projects organised by the Piedmont Region, this project is aimed at children in order to help them recognise and speak about situation of abuse.
- “Dalla parte dei bambini” (On children’s side): this project was carried out by the association Donna Vera Onlus and was addressed to children in school age and to the professional figures who are in contact with them including school administrators, teachers, parents, medical staff, institutions.

As regards the issue of awareness of the protection and rights of children among persons who have regular contacts with children in different areas, the *Guidelines for training on the topic of child abuse and maltreatment* have been approved in 2001 by the then Coordination Committee for the protection of minors from sexual abuse and exploitation (art. 17, Law no. 269/1998) and by the National Observatory on childhood and adolescence. This text includes the guidelines for the training of personnel dealing with violence against children in the social, legal, medical and educational sectors. The training guidelines identify five different levels which have been taken into consideration by many regional and local institutions in the planning of training activities for professionals in this sector:

- information and awareness campaigns;
- multidisciplinary and integrated basic training courses, in order to enable public and private practitioners to early identify cases of violence and to quickly take measures for the protection and psychological, social and medical treatment of victims;
- specialist training courses for single professional groups aimed at studying specific issues in depth;
- training courses for the managers of local social services focusing on the analysis of different management and organizational models with the aim to create and develop integrated services.

As regard the actions carried out by the **Ministry of Justice**, On 13.11.2012, the Department of Juvenile Justice issued a guideline (ref. no. 39209) addressed to the Juvenile Justice Centres and to the Juvenile courts and aimed at enhancing the protection of minors, taking further action to prevent abuses and prosecute offenders and to safeguard victims. This guideline is a result of Law 1° October 2012, no. 172 “Ratification and Enforcement of the Council of Europe Convention for the protection of children against Sexual exploitation and sexual abuse made in Lanzarote on 25 October 2007, containing provisions to adjust the internal law”

http://www.giustizia.it/giustizia/it/mg_1_8_1.wp?facetNode_1=0_6&facetNode_3=0_6_0_9&facetNode_2=0_6_0&previousPage=mg_1_8&contentId=SDC955269

The Juvenile Justice Centres and the Offices of Youth Social Services promote and participate to coordination, planning and training activities so as to ensure effective operational strategies and actions shared on a national level yet in accordance with the distinctive features of the various areas.

Finally, concerning the **Ministry of the Interior**, in 2001, the State Police started the agreement with the Ministry of Education and the UNICEF Italian Committee, that resulted in the on-going project denominated “Policeman, one more friend”, consisting in organizing students’ visits to some police structures, meetings in the schools, drawing contests, distribution of gadgets and informative materials on the issues of interest.

In such a context, the “Questure” organize, in cooperation with schools, series of meetings with students, who are provided with information on the possible risk situations and the adequate suggestions and advice to avoid them.

The State Police operators engaged in children issues are specifically and multi-disciplinary trained focusing on the victims. In particular, mention should be made of the special training courses on “investigative techniques” concerning crimes against children and sexual crimes: these courses were held in Brescia, at the Pol. GAI School and addressed to the Special Units of the personnel of Squadre Mobili. The refresher courses for State Police senior officers on gender-based violence started in December 2013 (1st session: December 9, 2013) with a view to train police operators on their interventions in case of domestic violence.

Furthermore, since 2009 several initiatives have been undertaken by the Central Directorate for State Police Education and Training in order to improve and expand police training in their annual professional refresher courses by including issues as domestic violence, stalking, fight against discriminatory acts:

- 2009: domestic violence, with reference to operational procedures adopted during police interventions;
- 2010: equal opportunities and police operators’ correct approach towards victims of crime and stalking;
- 2011: stalking and crimes against the so-called “vulnerable categories” (women, minors, the elderly);
- 2012: monitoring and tackling discriminatory acts against minority groups and OSCAD’s role (the Watch for Protection against Discrimination);
- 2013: Violence against women and children – juridical, psychological and operational aspects.

b. Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If there are currently plans for launching a (new) campaign or programme, please provide details (Article 8, para. 1);

Law 41/2009 set up the **National Day against paedophilia and child pornography** for the 5th May.

At this date initiatives aimed at raising public awareness on the fight against child abuse can be organized. In addition, Regions, Provinces and Municipalities can promote special initiatives, in coordination with associations and organizations operating in the sector.

The first celebration of the National Day against paedophilia and child pornography was held May 5, 2009 and since then is an important moment of reflection for action to prevent and combat the phenomenon.

Moreover the Observatory against Paedophilia and Child Pornography organised the following campaigns.

- **Campaign on 114 emergency phone number**

Since May 2012 the new campaign on the emergency number 114 is active. (www.114.it) The main aim of the campaign is to raise awareness and urge those who are victims or witnesses of violence to seek help and support. The 114 is the emergency telephone line dedicated to children exposed to danger. The Campaign includes a Tv and radio spot and the printing of different educational materials.

- **“One in five”**

The Campaign has two main objectives: to support the process of signature and ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse and to raise public awareness on the phenomenon of sexual violence against children.

Concerning the first objective, the campaign includes the involvement of the following targets: Stakeholders and policy makers at national and regional level; national institutions for the protection of human rights and in particular the rights of children; National and international NGOs that work with children and families; Religious communities, youth groups and voluntary organizations; Civil society and academia.

As regards the second objective, the campaign, starring a character called Kiko, was created to encourage dialogue between parents and children and to help the development of a critical consciousness of the child about his/her own intimate sphere. The message of Kiko invites parents and teachers to spread among children aged between 4 and 7 years, the rule of "Here, you do not touch." It is a simple rule, explained in plain language and funny language: the little Kiko tells, through images, sounds and gestures, where it is acceptable to be touched and where not. The campaign includes different informational materials such as a children's book, postcards, posters, everything available in English, French, Italian and many other languages on the dedicated website (www.quinonsitocca.it).

The campaign was launched in November 2010 at the presence of Vice-Secretary General of the Council of Europe, Maud De Boer-Buquicchio.

As part of the awareness-raising activities, it should also be noted that in 2011 the Department for Equal Opportunities has funded the third edition of the "Week against violence." It is an initiative established in 2009 through an agreement between the Department for Equal Opportunities and the Ministry of Education, University and Research. The Department for Equal Opportunities has funded targeted interventions, through the National Bureau against Racial Discrimination (UNAR) for about 250,000 € in order to carry out about 100 interventions in schools. The purpose of the initiative is to urge the school population to address sensitive issues such as the contrast to all forms of violence and discrimination and the respect for others regardless of their race, religion, ethnic origin or sexual orientation. Among the issues included there is also that of child abuse.

As regards the issue of safe Internet a number of campaigns and awareness-raising events have been carried out in the last period. The Ministry of the Interior, through the action of the Post and Communications Police, has carried out numerous projects including the initiative “For a Safe Internet don’t fall into the Network” (awareness campaign on the proper use of the web by children) in collaboration with the “Moige” (Italian parents’ movement), “Don’t lose the orientation” in partnership with Youtube, “Web Chair” (dedicated to teachers’ training) with the Rotary Club of East Florence, Florence Police Headquarters, Ministry of Education (Regional Education Office for Tuscany) - Microsoft - ONAP (National Observatory about psychological abuse) and “In the street as in the Web” (awareness campaign on road safety education and web education) in collaboration with the Province of Rome, Youtube, Skuola.net, UNICEF Italy and Microsoft.

Some Italian Regions as well as associations have also carried out general awareness raising activities on the subject of child abuse. As regards Regional Ombudspersons for children and adolescents, some of the initiatives undertaken in this area are listed below.

The Ombudsperson of Emilia Romagna notes that art. 24 of Regional Law 14/2008 provides for specific forms of protection of children victim of violence and abuse that are based on the strong cooperation among public sectors (social and health services, schools, etc.) with private sector (social cooperatives, non-profit organisations, etc.) active in the field of social recreational activities for children and in the field of protection, creating multi-professional task forces for children and families.

The Ombudsperson of Calabria notes: There is not a regional strategy, but there are single actions in some schools. The Ombudsman –in cooperation with institution, civil society, private, company etc.- promotes individual awareness actions. This action consists in meeting, also in school, with children and educators, and concerning also the risk of the use of new information and communication technologies. An agreement between Ombudsman, regional communication committee and R.A.I. (the Italian public television) is underway to protect children from a wrongful use of new technologies. There are also single actions of professional updating addressed to public workers (including persons who have regular contact with children) on the field of children's rights, including field of sexual exploitation and sexual abuse.

- d. Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).*

The Italian Penal Code (art. 414) includes the crime of “apology of crime”. Furthermore, the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse has introduced a specific article in the Penal Code (art. 414bis) about the “incitement to practices of paedophilia and child pornography” in relation to which it is not possible to invoke any artistic, literary, historic or customs-related purposes as a justification.

Question 9: Recruitment and screening

- a. Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;*

Art 609 nonies of the Penal Code sets out that those convicted for crimes related to children's sexual abuse and exploitation are permanently excluded from any office relating to the protection and guardianship of children. A screening is made of previous criminal records and/or convictions – if any – through the consultation of the Ministry of Justice and the Ministry of Interior databases.

- b. Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?*

Yes, a screening is made of previous criminal records and/or convictions – if any – through the consultation of the databases run by the Ministry of Interior and Ministry of Justice law enforcement. Permission by the judicial authority is also necessary.

Question 10: Preventive intervention programmes or measures

- a. Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (**Article 7, Explanatory Report, para. 64**);
- b. Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (**Articles 15 to 17**). Please indicate in particular:
 - who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);
 - how the appropriate programme or measure is determined for each person;
 - whether there are specific programmes for young offenders;
 - whether persons have a right to refuse the proposed programme/measures?

The Probation judge shall take account of a specific rehabilitation programme with a view to decide whether to grant any benefits. Moreover, provisions exist for a specific psychological treatment aimed at supporting and rehabilitating persons convicted on charges set out under arts. 600-bis, 600-ter, 600-qua.1, 600-quinquies, 609 –bis, 609-octies, 609-qua.ter, 609-quinquies e 609-undecies, and pursuant to arts. 4 bis, comma 1quinquies and art.13 bis of Law 26 luglio 1975, no.354 as amended by art.7 of Law 172/12. http://www.senato.it/leg/16/BGT/Schede_v3/Ddliter/38620.htm

Other relevant provisions are: Art.17 of Law no. 269/98 and Art. 9 “Screening of the juvenile offender’s behaviour” pursuant to Presidential Decree 22 settembre 1988, no.448 “Provisions on the criminal proceedings against juvenile defendants”

(<http://www.normattiva.it/urires/N2Ls?urn:nir:stato:presidente.repubblica:decreto:1988-09-22:448!vig=>)

These measures and programmes are addressed to convincts.

The appropriate programme is tailored following a one-year scientific observation of the person’s behaviour, pursuant to Law 354/75, as amended by Art.7 of Law no. 172/12 http://www.senato.it/leg/16/BGT/Schede_v3/Ddliter/38620.htm.

As regards juvenile offenders, the treatment programme shall take account of their peculiarities in accordance with the legislation. Specifically, in addition to interviews with the offender and his/her family, interviews are also held with psychologists and psychiatrists and specific activities are performed to support the juvenile offender’s empathic relations and sexuality.

Offenders have a right to object to the proposed programme.

Here below is a list of some of the most relevant programmes undertaken in the last years.

In 1997, the Ministry of Justice - Penitentiary Administration Department presented two projects funded by the EU programme STOP. The projects, which started in 1998, were concluded in March 1999 with a transnational seminar. The first one, called **WOLF** (working on lessening fear), was launched in response to the increase in public attention on the serious issue of child abuse which was due to a series of tragic episodes of sexual abuse, exploitation and violence against children. The second project, called **For-WOLF**, focused more specifically on the training of social workers and of prison officers dealing with sex offenders. The two initiatives represented for Italy the first opportunity to do research and to exchange information with other States on the issues pertaining to the treatment of sex offenders. Moreover, all the central and local institutions were encouraged to carry out their own researches about sex crimes in general and about their treatment in particular.

Some of the key results of such studies were the increased number of people accused or convicted of child abuse, who represented 2% of the prison population. The lack of specific intramural

programmes for the treatment of sex offenders often goes hand in hand with the absence of local services monitoring sexually deviant behaviours. For instance, a survey carried out in Lombardy in the framework of the WOLF project highlighted that public services are available to child abusers who have already served their sentence, or who are subject to measures alternative to imprisonment, only if they have drug or alcohol-related problems or manifest mental disorders.

The absence of points of reference for classifying and monitoring sexually deviant behaviours also negatively influences the ability of magistrates and judges to evaluate and establish the degree of dangerousness of convicts of sex crimes.

Furthermore, several specific hypotheses for the treatment of sex offenders are possible within the enforcement of the sentence. At present there are no therapeutic, community-like, structures, but, on the basis of inter-institutional projects, they could be legitimized to treat offenders who have been sentenced to less than 4 years in prison, or who have less than 4 years left to serve. This would be possible by extending the implementation of art. 4 of the Law no. 165 of 27 May 1998 (“Amendments to art. 656 of the Code of Criminal procedure and to Law no. 354 of 26 July 1975 and its amendments”), which permits house detention not only in the house of residence, but also “in any other private or public treatment, support or reception facility” for convicts “in particularly serious health conditions requiring constant monitoring” (sub-paragraph c). And in fact, for some serious paraphilias, the subjects’ autonomy may be so impaired to determine an actual state of disease.

However, already at present judges can order convicts of sex crimes to participate in treatment programmes. Where adequate facilities and resources are available, it could be suggested to grant defendants pleading guilty and agreeing to undergo therapeutic treatment direct access to alternative forms of punishment soon after conviction. Therefore, the offenders requesting to be treated could avoid detention and serve their sentence in a community, hospital or specialized centre.

Furthermore, it is becoming increasingly apparent that it is necessary to coordinate the treatment programmes for these convicts (sometimes even after the end of their sentence) of the ministerial, national, social services with the local ones. Indeed, the social and mental health services normally do not monitor sex offenders and the ministerial services do not have adequately trained personnel capable of preparing specific treatment plans.

In the boxes below some best practices are presented.

Turin’s experimental research project for the psychiatric treatment of sexual disorders in sex offenders

In line with the recommendations and observations of the Parliamentary Committee on childhood, an important initiative has already been carried out in Turin: the experimental research project for the psychiatric treatment of sexual disorders in sex offenders. The initiative was carried out by the Psychiatry Unit of Turin’s Mental Health Department, in collaboration with the “San Maurizio Canavese” Hospital, and its goal was to prevent “recidivism of sexual abuse in family nuclei through psychiatric treatment of offenders agreeing to the intervention”. The project included the drafting of an “agreement protocol between the bodies carrying out the experimentation and the public prosecutor’s office of the Court of Turin”. Following the approach described above, the document, which focused in particular on perpetrators of intra-family sexual abuse, allowed them, thanks to a specific agreement with the Surveillance Court, to continue treatment in non-detention facilities even after their conviction (Savoie, 2000).

The first Italian experimental project for the intensive treatment of sex offenders in prison

Recently, some prisons have launched initiatives for the prevention of recidivism of sexual deviance which are unprecedented in Italy. In fact, the first experimental project for the intensive treatment of sex offenders in prison began last September, thanks to the joint funds of the Region of Lombardy

and of the Province of Milan. The project is led by an association of professionals from the third sector (“Italian Centre for the Promotion of Mediation”) and it is being carried out in a special section of the Penitentiary of Milano-Bollate. The section currently hosts 19 convicts coming from the “protected sections” of Lombard prisons, half of whom perpetrated sex crimes against children. The multidisciplinary team is formed by 14 members (criminologists, psychologists-psychotherapists, psychodiagnosticians, a psychiatrist, educators, an art therapist and a psychomotility therapist) providing the following services:

- Specialized treatment
- Research and result evaluation
- Teaching and training
- Coordination of networking with the agencies involved

The project is targeted at adult sex offenders judged guilty, who have acknowledged their crime and their sexual deviance and who are suitable for treatment. The intervention is structured in two stages, the first one lasting 10 months and the second one lasting 6 months, and it is labelled “Project for the care and treatment of sex offenders in Intensive Treatment Units and in special prison sections”.

During the first three months of the first phase, practitioners focus on the denial and minimization of the crime and assess the prisoner’s motivation to treatment. An “Individual Treatment Agreement” is then prepared to lay down on the one hand the prisoner’s commitments and to identify on the other hand the context, tools and team practitioners who will treat the offender. This Agreement, which defines the timing and aspects of treatment, is the result of a negotiation which reinforces the convicts’ motivations and which makes them aware of their role and responsibilities in the treatment.

After this so-called “pre-treatment” phase, the actual treatment begins. The programme, involving about 20 people in each phase, focuses on:

- Cognitive restructuring and teaching of social skills
- Activation of communication
- Seminar on the relationship with one’s own body
- Peaceful management of conflicts
- Prevention of recidivism
- Targeted individual meetings

In the second phase, as established by new Regulations on the penitentiary system (Decree no. 230/2000, art. 115, par. 3), a special section is set up to host subjects who have successfully completed the first phase of the treatment, together with “ordinary” prisoners who, after being evaluated by educators, criminologists and psychologists, have been granted the possibility to work outside the penitentiary during the day, and together with young convicts who participate in extramural rehabilitation programmes.

The goal of this phase, which lasts no longer than 6 months, is to undermine the typical prejudices which “ordinary” prisoners have against sex offenders and which, as described above, lead to their separation and isolation in specific, “protected”, prison wards. In this way, sex abusers would feel less stigmatized, they would have more self-esteem and they would be able to re-develop their social skills and to relate to other prisoners.

Therefore, in this section the detention conditions are milder (inmates can move more freely and have more opportunities to meet outsiders than in other prison wards), in order to encourage inmates to become more independent and to autonomously organize life in the section.

The Project also includes a preliminary awareness campaign among police officers and it is supervised by the University of Liège, Institute of Clinical Psychology (Belgium) and by the Pinel Institute of Montreal (Quebec), which have long developed similar initiatives.

This will be the first time that such a specific treatment is provided to perpetrators of sexual abuse in Italy. The project, which will be carried out with the close cooperation of judges, of public prosecutors and of the main public and private institutions and associations protecting children from

sexual abuse, is aimed at defining a comprehensive model for the treatment of sex offenders similar to the one for victims, as happens already in other European countries such as Belgium. In Italy, no other similar projects for the specific treatment of sex offenders have been developed.

Other local projects

Also the district penitentiary of Bologna, in agreement with the superintendency of the Region of Emilia Romagna, has just started a project based on a treatment model which will be defined as the project advances. The penitentiary of Prato, in collaboration with the Region of Tuscany, will implement a treatment programme, although it is still unclear when exactly it will start. Both initiatives follow the indications and recommendations in this sense recently given by the Penitentiary Administration Department.

These new programmes are the outcome of the experience of some isolated professionals who have long worked in “protected” prison sections, as well as of the training initiatives taken by the Penitentiary Administration Department in the framework of the European programme STOP (November 1996), i.e. the aforementioned WOLF project targeted at social workers and police officers dealing with sex offenders, which also included international exchanges and trips to the more advanced European countries in this field.

Furthermore, hearing and support centres have been created near Bari prisons for individual and group support of sex offender prisoners, aiming at recovering and preventing relapses.

As regards young offenders, the Italian legislative framework does not provide specific rules, therefore the general law 66/1996 is applied. The latest statistics indicate that during the period from the 2nd half of 2009 to the first half of 2010, the juvenile sex offenders in the Italian penal system were 329.

In some medium and large-sized towns, the Juvenile Courts give young sex offenders the possibility to have access to psychological evaluation and support services. In general, in the beginning, experts are faced with the minor’s aggressiveness and refusal to admit facts. Then, given that they also have to evaluate the characteristics of the family and of the social settings in which the minor lives, it is important to share tasks and responsibilities with other social workers, in order to form a network offering distinct support services to the child and to his/her family. The reasons for the focus on the family dynamics are twofold: to assess whether the family can be a helpful resource for the minor’s treatment and to determine whether he/she has also been a victim of intra- or extra-family abuse, thus explaining his/her violent behaviour as a repetition of abuse suffered from other minors or adults.

The families of abusing minors often tend to justify their conduct by maintaining that the victim was “sexually open” or by labelling the behaviour of the minor or of the group as a “mischief”. This is a negative attitude which, by relieving the minor of his/her responsibilities, can block the re-educating path undertaken by the social services.

When the sexual abuse is committed against a brother or a sister, the incest is determined by a dysfunctional family setting which colluded with the perpetration of the violent act. The family is often closed to the external world, which is perceived as dangerous and persecutory, and the relationships are often characterized by the lack of empathy and affection. Therefore, the abuse of siblings may to some extent compensate for the distant relationship with parents, which leaves the children emotionally alone. Sexuality is experienced within the family as a result of the block in development which is due to the early alteration of the system controlling desires and affections.

When the victim reveals the abuse by one of his/her siblings, the family often reacts by denying it and by wishing that everything comes quickly to an end. The difficulties of the family to acknowledge the abuse are increased also by the perpetrator’s denial, which leaves the parents faced

with a tragic dilemma: should they believe the child victim or the child who perpetrated the abuse but who denies it?

Lastly, it is important to mention that, due to the mission of the Department of Juvenile Justice – Directorate for the implementation of judiciary measures, which implies the development of models of intervention in accordance to the existing Legislation, in particular to Act 66/1996, Act. 269/1998, Act. 354/75 and following modifications, and, moreover, to D.P.R. 230/00, Act. 165/98, Act. 40/2001, D.P.R. 448/88, D.Lgs. 272/89, D.P.R. 616/77, D.Lgs. 112/98 and Act L. 328/00, all norms which encourage innovative measures in collaboration with ONG and associations in order to implement the child's rights in every sector of Justice, in January 2008, the Department of Juvenile Justice – Directorate for the implementation of judiciary measures, for the Ministry of Justice, signed a protocol with the ONG "Telefono Azzurro".

The Protocol is finalized to develop specific and specialized initiatives to support minors victims or perpetrators of crimes, in particular violence. With the protocol, the Department and Telefono Azzurro recognized the importance of promoting measures of primary, secondary and tertiary prevention through the implementation of actions for sensitizing on the importance of child's hearing in order to understand his/her specific needs, of building up multidisciplinary interventions, of assuring assessment and treatment for the minors victims and authors of crimes.

For minors guilty of sexual abuse, and in general for all criminally responsible minors, except in the most serious cases with a high risk of recidivism and elevated social dangerousness, art. 28 of the Decree no. 448 of 22 September 1988 ("Adoption of provisions on criminal proceedings against juvenile defendants") introduced the so-called "testing procedure". The article also introduced a number of objectives to be pursued concerning the best interest of the minor, his/her educational needs and, even if guilty of a crime, his/her protection. Based on art. 28, the judge can order the stay of proceedings for a maximum of three years: during this period, the minor is treated by the services for minors of the Juvenile Court, in collaboration with the local social services.

During this period of treatment by the social services, the child can also be placed in a community upon decision of the Juvenile Court. In case a particular psychological or psychiatric pathology is detected, the minor may be placed in a special community providing medical, psychological and pedagogic treatment.

The children can also be placed in early reception centres which host them only in the short term, while waiting for the judge's final decision.

The stay of proceedings and the "testing procedure" are based on the interconnection of different roles, professional skills and functions, such as the services of the Juvenile Court, the local social services, the judge, the public prosecutor, the defence attorney, the family and the minor.

The "testing procedure" requires the involvement and active participation of the minor, who identifies, with the help of an adult, a non-institutional pathway to the settlement of the conflict engendered by the criminal act.

In this phase, it is very important to carefully assess the project, which must be adapted to the minor's personality, the type of crime, the extent of the harm caused to the victim, the resources and the degree of awareness of the minor himself/herself.

The essential aspect for the success of the process is that the minor must accept responsibility for his/her actions (even after the initial phase) and be able to understand the social and legal consequences of what he/she did. The trial is suspended by the judge who deems it necessary to evaluate the personality of the minor through this specific procedure.

The "testing procedure" must be characterized by full flexibility, given that changes may be necessary and that the length of this period may be varied; its revocation may instead be ordered due to repeated and serious transgressions to the given prescriptions.

At the end of this "testing period", a final evaluation is drafted, on the basis of which the judge decides whether to resume the trial or to declare the extinguishment of the offence. At times, the judge may also dismiss charges for the irrelevance of the fact.

Therefore, the fundamental objective is to set up a process focusing on the personality and on the educational needs of the minor.

The final evaluation may be positive even if the child or adolescent occasionally contravenes rules, but if the transgressions are serious and reiterated, the evaluation will be negative and the whole project may be suspended. The statistics show that this procedure is very likely to end positively, given that in 80% of cases the punishment is extinguished and that only in 12% of cases there is committal for trial or conviction.

The main elements to be taken into consideration in the evaluation are the development of the minor's personality and his/her behaviour. However, it is also necessary to take account of all the phases and moments of the "testing procedure", which are considered all equally important.

The project may last for 36 months at the most.

Several professional figures are involved, primarily the juvenile judge, who has considerable discretionary powers and who has to carefully evaluate the family, social and personal situation of the minor, in order to identify the most appropriate mechanisms and instruments to encourage socialization and maturation. At the end of the "testing procedure", based on the reports of the services carrying out the project and on the hearing of the minor, the judge assesses the formal results, i.e. observance of the project prescriptions, as well as the material and psychological elements concerning the minor's assumption of responsibilities and positive evolution of personality.

The public prosecutor plays a key role in the juvenile criminal proceeding, as he/she is appointed by the State to initiate criminal action and he/she monitors and cooperates in the attainment of the "peculiar" interest/duty of the State to reintegrate the minor.

The defence attorney must have specialist knowledge and skills, as he/she is not merely the opposer of the public prosecutor, but also the official and unofficial interlocutor of the minor and of all the other parties involved in the trial.

Other subjects involved in the process are the ministerial and the local social services. The services for minors of the Juvenile Courts are the direct addressees of the orders issued by the judge, whereas the local social services, with their expertise in the educational field, have to check the validity and adequacy of programmes. The social worker appointed by the juvenile judge must respect the guidelines of the Office of Social Services for Minors.

Art. 6 of the Decree no. 448/1988 assigns the services for minors of the Juvenile Courts the role of collaborators of the judge "at any stage and degree of the proceedings". Their task is to assist the work of the judicial authorities by providing treatment and support to the minor and by giving useful information on his/her personality and living conditions (art. 9 code of criminal procedure for minors).

The initiatives for the prevention of juvenile deviance and the prominence given to the goals of reintegration into society and of re-education vary according to the three levels of prevention:

- primary prevention, whose aim is to eliminate all the factors which can facilitate or cause criminal and anti-social behaviours, through educational, social and institutional initiatives (this kind of prevention is also labelled "social prevention");
- secondary prevention, whose goal is to identify in advance minors who are more likely to commit illegal acts; special projects are then promoted to reduce the risks that they become part of local illegal circles and have anti-social behaviours (there may also be individual prevention initiatives targeted at young children who are particularly aggressive with peers or adults);
- tertiary prevention, aimed at avoiding and at reducing the risk of recidivism.

The “Young Sex Offenders” Project

The “Young Sex Offenders” project originated from the third sector with the aim to define common prevention and intervention strategies. It was promoted in the framework of the EU programme “Hippocrates 2001” and it involved the representatives of the police forces, of the social services and of child helplines from Italy (such as “Telefono Azzurro”), Sweden, Bulgaria and Estonia. The specific goal of the project was to identify best practices for the prevention of sexual abuse by minors, with a twofold significance: on the one hand, to help the potential offender avoid falling into mental and social deviance, besides the inevitable legal punishment; on the other hand, to spare potential victims (often other children and adolescents) the trauma of abuse. The Italian child helpline “Telefono Azzurro” interprets deviant sexual behaviours by minors according to the psychopathology of development model, i.e. as an “externalized” disorder which must be analyzed with a multidimensional approach taking account of the intrinsic and extrinsic conditions of the abusing minor.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

- a. *the private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children? Please indicate which private sectors are concerned and explain how participation takes place. Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);*

In the tourism sector:

First of all, in relation to Travel industry, Italian Government provides a specific Article in the Penal Code that punishes all touristic initiatives directed to child exploitation (Article 600 *quinquies*).

In 2000 representatives of the major tourism associations approved a **Code of Conduct** whose purpose was to report the seriousness and large extent of this problem.

In particular, tour operators and travel agencies committed themselves to:

- Informing and updating tourism staff in Italy and destination countries on sexual exploitation of children
- Informing clients — in addition to what is being required by Law 269/1998 — of the commitment made by the tourism industry to the fight against the sexual exploitation of children in tourism by pointing out to them the adoption of the Code of Conduct
- Including in agreements with suppliers in destination countries clauses requesting that:
- Contacts between tourists and potential sexual exploiters of children and/or direct contacts between tourists and children whose purpose is sexual exploitation must not be facilitated in any manner whatsoever
- Whenever possible, no contact/meeting between tourists and exploiters and/or children for the purposes of sexual exploitation should take place in accommodations
- Including in contracts between tour operators and hotels that children are not allowed in bedrooms when the purpose of letting them in is sexual exploitation, stating that the agreement with the hotel will not be renewed if sexual exploitation has taken place in the hotel itself
- Including in each contract with foreign counterparts (suppliers, tour operators, hotels, etc.) an English translation of the Code of Conduct and its addendum

- Doing away with communication materials — either printed or on video or the Internet — which might refer or allude to behaviours that are not in line with ECPAT’s mission or the fundamental principles of the Code of Conduct
- Including in all forms of communication used to promote tourism products the following sentence: “our company has adopted the Code of Conduct against sexual exploitation of children in tourism”
- Informing industry staff of the Code of Conduct which will be included in existing collective and individual employment agreements
- Including the Code of Conduct in any new employment agreement.

As part of **international and decentralized cooperation initiatives**, the **Ministry of Foreign Affairs** has promoted some information initiatives on sex tourism both on its own and in conjunction with NGOs and local authorities. Awareness campaigns have been launched at regional level within the framework of decentralized cooperation projects. Among others, the work carried out in the Emilia-Romagna Region with the “Agenzia Amica” (Friendly Agency) project is worth highlighting. This initiative was launched under Regional Law No. 7 of 31 March 2003 on Regulations of Manufacturing, Organization and Sales Activities of Trips, Stays and Tourism Services. These are a series of rules governing regional travel and tourism agencies’ activities to ensure clients a high organizational and safety level of services and compliance with “ethical tourism”.

As far back as 2003, an awareness campaign on sexual abuse and exploitation of children and sex tourism was carried out in Tuscany. Young students from high schools were invited to send their drawings, three of which were selected and became, thanks to the sponsorship of the Regional Government of Tuscany, three posters distributed in schools, social centres, travel agencies and airports both in Italy and abroad.

In 2004, a wide network of associations and local authorities, including the Emilia-Romagna and Veneto Regional Governments, promoted an information and cooperation campaign, particularly with Brazil, called “STOP SEXUAL TOURISM”. The campaign aimed at promoting a “healthier”, more ethical and responsible local tourism, and carrying out aid projects in conjunction with local institutions.

In 2005 the Bilateral Italian Tourist Board and ECPAT, a non-governmental organization, signed the “**Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism**”. As well as sharing objectives and values at the basis of the fight against commercial sexual exploitation of children, adoption of the Code is an important commitment for tour operators, travel agents, airline companies and airports. This commitment was further strengthened by No. 38 of 6 February 2006 “Provisions Concerning the Fight Against the Sexual Exploitation of Children and Child Pornography Also Via Internet” that made permanent the obligation for tour operators organizing group or individual trips to foreign countries to clearly show in their advertising materials, programmes, travel documents for users, general catalogues and catalogues on individual destinations, that, under Italian law, offences related to child prostitution and pornography, even when committed abroad, are punishable.

The activities that have been carried out have brought the problem of the role of Italy in promoting sexual tourism to the attention of the general public. They have also led tour operators to pay greater attention to their business activities.

The most meaningful experiences that have had positive effects have included those managing to combine information in Italy and development and judicial cooperation with countries of destination of sexual tourists from Italy.

One example of this cooperation is the joint project between the Prime Minister’s Office, the Ministry of Foreign Affairs and UNICEF. The main focus of this project is prevention of sexual

exploitation and, in particular, sexual tourism involving children in those countries that are known as “sex destinations” such as Honduras.

In addition, there is the "**Code of ethical tourism certification**" that reflects the "Code of Conduct Italian tourist industry" and combines the most important brands of the tourism industry. On the basis of this code tour operators, travel agencies, airlines and airports undertake to adopt all necessary measures to combat the sexual exploitation of children in tourism both in Italy and in destination countries.

In 2010, on the occasion of the European Conference of Stakeholders of Tourism (Madrid 2010), the institutional campaign "**And if it was your child?**" was presented focusing on child sex tourism. The initiative, launched for the first time in December 2008, through the realisation of popular commercials on major television and radio channels and the inclusion of banners on the websites of major national newspapers, aimed to involve the largest Italian tourism enterprises, urging all operators to adhere to the Code of tourist behaviour "Certified Ethical Tourism - CTE".

As regards the issue of trafficking of children for the purpose of sexual exploitation, ECPAT realised the **Campaign ECPAT-Italy-Bodyshop “Their protection is in our hands”** (launched in 2009). It is an International campaign aimed at raising awareness and prevent trafficking of children for sexual exploitation.

b. the media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

As regards the media and Internet sector:

The financial Sector and the banking System are involved in the ongoing project set up with the National Center for fighting pedopornography through the internet. These two sectors will gather the information about all the credit card purchases of material concerning child exploitation and sexual abuse.

The self-regulation code “Internet and minors”

The regulation is an initiative which was launched by the Committee on the Internet and minors, together with the Technical Committee for the conscious use of the Internet (set up at the Office of the Prime Minister - Innovation and New Technologies Department, with the Decree of 12 July 2002). Through this code, which represents the main tool to protect children on the web, the sector is requested for the first time to elaborate and adopt some rules, whose respect will be monitored by a public body. Another important initiative is the **Charter of children’s rights on the web**, which was approved by the National Users Council of the Communications Regulatory Authority on 3 February 2004. The document, while reaffirming the fundamental rights established in the Constitution, such as the freedom of speech, equality and the right to health, underlines the potential contribution of a good, healthy activity on the web to the process of growth of children. Then, the Charter stresses that all the institutions, schools, families and subjects in charge of the protection of minors have to guarantee their safety by doing their best to fight against crimes committed on the web. The Ministry of the Interior also opened a website which informs minors of the risks and opportunities of the Internet and collects reports concerning websites containing child pornography material. The Code, which is based on the principle of co-regulation, represents a step forward because it implies the sharing of responsibilities through an agreement between the public and the private sectors; it is a sort of “regulated” self-regulation, whose rationale is simple but effective, given that it also introduces sanctions and “rewards” decided by the companies of the sector themselves. Each party has to play a specific role:

- the institutions establish a series of rules and political objectives;

- the companies and the parties involved elaborate in detail the instruments needed to achieve such objectives.

In this perspective, the institutions confine themselves to participating in the monitoring of the final outcome. Co-regulation is thus a more flexible, adaptable and effective instrument, especially with respect to the protection of minors. On the front of information, one of the main results of the activities of the Technical Committee has been the **User's handbook** on the conscious use of the Internet. The manual was elaborated by the Ministry for Innovation and New Technologies in collaboration with the heads of the informative systems of the Ministry of Economics and Finance and with the technical support of the experts of the company "CONSIP S.p.A". The aim of the document is to spread a set of guidelines on the conscious use of electronic communications, i.e. Internet, email, mailing lists, chats and forums; the term "conscious" here means that the user must be informed and well aware of the risks existing on the web.

The self-regulation code "TV and minors".

The public and private broadcasting corporations commit themselves to fully respect the existing regulations for the protection of minors through a self-regulation code. Based on this code, the televisions must promote the development of personality in children and restrain from sending messages which could hurt them, in line with the UN Convention on the rights of the child, which encourages the "development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being" (art. 17). The code thus aims to protect the rights and psychological and moral integrity of minors, in particular of the most vulnerable ones (aged 0-14). The television programmes of public and private networks are monitored by the Committee for the implementation of the self-regulation code "TV and minors", which was set up at the Ministry of Communications. In 2003-2004, the Committee examined 867 reports and opened proceedings in 236 cases. 85 TV programmes were sanctioned, of which 32 in 2003 and 53 in 2004. In general, the Committee sanctioned failures to respect the Code, its general principles and specific rules which could possibly hurt minors and their physical, psychological and moral growth.

In addition, to the resolutions concerning violations of the code, the Committee also drafted some specific recommendations on the following topics: the behaviour of participants in "reality shows"; the representation of the female body on TV; the obligation to inform in advance of the broadcasting of gruesome images on TV (which must in any case be justified); the need to give appropriate information to avert the abandonment of new-borns; restrictions to the promotion of X-rated movies; the promotion of erotic calendars to be avoided from 7 am to 10 pm.

In accordance with the provisions of the code, the Committee immediately sent all its resolutions concerning violations of the code, as well as reports of hard-core shows, to the Communications Regulatory Authority. However, the Committee itself highlighted that there is a "gap" between the two bodies with respect to the time they need to intervene. In order to ensure a more constant and rapid connection between the two institutions, a joint working group has been created with the aim to prepare priority procedures and to analyze relevant issues of common interest.

In 2004, the problem of the protection of minors on TV was addressed with the introduction of new, important provisions. The Law no. 112/2004 on the broadcasting system dedicates specific attention (in art. 10) to this topic and officially recognizes the role of the self-regulation code and of the Committee for its implementation. The Law also establishes that: 1) all the networks must respect the Code, regardless of whether they originally signed it or not; 2) the Communications Regulatory Authority must intervene to ensure respect of the Code provisions, even if they do not necessarily coincide with the laws in force; 3) the fines inflicted by the Authority for violations detrimental to minors are increased (art. 10 par. 6); 4) the resolutions of the Authority and of the Committee concerning violations of the code must be publicized also by the sanctioned network (in news bulletins at peak time).

The Code of conduct for the offer of additional services and the protection of minors.

On 16 February 2005, the mobile phone companies Tim, Tre, Vodafone and Wind signed the Code of conduct promoted by the Ministry of Communications: this is a self-regulation code on the right of information and freedom of speech, which guarantees the full protection of children.

- c. the financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75). May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).*

Article 17, of the law n. **269/98**, has established a **Government fund** for the prevention, assistance, and treatment programs for victims of child prostitution, child pornography, detention of pornographic material, sexual tourism directed to child exploitation. The fines imposed, the amount of money confiscated as well as the money deriving from the sale of confiscated properties pursuant to this law become part of a special fund (for the proportion of two-thirds for specific programs of prevention, care and recovery of children victims of sexual abuse and exploitation. The remaining part of the fund is aimed at the recovery of those responsible of the crimes of sexual abuse and exploitation. However, with the approval of law 328/2000 (that has set up a National Fund for Social Policy) these resources have become part of the National Fund for Social Policy which covers different social areas from the elderly to children.

Moreover, law 269/98 includes funding for innovative projects on child abuse. In general, the Regions and the local authorities elaborate long-term plans and follow a multidisciplinary approach involving a wide range of professions, institutions, NGOs and associations. The area plans involve the collaboration of the local health care authorities, municipalities, provinces, judicial authorities, regional education authorities, associations and cooperatives.

In addition, **law 287/97** has created a **fund** for projects aimed at children focusing on different areas, including on violence and sexual abuse.

Associations can also avail of funds provided by Regions and municipalities. Moreover the **Department for Equal Opportunities** has approved a call for tender for the distribution of grants to support pilot projects for the treatment of child victims of sexual abuse and exploitation.

At **local level**, a number of initiatives have been undertaken in the last years. One example is the long going collaboration of the Municipality of Florence with the private body Artemisia, with a long and consolidated experience in this specific issue. Services directed to children victims of sexual violence have been recently implemented. During 2012, in particular, two different interventions have been developed in cooperation with institutional and public bodies: a first project named AGAVE - Actions Against Violence - focused on the prevention of violence and sexual abuse and the project named ALISEI directed to the psychological support of victims of sexual abuse.

Question 12: Effectiveness of preventive measures and programmes

- a. Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out;*
- b. Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.*

The main tool to monitor actions for the prevention and fight against child abuse and sexual exploitation is the periodical Report to Parliament on the implementation of the Law no. 269/1998. As established in art. 17 of the Law, the Report is drafted by the Ministry chosen by the Prime Minister to coordinate and monitor the activities of the public administration. The "Istituto degli

Innocenti” of Florence participates in the collection of information and in the drafting of the Report by being involved in the following activities:

- collection of statistical data;
- survey on the initiatives carried out by Ministries, Coordination Committees, national bodies and NGOs;
- interviews with witnesses and experts;
- in-depth analysis of issues emerging over time;
- cultural focus on the role of the media in the spreading of information and raising of public awareness.

The theoretical foundations of the analysis are the principles laid down in the UN Convention on the Rights of the Child, which was ratified by Italy in 1991, and the public health approach recommended by the World Health Organization (which recognized child abuse as one of the most serious public health issues, given its short- and long-term effects at the psychological, emotional, relational and physical levels).

Also the periodical report to Parliament on state of implementation of law 285/97 includes a part about projects on child abuse.

Moreover, the Directorate General for the Enforcement of Judicial Provisions – Department of Juvenile Justice - performs a monitoring on a year basis: “Survey on minors victims of, and offenders charged with, sex crimes. Activities performed by Youth Social Services”.

Agreements, Memoranda of Understanding and Operational Protocols are often concluded between the Judicial Authority and the Offices of Youth Social Services of the Department of Juvenile Justice. Examples include the Memorandum of Understanding between the courts of Reggio Calabria district signed on 21 March 2013 with a view to agree upon operational, coordination and communication standards in proceedings regarding sexual abuses to the detriment of children, criminal proceedings regarding offences committed by juveniles and adults in complicità, civil proceedings in defence of children of persons under investigation / charged / convicted on charges set out under Art.51\ comma ter bis code of criminal procedure, civil proceedings regarding minors and families subjected to protection measures. http://www.giustizia.it/giustizia/it/mg_1_7_1.wp?facetNode_1=0_6&facetNode_3=0_6_0_9&facetNode_2=0_6_0&previousPage=mg_1_7&contentId=SCA968998

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

- a. *Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);*
- b. *Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.*

Professionals working with children (e.g. health professionals, social services, educational staff etc.) are bound to confidentiality in accordance with the specific provisions pertaining to their profession but this never applies to suspected criminal offences. On the contrary, in accordance with **Article 331 of the Criminal Procedure Code** public officials and other persons charged with a public service who, in the exercise of or because of their function or their service, become aware of criminal offences, have a duty to report their suspicion without delay to the public prosecutor or to the police. According to **Article 333 of the Code of Criminal Procedure**, “Any person who has

knowledge of a crime which may be prosecuted ex officio may report it". Therefore, any person is free to contact police or prosecutorial authorities, personally or in writing, if they have concrete suspicion of an offence concerning sexual exploitation or abuse of children. There are no other specific provisions encouraging such reporting.

In a symmetrical way, **Article 361 of the Criminal Code** makes it a crime for a public official to fail to report a crime which he learned of through his duties. Fines range from 30 to 516 EUR. Similarly, **Article 362 of the Criminal Code** makes it a crime for a person in charge of a public service to fail to report a crime which he learned of through his duties. Fine can be up to 103 EUR. The first offence is more serious and thus punished more severely.

Relevant texts:

Article 331 of the Code of Criminal Procedure

Report by public officials and persons in charge of a public service

1. Without prejudice to the provisions of Article 347, public officials and persons in charge of a public service who, when accomplishing, or as a result of, their functions or their duty, are informed of an offence which can be prosecuted ex officio, shall make a written report also when the alleged perpetrator is unknown.
2. The report shall be filed with, or sent, without delay to the public prosecutor or to a judicial police officer.
3. When several persons are under the obligation to make a report for the same fact, they can draw up and sign one single act.
4. If, during a civil or administrative proceeding, a fact comes out which can constitute an offence which can be prosecuted ex officio, the prosecuting authority draws up and send the report to the public prosecutor.

Article 361 of the Criminal Code

Failure on the part of a public officer to report an offence

- (1) A public officer (357) who omits or delays reporting to the judicial authorities or to other authorities who are obligated to report to the judicial authorities, an offence of which he has had notice in the exercise or by reason of his office (331 of the Code of Criminal Procedure; 221 of the coordinating provisions of the Code of Criminal Procedure) shall be punished by a fine of from 60,000 Liras to 1,000,000 Liras.
- (2) The punishment shall be imprisonment for up to one year if the offender is an officer or agent of the judicial police (57 of the Code of Criminal Procedure) who in any way had notice of an offence which he was required to report (347 of the Code of Criminal Procedure).
- (3) The preceding provisions shall not apply in the case of a crime punishable on complaint of the victim.

Article 362 of the Criminal Code

Failure on the part of a person charged with a public service to report an offence

- (1) A person charged with a public service (358) who omits or delays reporting to the authorities specified in the preceding Article an offence of which he has had notice in the exercise or by reason of his service (331 of the Code of Criminal Procedure; 221 of the coordinating provisions of the Code of Criminal Procedure) shall be punished by a fine of up to 200,000 Liras.

(2) Such provision shall not apply with respect to offences punishable on complaint of the victim, nor to persons in charge of therapeutic socio-rehabilitation communities with respect to offences perpetrated by drug-addicted persons committed thereto to carry out programs determined by a public service.

As regards **ex officio action, art. 609 septies of the Criminal Code** envisages some options that were extended under the effect of the enforcement of Law no. 38/2006.

In the following cases, it is possible to proceed ex officio:

- 1) when the sexual abuse crime was committed against a person who at the moment of the crime was not eighteen;
- 2) when the sexual abuse (simple or aggravated) and sexual acts on a minor are committed by the ascendant, a parent – even adoptive – or his/her partner in cohabitation, by the tutor or by another person to whom the minor is entrusted because of reasons of care, education, surveillance or custody or who has a relationship of cohabitation with him/her;¹
- 3) when the sexual abuse (simple or aggravated) and the sexual acts on a minor are committed by a public official or a person in charge of public service while exercising his/her functions;
- 4) when the sexual abuse (simple or aggravated) and the sexual acts on a minor are committed with another crime for which it is necessary to proceed ex officio;
- 5) when the sexual abuse (simple or aggravated) and the sexual acts on a minor are committed against a minor under ten.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92).

The toll-free emergency phone number for minors (114): Servizio pubblico 114 Emergenza Infanzia

The Ministry of Communications, in collaboration with the Ministry for Equal Opportunities and the Ministry of Labour and Social Policies, activated an emergency phone number where people can denounce violations to children's rights and cases of maltreatment: the emergency code 114. The service is managed by the not-for-profit organization "S.O.S. Il Telefono Azzurro" (Decree of 6 August 2003, "Identification of the subject in charge of managing the service related to the emergency phone number 114", published on the Official Journal no. 200 on 29 August 2003). In 2004, the 114 Service entered a new phase and was gradually activated and extended to the whole national territory. This service has become an integral part of the network of collaborations involving the social, public and private subjects which intervene in difficult situations on the basis of regional agreements with the local authorities and agencies and on the basis of agreement protocols signed with the competent Ministries and institutions.

In this regard, on 22 September 2004, the Ministry of the Interior and "S.O.S. Il Telefono Azzurro", in its capacity as manager of the 114 Service, signed the agreement protocol which defines the aspects of the collaboration for the treatment of emergency situations involving children and adolescents. In the framework of this agreement (art. 6), the Prefectures (local offices of the central Government) are called to promote, in collaboration with the 114 Service, the initiatives needed to mobilize the public and private subjects that can contribute to the elaboration of strategies: a) to build common intervention procedures; b) to circulate information; c) to monitor and evaluate the various forms of abuse; d) to spread a culture for the protection of children and adolescents based on the capability to perceive risk indicators and to effectively prevent violence. The 114 Service operates 24 hours a day for the entire year and it can be accessed freely, as the cost of the phone call

¹ as amended by Law no. 38/2006

is borne by the universal service. The operators provide psychological support and social counselling to anyone calling from Italy in emergency situations which can damage the psychological and physical development of children and adolescents. The operators must also give all the appropriate information and contacts of the local health care and social services and of the police forces (art. 2 Decree of 6 August 2003). The setting up of a national helpline was approved in consideration of the advantages it can give:

- it is a community service which provides support to persons who often did not receive help anywhere else;
- it makes it easier to talk about embarrassing issues or social taboos;
- it increases public and experts' awareness of the problem it deals with;
- it collects data which can be considered as indicators of the prevalence of the phenomenon.

The service intervenes in emergency cases involving children and adolescents, i.e. in the situations in which the psychological and physical health of a minor are at serious risk or in which the child or adolescent risks suffering a trauma. Such situations require not only an immediate response, but also, and most importantly, the immediate activation of the local services.

The cases dealt with by the 114 Service (together with other services) may involve: sexual abuse, physical abuse, emotional abuse, neglect (negligence, bad care, excessive care), escape from home, self-inflicted injury, attempted suicide, sexual exploitation (trafficking of minors, child prostitution, sex tourism, child pornography on the web), international abduction, juvenile deviance, unaccompanied foreign minors, exploitation of child labour, domestic violence, etc. When planning and carrying out the intervention, the operator must consider not only the variables characterizing the emergency, but also the consequences which the situation can have on the child or adolescent.

In fact, the experts of the 114 Service assess the emergency on the basis of three criteria:

- characteristics of the situation described by the caller;
- position of the minor (victim, direct or indirect witness, perpetrator);
- time constraints (circumstances of the troublesome situation).

The 114 Service pursues two immediate goals with its intervention:

- assessment of the risks and critical aspects of the situation described;
- provision of immediate psychological support in order to limit the destabilizing aspects which characterize the emergency.

In order to achieve these objectives, the working model is thus structured in three levels:

1. First level, the reception of the call;
2. Second level, Case management
3. Third level, Specialized counselling

The 1522 phone number providing support, protection and assistance to women victims of maltreatment and violence.

This service, which is managed entirely by specifically qualified women, operates 24 hours a day for the entire year and it can be accessed freely by all citizens (men and women) across the country from fixed or mobile telephone. The service also provides support to the children of women suffering domestic violence, since they are also considered victims of witnessing of intra-family violence. The 1522 Service is a specialized helpline (listening, analysis of the question, immediate indications and useful suggestions, legal information) which also provides information and guidance on the social and health care services, third sector organizations, police forces and anti-violence centres available in the area of reference.

The toll-free number against trafficking

The toll free number is a fundamental tool which enables all victims, adults and minors, to get in touch with someone who can help them. The service – which was officially launched at the end of July 2000 – is made up of one national centre (with about 20 operators available round the clock) and 14 local centres (with roughly 80/90 operators working in 6-hour shifts). The local centres of the toll-free number fall within the competence of the local bodies (mostly Provinces and Municipalities, except for two Regions: Emilia Romagna and Puglia), which avail themselves of the collaboration of not-for-profit organizations and of expert operators.

Helpline for missing children

The Minister of the Interior is the subscriber of the “116000 telephone helpline for missing children” provided for by the February 15, 2007 European Commission’s Decision. The national helpline for the Prevention of Child Abuse, “S.O.S. Telefono Azzurro”, manages this service, in accordance with the Memorandum of Understanding signed on May 25, 2009.

This telephone helpline, qualified as a service provided for public good, receives calls related to missing children from all over the Country – as well as calls coming from 116000 hotlines of the other European Countries –and forwards them according to the following intervention procedures:

- The emergency reports concerning cases of missing children occurred in provincial capital towns or municipalities where Police stations are located are forwarded to the Operational Centres of the “Questure” or directly to the Police stations. As to the other little towns and villages, the Carabinieri stations are involved.
- As to the non- urgent cases, calls are forwarded to the “Squadre Mobili” and/or to the Minors’ Units of the State Police.

The managing authority, as provided for by the Memorandum of Understanding, is entrusted with providing psychological support to the child or his/her family as well as with starting up the most adequate network of public or private services, also upon police operators’ request.

In order to facilitate the coordination with the managing authority, the “Questure” have identified one or more contacts for the activities connected to the “116000” service, and have communicated them to the Central Operational Service of the Central Anti-Crime Directorate.

Helpline on female genital mutilations

Furthermore, the Central Operational Service manage the telephone helpline (80030558) set up by January 9, 2006 Law 7, laying down “the measures to prevent, combat and suppress female genital mutilation practices”, in force since 2009. This telephone service “receives calls by citizens reporting cases of female genital mutilation which are practiced in Italy, according to Art. 583-bis of the Italian Criminal Code, and provides information on voluntary organizations...”

Finally, as regards the National Authority for Children and Adolescents the Law 112/2011 reinforced the need of measures that encourage the setting up of information services, as it provides that anyone “can report to the Authority, also through public free hot lines, violations or situations at risk of potential violations of minors’ rights. Measures and modalities to submit the reports as specified in Paragraph 1 are established by the Authority without prejudice to the competences of the local services and must ensure easy procedures to access the Office of the Authority, also through electronic communication tools.” The Authority has implemented its own system to receive reports on violation of child rights, including sexual abuse, through mail, emails and telephone. It is also working to implement its cooperation with existing hot lines and help lines.

Question 15: Assistance to victims

- a. Please indicate which types of assistance described in **Article 14** are provided to victims of sexual exploitation and sexual abuse of children. (**Explanatory Report paras. 93-100**) Please specify:
- how the assistance is adapted to the victims' age and maturity;
 - how due account is taken of the child's views, needs and concerns;
 - if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.
- b. Please specify if and to what extent internal law provides for the possibility of removing (**Article 14, para. 3, Explanatory Report, para. 99**):
- the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;
 - the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.
- c. If internal law does provide for this:
- are the conditions and duration of such removal to be determined in accordance with the best interests of the child?
 - are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (**Article 11, Explanatory Report, paras. 87-88**).
- d. Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (**Article 38, para. 2, Explanatory Report, paras. 258-259**).

As regards counselling services for the detection, diagnosis, evaluation and treatment of cases, this typology of services includes a variety of concrete initiatives: the creation of **specialist teams** of experts in maltreatment in the local services; the opening of **specialist centres**; the setting up of **coordination groups** for the diagnosis of situations of suspected sexual abuse. Depending on the cases, counselling may be given to the local social workers in charge of the case, or the case may be evaluated directly by the specialists, who may also deal with the minor and his/her family.

The facilities are managed either by the public services or by specialized third sector organizations. A critical element is the clinical aspect of the long-term intervention, i.e. the psychological and therapeutic treatment of the ill-treated or abused child and of the ill-treating, abusing families and individuals. Indeed, the quality of services is not up to requirements because of the lack of specialized personnel: this is mainly due to the fact that most of the economic and professional resources are invested for the detection and evaluation of cases of abuse and not for their treatment. Other services which provide protection also to minors are the **anti-violence centres for women victims of psychological, economic, physical and sexual maltreatment**. In particular, these centres also take measures to protect children who have witnessed violence and report also all forms of maltreatment and abuse suffered by the children of ill-treated women. The anti-violence centres were originally set up by voluntary women's organizations which developed professional skills and gradually got the recognition and support of the local authorities. *The work done by the anti-violence centres has made it possible to highlight the serious issue of children witnessing domestic violence.* The monitoring of this particular form of abuse has recently become a new research field and practices based on the coordination between centres for the protection of minors and anti-violence centres have been experimented to deal with it. This new kind of collaborative approach tries to overcome the old perception of a conflict between the protection of the child and the protection of the mother, who is still often perceived more as an incapable rather than as a traumatized individual (who suffered physical, psychological and often sexual abuse by her partner). The family shelters have experimented some specific psychological and educational

measures to help children who witnessed violence and to provide support to parents. Moreover, new forms of treatment have been launched, such as the psycho-educational groups for children who witnessed violence and the psycho-social groups for abused mothers whose children have witnessed violence or have suffered maltreatment or sexual abuse.

The so-called “**neutral places**” are another instrument to evaluate and deal with situations of risk or of actual violence against children. The “neutral places” were originally created to favour the adult-child relationship in the cases of contrast and separation. Today, they are being used also as a way to monitor how the situation evolves in the cases in which a child has been removed from the family because of intra-family violence. In these cases, the adult-child relationship is observed and evaluated in order to decide whether the child can be reunited with his/her parents or with the non-abusing adult, as well as in the judicial proceedings to investigate allegations of abuse. The main functions of the “neutral places” are:

- observation and evaluation of the relationship, as well as of parenting skills, in the diagnostic phase;
- support and assistance to the adult-child relationship;
- monitoring and protection of the minor;
- “protected” meeting between children and adults.

The “neutral places” have only recently been created in Italy and their organization is still being experimented and discussed.

The crucial problem is to define who should be guaranteed the “right to visit” in a protected meeting. This aspect is particularly relevant in the cases in which the Juvenile Court orders that meetings between adults and children should resume while criminal investigations and experts’ examinations are still under way. Indeed, in such a situation, the child may be threatened or blackmailed, thus adding to his/her confusion and sense of guilt following the abuse or his/her removal from the family nucleus. In the field of maltreatment and sexual abuse, the use of the “neutral place” is often requested by the judicial authorities or by the local social and health care services.

As regards **assistance to the victim during the criminal proceeding**, this is ensured by Youth Social Services that carry out one-to-one interviews, interviews with family members, action and coordination with local social services, local health care services, shelters and anti-abuse centers.

Assistance is adapted to the victim’s age thanks to assessments made by multi-discipline teams. Moreover, pursuant to Art.4, para. 1, of Law no. 172/12, psychological and emotional support to the child victim is ensured in any stage and instance of the proceeding, also by groups, foundations, associations and organisations highly skilled in the field of assistance and support to victims of offences contrary to the said article. These organisations shall be enrolled in a specific list of persons entitled to that purpose and who may intervene, subject to the child’s agreement, and be admitted by the prosecuting authority.

Due account of the child's views, needs and concerns is realised pursuant to Law 27 May 1991, no. 176 “Ratification and Enforcement of the Convention on the Rights of the Child, made in New York on 20 November 1989”.

Furthermore, action is taken by regions, local authorities and the third sector in order to provide the **necessary support for victims**, their close relatives and for any person responsible for their care. This has been established by Italian Internal law, specifically with the article 609 decies of the Penal Code.

Art. 604 of the criminal code as amended by Art.10 of Law no. 269/98 provide measures to ensure that **victims of an offence** established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence.

Law no. 149/2001 «Amendments to Law no. 184 of 4 May 1983, on «Regulation of the adoption and foster care of minors», as well as to title VIII of volume one of the Civil Code» which applied the right for each minor to live and grow in the family, as is recognized by CRC.

As to amendments to the Civil Code implemented by Law no. 149/2001, the regulation above envisaged a significant form of protection of the minor from harmful behaviours of the parent, establishing that the Juvenile Court, when adopting a decision of disqualification of the parental authority (art. 330 of the Italian Civil Code) or another appropriate decision (art. 333 of the Italian Civil Code), in the event there is “serious harm to the child”, can let not only the minor leave the family home, as was the original provision of the regulation, but also the violent parent or partner in cohabitation. In articles 330-333 of the Italian Civil Code the separation from the family home is a decision that is strictly ancillary to that regarding the disqualification or limitation of parental authority and, therefore, it always requires the taking of a main decision which affects it. Jurisprudence, however, appears to establish that art. 330 of the Italian Civil Code can be applied not only to abuse or maltreatment directly committed on the minor, but also to indirect ones, perpetrated against close relatives dear to him, such as seeing repeated physical aggressions to the mother by the father. In July 2007 Law no. 149/2001 came into force, relating to the obligation to appoint a defending attorney for parents and minors in adoptability proceedings and in proceedings for the limitation and loss of parental authority.

As to amendments made by Law no. 149/2001 to Law no. 184/1983, they add to the innovations made by Law no. 476/1998, Ratification of the Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption (Hague Convention, 1993), through which the legislator had already introduced significant new elements and innovations with respect to adoptions.

Moreover, **law no. 154/2001 “Measures for the protection against domestic violence”**, introduced in Italian law new and more effective instruments to protect the victims of intra-family violence and, first and foremost, the minor. Law no. 154/2001 envisages two kinds of symmetric measures in the civil and criminal fields: the order for protection against family abuse (articles 342-bis, 342-ter of the Italian Civil Code) and the **precautionary measure of the separation from the family home** (art. 282-bis of the Code of Criminal Procedure), that attempts to fill the gaps of traditional forms of protection. The main objective is to provide fast and timely protection, aimed at interrupting the “cycle of violence” with respect to the very facts, i.e. aimed at stopping the harmful behaviour. Another objective of these measures is to avoid second traumas; by offering instruments of protection they tend to prevent the victims from being subject to the additional trauma of leaving their homes.

In the field of the civil code, the measure of separation envisaged by art. 342 bis, gives the opportunity to protect minors from harmful behaviours held both by the parents and by other partners in cohabitation. In the event the harmful behaviour is that of one parent, the rule keeps however the door open towards reconstructing the recovering family relationships: these measures do not envisage a final break of the relationship with one’s parents or spouse, unlike the situation of adoption or divorce.

A necessary requirement for the decision to be issued is the existence of serious threat to physical or moral integrity or to the freedom of the person who is victim of the abuse as per art. 342-bis of the Italian Civil Code. Protection measures as per art. 342 bis of the Italian Civil Code can be applied only upon request from one party and not ex officio by the judge: in spite of this, there is no doubt that judges give a reason for the adoption of the decision of separation not only on the basis of the direct aggression to the adult, but also by referring to the indirect violence on children in seeing the aggressions, since minors must always be considered as harmed by events of aggression against one of the parents or of the people living under the same roof. Apart from the order to stop the harmful behaviour and to leave the family house, the content of the civil and criminal decision may include the order not to come near to places where the victim usually goes (workplace, domicile of the

original family, of other relatives or of other people) or near places of education of the children of the couple, unless the removed relative is obliged to go to the same places because of his work. The judge can also order that an allowance is periodically paid when the people living under the same roof remain without appropriate means because of the decision of separation. The civil protective measure can include the ancillary decision regarding the action of local social services or of a family mediation centre, as well as of the association whose statutory purpose is the support and hospitality of women and minors or other subjects who are victims of abuse and have been maltreated.

In criminal terms, the protection of the minor according to law no. 154/2001 gives **the opportunity to remove from the family home a family person who is violent against a minor** if the judge, upon request from the public prosecutor, adopts the relevant precautionary measure, as is envisaged by art. 282-bis of the Code of Civil Procedure. The reasons for the application of the criminal decision are present in serious evidence of guilt as per art. 273 of the Code of Criminal Procedure (so called *fumus commissi delicti*), in the existence of at least one of the precautionary needs indicated in art. 274 Code of Criminal Procedure (so called *pericula libertatis*) and in the existence of specific limitations of the sanction as per art. 280 clause 1 Code of Criminal Procedure (a violent relative can be separated only in the presence of crimes committed or attempted punished with a life sentence or imprisonment of generally more than three years) i.e. in the presence of some compulsory hypothesis of crime, such as infringement of the obligations of family support (art. 570 Criminal Code), abuse of means of punishment (art. 571 Criminal Code), child prostitution and child pornography (art. 600-bis clause 2 and 600-ter clause 4 Criminal Code), possession of pornographic material (art. 600-quater Criminal Code), sexual abuse (art. 609-bis clause 3 Criminal Code), sexual acts with a minor (art. 609-quater clause 3 Criminal Code), corruption of a minor (art. 609-quinquies Criminal Code), gang rape (art. 609-bis clause 3, as is mentioned by art. 609-octies Criminal Code).

Critical issues. In criminal terms, also a minor who is victim of witnessed violence could enjoy direct protection, as is the case of aggressions immediately made against him/her. However, it should be pointed out that the adoption of the precautionary measure of the removal from the family home appears linked to overcoming two issues: that of framing the witnessed violence into one of the crimes envisaged by the Criminal Code (such as for example private violence as per art. 610 Criminal Code or family maltreatment or maltreatment against children as per art. 572 Criminal Code) and that of the problems in terms of evidence that public prosecution will necessarily face when substantiating episodes of witnessed violence.

Relevant texts:

Article 282-bis of the Code of Criminal Procedure

Removal from the family home.

1. By an order for removal from the family home the judge requires the defendant to leave the family home immediately, or not to return there, and not to enter it without the permission of the judge in charge of the case. The permission, if any, may establish particular modalities of access.

2. Moreover, should needs to protect the life of the victim or his/her close relatives exist, the judge may require the defendant not to come close to specified places usually attended by the victim, in particular his/her workplace, the place of residence of the family of origin or of close relatives, unless the contact is necessary for work-related reasons. In this case the judge shall stipulate the modalities and may impose restrictions.

3. At the request of the public prosecutor, the judge may also impose periodic maintenance payments in favour of the cohabitants who, due to the precautionary measure applied, find themselves without adequate financial means. The judge shall set the amount of the payment, taking account of the circumstances and the income of the debtor and shall determine the modalities and terms of payment. In addition, the judge may order, where required, that the payment be made directly to the beneficiary by the debtor's employer, by deducting the amount from the debtor's pay. The maintenance payment order shall constitute an enforcement order.

4. The measures provided for by paras. 2 and 3 may also be taken after the order under para. 1 has been issued, provided that it has not been revoked or, in any case, is no longer effective. The said measures, even if they have been taken subsequently, are no longer effective if the order under para. 1 is revoked or is no longer effective. Moreover, the order under para. 3, where it is in favour of the spouse or of the children, becomes no longer enforceable when an order as specified by Article 708 of the Code of Civil Procedure or another order by a civil judge concerning the financial and property relationship between the spouses or the children's maintenance has been issued.

5. The order under para. 3 can be varied if the situation of the maintenance debtor or that of the beneficiary changes, and it shall be revoked when cohabitation is resumed.

6. Where proceedings have been instituted for one of the offences provided for by Articles 570, 571, 582, only with regard to the cases which may be prosecuted *ex officio* or, in any case, have been perpetrated in aggravating circumstances, and by Articles 600, 600-bis, 600-ter, 600-quater, 600-septies 1, 600-septies 2, 601, 602, 609-bis, 609-ter, 609-quater, 609-quinquies and 609-octies and 612, para. 2, of the Criminal Code, and the offence has been committed against close relatives or the cohabitant, the measure may also be imposed beyond the limits of punishment laid down by Article 280, even with the surveillance measures prescribed by Article 275-bis.

Concerning, the National Authority for Children and Adolescents, it signed an agreement with the Department of Public Police that provides, among other measures, that implementation of in/formative sessions with the Police officials focused on the national and international legislation on child protection, with special attention to the new measures introduced as well as trainings on how to deal with offended children (victims and witnesses of violence and abuse).

Furthermore, the Authority is working, together with other stakeholders, on the issue of double victimization of the children and on the possibility of having them heard just once for the violence received or witnessed by the competent authorities.

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

- a. *Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;*

Sexual Abuse (Article 18)

1. *Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;*

2. *Engaging in sexual activities with a child where*

- *use is made of coercion, force or threats;*

- *abuse is made of a recognised position of trust, authority or influence over the child, including within the family;*

- abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;
2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;
3. Having recourse to child prostitution.

Child Pornography (Article 20)

1. Producing child pornography;
2. Offering or making available child pornography;
3. Distributing or transmitting child pornography;
4. Procuring child pornography for oneself or for another person;
5. Possessing child pornography;
6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Participation of a Child in Pornographic Performances (Article 21)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

Corruption of Children (Article 22)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Solicitation of Children for Sexual Purposes (“grooming”) (Article 23)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Aiding or abetting and attempt (Article 24)

1. Intentionally aiding or abetting the commission of any of the above offences.
2. The attempt to commit any of the above offences.

a. Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

All the conducts indicated in the box are considered criminal offences in internal law.

<p>CETS 201 – Protection of Children against Sexual Exploitation and Sexual Abuse Lanzarote, 25.X.2007</p>	<p>Internal law</p>
<p>Article 18 – Sexual Abuse</p>	<p>Sexual abuse is regulated by article 609 bis of the Italian Criminal Code and it is committed by “Anybody who, by means of violence or threat or</p>

<p>1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;</p> <p>2. Engaging in sexual activities with a child where: – use is made of coercion, force or threats; or</p> <p>– abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or</p>	<p>because of abuse of authority, obliges somebody to do or be subject to sexual acts”. The crime of “severe sexual abuse” occurs in the case sexual abuse is committed:</p> <p><i>Article 609bis of the Criminal Code: Sexual violence;</i> <i>Article 609ter of the Criminal Code: Aggravating circumstances;</i> <i>Article 609quater of the Criminal Code: Sexual acts with children</i></p> <p>1. Article 609quater of the Criminal Code, paragraphs 1 and 5, Para. 1 - The penalty set forth in Article 609 bis, except for the cases envisaged by the said article, shall be imposed on whomever perpetrates sexual acts with a person who, at the time of the acts: 1) is under fourteen; 2) is under sixteen, when the offender is the ascendant, parent, including a foster parent, or his/her live-in partner, the guardian, or other person entrusted with the child’s care, education, instruction, supervision or custody or with whom the child lives. Para. 5 - The sentence as per Article 609 ter, paragraph 2, shall apply when the victim is under ten.</p> <p>2. Article 609bis of the Criminal Code, paragraph 1 Para. 1 - Any person who, by violence or threat, or by abuse of authority, forces a person to perform or suffer sexual acts shall be punished by imprisonment from five to ten years.</p> <p>- Article 609ter of the Criminal Code, paragraph 1, no. 1; paragraph 2 Para. 1 - The sentence of imprisonment shall be from six to twelve years if the acts provided for in Article 609 bis have been committed: 1) against a person under fourteen; Para. 2 - The sentence shall be a term of imprisonment from seven to fourteen years if the act is committed against a person under ten.</p> <p>- Article 609quater of the Criminal Code, paragraph 1, no. 2, and paragraph 2 Para. 1 - The penalty set forth in Article 609 bis, except for the cases envisaged by the said article, shall be imposed on whomever perpetrates sexual acts with a person who, at the time of the acts: 2) is under sixteen, when the offender is the ascendant, parent, including a foster parent, or</p>
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<p>– abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.</p>	<p>his/her live-in partner, the guardian, or other person entrusted with the child’s care, education, instruction, vigilance or custody or with whom the child lives.</p> <p>Para. 2 - Except for the cases envisaged by Article 609 bis, the ascendant, parent, including a foster parent or his/her live-in partner, or guardian who, by abusing the powers connected to his/her position, performs sexual acts with a child who has reached the age of 16, shall be punished by imprisonment from three to six years.</p> <p>- Article 609ter of the Criminal Code, paragraph 1, no. 5</p> <p>Para. 1 - The sentence of imprisonment shall be from six to twelve years if the acts provided for in Article 609 bis have been committed:</p> <p>5) against a person under sixteen in respect of whom the author of the crime is the ascendant, parent or a foster parent, the guardian.</p> <p>- Article 609bis of the Criminal Code, paragraph 2, no. 1</p> <p>2 – The same penalty shall be imposed on any person who induces a person to perform or suffer sexual acts:</p> <p>1. abusing the victim’s condition of mental or physical deficiency at the time of the act.</p> <p>Two other articles qualify the legislation that prosecute sexual acts against minors:</p> <p>- Art. 609 <i>quinquies</i> c.p. (corruption of a minor), this law punishes anyone who performs sexual acts in the presence of a person under 14 years of age, with the purpose of making him/her witness the act, the sentence is from six months to three years’ imprisonment.</p> <p>- Art. 609 <i>octies</i> c.p. (group sexual violence) prosecutes the participation, by one or more persons reunited, in acts of sexual violence as in article 609 bis.</p>
<p><i>Article 19 – Child Prostitution</i></p> <p>1. Recruiting a child into prostitution or causing a child to participate in prostitution;</p>	<p><i>Article 600bis of the Criminal Code Prostitution of minors</i></p> <p><i>Article 600quinquies of the Criminal Code Tourism initiatives aimed at exploiting the prostitution of minors</i></p> <p>- Article 600bis of the Criminal Code, paragraph 1 no. 1</p> <p>Para. 1 – Imprisonment from six to twelve years and a fine from 15,000 to 150,000 Euros shall be imposed on whoever:</p> <p>1) recruits or induces a person who is under the</p>

<p>2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;</p> <p>3. Having recourse to child prostitution.</p>	<p>age of eighteen to engage in prostitution;</p> <p>- Article 600bis of the Criminal Code, paragraph 1 no. 2, paragraph 2 Para. 1 - Imprisonment from six to twelve years and a fine from 15,000 to 150,000 Euros shall be imposed on whoever: 2) aids and abets, exploits, manages, organises or controls the prostitution of a person under the age of eighteen or obtains a profit therefrom. Para. 2 - Unless the act amounts to a more serious offence, whoever engages in sexual acts with an individual aged fourteen to eighteen, in exchange for money or other remuneration, including the mere promise thereof, shall be punished by imprisonment from one to six years and a fine from 1,500 to 6,000 Euros.</p> <p>- See Article 600bis of the Criminal Code, paragraph 1 no. 2, paragraph 2</p> <p>- Article 600quinquies of the Criminal Code Any person who organises or advertises trips aimed at engaging in child prostitution activities, or in any case including such activities, shall be punished by imprisonment from six to twelve years and a fine from 15,493 to 154,937 Euros.</p>
<p><i>Article 20 – Child pornography</i></p> <p>1. Producing child pornography;</p> <p>2. Offering or making available child pornography;</p> <p>3. Distributing or transmitting child pornography;</p> <p>4. Procuring child pornography for oneself or for another person;</p>	<p><i>Art. 414bis c.p. Incitement to paedophilia and child pornography;</i> <i>Article 600ter of the Criminal Code Child pornography;</i> <i>Article 600quater of the Criminal Code Possession of pornographic material;</i> <i>Article 600quater1 of the Criminal Code Virtual pornography;</i> <i>Law 6 February 2006, no. 38, "Provisions to counter the sexual exploitation of children and child pornography, including child pornography through the Internet", Chapter II</i></p> <p>- Article 600ter of the Criminal Code Imprisonment from six to twelve years and a fine from 24,000 to 240,000 Euros shall be imposed on whoever: 1) availing himself of minors under eighteen, organises pornographic exhibits or performances or produces pornographic material; 2) recruits or induces minors under eighteen to participate in pornographic exhibits or</p>

	<p>performances or in any case obtains a profit from said performances.</p> <p>The same punishment shall be inflicted on those who trade in pornographic material, as mentioned under paragraph one.</p> <p>Whoever, apart from the cases specified under the first and second paragraphs, by any mean, also through information and communication technologies, distributes, spreads, circulates or publicises pornography as per paragraph one, i.e. distributes or spreads news or pieces of information aimed at soliciting or sexually exploiting minors under the age of eighteen, shall be punished by a term of imprisonment from one to five years and the payment of a fine from 2,582 to 51,645 Euros.</p> <p>Whoever, apart from the cases specified under paragraphs one, two and three, offers or gives to others, also for free, pornographic material as specified under paragraph one, shall be punished by imprisonment up to three years and the payment of a fine from 1,549 up to 5,164 Euros.</p> <p>In the cases specified under paragraphs three and four, the punishment shall be increased to an extent not exceeding two thirds, in the case in which the material is of a large quantity.</p> <p>Unless the act amounts to a more serious offence, whoever is present at pornographic exhibits or performances involving minors under eighteen shall be punished by imprisonment up to three years and by a fine from 1,500 to 6,000 Euros.</p> <p>For the purposes of this Article, child pornography means any representation, by any means, of a minor under eighteen involved in explicit sexual activities, either real or simulated, or any representation of the sexual organs of a minor under eighteen for sexual purposes.</p> <p>- Article 414 bis of the Criminal Code Whoever publicly incites another person to commit one or several offences shall be punished, for incitement only:</p> <ol style="list-style-type: none">1) With a term of imprisonment from one to five years in case of incitement to commit offences;2) With a term of imprisonment up to one year, or with a fine up to 206 Euros in case of incitement to commit contraventions. <p>In case of incitement to commit one or several offences and one or several contraventions, the penalty established under n. 1 shall apply. The penalty under n. 1 shall apply also to those who publicly defend one or several offences.</p>
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<p>5. Possessing child pornography;</p> <p>6. Knowingly obtaining access, through information and communication technologies, to child pornography.</p>	<p>Except the cases under Article 302, if incitement or defence under the previous paragraphs concerns terrorist offences or crimes against humanity the penalty shall be increased by the half.</p> <p>- Article 600quater of the Criminal Code Whoever, in cases other than those set forth in Article 600 ter, intentionally obtains or possesses pornographic material made by using children under the age of eighteen, shall be imprisoned for up to three years and fined not less than 1,549 Euros. The sentence shall be increased by up to two thirds if the material in the individual's possession is of a large quantity.</p> <p>- Article 600quater1 of the Criminal Code The provisions laid down in Articles 600-ter and 600-quater shall also apply when the pornographic material consists in virtual images obtained by using pictures of minors under the age of eighteen or parts thereof, however the penalty shall be decreased by a third. Virtual images cover images obtained through graphic techniques that are not associated, in whole or in part, with real situations, and the quality of their representation makes non-real situations appear as real ones.</p> <p>- Law of 6 February 2006, no. 38, Chapter II "Provisions against child pornography through the Internet"</p>
<p><i>Article 21 – Participation of a child in pornographic performances</i></p> <p>1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances;</p> <p>2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes;</p> <p>3. Knowingly attending pornographic performances involving the participation of children.</p>	<p>Article 600ter c.p. Child pornography</p> <p>- Article 600ter of the Criminal Code, paragraph 1, no. 2 Imprisonment from six to twelve years and a fine from 24,000 to 240,000 Euros shall be imposed on whoever: 2) recruits or induces minors under eighteen to participate in pornographic exhibits or performances or in any case obtains a profit from said performances.</p> <p>- Article 600ter of the Criminal Code, paragraph 6 Unless the act amounts to a more serious</p>

	<p>offence, whoever is present at pornographic exhibits or performances involving minors under eighteen shall be punished by imprisonment up to three years and by a fine from 1,500 to 6,000 Euros.</p>
<p><i>Article 22 – Corruption of children</i></p> <p>The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.</p>	<p><i>Article 609quinquies of the Criminal Code Corruption of minors</i></p> <p>- Article 609quinquies of the Criminal Code Whoever performs sexual acts in the presence of a minor under the age of fourteen, with the aim of making the minor assist to them, shall be punished by imprisonment from one to five years. Unless the fact amounts to a more serious offence, the same penalty set forth in the first paragraph shall apply to any person who makes a minor under the age of fourteen witness sexual activities or shows the minor pornographic material to induce him or her to perform or suffer sexual acts. The penalty shall be increased by up to a half when the offender is the ascendant, parent, including foster parent, or his/her live-in partner, the guardian, or other person entrusted with the child’s care, education, instruction, supervision or custody or with whom the child lives.</p>
<p><i>Article 23 – Solicitation of children for sexual purposes (“grooming”)</i></p> <p>The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.</p>	<p><i>Article 609undecies of the Criminal Code Solicitation of minors</i></p> <p>- Article 609undecies of the Criminal Code Whoever, for the purposes of committing the offences set forth in Articles 600, 600-bis, 600-ter and 600-quater, even if related to the pornographic material as per Articles 600-quater.1, 600-quinquies, 609-bis, 609-quater, 609-quinquies and 609-octies, solicits a minor under sixteen years of age shall be punished, unless the act amounts to a more serious offence, by imprisonment from one to three years. Solicitation shall mean any act intended to gain a minor’s trust through artifices, flattery or threats, also by using the Internet or other networks or means of communication».</p>
<p><i>Article 24 – Aiding or abetting and attempt</i></p> <p>1. Intentionally aiding or abetting the commission of</p>	<p>Article 110 Criminal Code Punishment for those who participate in an offence</p>

<p>any of the above offences.</p> <p>2. The attempt to commit any of the above offences.</p>	<p>When more than one person participates in the same offence, each shall be subject to the Penalty prescribed for such offence, except as provided in the following articles.</p> <p>Article 56 Criminal Code Attempted crime</p> <p>(1) Anyone who does acts aptly directed in an unequivocal manner towards the commission of a crime shall be liable for an attempted crime if the action is not completed or the event does not take place.</p> <p>(2) A person guilty of an attempted crime shall be punished (with imprisonment for from twenty-four to thirty years, if the law prescribes the punishment of death for the crime); with imprisonment for not less than twelve years, if the punishment prescribed is life imprisonment; and, in other cases, with the punishment prescribed for the crime, reduced by from one-third to two-thirds.</p> <p>(3) If the offender voluntarily desists from action, he shall be subject to punishment only for the acts completed, where these constitute in themselves a different offence.</p> <p>(4) If he voluntarily prevents the event, he shall be subject to the punishment prescribed for the attempted crime, reduced by from one-third to one-half.</p>
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As regards the crimes relating to child pornography, another significant innovation introduced by law 38/2006 is the elimination of the alternative between incarceration and fines, both for the crime of child prostitution, and for the crimes of transfer, offer and possession of child pornographic material.

As to ancillary punishments against the authors of such crimes, **art. 609 nonies of the Criminal Code** envisages the loss of the parental authority when the quality of being parent is an element in the crime or an aggravating circumstance of the crime; the perpetual disqualification from any office regarding protection and guardianship, the loss of the right to alimony and the exclusion from the succession of the offended person. In addition, the victim's parent, though he/she did not materially committed the behaviour envisaged by the rule, can be liable for the crime perpetrated against minor children if he/she is aware of the criminal behaviour of abuse by third parties against them. As a matter of fact, under art. 40 paragraph Criminal Code (according to which "not preventing an event for which one is obliged to prevention is equal to causing it) and art. 147 of the Italian Civil Code (which envisages the parents' obligation to maintain, educate and instruct children), the parent who did not commit the abuse can be charged with being liable of for concurrence by omission in the same crime committed by others, since he/she is given, under art. 147 of the Italian Civil Code, a position of guarantee, based on which he/she has the obligation to intervene in order to prevent the occurrence of detrimental events against the children.

The new Law no. 38/2006 also introduced another provision, to reduce as much as possible the risk of repetition: that of the perpetual disqualification from any office in all types of schools, as well as from any office or service in institutions or other organizations mainly attended by minors.

Still from the viewpoint of procedure, another significant provision is included in article no. 11 of Law no. 38, regarding the application of the sentence upon request from the parties (art. 444 of the

Code of Criminal Procedure): the opportunity for the offender to “**find an agreement**” is cancelled for the following cases:

- Use of minors under 18 to make pornographic exhibitions or produce pornographic materials;
- Instigation of a minor under eighteen to take part in pornographic exhibitions;
- Trade of pornographic material made utilizing minors under 18;
- Distribution, dissemination, spreading or advertising the material above or information aimed at sexual soliciting or sexual exploitation of minors under 18;
- Possession of large quantities of the material above;
- Production or trading in “virtual” pornographic material.

To fully understand the significance of this choice, it is necessary to mention that in the code of criminal procedure the exclusion of plea bargaining only occurs for crimes such as criminal conspiracy, criminal association with mafia objectives, slavery, trafficking of people, kidnapping or crimes for terrorist purposes.

It should finally be noted that Italian law envisages **mandatory arrest in the act** of committing the crime in the following cases:

- instigation to prostitution of a person under eighteen or assisting or exploiting prostitution of a person under eighteen,
- use of minors under eighteen to make pornographic exhibitions or produce pornographic material or induce minors under eighteen to take part in pornographic exhibitions (law 38 extended this provision also to the case of the production of virtual child pornography);
- organization or advertising travel aimed at making use of prostitution to the detriment of minors or which includes such activity.

The Law no. 38/2006 also introduced optional arrest in the act of committing a crime in the cases of offer, sale or possession of pornographic material featuring minors, also in the event of virtual child pornographic material.

In all these cases, it is however mandatory for the public attorney (Procuratore della Repubblica) to give information to the Juvenile Court for the immediate beginning of procedures for the protection of the minors concerned. Support from social services is always guaranteed for minors, and the court must make use of them (art. 609 decies of Criminal Code).

b. Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

There are no particular differences.

However, in order to protect the child victim, Law 1 October 2012, n. 172 has modified Art. 609 sexies of the Criminal Code, providing for the expansion of the range of offenses against minors with respect to which it can no longer claim to be unaware of the minor age, thanks to the principle of “*non excusability*” about ignorance of the age of the offended person, whose limit has been raised to 18 years.

c. Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

Incitement to paedophilia and pedopornography as provided for by Art.414 bis of the criminal code and as amended by Art.4 para. 1, letter b) of Law 172/12.

Moreover, in the Criminal Code, Art. 734 *bis* (“*Disclosure of generalities or images of a person offended by acts of sexual abuse*”) has been modified by the Law 3 august 1998, n. 269 in order to protect also the generalities (name, date of birth etc.) and the image of the child victim of sexual abuse.

d. Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Yes, in our legal system the fact that the age of a child victim of sexual abuse is less than ten years is considered as an aggravating circumstance.

For this reason:

- the penalty is increased, as stipulated by Articles 609 *ter* and 609 *quater* of the Criminal Code;
- the offence is prosecuted *ex officio*, as stipulated by Art. 609 *septies*, c. 4 of the Criminal Code.

Moreover, in our Criminal Code there are other cases in which the age of the child plays a role in determining the gravity of the offences:

- Art. 600 *bis*, c.2;
- Art. 609 *ter*, c.1 n.1, 5;
- Art. 609 *quater*, c.1, c.3.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

The Italian law provides for the punishment of legal persons in relation to offenses of sexual exploitation of minors (Law 38/2006).

Moreover, Art. 25 *quinquies* of Legislative Decree (D.lgs.) 8 june 2001, n. 231 on liability *ex crimine* of legal persons stipulates that a legal person may be held liable for offences about child prostitution and child pornography.

CETS 201 – Protection of Children against Sexual Exploitation and Sexual Abuse Lanzarote, 25.X.2007	Internal law
<p><i>Article 26 – Corporate liability</i></p> <p>Each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable for an offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:</p> <ul style="list-style-type: none"> a) power of representation of the legal person; b) an authority to take decisions on behalf of the legal person; c) an authority to exercise control within the legal person. 	<p>Legislative Decree 231/2001, Article 25 <i>quinquies</i> (Offences against individual personality)</p> <p>1. In relation to the commission of the offences set out in Section I, Chapter III, Title XII, Book II of the Criminal Code the following pecuniary sanctions shall be imposed on corporate entities:</p> <ul style="list-style-type: none"> a) a pecuniary sanction from four hundred to a thousand quotas for the offences as per Articles 600, 601 and 602; b) a pecuniary sanction from three hundred to eight hundred quotas for the offences as per Articles 600-<i>bis</i>, paragraph one, 600-<i>ter</i>, paragraphs one and two and

<p>2. Apart from the cases already provided for in paragraph 1, each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of an offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority.</p> <p>3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.</p> <p>4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence.</p>	<p>600-quinquies; c) a pecuniary sanction from two hundred to seven hundred quotas for the offences as per Articles 600-bis, paragraph two, 600-ter, paragraphs three and four and 600-quater. 2. In case of conviction for one of the offences set out in paragraph 1, letters a) and b), the disqualification sanctions under Article 9, paragraph 2 shall apply for at least one year. 3. If a corporate entity or one of its organisational units is constantly used to the sole or main purpose of allowing for, or facilitating, the commission of the offences laid down in paragraph 1, the definitive disqualification from carrying on the relevant business activity shall apply in compliance with Article 16, paragraph 3.</p>
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Question 18: Sanctions and measures

- a. *Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);*

Sanctions are indicated in the Penal Code for the following crimes:

- **child prostitution (Art. 600-bis.cp):** imprisonment from six to twelve years and a fine ranging from € 15,000 to € 150,000. Moreover, the person who engages in sexual activities with a child between the ages of fourteen and eighteen years, in exchange for money or other benefit, even if only promised, shall be punished with the imprisonment from one to six years and a fine ranging from EUR 1,500 to € 6,000.

- **child pornography (Art. 600-ter. Cp):** imprisonment from six to twelve years and a fine ranging from € 24,000 to € 240,000. The same sanction is given to the person who makes trading of pornographic material.

Anyone who distributes, disseminates or publicizes with any means pornographic material or information aimed at soliciting or sexual exploitation of minors, shall be punished with imprisonment from one to five years and a fine ranging from EUR 2,582 to EUR 51,645.

Anyone who offers or gives to others, even free of charge, pornographic material is punishable with imprisonment up to three years and a fine ranging from EUR 1,549 to EUR 5,164. In cases where the material is of large amount the penalty shall be increased by not more than two-thirds.

Anyone who assists to pornographic performances or exhibitions in which minors under the age of eighteen are involved shall be punished with imprisonment up to three years and a fine ranging from EUR 1,500 to EUR 6,000.

- Possession of pornographic material. (Art. 600-quater.)

Whoever knowingly possesses pornographic material made using children under the age of eighteen, shall be punished with imprisonment up to three years and a fine of not less than EUR 1,549. The sanction is increased by not more than two-thirds if the material is held in large quantities.

- Virtual pornography. (Art. 600-quater.1.)

The provisions of Articles 600-ter and 600-quater apply even when the pornographic material is made of virtual images using images of minors under eighteen or parts of them, but the sanction is reduced by one third.

- Confiscation (Art. 600-septies.)

In the event of conviction, or application of the penalty at the request of the parties in accordance with Article 444 of the Criminal Procedure Code, for the crimes referred to in this section as well as in Articles 609- bis, when the crime is committed against a child under eighteen years of age or the offense is aggravated by the circumstances referred to in Article 609- ter, first paragraph, number 1), 5) and 5 -bis), 609- c, 609- d, 609- g, when the fact is committed against a child under eighteen years of age or the offense is aggravated by the circumstances referred to in Article 609- ter, first paragraph, number 1), 5) and 5 -bis), and 609- j, it is always ordered, without no prejudice to the rights of the injured person to the refunds and compensation for damages, confiscation of assets that make up the product, the profit or the price of the offense. Where it is not possible, the judge declares the confiscation of properties of equivalent value to those which constitute the product, the profit or the price of the offense and the offender has, directly or indirectly, or through third parties, the availability . It applies the third paragraph of Article 322 -ter.

- Mitigating circumstance. (Art. 600-septies.1.)

The sanction for offenses under this section is reduced by a third to half for the perpetrator who seeks to prevent the criminal activity resulting in further consequences, by concretely helping the police or judiciary authority in the collection of conclusive evidence for the identification of the other perpetrators.

Additional sanctions (art. 600-septies.2):

- loss of parental rights when being a parent represents as an aggravating circumstance of the offense;
- Permanent exclusion from any office relating to the protection, guardianship or administration support;
- Loss of the right to food and exclusion from the succession of the offended person
- Permanent interdiction, in the case of life imprisonment or imprisonment for a period not less than 5 years (pursuant to art. 29 of the Criminal Code) ;
- Interdiction for 5 years, in case of conviction to imprisonment for 3 to 5 years;
- Temporary disqualification - residual compared to the other two cases – in cases of conviction to imprisonment for a period less than 3 years.
- Permanent exclusion from any office in the schools of all levels, as well as any office or service in institutions or structures traditionally used by minors.
- Closing of premises used for the carrying out of offenses and revocation of the operating license or authorization for radio and television broadcasters.

Ignorance of the age of the victim. (Art. 602-c.)

When the offenses regulated in this section are committed against a minor under the age of eighteen years, the perpetrator cannot invoke the justification of the ignorance of the age of the offended person, except in case of unavoidable ignorance.

Offense committed abroad (Article 604)

The provisions of this section shall also apply when the offense is committed abroad by an Italian citizen, or against an Italian citizen, or by a foreigner together with an Italian citizen.

Section II Offences against personal liberty

Article 609 ter for sexual violence referred to Art 609-bis.cp

The penalty shall be imprisonment from six to twelve years if the acts referred to in Article 609-bis are committed:

- 1) against a person who has not reached the age of fourteen;
 - 5) against a person who has not reached the age of sixteen who the perpetrator is the ascendant, the natural or adoptive parent or a legal guardian.
 - 5a) within or in close proximity to educational or training attended by the victim. (1)
- The penalty is imprisonment from seven to fourteen years if the offense is committed against a person who has not reached the age of ten.

Art. 609-quater.

Sexual acts with a minor

Furthermore, shall be punished with imprisonment from five to ten years anyone outside of the cases provided for in that Article, engaging in sexual activity with a person who, at the time of the act:

- 1) has not reached the age of fourteen;
- 2) has not reached the age of sixteen, when the perpetrator is the ascendant, parent, adoptive, or his partner, guardian, or other person which, for reasons of care, education, supervisory or custody, the child has been entrusted or who has, with the latter, a relationship of cohabitation.

The ascendant, parent, adoptive parent, or his partner, guardian, or other person which, for reasons of care, education, instruction, supervision or custody of the minor is entrusted with or has with the latter a relationship of cohabitation, which, with the abuse of the powers associated with its location, engages in sexual activity with a minor person who has reached the age of sixteen, shall be punished with imprisonment from three to six years.

It is not capable to be punished the minor which, outside the cases provided for in Article 609- bis, engages in sexual activity with a minor who has reached the age of thirteen , if the age difference between the parties is not more than three years.

In less serious cases the penalty shall be reduced by not more than two-thirds. (3)

It applies the penalty referred to in Article 609 -ter, second subparagraph, if the victim has not reached the age of ten.

- Corruption of a minor (Art. 609-quinquies.)

Anyone who engages in sexual acts in the presence of person under the age of fourteen, in order to let him/her assist it, shall be punished with imprisonment from one to five years. [...]

The penalty is increased by up to half when the offender is the ascendant, parent, adoptive parent, or his partner, guardian, or other person which, for reasons of care, education, supervisory or custody, the child has been entrusted, or with whom it has a relationship of stable coexistence.

- Ignorance of the age of the victim (Art. 609-sexies)

When the offenses provided for in Articles 609-bis, 609-ter, 609-quater, 609-g and 609-j are committed against a minor under the age of eighteen years, and when he committed the offense referred to in Article 609-d, the offender cannot rely on its own excuse the ignorance of the age of the injured person, except in case of unavoidable ignorance.

- Sexual assault group (Art. 609-octies.)

Anyone who commits acts of gang rape shall be punished with imprisonment from six to twelve years.

The penalty is increased if the offense is committed against a minor.

The penalty is reduced to the participant whose work has had minimal importance in the preparation or execution of the crime. The penalty is also reduced for those who have been determined to commit the crime under the conditions laid down by the numbers 3) and 4) of the first paragraph and the third paragraph of Article 112.

-.Additional penalties and other criminal consequences (art. 609-nonies)

The conviction or application of penalty for the offenses provided above shall include:

- 1) the loss of the power of the parent, when the parent is acting as a core element of the offense or an aggravating circumstance;
- 2) permanent exclusion from any office relating to the protection, guardianship and administration support;
- 3) the loss of the right to food and the exclusion from the succession of the injured person;
- 4) temporary interdiction from public office, interdiction from holding public office for a period of five years following the prison sentence of three to five years; however, the application of Article 29, first paragraph, as perpetual interdiction;
- 5) suspend the exercise of a profession or an art.

The conviction or application of penalty for these crimes when committed against a person who has not completed the age of eighteen years shall, in any case, include the permanent exclusion from any office in the schools of all levels and from any office or service in institutions or in other public or private facilities frequented mainly by minors.

In addition, in case of aggravating circumstances the judge can proceed to the application of the following personal security measures:

- 1) the imposition of any restriction of movement and freedom of movement, and the prohibition to approach places usually frequented by minors;
- 2) the prohibition to perform jobs that involve regular contact with children;
- 3) the obligation to keep informed the police about residence and on any trips.

Anyone who violates the provisions of the third subparagraph shall be subject to the penalty of imprisonment up to three years.

- Solicitation of minors. (Art. 609-undecies.)

Whoever, in order to commit crimes of violence and sexual exploitation, lures, also via Internet or other communications networks, a child under sixteen years, shall be punished, if the offense does not constitute a more serious offense, with imprisonment from one to three years .

- b. *Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention? Please provide details and describe any good practice resulting from the taking of these measures (Article 29, Explanatory Report, paras. 203-208).*

Italy ratified in 1962 the European Convention on Mutual Assistance in Criminal Matters, as a consequence under Article 13 a Party's judicial authorities may request from another Party extracts from and information relating to judicial records, if needed in a criminal matter.

In addition, on 16/10/2010 the legislative decree 7 September 2010, n. 161 entered into force in order to comply with the EU Framework Decision 2008/909/GAI on the application of the principle of mutual recognition of judgments in criminal matters imposing prisons sentences or measures involving the deprivation of liberty for the purpose of their enforcement in the European Union.

According to Article 12 of the Criminal Code, any decision of foreign judicial authorities handing down a conviction for a serious crime may be recognized (on demand of the prosecution) for the aims listed in the same Article, including the recognition of the status of repeat offender, the application of an accessory penalty under Italian law, a security measure, or the execution of the accessory provisions on compensation of damages and restitutions.

Recognition presupposes the existence of an extradition agreement with the Country where the decision has been passed or a request of the Minister of Justice.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165-176).

Sexual crimes committed against minors can be prosecuted also when they are committed abroad by an Italian citizen, or against an Italian citizen, or by a foreign citizen together with an Italian citizen (**principle of extraterritoriality**).

What indicated in Article 25 of the Lanzarote Convention is already applied in the Italian judicial system with the exception of what is pointed out at the **letter (e)**.

In addition, the Italian legal system envisages the crime of "Tourist initiatives aimed at the exploitation of child prostitution" (art. 609 quinquies Criminal Code) which is committed by "anyone who organizes or advertises travel aimed at making use of prostitution to the detriment of minors, or which includes this activity". Law 38/2006 also reiterates and makes permanent the obligation for tourist operators to add to their advertising materials the information that crimes of child prostitution and pornography are punished with imprisonment by Italian law even when committed abroad.

Question 20: Aggravating Circumstances

*Please indicate which of the circumstances referred to in **Article 28**, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (**Explanatory Report, paras. 194-202**).*

All the circumstances referred to in Article 28 of the Lanzarote Convention are taken into consideration as aggravating circumstance and they determine the sanctions.

See Question 18. Anyway, according to the Italian law, for the crimes under the Lanzarote Convention, aggravating Circumstances must be considered, which vary according to different types of offences:

- the quality of parent is regarded as an aggravating circumstance of the offense;
- being a public official or civil servant;
- if the victim is less than eighteen years of age;
- if the facts are directed at the exploitation of prostitution;
- the offence was preceded or accompanied by acts of torture or serious violence;
- if the act results in a serious danger to the life or physical or psychological integrity of the victim;
- if the offense is committed with violence or threat;
- if the offenders have taken advantage of the circumstances of time, place or person, including with regard to age, such as to obstruct the public or private defence;
- having committed the act with abuse of authority or of domestic relations, or with abuse of office, employee, cohabiting, or hospitality;
- if the offense is committed by taking advantage of the situation of necessity of the child;
- if the offense is committed by an ascendant, the adoptive parent, or their spouse or partner, the spouse or relatives up to the second degree, by relatives up to the fourth degree, by the guardian or other person to whom the child was entrusted for reasons of care, education, instruction, supervision, custody, employment, or by public officials or people in charge of public service in the exercise of their functions;
- if it is committed against a child in a state of infirmity or natural or provoked mental handicap;
- if the offense is committed through the administration of alcohol, narcotic, drugs or substances otherwise detrimental to the physical or mental health of the child;
- if it is committed against three or more persons;
- if it is committed with the use of weapons;
- if it is committed by a person simulating the quality of a public official or civil servant;
- if it is committed against a person subjected to limitations of personal freedom;
- if it is committed inside or in the close proximity to educational institutions attended by the victim;
- if the offence is committed within the framework of a criminal organisation;
- in the case the perpetrator has previously been convicted of offences.

Question 21: Measures of protection for the child victim

- a. *Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand;*

Art. 90 of the Code of Criminal Procedure provides for rights and powers of the victim of the crime. Paragraph 2 requires that if the victim is a minor these rights are exercised as stipulated in art. 120 and art. 121 of the Criminal Code, e.g. through a special curator (see also under question 22. d.). The system of information and rights provided for child victims is completed by the European Convention on the Exercise of Children's Rights, Strasbourg, 25.I.1996 which has been ratified in Italy by Law 20 March 2003, n. 77.

Youth Social Services ensure assistance to the victim during the criminal proceeding, one-to-one interviews, interviews with family members, action and coordination with local social services, local health care services, shelters and anti-abuse centers.

The Social Services of the Department of Juvenile Justice ensure throughout the country: assistance to the victim in the course of the proceedings, one-to-one interviews specially focused on counselling and protection, interviews with the victim's family members. They also promote an operational connection with local social services, local health care services, antiabuse centers and shelters, and the third sector by means of multi-discipline teams which lay down a project to protect and support the child victim of violence. Then, such project shall be monitored and examined by the prosecuting court in terms of the safeguard of children's subjective rights.

- b. *Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c));*

The Offices of Social Services for Youth of the Juvenile Justice support children victims of abuse by way of interviews and by "hearing them" in "protected premises" as provided for by the Noto Charter of 1996 as amended in 2002.

Art.3 of Law 20 March 2003, no.77 "*Ratification and enforcement of the European Convention on the Exercise of Children's Rights, made in Strasbourg on 25 January 1996*" disciplines the child's right to be informed and to express his/her opinion in the course of the proceedings which regard the child.

A child considered by internal law as having sufficient understanding, in the case of proceedings before a judicial authority affecting him or her, shall be granted, and shall be entitled to request, the following rights:

- a. to receive all relevant information;
- b. to be consulted and express his or her views;
- c. to be informed of the possible consequences of compliance with these
- d. views and the possible consequences of any decision.

Moreover, Art. 12 of Law 27 May 1991, no. 176 "*Ratification and enforcement of the Convention on the rights of the child, made in New York on 20 November 1989*" is relevant.

- c. *What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d))*
- d. *Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e));*

Legislative Decree 28 May 2012, no. 69 “Code on the protection of personal data”
[http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb](http://www.garanteprivacy.it/web/guest/home/docweb/-/docweb/display/docweb/1910654) display/docweb/1910654

- e. *Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));*

Measures of protection for the child victims are provided for in different provisions of the Code of Criminal Procedure, such as:

- Art. 190bis provides for the possibility to exempt minors from testifying in court if they have already given testimony in connected proceedings and the new deposition would not concern additional circumstances.

Article 190 bis of the Code of Criminal Procedure

Evidence requirement in particular cases

1. In the proceedings for some of the offences indicated in Article 51, paragraph 3-bis, when the examination of a witness or one of the persons specified in Article 201 is requested and they have already made statements during the phase of taking evidence in the pre-trial phase or during the trial when cross-examined with the person against whom these statements will be used or statements whose transcripts were acquired under Article 238, the examination shall be permitted only if it concerns facts or circumstances other than those object of the statements made before or if the judge or one of the parties considers it necessary based on specific needs.

1-bis. The same provision shall apply when one of the offences under Article 600-bis, first paragraph, 600-ter, 600-quarter, even if related to pornographic material under Article 600-quarter 1, 600-quinquies, 609-bis, 609-ter, 609-quarter, 609-quinquies and 609-octies of the Criminal Code, if the requested examination concerns a witness who is less than sixteen years.

- Art. 351 c. 1ter requires the assistance of an expert in child psychology when a minor is being interviewed by the police in relation to one of the offences related to the Convention; Art. 362 c. 1bis, provides similarly for questioning by the prosecutor and Art. 391bis, for the case in which the questioning is held by a counsel for the defence;

- Art. 392 c. 1bis, about “gathering evidence before a criminal trial”, provides for the general possibility to gather the testimony of minors who are victims of sexual exploitation or abuse before the public trial phase and in an *in camera* hearing (with the participation of the suspected person and his defence but employing special protective modalities: see next point);

- Art. 398 c. 5bis, about “gathering evidence before a criminal trial”, which stipulates that in case of investigations about offences of sexual abuse and sexual exploitation, the Court, where the testimony must be gathered from minors, the judge proceeds in a particular and reserved modality, when the need for protection of minors makes it necessary or appropriate;

- Art. 472 c. 3bis and 4, about “hearing”, stipulates that when the victim is a child the trial is conducted in camera, e.g. without the presence of the public;

- Art. 498 c. 4, 4bis and 4ter, about examination of witnesses, stipulates that the Court can be assisted by a family member of the child or an expert in child psychology. It also provides for the application of art. 398 c. 5bis if necessary; moreover in case of a child victim the examination can be made by the use of a mirror glass.

e. Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody. Please indicate who delivers this information and how (Article 31, para. 1, letter (b));

f. Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g));

Please see above (answer given to lett. b., c., d., e., of this question).

g. Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).

Art. 76, c. 4ter of D.P.R. 30 may 2002, n. 115 about “court expenses” stipulates that victims of offences about sexual abuse and sexual exploitation can have access to legal aid provided free of charge even in derogation to the limits prescribed.

Please see also the answer to question 23

Question 22: Investigations and criminal measures to protect the child victim

a. What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215);

According to Law 66/1996, “Norms against sexual violence”, in every phase and step of the criminal proceedings the child victim should be provided with appropriate support and psychological assistance, by his/her parents or other adequate persons indicated by the child himself and accepted by the Judicial Authority entitled of the case. In any case, the child is protected by the Juvenile Services of the Ministry of Justice and of the local administration.

The mass media diffusion of the child victim’s personal data and photos is forbidden without his/her consent.

Moreover, pursuant to Art.5, letters c), d) and f) of Law 172/12 - amending the relevant articles of the code of criminal procedure – in proceedings for crimes such as sexual exploitation of children, corruption of children, solicitation of children, trafficking of persons, and sexual violence, information from minors during the pre-trial investigations are obtained with the assistance of a psychology or a child psychiatry.

- b. Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (**Article 32, Explanatory Report, para. 230**);

For all crimes relative to sexual exploitation of children prosecution is *ex officio*.

According to the Italian Law these are the main offenses relating to ill-treatment and abuse that can be prosecuted without a specific request of a party and for which prosecution is obligatory:

Personal injury due to illness lasting more than twenty days	Art. 582 cp
Abandonment of a minor	Art. 591 cp
Breach of the obligations of family support	Art. 570 cp
Abuse of the means of correction and discipline	Art. 571 cp
Abuse in the family or towards children	Art. 572 cp
Female genital mutilations	Art. 583 <i>bis</i> cp
Enslavement	Art. 600 cp
Domestic violence	Art. 610 cp
Violence or threats to force a person to commit a crime	Art. 611 cp
Engagement of children in begging	Art. 671 cp
Sexual Violence : - gang rape; - sexual violence with minors aged less than 18 years; - if the offense is committed by an ascendant, parent even if adoptive, or by his/her partner, guardian, or other person to whom the child is entrusted for reasons of care, education, supervision or custody and with whom the minor has a relationship of cohabitation; - if the offense is committed by a public official or a person in charge of public service in the performance of its functions; sexual acts with minors under the age 10; - if the offense is connected with another offense that can be prosecuted without a specific request of a party involved.	Art. 609 <i>bis</i> cp e ss.
Incest	Art. 564 cp
Child Prostitution	Art. 600 <i>bis</i> cp
Child Pornography	Art. 600 <i>ter</i> cp
Possession child pornography	Art. 600 <i>quater</i> cp
Tourism initiatives for the exploitation of child prostitution	Art. 600 <i>quinquies</i> cp
Incitement to practices paedophilia and child pornography	Art. 414 <i>bis</i>
Solicitation of Minors	Art. 609 <i>undecies</i>

Relevant texts:

Article 609-septies

Complaint filed by the victim

The offences covered by Articles 609-bis, 609-ter and 609-quater are punishable upon complaint filed by the victim.

Without prejudice to Article 597, paragraph three, the term for filing the complaint is six months. Once a complaint has been filed, it is irrevocable.

The court shall nonetheless proceed ex officio:

- 1) if the act as per Article 609-bis is committed against a person that is under the age of 14 at the time of the offence; ⁽¹⁾
- 2) if the act is committed by an ascendant, a parent, including a foster parent, or his/her live-in partner, the guardian or any person to which the child is entrusted to provide for the child's care, education, instruction, supervision or custody or with whom the child lives; ⁽²⁾
- 3) if the act is committed by a public official or a person in charge of a public service while performing his/her office;
- 4) if the act is linked with another offence prosecutable ex officio;
- 5) if the act is committed in the case as per Article 609 quater, last paragraph.

- c. *Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with **Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b**, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (**Article 33, Explanatory Report, paras. 231-232**);*

Art 407, c.2, lett. a), n.7bis of the Code of Criminal Procedure stipulates that for the offences in question the maximum time limits for the preliminary investigations is two years, longer than the ordinary one.

Moreover, the ratification law of the Lanzarote convention has doubled the time needed to prescribe the crime for the following offenses: child prostitution (Article 600-bis), child pornography, even "virtual" (Article 600-ter and art. 600-quater.1), possession of pornographic material (600-c) sex tourism (600-d), use of children in begging (Section 600-g), sexual violence, simple and in group (609-bis and 609-g) sexual acts with a minor (609-ac), corruption of minors (art. 609-cd)

In general, the statute of limitation cancels the offence when a lapse of time equal to the maximum punishment provided for by the law has passed, and in any case, not less than 6 years if a criminal offence is concerned.

- d. *Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (**Article 31, para. 4**). Please also describe under which conditions it is possible;*

The representation of a child includes:

1. Legal guardian

Appointed by the judge, or in some cases by the Juvenile Court, when the child's parents have died or for other reasons are not in a position to exercise parental authority (art. 343 c.c.). The guardian informs the child of the outcomes and the status of the proceedings that interest him/her, and represents the child in all civil acts (Art. 357 c.c). For the performance of its functions, the guardian is connected with all the subjects entrusted with the care and nurturing of the child (e.g. host communities, foster family, etc.).

2. The guardian *ad litem*

The guardian ad litem is appointed by the juvenile court when there is a conflict of interest between the child and the person exercising the parental authority, or when there is no one who represents the child (art. 78 CCP).

In addition, in criminal matters, in the event of a conflict of interest between the child under the age of 14 years, who is victim of a crime, and his/her legal representatives, it is possible to appoint a guardian ad litem who shall perform specific functions in order to court procedures. The appointment is done by the judge for preliminary investigations. The appointment may also be promoted by organizations that have as their purpose the care, education, housing of minors. This makes it possible to ensure the adequate representation of the child from the beginning of the preliminary investigation. This is particularly useful when the abusers are the parents.

3. Lawyer of the child

Law no. 184/83 provides for the appointment of a lawyer for the child and for his/her parents in the procedures relating to the declaration of the state of adoptability.

Relevant texts:

Article 330 of the Civil Code

Loss of parental authority

The Court may declare the loss of parental authority if a parent contravenes or neglect the obligations deriving from such a role or abuses the powers related thereto thus causing serious harm to the child.

In such a case, due to serious grounds, the Court may order the child's removal from the family home or the parent's or live-in partner's removal if he/she mistreats or abuses the child.

Article 120 of the Criminal Code

Right to file a complaint

Any person who is the victim of an offence, in respect of which prosecution ex officio or upon request or petition is not required, shall be entitled to file a complaint.

If a person is under the age of fourteen or has been disqualified by reason of mental deficiency, the right of complaint shall be exercised by a parent or guardian.

Minors who have attained the age of fourteen and incapacitated persons may exercise the right of complaint, and a parent, guardian or curator may also exercise such a right on their behalf notwithstanding any declaration of intent, either express or implied, by the minor or incapacitated person.

Article 121

Right of complaint exercised by a special curator

If the victim is under the age of fourteen or with a mental deficiency, and there is nobody who is his/her legal representative, or the legal representative has a conflict of interest with the person, the right of complaint shall be exercised by a special curator.

- e. Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required;*

The law ratifying the Lanzarote Convention has broadened the categories of persons who can ensure the child victim emotional and psychological assistance during the criminal proceedings. In particular, groups, foundations, associations, non-governmental organizations are added as long as

they have the following characteristics: they have proven experience in the field of assistance and support to children victims of sexual offenses, are included in a special list; receive the consent of the minor. Moreover, the presence of these subjects must be permitted by the court.

- f. *Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5);*

The use of covert operations is always allowed in relation to the investigation of the offences of sexual exploitation (please see Art. 9 of L. 16 March 2006, n. 146).

Furthermore, law no. 269 of 1998 (art. 14, par. 1) authorizes the simulated purchase of pornographic material, brokerage activities and participation in sex tourism initiatives in order to obtain elements of proof in relation to crimes of child prostitution of minors aged less than 18 years and to crimes related to sex tourism initiatives aimed at the exploitation of the prostitution of child pornography. The people authorized for the completion of these activities are those belonging to the judiciary police of the units specialized for the repression of sexual crimes or for the protection of children and in the units for the fight against organized crime, and in certain circumstances even private persons cooperating with the police.

Law n. 38/2006 extended the “covered” investigations to online child pornography.

More specifically, in compliance with Article 14, section 2 of the 269/98 Law, the *special department of the Ministry of the Interior for the security and regulation of telecommunications services*, that is “the National Centre for the Fight against Paedo-pornography on the Internet”, within the Postal and Communications Police Service of the Central Directorate of Highway, Railway and Communications Police with the Special Units of the Italian State Police, is entitled to take necessary steps, at the judicial authority’s request, to investigate the aforesaid crimes when they are committed by using computer systems or the Internet or by using telecommunications networks available to the public, and to carry out the following undercover activities:

- Using fictitious data in order to open websites, to create or manage communication areas or exchanges on the web or web systems, or to participate in them;
- Simulating, via the Internet, purchases of pornographic material and carrying out the relevant intermediation activities;
- Participation, via the Internet, in tourism initiatives aimed at exploiting child prostitution.

The undercover activities are authorized with regard to child prostitution, child pornography and sex tourism (articles 600-bis, 600-ter, 600-quinquies P.C.) if these offences are committed via the Internet, and also with regard to virtual pornography (Article 600-quarter. 1).

The undercover activities are carried out upon the Judicial Authority’s request. In this context, the simulated purchase shall be immediately communicated to the Judicial Authority who can defer – through a specific order – the relevant seizure until the conclusion of the investigations.

In the same way, the Judicial Authority can postpone the capture and/or the arrest of the offenders, in order to acquire much more evidence concerning the afore-said offences. However, should the execution of custodial measures be delayed and the victim be identified, or if he/she is identifiable, the same measure shall be executed provided that the Public Prosecutor at the Juvenile Court in the district where the minor victim usually resides has been consulted.

As to the non-online offences, covered by the Convention, undercover activities are allowed for the following offences:

- Placing or holding a person in conditions of slavery or servitude, trafficking in human beings, purchase and sale of slaves;
- Possession of pornographic material;

- Use of children for begging
- Child prostitution and pornography

g. *Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5).*

The law 38/2006 establishes the "National Centre for the fight against child pornography on the Internet" within the Unit of Postal and Communication Police of the Department of Public Safety. The center collects reports of child pornography sites from both other police units, including foreign ones, and citizens, voluntary associations and providers. In particular, within the "National Centre for the Fight against Paedo-pornography on the Internet", the File Analysis Area for the Identification of Abused Children deals with the reports concerning paedo-pornographic material transmitted by police local offices and national and international NGOs that are authorized to send reports on child abuse. The tasks of This File Analysis Area are the following:

- To identify the victim, in order to avoid that the abuse keeps on and to provide, if requested, the necessary psychological support;
- To identify the abuser and bring him to justice.

Since 2011, the afore-said File Analysis Area has been the national centre of the database of the paedo-pornographic images, located at the Interpol Secretariat General in Lyon; it can directly access the ICSE (International Child Sexual Exploitation) database where the files useful for the identification of children and abusers are stored and shared by the international police forces.

From all this activity, the Centre provides to draft a list of child pornography sites in the network, the so-called "black list", which is then given to "Internet Service Providers" in order to block the browsing through technical filtering.

Please see the answer to question 23

Question 23: Child friendly interviewing and proceedings

- a. *Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:*
- *they take place without unjustified delay after the facts have been reported to the competent authorities;*
 - *they take place, where necessary, in premises designed or adapted for this purpose;*
 - *they are carried out by professionals trained for this purpose;*
 - *the same persons are, if possible and where appropriate, conducting all interviews with the child;*
 - *the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;*
 - *the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.*
- b. *Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;*
- c. *Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).*

The ratification law of the Lanzarote convention provides that in the case of proceedings for offenses of sexual exploitation of minors (art. 600-bis, 600-ter, 600-quater, 600-quater 1 and 600-d), of trafficking in persons (Articles 600, 601 and 602), sexual violence (Article 609-bis, 609-c, 609-d, 609-g) and solicitation of a minor (Article 609-j), if the judiciary police or the prosecutor or the defender have to ask minors for information, they must proceed with the help of an expert in child psychology or child psychiatry.

Concerning the issue of **hearing minors in judicial proceedings**, first of all it must be noticed that Italy ratified, through Law no. **77/2003**, the European Convention on the exercise of children's rights (Strasbourg Convention, 1996).

The Convention can be applied to three categories of disputes, according to the ratification instruments:

- art. 145 of the Italian Civil Code regarding the action of the judge in the event spouses disagree on the orientation of family life and on the definition of the family residence.
- articles: 244 last clause of the Italian Civil Code and 247 of the Italian Civil Code regarding the discipline of the action of disclaimer of paternity"; 264, clause 2, of the Italian Civil Code concerning the opposition to recognition by the person recognized; 274 of the Italian Civil Code referring to the admissibility of the action for the court statement of natural paternity or maternity.
- Art. 322 of the Italian Civil Code regarding the cancellation of deeds for the administration of the child's assets made in violation of the provisions on the exercise of parental authority and art. 323 of the Italian Civil Code regarding the acts of decision about the minor's assets and rights prohibited to parents who exercise their parental authority.

In criminal proceedings, however, recent actions implemented through Law no. 66/1996, Law no. 269/1998 and Law no. 38/2006 attempted to introduce practical measures to protect, also at a procedural level, the victims of sexual abuse, child prostitution and pornography, slavery and trafficking in human beings, envisaging special provisions as to times, modes and rules for hearing minors under sixteen as witnesses. This is a fundamental change also from a cultural viewpoint, since in the past attention had always been focused on the protection of the rights of the offender rather than of those of the victim, especially a minor. In particular:

- according to art. 392 of the Code of Criminal Procedure, in criminal proceedings for the above mentioned crimes, at the stage of preliminary investigation, it is possible to proceed by means of the so-called "**interlocutory witness exam**" for hearing a minor under 16 as a witness, also above and beyond the cases envisaged by clause 1 of article 392 of Code of Criminal Procedure (which requires the existence of a situation of impossibility to delay and urgency, as well as the dangers for the truth of evidence). The purpose of this provision is to prevent the child victim or witness from giving evidence during the trial, which can even occur a long time past the abuse, thus allowing him/her to promptly commence a psychological rehabilitation process. The Court of Cassation has recently confirmed (Sentence 3258 of 22.01.2013) that the favourite method to interview a child victim of sexual offences is the interlocutory witness pre-trial examination: as a matter of fact, the precautionary measures provided for by the Law to obtain reliable testimony and to avoid the re-victimization of the child, cannot be extended to the hearing before the Public Prosecutor and the Judicial Police. Furthermore, the afore-said examination should be carried out as soon as possible, without unjustified delay after the facts have been reported to the competent authorities, in order to avoid the risk of a child amnesia or of mnemonic contaminations and to crystallize the evidence before any non-neutral psychotherapist's intervention on the child.

- The exam of the minor during the interlocutory witness exam must be carried out in the form of the so-called **protected hearing**, i.e. by means of modes such as to prevent that the context of the proceeding can upset the minor. In particular, Art. 398 of the Code of Criminal Procedure entrusts to the Judge the possibility to hear the child under 16, while establishing place, time and adequate procedures for the “interlocutory witness exam” according to the child’s needs. To this end, the child’s hearing can even take place either at his/her domicile or at ad hoc sites (usually furnished with a one-way mirror system and appropriate audio-visual equipment to prevent the child from unwanted encounters). One can talk of a “protected hearing” where questions are asked by a psychologist who has the task of protecting the child victim or witness while ensuring an accurate and credible narrative. According to this provision, the hearing during an “interlocutory witness exam” must be fully recorded by means of recording or audio-visual instruments and, if recording instruments or expert staff are not available, these are replaced by an expert assessment or a technical consultancy.

Of fundamental significance in this context is also the provision as per art. 196 of the Code of Criminal Procedure, according to which, when it is necessary for the assessment of the witness’ statements that he/she is physically or mentally eligible to give evidence, the judge, also ex officio, can order that the necessary checks on the minor-victim are carried out, with the means envisaged by the law, such as a psychological assessment or a medical-legal assessment.

As to the examination of the minor during the trial, the rule of reference is art. 498 of the Code of Criminal Procedure, according to which, as a general rule, the judge is in charge of making the examination upon a request and claim submitted by the parties, possibly with the help of a relative of the minor or an expert in child psychology, without however stating anything about the procedure of such support. However, if the president believes that a direct examination of the minor cannot harm his/her peace of mind, after hearing the parties, he can establish by means of an order that the examination of the minor takes place in the usual way. According to the same provision, if one party requests so, or if the presiding judge deems it as necessary, the examination takes place under the forms of the protected hearing envisaged for the interlocutory witness exam (art. 398), thus extending to all proceedings where a minor witness has to be heard, the possibility to adopt a protected mode. In addition, when the proceeding is about crimes of slavery, trafficking, sexual exploitation or sexual abuse, if the party or the counsel requests so, the minor who is victim of the crime is examined by using a one-way mirror together with an intercom device.

As to the prohibition to ask specific questions during the witness examination, it is worth noting that art. 472 of the Code of Criminal Procedure forbids any question about the child’s private and sex life unless it is indispensable to establish facts.

Art. 497, par. II of the Code of Criminal Procedure, with respect to examination during the trial (but this can also apply to the case when the examination is done during the interlocutory witness exam), makes a minor under 14 exempt from the statement of undertaking to tell the truth, which now takes the place of the oath connected to the deposition. The reason was defined as the inability of a young minor to perceive the negative value of a false testimony and is linked to the principles regarding criminal responsibility, which however rule out such responsibility.

The laws mentioned above also extended to the testimony of a minor in trials for crimes of sexual abuse, paedophilia and trafficking the provision according to which the examination during trial of a witness who has already made a deposition during the interlocutory witness exam is only admitted in the case the judge considers this as absolutely necessary. The objective here was to prevent the minor from being examined again during trial, in order not to submit him/her to another trauma.

The protection is also complemented by the code provisions aimed at protecting the **right to confidentiality**. Thus, according to art. 472, the judge can decide that the examination of the minor takes place «**behind closed doors**», with the subsequent prohibition to recording or of any audio-visual broadcasting and with the prohibition to publish identity data and photos of the witness until he/she has become of age. This form of protection was also complemented by envisaging that in the

case of crimes of sexual abuse, sexual exploitation, slavery and trafficking, the procedure always takes place behind closed doors when the offended party is a minor and by introducing a special provision aimed at punishing anyone who discloses identification data or the photograph of a person offended by sexual abuse without his/her consent, and by envisaging new crimes aimed at protecting the identity and the image of the minor, by prohibiting their dissemination and envisaged criminal sanctions against those who do not comply with this regulatory obligation.

With regard to hearing children in legal proceedings, there are two requirements:

- the formalization of the probative incident in a confidential hearing for all the possible offences of which the minor is a victim or witness, a procedure that is gradually being adopted in practice;
- the adoption of scientific methods and the requirement of video recording all the hearings and evaluations of the child that take place in court (ordinary and juvenile, civil and criminal) and in every phase of the proceedings, from the moment when the offence is reported.

The ratification of the Lanzarote Convention also introduced the presence of the expert child in psychology or psychiatry. The appointment is made by the public prosecutor and refers to proceedings initiated for offenses of reduction or maintenance in slavery or servitude, child prostitution, child pornography, possession of child pornography, tourism aimed at the exploitation of child prostitution, trafficking, purchasing and sale of slaves, sexual violence, sexual acts with a minor, corruption of minors, gang rape, grooming of minors.

The role of the professional translates into support in introducing the child to the meaning of the court proceedings in order to overcome any impasse – such as silences, blocks, removals - which often characterize these moments.