COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

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

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

ITALY

Replies received by the Secretariat on 1 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted
ITALY

b. Entities and bodies which have been involved in responding to this questionnaire
The following central government administrations, law enforcement agencies, and relevant stakeholders were involved by the Department for Family Policies of the Presidency of the Council of Ministers in the preparation of the response to this questionnaire, in accordance with their respective areas of competence:

- Ministry of Justice – Department for Juvenile and Community Justice
- Ministry of the Interior – Department of Public Security
- Ministry of Labour and Social Policies
- Ministry of Education and Merit
- Carabinieri
- Guardia di Finanza
- Italian Episcopal Conference
- Association Meter ETS

<u>**Persons concerned by screening requirements**</u>

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	X	X	X	X	Preschool teachers, nursery, teachers. Teaching assistant, childcare staff,

					External experts for school project
Education – Primary	X	X	X	X	Preschool teachers, nursery, teachers. Teaching assistant, childcare staff, psychologist, support staff, External experts for school project
Education – Secondary	X	X	X	X	Teachers, educators, school counsellors, support staff, External experts for school project
Education – Tertiary	X	X	X	X	University staff working directly with minors, External experts for school project
Education – Extracurricular (e.g. language schools)	X	X	X	X	Tutors, language teachers, music teachers, educators, External experts for school project
Childcare (e.g. kindergartens, crèches, childminders	X	X	X	X	Childcare workers, nursery staff, babysitters, educators, External experts for school project

Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	X Public administrations (such as municipalities or local health authorities that directly manage facilities or conduct recruitment competitions) must perform two background checks before hiring educators, psychologists, or healthcare assistants: the General Criminal Record Certificate to verify that the candidate has no general criminal convictions that legally prevent employment with the public administration, and the Anti-Paedophilia Certificate (Art. 25-bis of Presidential Decree 313/2002). Since this is a residential facility, “direct and regular contact” with minors is inherent to the nature of the service. The public entity has a formal obligation to verify the absence of	X The placement of volunteers is governed by rules set out in accreditation protocols and the internal regulations of the facilities. In Italy, the definition of requirements for reception facilities (particularly for minors) follows a model of shared responsibilities. The State sets the minimum national requirements and general guidelines, whilst the Regions and Municipalities establish the specific criteria for the granting of authorisation and institutional accreditation. As part of the accreditation process, the so-called ‘Certificate of No Criminal Record for Child Abuse’ (Legislative Decree 39/2014) is mandatory.	X	X Within a residential care home for children, the requirement for a child protection certificate (pursuant to Article 25-bis of Presidential Decree 313/2002) is linked to the principle of direct and regular contact with children, regardless of educational qualifications or contractual status, and typically applies to - Social, educational and psychological staff - Care and healthcare staff - Auxiliary, logistics and general services staff	Social workers, educators, residential care staff, foster care professionals

	convictions for sexual offenses and exploitation of minors before entering into a contract.	The body managing the facility (cooperative, association or foundation) is obliged to request a criminal record certificate pursuant to Article 25-bis of Presidential Decree 313/2002 for any person it intends to hire or employ. Failure to comply does not result in the penalty provided for in Legislative Decree 39/2014, but in the far more serious suspension or revocation of the facility's accreditation.			
Detention	X	X	X	X	
Migration facilities (e.g. reception centres)	X	X	X	X	Social workers, educators, cultural mediators, reception staff
Sport	X	X	X	X	Coaches, trainers, instructors, youth team staff
Culture and leisure activities	X	X	X	X	Youth workers, camp leaders, instructors
Entertainment sector	X	X	X	X	Children's entertainers

					instructors, supervisor
Faith and religion	X	X Yes, for those who work in the charitable and sporting fields. For others, screening is done through selection criteria and observation in the initial phase	X Yes for those who are hired as employees and work with minors in ecclesial settings	X	Priest, catechists, youth group leaders, volunteers
Healthcare (including psychological and psychiatric services)	X	X	X	X	Paediatricians, nurses, physiologists, psychiatric therapists
Social protection services	X Legislative Decree No 39 of 4 March 2014, implementing Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, which replaces Framework Decision 2004/68/JHA, introduced the requirement for the so-called ‘child protection certificate’ (Article 25-bis of Presidential Decree 313/2002). As a	X Pursuant to Legislative Decree No. 39/2014, employers intending to employ a person to carry out professional activities or organised voluntary work (where, for example, associations act as ‘employers’) involving direct and regular contact with minors must obtain the certificate referred to in Article 25 of	X This requirement applies to employment in both the public and private sectors.	X If a self-employed professional enters into a consultancy, collaboration or service contract with a local authority, a local health authority, a school, a cooperative or a sports club to carry out activities involving minors, the obligation applies in full.	Within local social services (such as municipal offices, local health authorities, family planning clinics, family centres and child protection services), the requirement for a child protection certificate (Article 25-bis of Presidential Decree 313/2002) applies to all professionals who carry out duties involving direct, regular and ongoing contact with minors

	result of this provision, employers intending to employ a person to carry out professional activities or organised voluntary activities (where, for example, associations act as “employers”) involving direct and regular contact with minors must obtain the certificate referred to in Article 25 of the aforementioned Presidential Decree in order to verify the existence of convictions for any of the offences referred to in Articles 600-bis, 600-ter, 600-quater, 600-quinquies and 609-undecies of the Criminal Code, or the imposition of disqualification orders from carrying out activities involving direct and regular contact with minors.	the aforementioned Consolidated Law. As confirmed by Circular No. 9 of 11 April 2014 from the Ministry of Labour and Social Policies, pure voluntary work, defined by Article 17 of Legislative Decree 117/2017 (Third Sector Code) as an activity carried out personally, spontaneously and free of charge, without even indirect profit-making intent, is excluded from the scope of application of Legislative Decree 39/2014.			Social workers, educators, child protection professionals
Law enforcement	X	X	X	X	State Police Carabinieri Financial Police Army Prison Police Justice

Judicial	X	X	X	X	
Civil society organisations	X	X	X	X	Employees and volunteers working directly and regularly with children
Victim services (including Barnahus, domestic violence services)	X	X	X	X	Psychologists, social workers, support workers, counsellor
Any other sectors (please specify)					

Here you can insert additional details or specify any exceptions.

Italy introduced a specific screening obligation through Legislative Decree No. 39/2014, implementing Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children.

Under Article 25-bis of Presidential Decree No. 313/2002 (Criminal Records Register), employers and organisations must obtain a criminal record certificate before recruiting or engaging any person whose duties involve direct and regular contact with minors. While this requirement applies specifically to such activities, many organisations voluntarily extend background checks beyond the statutory minimum as part of their safeguarding policies.

For recruitment into the Guardia di Finanza, the absence of criminal convictions for intentional offences constitutes an essential eligibility requirement. In particular, Articles 6 and 36 of Legislative Decree No. 199 of 12 May 1995 and Article 5 of Legislative Decree No. 69 of 19 March 2001 provide that, at the time of enlistment, applicants must not be under criminal investigation or convicted of an intentional offence, must not have received a sentence pursuant to Article 444 of the Code of Criminal Procedure (plea bargaining) for such offences, and must not be, or have previously been, subject to preventive measures.

The Ministry of Education and Merit is not in a position to comment on activities carried out by private, non-accredited institutions. Nevertheless, it should be noted that the applicable legislation (Legislative Decree No. 39 of 4 March 2014) does not distinguish between the public and private sectors, and the same legal requirements apply to both

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
    a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification

    Italian law, implementing Directive 2011/93/EU, requires employers to obtain a Criminal Record Certificate (the so-called "Anti-paedophilia Certificate", pursuant to Article 25-bis of Presidential Decree No. 313/2002) before employing or engaging any person in professional or organised voluntary activities involving direct and regular contact with minors.

Neither the legislation nor case law provides a single quantitative definition of "regular contact". However, judicial interpretation and administrative practice assess this requirement on the basis of the continuity, systematic nature and purpose of the activity. It therefore applies to roles such as teachers, educators and healthcare professionals, while purely occasional, incidental or one-off contact generally falls outside its scope.

The legislation expressly provides that "the criminal record certificate from the Judicial Records Register [...] must be requested by any person or entity intending to employ an individual for professional activities or organised voluntary activities involving direct and regular contact with minors" (Article 2(1) of Legislative Decree No. 39 of 4 March 2014).

For recruitment into the Carabinieri, and particularly for personnel serving in specialised units, the threshold of "regular contact" is met by virtue of the institutional nature of their duties. Consequently, verification of the candidate's moral and conduct requirements—including the absence of criminal proceedings or convictions for offences against minors or other offences against the person—is mandatory, preventive and permanent upon enlistment, irrespective of the unit to which the individual is initially assigned.

Furthermore, in accordance with the internal safeguarding procedures of the Carabinieri, a criminal background check for offences against minors is carried out for all personnel who may come into contact with minors in the relevant functions, including where such contact may be only occasional.

Canon law and the safeguarding rules adopted by the Italian Episcopal Conference follow the same general approach as Italian civil legislation, referring to activities involving direct and regular contact with minors. Although no single quantitative threshold is established, the assessment is based primarily on:

- the continuity of the relationship with the minor; and
- the existence of direct contact with the minor.

b. distinguish between direct, indirect or online contact with children?

No

If yes, please provide details.

Italian legislation (Legislative Decree No. 39/2014, implementing Directive 2011/93/EU) requires employers to obtain a criminal record certificate for any person whose professional or organised voluntary activities involve direct and regular contact with minors.

The legislation does not formally distinguish between direct, indirect or online contact with children for the purposes of this screening obligation. Rather, the requirement is assessed according to whether the activity entails direct and regular interaction with minors. In practice, however, these different forms of contact are operationally relevant in the context of criminal investigations, risk assessment and the application of precautionary or disqualifying measures.

Direct contact refers to face-to-face interaction with minors, such as in educational, healthcare, social welfare or child protection settings. For example, the Carabinieri ensure that personnel assigned to specialised child protection services, including the

National Monitoring Network for Combating Gender-Based Violence and protected listening rooms (e.g. the "A Room of One's Own" project), are subject to enhanced internal screening and monitoring procedures.

Indirect contact concerns individuals who do not interact directly with children but work in environments where they may have access to minors or to sensitive information relating to them (for example, administrative or logistical staff in juvenile facilities). While the legislation does not establish a separate legal regime for indirect contact, criminal record checks may also be required where the nature of the duties gives rise to a foreseeable risk of contact with minors.

Online contact is addressed through specific criminal legislation. Article 609-undecies of the Italian Criminal Code criminalises the grooming of minors, including where committed through electronic communications networks or information technology. Likewise, convictions for offences relating to child sexual abuse material, including its production, possession or dissemination (Articles 600-ter and 600-quater of the Criminal Code), result in the statutory disqualifications applicable to positions involving contact with minors.

Within the framework of criminal investigations, including those carried out by the Carabinieri in cooperation with specialised cybercrime units, evidence of online grooming or other forms of online child sexual abuse may lead the Judicial Authority to impose precautionary or prohibitory measures, such as suspension from professional activities or restrictions on accessing places or environments frequented by minors. Where appropriate, these measures are communicated to the employer to ensure the immediate removal of the individual from duties involving contact with children, even before a final conviction.

Overall, the Italian system focuses primarily on the nature and regularity of the activity involving minors rather than on a formal categorisation of direct, indirect or online contact. Nevertheless, all forms of contact are covered by the relevant criminal law and safeguarding framework where they may expose children to the risk of abuse or exploitation.

3. Is the absence of criminal convictions for sexual offences against children required to become:
    a. an adoptive parent
    b. a foster parent
    c. a child's legal guardian (including for unaccompanied children)?

    Please provide details.

Yes. The absence of criminal convictions for sexual offences against children is an essential requirement when assessing the suitability of prospective adoptive parents, foster parents and legal guardians, including those appointed for unaccompanied children.

Prospective adoptive and foster parents undergo comprehensive suitability assessments carried out by the competent social services and judicial authorities. These assessments include verification of criminal records, together with an overall evaluation of the applicants' capacity to provide a safe, stable and supportive environment in the best interests of the child.

Convictions for sexual offences against children are generally considered incompatible with adoption or foster care responsibilities and constitute a significant factor in determining an applicant's suitability.

Similarly, when appointing a legal guardian, the competent judicial authority may examine the individual's criminal record, alongside all other relevant circumstances, in order to assess whether the person is suitable to act in the child's best interests.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
    a. persons carrying out professional activity in their home who are in contact with children
    b. persons carrying out volunteering activity in their home who are in contact with children
    c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

    Please provide details.

Italian law does not establish a general obligation to carry out criminal record checks on household members of persons engaged in professional or organised voluntary activities involving children within their homes.

However, in adoption and foster care proceedings, the competent authorities assess the family and living environment as a whole. As part of this comprehensive suitability assessment, the circumstances and background of household members may also be taken into account where relevant to evaluating the safety, well-being and best interests of the child.

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

   a. children applying for professional or volunteer positions

   b. adults in respect of criminal convictions received before the age of 18?

   Please provide details.

   Criminal convictions imposed on minors are recorded in the criminal records register but are subject to a specific legal regime aimed at protecting confidentiality and promoting rehabilitation.

   As a general rule, judicial decisions concerning minors are removed from the criminal records register upon the individual reaching the age of 18. Exceptions include judicial pardons, which are removed at the age of 21, and custodial sentences, including those that have been conditionally suspended. Consequently, convictions for serious offences, including sexual offences against children, may continue to be recorded in accordance with the applicable legislation.

   The screening requirement established by Legislative Decree No. 39/2014, implementing Directive 2011/93/EU, is primarily intended for adults engaged in professional or organised voluntary activities involving direct and regular contact with minors. Italian legislation does not contain specific provisions requiring the systematic screening of minors applying for such positions.

   More generally, criminal records relating to juvenile offenders are governed by special rules on confidentiality, rehabilitation and disclosure and are not ordinarily included in the criminal record certificate issued pursuant to Article 25-bis of Presidential Decree No. 313/2002. The availability of such information therefore depends on the type of record and the circumstances of the case, in accordance with the applicable legal framework.

   Where a minor is employed or engaged in activities involving direct and regular contact with other minors, the employer is required to comply with the obligations laid down in Legislative Decree No. 39/2014, including requesting the criminal record certificate provided for by Article 25-bis of Presidential Decree No. 313/2002. The legislation itself does not distinguish between adults and minors for the purposes of this obligation.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

   Please provide details.

   A legal change of name does not affect the continuity or traceability of an individual's criminal records in Italy.

   Criminal, pending and police records remain linked to the person's official civil identity data maintained by the competent public authorities. Existing databases ensure the continuity of these records by connecting information recorded under a previous name to the individual's current identity.

   Accordingly, a legal change of name neither creates a new criminal record nor removes or conceals existing records. All relevant information remains associated with the same individual through the civil registration system and continues to be available in accordance with the applicable legal framework.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

   Please provide details.

Italian law does not establish a general legal requirement making access to public funding automatically conditional on the absence of criminal convictions for sexual offences against children. Nevertheless, public authorities and funding bodies may introduce child safeguarding and integrity requirements as conditions for participation in specific funding programmes.

Within the Italian legal framework, Legislative Decree No. 39/2014 establishes the mandatory screening obligation by requiring employers to obtain a criminal record certificate for persons engaged in professional or organised voluntary activities involving direct and regular contact with minors. Beyond this legal obligation, the Child Protection Policy (CPP) or Child Safeguarding Policy (CSP) represents the broader organisational framework through which organisations implement safeguarding standards and child protection measures.

In line with the UN Convention on the Rights of the Child, the Council of Europe's Lanzarote Convention, General Comment No. 13 of the UN Committee on the Rights of the Child, and the International Child Safeguarding Standards – Keeping Children Safe, the National Programme for Inclusion and the Fight against Poverty 2021–2027 has introduced the adoption of a Child Protection Policy as a requirement in several funding schemes under Priority 2 – European Child Guarantee.

The purpose of the Child Protection Policy is to ensure that organisations providing services to children establish clear safeguarding procedures, codes of conduct and reporting mechanisms to prevent abuse, protect children from all forms of violence and exploitation, promote safe environments, and provide staff and volunteers with guidance on appropriate behaviour and the management of safeguarding concerns.

This approach is also reflected in the Guidelines on Childhood and Adolescence issued by the Directorate-General for Development Cooperation of the Ministry of Foreign Affairs and International Cooperation and the Italian Agency for Development Cooperation, which define child protection as a comprehensive system of prevention and response covering all forms of violence, abuse, exploitation and neglect in family, educational, community, institutional and digital settings.

Accordingly, several calls for proposals financed under the National Programme for Inclusion and the Fight against Poverty require beneficiaries to adopt and implement a Child Protection Policy or Child Safeguarding Policy. These include, inter alia:

- the "DesTEENazione – Desideri in Azione" call (Director's Decree No. 69 of 21 March 2024), which requires Territorial Social Areas (ATS) to ensure the adoption and implementation of a Child Protection Policy for projects involving adolescents;
- the "ComeTE" call (Director's Decree No. 314 of 11 November 2025), which requires projects to be designed and implemented in accordance with the principles of a Child Safeguarding Policy in order to create safe environments for children and adolescents; and
- the Call for Expressions of Interest adopted by Decree No. 489 of 30 December 2024, which requires participating Third Sector organisations to develop Codes of Conduct and a Child Safeguarding Policy as part of the co-design process for projects supporting vulnerable families with young children.

Therefore, although Italian legislation does not generally make access to public funding conditional upon the absence of criminal convictions for sexual offences against children, safeguarding requirements are increasingly incorporated into publicly funded programmes. In all cases, organisations carrying out activities involving direct and regular contact with minors remain subject to the screening obligations established by Legislative Decree No. 39/2014.

Information included in screening

8. Does the criminal record check include criminal convictions for:

    a. sexual abuse of a child (Article 18 of the Lanzarote Convention)

    Yes (Art. 609-bis, 609-quater c.p.)

    b. sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)

    Yes (Art. 600-bis c.p.)

    c. acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)

    Yes (Art. 600-ter, 600-quater c.p.)

    d. offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)

    Yes (Art. 600-ter, commi 1 e 2 c.p.)

    e. corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)

    Yes (Art. 609-quinquies c.p.)

    f. solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)

    Yes (Art. 609-undecies c.p.)

    g. aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)

    Yes (Ex artt. 110 e 56 c.p.)

h. any other convictions (please specify)?

   Yes (Criminal conspiracy for the purpose of trafficking or enslavement pursuant to art. 600 of the Criminal Code, and Mistreatment of family members or cohabitants pursuant to art. 572 of the Criminal Code, if the victim is a minor).

Please provide details.

Under Italian law, the criminal record screening required by Legislative Decree No. 39/2014, implementing Directive 2011/93/EU, is specifically intended to identify convictions for offences involving the sexual abuse and sexual exploitation of children.

Article 2 of Legislative Decree No. 39 of 4 March 2014 requires verification of whether an individual has been convicted of the offences referred to in Articles 600-bis, 600-ter, 600-quater, 600-quater.1, 600-quinquies and 609-undecies of the Italian Criminal Code. These provisions cover, inter alia, child prostitution, child sexual abuse material (including virtual child sexual abuse material), possession of such material, and the grooming of minors.

The criminal record certificate may also disclose other convictions where they appear in the judicial records in accordance with Italian law. In addition, where authorised by law, the competent authorities may carry out broader background checks by consulting police databases and verifying pending criminal proceedings or other judicial records.

Accordingly, while Legislative Decree No. 39/2014 focuses specifically on offences concerning the sexual abuse and sexual exploitation of children, the competent authorities may, where legally permitted, verify a wider range of criminal and police records for the purposes established by law.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

   a. relevant administrative or disciplinary sanctions

      Yes

   b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

      Yes

Please provide details.

Under Italian law, the screening requirements established by Legislative Decree No. 39/2014 are primarily based on information contained in the criminal records issued by the Judicial Records Office (Casellario Giudiziale). The legislation requires verification of convictions for offences involving the sexual abuse and sexual exploitation of children, as well as the existence of any disqualification prohibiting the exercise of activities involving direct and regular contact with minors (Article 2 of Legislative Decree No. 39 of 4 March 2014).

Legislative Decree No. 39/2014 does not establish a general obligation to verify administrative sanctions, professional disciplinary measures or civil court decisions when recruiting persons for positions involving direct and regular contact with children.

However, additional screening requirements may apply under sector-specific legislation. Public authorities, regulated professions, educational institutions, healthcare services and child protection services may, where authorised by law, take into account disciplinary records, professional suitability requirements or other relevant information.

A more comprehensive screening regime applies to recruitment into the Guardia di Finanza. Pursuant to Articles 6 and 36 of Legislative Decree No. 199 of 12 May 1995 and Article 5 of Legislative Decree No. 69 of 19 March 2001, applicants must not be in any situation incompatible with acquiring or retaining the status of member of the Corps. In particular, candidates must:

- possess the moral and conduct qualities required for admission to the ordinary judiciary, which are verified ex officio by the Corps;
- not have been dismissed, removed or declared to have forfeited employment in a public administration, dismissed following disciplinary proceedings, or discharged from the Armed Forces or police on disciplinary grounds, except in the cases expressly provided for by law; and
- not have been expelled from military academies, police training schools or similar institutions for disciplinary reasons or because of unsuitability for military service.

Civil judicial decisions are not generally included in the criminal record screening required under Legislative Decree No. 39/2014. Nevertheless, competent judicial or administrative authorities may consider relevant civil or family court decisions in specific proceedings, such as adoption, foster care, guardianship or child protection cases, where the best interests of the child must be assessed.

Accordingly, while the statutory screening regime established by Legislative Decree No. 39/2014 is primarily focused on criminal convictions and statutory disqualifications, additional administrative, disciplinary or civil information may be taken into account where required under the legal framework governing a particular profession, public office or child protection procedure.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

    a. are they life-long?
    b. if they are not life-long, please specify the time-limits applicable
    c. are they applied only to activities in the public sector?

    Please provide details.

    Yes. Under Italian law, persons convicted of sexual offences against children may be subject to ancillary penalties restricting or prohibiting their ability to carry out professional, voluntary or other activities involving direct and regular contact with minors.

In particular, Article 609-novies of the Italian Criminal Code provides for ancillary penalties, including perpetual disqualification from holding public office in the cases provided for by law, as well as restrictions on exercising professions, activities or functions involving contact with children. Depending on the offence and the sentence imposed, these restrictions may be temporary or permanent.

Accordingly, the duration and scope of the disqualification are determined by the applicable legal provisions and the judicial decision. In the most serious cases, the restrictions may be lifelong.

These ancillary penalties are not limited to employment in the public sector but may also apply to activities carried out in the private and voluntary sectors where they involve direct and regular contact with minors.

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

Yes

Please provide details.

Under Italian law, if a conviction has been expunged or declared extinguished in accordance with the applicable legal provisions, it is generally no longer recorded in the criminal record certificate issued for screening purposes.

The screening system established by Legislative Decree No. 39/2014 is designed to ensure that relevant convictions for sexual offences against children are taken into account when assessing a person's suitability to carry out professional or organised voluntary activities involving direct and regular contact with minors.

The information disclosed through the criminal record certificate depends on the legal status of the conviction and the rules governing the Judicial Records Register (Casellario Giudiziale). Accordingly, convictions that have been lawfully expunged or declared extinguished are generally not included in the certificate, unless otherwise provided by the applicable legislation.

Screening procedure

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

Please provide details.

The screening framework in Italy is based on a combination of general criminal records legislation and sector-specific rules applicable to activities involving direct and regular contact with minors.

The general legal framework is provided by Legislative Decree No. 39 of 4 March 2014, implementing Directive 2011/93/EU, which requires employers to obtain a criminal record certificate before employing or engaging persons in professional or organised voluntary activities involving direct and regular contact with children.

In addition, several sectors are governed by specific legislation that establishes further eligibility and suitability requirements. These include, for example, the education sector, regulated professions, social and healthcare services, and other activities involving work with children. Where applicable, the relevant legislation may require verification of criminal records, pending criminal proceedings or other suitability requirements in accordance with the legal framework governing the profession or activity concerned.

Accordingly, the Italian system does not rely on a single consolidated legal instrument. Rather, it combines the general screening obligations established by Legislative Decree No. 39/2014 with sector-specific safeguards designed to ensure that persons working with minors satisfy the legal and professional requirements applicable to their role.

13. If screening is required, who is required to act?

    a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

    b. the candidate must provide proof of absence of convictions

    c. another scenario. Please specify

    Please provide details.

In Italy, responsibility for carrying out the required screening primarily rests with the employer or the organisation recruiting the individual.

Pursuant to Legislative Decree No. 39 of 4 March 2014, employers are required to obtain a criminal record certificate from the Judicial Records Register (Casellario Giudiziale) before employing or engaging any person in professional or organised voluntary activities involving direct and regular contact with minors. The screening aims to verify the absence of convictions and ancillary disqualifications for the offences specified in the legislation.

In the education sector, the School Principal is responsible for requesting the criminal record certificate. Under Article 25 of Legislative Decree No. 165/2001, the School Principal is responsible for the management of human resources and carries out the necessary checks when appointing teaching staff, administrative, technical and auxiliary personnel (ATA), as well as external experts and other personnel involved in activities with minors.

Within the Department for Juvenile and Community Justice, professionals, experts, third-sector operators and volunteers (including those appointed pursuant to Article 80 of Law No. 354/1975, such as psychologists, educators, social workers, pedagogical officers and cultural mediators) are generally required to submit a self-declaration under Presidential Decree No. 445/2000 attesting the absence of relevant convictions. This is supplemented by the acquisition of a criminal record certificate and, where appropriate, a certificate of pending criminal proceedings.

Recruitment into the Guardia di Finanza is governed by a specific legal framework. The Corps verifies ex officio that applicants satisfy all eligibility requirements laid down in the relevant legislation and in the competition notice, including the moral and conduct requirements necessary for enlistment.

Overall, the statutory responsibility for ensuring that screening is carried out lies with the recruiting authority or employer. Depending on the legal framework applicable to the sector concerned, the verification may be based on criminal record certificates, self-declarations, certificates of pending criminal proceedings, or a combination of these instruments.

14. If screening is required, who bears the costs of screening procedures?

    Please provide details.

    Under Italian law, the costs associated with criminal record screening depend on the legal framework applicable to the specific sector or procedure.

    For the criminal record certificate required under Legislative Decree No. 39/2014, employers or recruiting organisations are generally responsible for requesting the certificate from the Judicial Records Register. In the education sector, no stamp duty is payable by educational institutions when requesting the certificate, and only the statutory certificate issuance fee may apply.

    In procedures relating to employment or voluntary activities within ecclesiastical organisations, any applicable costs are generally borne by the requesting organisation in accordance with the relevant legal and organisational arrangements.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

    Please provide details.

    Compliance with the screening requirements established by Legislative Decree No. 39/2014 is primarily the responsibility of the employer or recruiting organisation, which must ensure that the required criminal record certificate is obtained before assigning a person to professional or organised voluntary activities involving direct and regular contact with minors.

    Compliance may be verified by the competent public authorities within the framework of their respective supervisory and inspection powers, in accordance with the legislation governing the relevant sector. Where applicable, administrative, labour or sector-specific inspections may verify that the statutory screening obligations have been fulfilled.

    In the education sector, responsibility for ensuring compliance rests with the School Principal, who, pursuant to Article 25 of Legislative Decree No. 165/2001, is responsible for the management of human resources and for carrying out the checks required by law, including the request for the criminal record certificate where applicable.

Failure to comply with the screening obligation may result in the sanctions provided for by Legislative Decree No. 39/2014 and other applicable legislation, depending on the nature of the breach and the sector concerned

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

    Please provide details.

    Under Italian law, criminal record screening is generally carried out before the commencement of professional or organised voluntary activities involving direct and regular contact with minors.

    Legislative Decree No. 39/2014 does not establish a general obligation to carry out periodic re-screening after the initial verification. However, additional checks may be required under sector-specific legislation, internal safeguarding policies or organisational procedures, particularly in areas such as education, social services and child protection. In practice, ongoing safeguarding is also supported by professional and disciplinary obligations and, where applicable, by duties to report circumstances that may affect an individual's suitability to work with children.

    Failure to comply with the screening obligation is subject to the sanctions provided for by Article 2(2) of Legislative Decree No. 39 of 4 March 2014. In particular, an employer who fails to obtain the criminal record certificate required under Article 25-bis of Presidential Decree No. 313/2002 is liable to an administrative pecuniary sanction ranging from EUR 10,000 to EUR 15,000.

    In the education sector, failure by a School Principal to comply with this statutory obligation may also give rise to disciplinary proceedings under the rules governing public employment.

17. Is regular screening, beyond the initial recruitment process, required, for:
    a. professionals in contact with children
    b. volunteers in contact with children
    c. foster parents and legal guardians?

    If regular screening is required, please specify its frequency and provide other details.

    During internal recruitment and personnel monitoring procedures, the Guardia di Finanza acquires and assesses relevant disciplinary records, administrative measures (such as warnings issued by the Police Commissioner in cases of stalking or domestic violence), and information available in the Interforce Database (SDI), including records relating to ongoing criminal investigations or reports, where permitted by law, even in the absence of a final criminal conviction.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

    Please provide details.

Under Italian law, law enforcement authorities and Public Prosecutors do not automatically inform employers or volunteer organisations that a person is under criminal investigation. Information relating to ongoing investigations is protected by the confidentiality rules governing criminal proceedings, including Article 329 of the Code of Criminal Procedure, and by the principle of the presumption of innocence.

Accordingly, the existence of a criminal investigation is not normally disclosed to an employer solely for the purposes of employment screening. The screening system established by Legislative Decree No. 39 of 4 March 2014 is based on the acquisition of a criminal record certificate, which enables employers to verify the existence of convictions and ancillary disqualifications for the offences specified in Article 25-bis of Presidential Decree No. 313/2002.

However, where there is a concrete risk to the safety of children, the competent judicial authority may adopt precautionary measures affecting the individual's professional or voluntary activities. Following a request by the Public Prosecutor, the competent judge may, where the legal conditions are met, order measures such as suspension from the exercise of a public office or service pursuant to Article 289 of the Code of Criminal Procedure. Such judicial orders are formally notified to the employer or the competent authority to enable the immediate implementation of the measure.

Similarly, once investigative measures such as arrest, detention, search or seizure have been carried out, or at the conclusion of the preliminary investigation phase, the suspect may be formally notified of the criminal proceedings. Where precautionary measures affecting employment are ordered, the employer is informed through the judicial decision.

Within the Guardia di Finanza, personnel are subject to a specific internal monitoring system. Where permitted by law, information concerning criminal proceedings for offences relevant to service may trigger internal personnel procedures and the assessment of precautionary or disciplinary measures in accordance with the applicable legal framework.

More generally, any disclosure of information relating to ongoing criminal investigations is subject to the principles of legality, necessity and proportionality. Where the law permits such disclosure for safeguarding purposes, any resulting measures—such as temporary suspension, reassignment or removal from duties involving contact with children—are precautionary in nature and do not prejudge the outcome of the criminal proceedings

Cross-border screening

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

    a. professionals

    b. volunteers

    c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

    Please provide details.

    Under Italian law, there is no general obligation to systematically obtain criminal record information from every country in which a candidate has previously resided or worked.

    As a general rule, screening is carried out through the Italian criminal records system in accordance with Legislative Decree No. 39/2014. Where appropriate and legally available, the competent authorities may also rely on international or European mechanisms for the exchange of criminal record information, in accordance with the applicable legal framework and cooperation instruments.

    For applicants seeking to become adoptive parents, foster parents or legal guardians, the competent judicial and administrative authorities may request or take into account criminal record certificates or equivalent documentation issued by foreign authorities where this is relevant to the assessment of the applicant's suitability and can be obtained through the applicable international cooperation procedures.

    Accordingly, the scope of cross-border screening depends on the applicable national legislation, the availability of international or European judicial cooperation mechanisms, and the possibility of obtaining reliable information from the relevant foreign authorities.

20. Is there a mechanism to:

    a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

    b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

    Please provide details.

    Yes. Within the European Union, competent authorities may exchange information on criminal convictions through the European Criminal Records Information System (ECRIS), including information relating to convictions for sexual offences against children, where such exchange is permitted under the applicable EU and national legal framework.

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

ECRIS enables the exchange of criminal record information between the central authorities of the Member States for purposes provided for by law, including, where applicable, safeguarding and suitability checks outside criminal proceedings. Such exchanges are subject to the principles of purpose limitation, necessity, proportionality and compliance with the applicable data protection rules.

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Please provide details.

Yes. Within the European Union, the exchange of criminal record information between Member States is governed by the ECRIS framework, which provides for cooperation between the central authorities designated by each Member State.

Where the applicable EU and national legislation permits, Member States are required to respond to requests for criminal record information submitted by the competent authorities of another Member State, including requests relating to convictions for sexual offences against children. Such requests may also be made for purposes other than criminal proceedings, where this is authorised by the relevant legal framework, including safeguarding or employment screening.

The exchange of information is subject to the conditions laid down in EU and national law, including the principles of purpose limitation, necessity, proportionality and compliance with the applicable data protection rules. Accordingly, ECRIS facilitates the cross-border exchange of criminal record information for legitimate purposes, including, where permitted by law, child protection screening.

<u>Additional details and reflections</u>

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

Please provide details.

In Italy, screening for professional or organised voluntary activities involving direct and regular contact with minors is primarily carried out through the criminal record certificate issued by the Judicial Records Register (Casellario Giudiziale), in accordance with Legislative Decree No. 39 of 4 March 2014 and Article 25-bis of Presidential Decree No. 313/2002.

The employer or recruiting organisation is responsible for requesting the certificate before employing or engaging the individual. The certificate enables verification of convictions and ancillary disqualifications relating to the offences specified by law for the protection of children.

Depending on the sector concerned, the criminal record screening may be complemented by additional suitability checks or safeguards provided for under sector-specific legislation, internal organisational procedures or professional regulations.

Where relevant and legally permitted, criminal record information may also be exchanged with the competent authorities of other Member States through the European Criminal Records Information System (ECRIS), particularly where the individual has previous criminal records or relevant links with another Member State.

The entire screening process is governed by the legislation on the Judicial Records Register, Legislative Decree No. 39/2014, applicable sector-specific provisions and the relevant European Union rules on judicial cooperation and the protection of personal data, ensuring that access to criminal record information is limited to the purposes authorised by law, including the safeguarding of children.

23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

Please provide details.

No major systemic challenges have been identified in the implementation of the screening framework. The main practical issue concerns the administrative time required for issuing criminal record certificates, although such delays are generally limited.

Where screening involves cross-border elements, additional time may occasionally be required to obtain criminal record information from other States through the applicable international or European cooperation mechanisms. Differences between national legal systems and administrative procedures may also affect processing times in individual cases.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Please provide details.

Beyond the legal obligation to obtain a criminal record certificate under Legislative Decree No. 39/2014, many organisations adopt recruitment procedures that include the assessment of the candidate's professional experience, references, previous conduct and suitability for working with children. In some sectors, these measures are complemented by probationary periods and ongoing supervision of personnel.

Another important practice is the direct request for criminal record certificates by employers or recruiting organisations to the competent judicial authorities, thereby ensuring the authenticity and reliability of the information obtained. Where relevant, international cooperation mechanisms, including the European Criminal Records Information System (ECRIS), may facilitate access to criminal record information relating to other Member States.

Increasingly, screening is integrated into wider child safeguarding frameworks through the adoption of Child Protection or Child Safeguarding Policies, codes of conduct, reporting procedures and clear organisational responsibilities.

Within the Catholic Church in Italy, safeguarding measures include mandatory initial and continuous training on the protection of minors and vulnerable adults for priests, teachers of Catholic religion, Caritas personnel, staff and volunteers working in youth centres, summer camps, oratories and other pastoral activities involving children. These measures are complemented by regular monitoring and the promotion of a culture of safeguarding and prevention.