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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

ITALY

2nd thematic monitoring round

“The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”

Replies registered by the Secretariat on 26 October 2017

Prevention

Question 1 Awareness-raising or educational activities/tools/materials/measures

- 1.1. Are there awareness-raising or educational activities/tools/materials/measures addressed to children, about the risks they face when they produce and/or share:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

- 1.2. Are there awareness-raising or educational activities/tools/materials/measures specifically targeting children as bystanders/observers of other children producing and/or sharing:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

- 1.3. Are there awareness-raising activities/tools/materials/measures addressed to parents and persons who have regular contact with children (teachers, psychologists, health care professionals, etc.) about the risks children face when they produce and/or share:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?

→ Please specify which entities carry out the above-mentioned awareness raising or educational activities (questions 1.1, 1.2 and 1.3) and how they coordinate their action.

→ Please share links to awareness-raising or educational materials (e.g. booklet, video, smartphone application, manual on non-formal education, tool-kit, internet tools) produced for the above mentioned activities (questions 1.1, 1.2 and 1.3).

In Italy, the Department for Equal Opportunities (DPO) is the body responsible for coordinating government activities and defining national strategies for preventing and combating child sexual abuse and exploitation. The DPO also uses the action of the *Observatory for the fight against paedophilia and child pornography*, a body set up within the Presidency of the Council of Ministers (Law 6 February 2006, No 38) with the task of acquiring and monitoring data and information related to the activities carried out by all public administrations for the prevention and repression of the child abuse and sexual exploitation, consisting of representatives of the State Police, Carabinieri, the Finance Guard as well as of the most representative national administrations and associations in the field of combating the phenomenon of abuse and sexual exploitation in minors.

In their work, these bodies have defined the ***National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children 2015-2017***, a programmatic tool (approved by National Observatory for Childhood and Adolescence in 2015 within the framework of the wider Biennial Plan of Action on Childhood and Adolescence and by the Council of Ministers in 2016), divided into strategic areas, key intervention guidelines on which coordinated and concrete actions have been developed. In particular, the intervention guidelines foreseen in the Strategic Prevention Area have also led the members of the Observatory to put in place awareness raising and information actions for both minors and those who work regularly in contact with children (teachers, health professionals, etc.).

Among the activities launched by the Department for Equal Opportunities in 2017, the following project is worth mentioning ***"School as a place of prevention and protection: how to protect children and teenagers from the phenomena of violence, bullying and cyberbullying, sexual abuse and exploitation"*** in collaboration with the Ministry of University and Scientific Research. Within the

framework of the project (implemented at national level, in four editions, in some schools in the four macro-areas North-Centre-South and Islands), issues related to abuse and sexual exploitation were also addressed, and therefore the related risks to self-production and spread of pedopornographic material (sexually explicit images / videos). The Project has been articulated through three differentiated interventions:

I - A laboratory for promoting and raising awareness entitled "School as a place of prevention and protection from violent and harmful behaviours for minors: how to recognize them and how to defend themselves", devoted to students of secondary school aimed to raise awareness of boys and girls to guide them to respect their own and other psycho-physical integrity. The laboratory also aimed to provide them with information tools aimed at making them aware of the risks associated with the various forms of sexual abuse and exploitation also in connection with new technologies and to teach them self-protective behaviours, also pointing out who they should turn to for help.

II - A Seminar entitled "*Identification of School Intervention Models to Promote Child Protection from Violence, Abuse and Sexual Exploitation, Bullying and Cyberbullying,*" directed to school directors and teachers of every order of school, as well as the representatives of the Regional School Offices to provide an update on the regulatory and institutional context, to support the development of abilities to identify the phenomena, to provide an overview about educational tools that can be used in the school environment in order to plan educational interventions and training courses in relation to these phenomena.

III - An experimental course to distance learning for some primary and secondary school teachers of the first grade and dedicated to the issues of sexual abuse and exploitation of minors, which will subsequently be developed through the opening of the distance learning platform for remote updating to all school coordinators and teachers of Italian schools.

Within the framework of the activity of awareness raising against violence and sexual abuse addressed directly to minors, the National Child Ombudsman Office is also active and it recently provided for the Italian translation of the Brochure about the video *Tell someone you trust*, developed by the Council of Europe to promote the diffusion of the rights contained in the Lanzarote Convention. The brochure is available on the official website of the Council of Europe (<http://www.coe.int/en/web/children/tell-someone-you-trust>). The National Child Ombudsman Office also realised a series of initiatives for the European Day against Child Exploitation and Sexual Abuse scheduled for November 18, organizing the Conference "Combating Sexual Abuse and Sexual Exploitation of Minors - Implementation of the Lanzarote Convention in Italy: Application, Experiences and Open Problems", in collaboration with the Department of Law at the University of Ferrara.

In relation to **school-based prevention / training activities related to the correct use of new technologies** (an area which is closely related to sexting and self-production and the distribution / exchange of sexually explicit material by the children themselves,) Law 13.07.2015 n.107 expressly provides for the priority training objectives "prevention and fight against school drop-out, and against all forms of discrimination and of bullying, including cyber-bullying". In this context, the Ministry of University and Scientific Research (MIUR) set up a Technical Body for Psychology in the Educational System - involving the trade unions of teachers and school coordinators, representation of professional orders, academics, experts and representatives of Miur - with the primary objective of developing projects aimed at promoting actions, information and counselling aimed towards well-being in the school, prevention, contrast to youth discomfort and of risk behaviours related to work related stress.

Already since some years, MIUR is engaged in awareness-raising activities and involving students, teachers and parents on issues related to the use of new technologies. Among others, the ReW project (acronym for "The Boys and the Web") - carried out in collaboration with CASPUR, Department of Computer Science at the University of Rome "La Sapienza", University Master in "Security of Systems and Computer Networks And Computer Security Management", and with the patronage of Post and Communications Police – aims at giving teachers, parents and children the opportunity to face the web world and the issues associated with it. On the dedicated site (<http://www.ragazzieweb.it/>) you can find interactive short stories that involve young students taking risks with the web.

It should also be highlighted that since 2012, the MIUR - as well as the Observatory for the fight against paedophilia and child pornography - adheres to the **Safer Internet Community Program** established by the European Parliament and the Council of the European Union by Decision 1351/2008/EC, which sets out a series of strategic actions for the safe and responsible use of the Internet and the financing of national and European interventions by means of the creation of national reference centers on the "Safer Internet Center - National Network Safety Centers" (www.saferinternet.it). Since 2012, the project "Connected Generations – Italian Safer Internet Center" (SIC) was co-funded by the European Commission, co-ordinated by MIUR with the main network of authorities dealing with network security (Ministry of Interior - Postal Police, Ministry of Communications, Child Ombudsman). This project focuses on three areas: the implementation of education programs and awareness raising for the safe use of the Internet, a helpline for users support, and two Hotlines for reporting online paedophilia material (www.generazioniconnesse.it).

Through the Safer Internet Center Italy, various online and actual training activities were carried out, involving around 200,000 students and 20,000 teachers in more than 2,500 schools in the 2015-2016 school year. From 1 July 2016 the "Connected Generations" Project (SIC ITALY III) continued with a new edition, co-funded by the European Commission under the Connecting Europe Facility (CEF) program coordinated by MIUR in partnership with institutions and associations, with the aim of giving continuity to the experience gained over the years, improving and strengthening the role of the Italian Safer Internet Center as a benchmark at national level with regard to issues related to network security and the relationship between young people and new media.

Within this context, it should also be remembered that the State Police - Postal and Communications Police, through protocols with MIUR, continuously carries out prevention and awareness activities in schools of every typology, also with reference to the risks associated with the use of new technologies. In 2014-2016, within the "Connected Generations" project, the "Vita da Social" itinerant campaign was promoted by the State Police, which through the use of a truck equipped with multimedia tools enabled the Postal police experts to visit the schools of 43 cities, involving 220 schools, 13,931 students, 788 teachers and 344 parents. The Postal Police in collaboration with MIUR also performed several theatre performances in seven different cities, involving students, teachers and parents.

The Postal and Communications Police and Google also collaborate on network security and the responsible use of new technologies with a training project for Italian secondary schools which aims to provide students, their families and teachers with the information and didactic tools to ensure safe Internet browsing. The project called "**Good to Know**" - which in the academic year 2016/2017 has reached 500,000 children in each Italian province - through workshops held by specialists, aims to teach children and their families to exploit the potential of the internet without incurring into the risks of privacy breaches, inappropriate content uploading, copyright infringement, and the adoption of incorrect and dangerous behaviours for one self and others. Another project realized by the Postal Police is "**Web in Chair**" which aims to raise awareness and train secondary school teachers of the

first degree so as to know the risks and dangers of Internet and how for a safe, aware, responsible, critical review of this technology, in order to prevent phenomena such as on-line grooming, downloading of pornographic and pedo-pornographic images and videos.

The above-mentioned awareness raising or educational activities are carried out through the Italian National Police website; here below we provide some links to awareness-raising or educational materials:

<http://www.commissariatodips.it/>

<http://www.commissariatodips.it/notizie/articolo/sayno-coercizione-ed-estorsione-online-contro-i-minori.html> (<https://www.youtube.com/watch?v=f4PXcAjRgto>)

<https://www.commissariatodips.it/blue-whale.html>

<http://poliziadistato.it/articolo/31696>

<https://www.facebook.com/unavitadasocial>

<http://www.generazioniconnesse.it/site/it/home-page/>

Also Carabinieri, in implementation of a Memorandum of Understanding signed in 2014 with the Child Ombudsman, have carried out conferences on the rights of the child at high training institutes.

In 2015 the Minister of Justice presented “**iGloss @ 1.0: Abc of Deviant Online Behaviors**”, a glossary on cybercrime, a useful easy-to-use tool developed by the Department of Studies, Research and International Activities of the Juvenile Justice Department and the IFOS Master in Clinical Criminology and Legal Psychology under a multiannual research project on new forms of deviance and online crime in the young age (published under the patronage of Google Italy and the Italian Association of Magistrates for Minors and Families). IGloss @, available online in Italian and English, is aimed at not only social, health and judicial services but also young people and their parents. The glossary is a collection of specialist terms on online behaviour at risk: each term provides a brief explanation of the main features of the conduct and a brief note of its legal characteristics. One of the general objectives that goes through the whole project is the protection of minors who may more or less consciously constitute "victims" or "offenders".

Also the Ministry of the Interior promoted a project in this area entitled “*Abbandono scolastico e bullismo: Quali rischi tra i giovani? – Discobull*” (School drop-out and bullying: What are the risks among youth?)

Lastly, numerous activities have been promoted by the Regions and the local authorities regarding the protection of minors from the use of new technologies. Among them, the project “*MOVE UP. project. Alternative destinations. Respecting Diversity, Prevention of Violence and Conscious Use of New Technologies*” (<http://www.regione.piemonte.it/moveup/moveUp.htm>), a specific initiative launched by the Piedmont Region in 2009 - Regional School Office and the Police, through funding from the European Structural Funds 2007-2013. The added value of the project is to provide students, teachers and parents with more information on new technologies, even from the point of view of the criminal convictions in which they may incur, and on the possible defence tools. Move Up is an integrated project aimed at schools of all orders and training agencies by providing through the website a number of materials to explore issues in an educational context, including a specific toolkit.

(<http://www.regione.piemonte.it/archivio/europa/fse/moveup/dwd/vademecum.pdf>).

A number of projects aimed at the prevention and fight against bullying and cyberbullying have also been funded through the law 285/97. The following projects could be retrieved from the Law 285/97 database:

1. Prevenzione del bullismo giovanile (Preventing bullying among youth)
2. PreDisco Giovani Fuori classe - Lecosecambiano@Roma (Outstanding youth - Things change in Rome)
3. Servizio gratuito di ascolto di mediazione dei conflitti e la cura del disagio del minore - sportello anti-bullismo (Free Service for counselling, conflict resolution and children care - anti-bullying service)
4. M.V.B. Mi voglio bene (I love myself)
5. Azioni di prevenzione della dispersione scolastica (Preventing school drop-out)
6. Centro di consulenza per la famiglia e la scuola (Counselling center for family and school)
7. Su la testa (IV P.I.), Milano (Raise your head)
8. Interventi innovativi volti alla gestione del conflitto e sostegno vittime di bullismo (Innovative intervention for managing conflict and supporting victims of bullying)
9. Socializzazione, integrazione, benessere. I giovani in relazione al mondo straniero (Socialization; social inclusion and wellbeing. The relationship between youth and foreigners)
10. Verso la scuola [Towards the school]
11. Bullismo e disagio sociale (Bullying and social distress)
12. Centro di quartiere finalizzato alla socializzazione e all'aggregazione giovanile (Neighbourhood center for socialization of youth)
13. Silenzio in Aula (Keep silent in the classroom)
14. Servizio educativo assistenziale semiresidenziale (Educational semi-residential and support service)

At local level, it is also important to refer to the various initiatives promoted by Corecom (the Regional Communications Committee) which has carried out since several years actions for awareness, study and research on Internet and minors in order to educate and make young people, families and teachers aware of the risks and opportunities of telematic technologies. Among these activities there is the implementation of the Toolkit *Internet@minori@adulti* - realized in 2013 by the Tuscany Corecom in collaboration with some Tuscan Universities and with the Office of the Tuscany Ombudsman for Childhood and Adolescence aimed at the so-called digital natives, to protect them from the dangers of Internet (cyber bullying, online paedophilia, grooming) but also to adults (parents) and the elderly (grandparents) to inform them about how to supervise and help children to use Internet in a correct way.

In 2014 from the collaboration of the Tuscany Corecom, the Istituto degli Innocenti of Florence and the National Coordination of Corecom, the "National Observatory on Internet and Minors" was born, which in 2015 started its activity as a permanent training center with the first courses devoted to teachers of first and secondary schools, focusing mainly on issues related to the risks for children related to the use of the internet and the social media. A competition was also announced in 2015 to award a prize to the best logo for the newly born Observatory and in the same year the best work by the students for video and audio spots on the issue of Internet and minors were awarded. The Observatory also received the Patronage of the Communications Authority.

Question 2. Civil society involvement

2.1. How do State authorities encourage the implementation of prevention projects and programmes carried out by civil society with regard to:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

2.2. Please provide information on prevention activities (including awareness-raising and educational activities, research etc.) implemented by civil society (including those carried out by civil society at their own initiative) with regard to:

- a. self-generated sexually explicit images and/or videos;
- b. self-generated sexual content?

Italy has, since the year 2000, launched a number of interventions in collaboration between institutions and civil society concerning the protection of minors in relation to the use of new technologies at national and local level. On this point, it should be noted that already in 2003, the Self-Regulation Code Internet and Minors was signed between the Minister of Communications, the Minister for Innovation and Technologies, the Italian Internet Service Providers Association (AIIP), the Association for Convergence in Communication Services (ANFoV), the Independent Provider Association (Assoprovider) and the Federation of Communication and Information Technology (Ferdercomin). The Self-Regulation Code is a public-private agreement with sanction and reward mechanisms through which the new technology industry is committed to adopting rules, while a public control body monitors the compliance with the same rules. The objectives of the code are to provide families with help for the proper use of Internet. To this aim, appropriate prevention measures and different internet routes have been realized in order to prevent young people from coming into contact with harmful contents on the Internet. Providing minors with the right to data confidentiality, providers are committed to storing and providing useful data for the identification of authors of illegal websites, in collaboration with the authorities responsible for preventing, countering and repressing the exploitation of prostitution, pornography and sex tourism on the internet.

In relation to the most recent activities, in December 2016, the Department for Equal Opportunities issued a Notice on the implementation of educational initiatives under the "Extraordinary Action Plan on Sexual and Gender Violence": the funds of € 5 million will allow the funding of 90 projects to be implemented by the end of 2017. In implementation of the Extraordinary Action Plan against Gender Violence, in July 2017, the Equal Opportunity Department also issued a new call for funding related to projects aimed at preventing and combating violence against women, which will fund projects for 10 million of euros also to support awareness-raising, prevention and education projects on this specific issue. Furthermore, it is important to recall that the Observatory for the fight against paedophilia and child pornography is composed of the most representative national administrations and associations in the field of combating the phenomenon of abuse and sexual exploitation in minors. Therefore, through this body, coordinated actions are developed- as envisaged in the National Plan for the Prevention and Fight of Abuse and Sexual Exploitation of Minors - on the above-mentioned themes, which also include civil society members as promoters. Currently, in addition to the State Administrations, pursuant to the Ministerial Decree of August 30, 2016 (supplemented with subsequent DM of September 12, 2016), members of the Observatory are also the following associations: Telefono Azzurro, Save the Children Italia, Terres des Hommes Italia and Meter. In addition, the Child and Adolescent Ombudsman also participates in the work of the Observatory for the fight against paedophilia and child pornography with its own representatives. Some of the initiatives taken by the aforementioned associations are related to the phenomena of the production / self-production of pedopornographic material and the risks associated with the

diffusion of this material through new technologies.

The association S.O.S. Azzurro Onlus Telephone organizes information and awareness raising events for parents and teachers on issues concerning childhood and adolescence including on child sexual abuse and exploitation and the risks of Internet surfing. Telefono Azzurro also collaborates on the realization of the training activities of the Master "Evaluation and intervention in situations of child abuse and paedophilia" organized by the University of Modena and Reggio Emilia.

Also Meter Association has implemented education projects targeting schools, parishes, service clubs, educational agencies, public and private bodies on the correct use of Internet, interpersonal relationships, as well as prevention and awareness raising on all forms of child abuse. Among others, mention should be made of the "Project on Sexual Roles" and the "Minori online! Internet and Security." With reference to the issues of sexting, grooming and the dangers associated with the production / dissemination of paedophile material, the national project "*In riga su Internet*" promoted a digital education campaign, which has also become a tool at school level to promote prevention projects and professional interventions related to the use of new technology and the Internet.

Save the Children Italia coordinated the DICAM I and II Project, co-funded by the European Commission's Directorate-General for Justice, Freedom and Security, and implemented in partnership with the Italian Coordination of Child Maltreatment and Child Abuse Services (Cismai), the Center for the Fight Against Paedophilia on the Internet - Postal and Communications Police (Cncpo) and the Observatory against Paedophilia and Child Pornography. Numerous information sessions on the subject of sexual abuse online were addressed to practitioners in the social, investigative and judicial sector (with around 2,500 professionals) and the volume "*Out of the network. Operational Procedures for the Protection of Minors Victims of on-line Sexual Abuse*" was realized and is addressed to practitioners in the education, social, health, justice, law enforcement and technology sectors, with a view to creating an instrument for implementing child protection through co-operation and integrated case management.

The association *Terres des hommes* realised a project entitled "*Io proteggo i bambini*" (I protect children) aimed at promoting a culture of prevention of all forms of violence and abuse against children including safety on-line.

The association Ecpat launched a campaign entitled "Don't worry, Be happy, be safe!" in the occasion of the Safer Internet Day. Telefono Azzurro also launched a campaign entitled "*Fermiamo il bullismo adesso!*" (Let's stop bullying now!)

The association MOIGE promoted the project "Giovani ambasciatori contro il bullismo e il cyberbullismo per un web sicuro" ("Young Ambassadors against bullying and cyberbullying for a safe web") with the support of the Vodafone Foundation, Trend Micro and with the patronage of the State Police. The project aims to provide greater awareness of the issues associated with the improper use of the Web and the skills for a positive management of conflicts, whether personal or off-line, for the prevention of risks related to the phenomenon of bullying and cyberbullying.

The association "The circle of men" promoted the "School project: Stereotypes and bullying" aimed at making young people aware of gender stereotypes and the behaviour which lead to violence and bullying.

Concerning research activities by Associations Telefono Azzurro and Eurispes realized the National Survey on the Childhood and Adolescent Status 2012 based on a questionnaire given in 23 schools to 1,523 students between the ages of 12 and 18, attending the second and third grade of first-grade secondary school or one of the five grades of secondary school of secondary grade. This survey shows that sexual images, texts and videos are often received by friends (38.6% of cases), by their boyfriends (27.1%), by acquaintances (9.9%), but for high percentage even by outsiders (22.7% of cases). In addition, the following statements were made by the respondents:

- 41.9% does not consider badly these events;
- 16.1% trusts the person to whom the photo / video is being sent (who is the boyfriend/girlfriend).
- Only 1 teenager out of 10 did it as a joke (11.1%).

The research also reveals that the phenomenon affects both males and females and the motivations can be different: if an adolescent out of two does not see consider it as a bad thing, almost one girl in four does this because she has been asked by her boyfriend. Most girls teenagers interviewed are delighted to receive these messages. However 20% of the girls doesn't like this kind of requests. Taking a picture and sending it to others is mostly seen as a game: the kids are not aware of the exchange of pedo-pornographic material, which can get into the wrong hands, nor do they look at the effects on the people portrayed. Between young people aged 16 and 18, 1 adolescent out of 10 found him/herself in danger after having put her/his photo naked online.

Question 3. National curriculum

Does national curriculum (primary and secondary schools, and vocational education) include awareness-raising about the risks of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

National teaching programs do not include activities specifically aimed at raising awareness of the risks posed by self-production of sexually explicit videos or content by children, but the Ministry of University and Scientific Research (MIUR) through activities related to the *Safer Internet - Connected Generations* project and through the collaboration with the Postal and Communications Police, has enabled the schools of every order and degree to engage in a series of interventions concerning the correct use of new technologies, enabling experts to address these issues with students and teachers (see also Question 1).

In addition, the issue of dissemination through new technologies of sexually explicit material produced by minors is sometimes related to that of cyberbullying. In relation to this phenomenon, the MIUR Guidelines addressed to the school (such as the Guidelines for Preventive Actions and the fight against bullying and cyberbullying of April 13, 2015 and the National Plan for the Prevention of Bullying and Cyber-Bullying in Schools 2016/2017) provide, inter alia, that schools should integrate the training offer with activities aimed at prevention and fight of bullying and cyberbullying phenomena, in the subjects related to "Citizenship and Constitution". Strategies carried out by schools include: strategies involving all components of the school community in the updating of the Institute's Regulations with a section dedicated to computer schooling, smartphones and other electronic devices, on the model of the Code of Conduct that is part of the European project Safer Internet Center II; communication to students and families of the Institute's Regulations and Sanctions in Bullying and Cyberbullying; monitoring the situation by sending questionnaires to students and families. Other initiatives include: training courses for parents, awareness-raising

campaigns; creation of a section dedicated to bullying and cyberbullying in the school's website, opening of a help desk in each school based in Territorial Support Centers set up by the Regional School Offices at provincial-level, the use of codified procedures for reporting to families and competent bodies of risk behaviours and enhancing the role of school staff, with particular reference to the technical one for the secure use of Internet.

The above-mentioned documents also highlight the priority that schools should give to the training of teachers on psycho-pedagogical issues and in relation to information and communication technologies as teachers must be placed in the condition of being able to exercise their reference and listening role, including through support networks.

Moreover, in Italy the phenomenon of cyberbullying has recently been the subject of Law 29 May 2017 n. 71, "Provisions for the Protection of the Child for the Prevention and Fight Against Cyber Bullying" which imposes on MIUR and the individual school institutions the activation of an integrated system of measures to protect the child for the prevention and fight of the phenomenon of cyberbullying, including specific tools that users can use to remove data diffused through new technologies and the admonition of the author of the illegal dissemination of data / images / content (in particular the instance for darkening of websites, removing and blocking the data). The same law, which does not introduce any form of criminalization of cyberbullying in itself, provides its definition: it is therefore considered as an act of cyberbullying *"whatever form of pressure, aggression, harassment, blackmail, insult, denigration, defamation, identity theft, alteration, illicit acquisition, manipulation, illicit treatment of personal data to the detriment of minors, made by electronic means, as well as the dissemination of on-line content involving also one or more members of the minor's family whose intentional and predominant purpose is that to isolate a minor or a group of minors by realising a serious abuse, a malicious attack, or by putting minors in ridicule situations."*

Question 4. Higher education curriculum and continuous training

Do higher education curriculum and continuous training for those who will or already work with children include the issues raised by:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

National teaching programs do not include activities specifically aimed at raising awareness about the risks posed by the self-production of videos or sexually explicit content by children. However, in the National Plan for Prevention and Fight against Abuse and Sexual Exploitation of Children 2015/2017, the drafting of guidelines is foreseen in order to create an internal protection (circle of trust) to each organization (private and public) including a code of conduct for professionals and clear and effective procedures for signalling and responding to any suspicion of abuse and maltreatment by adults in trust positions in the organizations concerned, within the limits of compatibility with their respective regulations.

It is also envisaged to define a dictionary / glossary for the various professionals / persons involved in the activities involved in listening and detecting cases, through the development of common guidelines ("Victim Procedure") in line with the content of the *"Guidelines for the essential levels of protection and support for victims of sexual abuse and exploitation"*. In addition, among planned activities in this area, there is a vademecum of law procedures and good practices addressed to teaching staff and heads of school to detect and report suspicious abuses concerning their students. Moreover, the Department for Equal Opportunities has already implemented information and awareness-raising projects in schools including on emerging issues (such as the so-called "blue

whale", sexting and similar behaviours involving teenagers), which it has extended also to the sport world.

Mention should be made also of the project "Free to Grow Free", which aims to raise awareness, train and educate children, teachers, school leaders, childcare professionals and families on paedophilia, pedo-pornography and cyberbullying, in the belief that the in-depth knowledge of phenomena and the involvement of all actors in the educational process can result in more effective prevention actions.

Question 5. Research

- 5.1. Have public authorities or other bodies initiated/supported research on the issues raised by:
- self-generated sexually explicit images and/or videos?
 - self-generated sexual content?
- 5.2. Have public authorities or other bodies conducted or supported research in particular on the psychological effects on those persons whose:
- self-generated sexually explicit images and/or videos as children have been shared online?
 - self-generated sexual content as children has been shared online?

→ Please specify whether the public authorities or other bodies having initiated/supported the research above (questions 5.1 and 5.2) are aware of their outcomes.

In relation to recent national research on the phenomenon of sexual abuse and exploitation, the following studies should be mentioned:

- the "National Survey on Child Maltreatment" carried out by the Italian Coordination of Child Maltreatment and Child Abuse Services (CISMAI) and Terre des Hommes Italia, carried out in 2015 with the support of the National Ombudsman for Children, which analyses administrative data covering a total of 2.4 million children (25% of the total Italian infant population) resident in 231 municipalities across Italy. The study identified that at 31.12.2013, in Italy, about 5% of children are assisted by social services (about 458,000 minors). For about 1 out of 5 of the 458,000 estimated children assisted by social service (corresponding to 91,000 children, which is about just under 10% of the total child population) an intervention has been activated as a result of experiencing an abuse (sexual abuse, physical and psychological abuse, witnessed violence, disease treatment and neglect material and emotional).

- the research "Multi-Country Study on the Drivers of Violence against Children" coordinated by Unicef Office of Research, and realized for Italy by the Istituto degli Innocenti, in which a review of the literature was carried out taking into account studies and research on sexual, physical and psychological abuse of children in Italy in the last 15 years. 237 studies were reviewed, including 67 studies that were appropriate to the inclusion criteria selected.

Within the project of Multi-country Study on the drivers of violence against children, a second research was carried out by the Istituto degli Innocenti, in cooperation with the University of Florence, aimed at mapping the projects carried out in Italy to prevent and fight bullying and cyber-bullying. (the report is available on the webpage <https://www.istitutodegliinnocenti.it/content/progetti-di-ricerca-internazionale>). The research includes the results of a systematic review of anti-bullying interventions conducted in Italy from 2009 to 2016. The review includes several studies and reports retrieved from different bibliographic sources. (Two scientific databases -Scopus, and Web of Science -, the Law 285 Database including anti-bullying intervention carried out in Italy from 2008 to 2016; 2) European databases including

funded European programs (CORDIS, Daphne and Erasmus Plus). Also the following bodies were contacted: the Italian Ministry of Education University and Research, the Regional School Offices, the Italian Ministry of Interior and the main Italian No-profit Organizations. Overall, 85 anti-bullying intervention programs were analyzed in this report.

Findings of the present report showed that several anti-bullying programs were carried out in Italy in the last eight years, however few were systematically evaluated.

From the information obtained, it is evident that all interventions are aimed at both males and females. 40% of the interventions are for children and adolescents aged 11 to 18 years. 20% of interventions are aimed at both children and adolescents in all levels of schooling (ie, children and adolescents aged 6 to 18). Lastly, a small part (4%) is aimed only at elementary school children (6-10 years). The intervention programs were mainly conducted at school (63.5% of cases) and adopted different methodologies and components (e.g., awareness, psycho-educational activities). However, only some of the programs have combined the various components and have used standardized materials and protocols. Parents were included in 32% of interventions, while teachers were in 47% of cases.

Most of the interventions were conducted in urban contexts and involved few schools (i.e. less than 10 schools), while a minority was conducted on a larger scale; only 4% of interventions have been conducted in more than 20 schools. In addition, only 13% was targeted at between 1,000 and more than 3,000 children and teenagers. In relation to the duration of the interventions, most of the projects examined were conducted for a limited period of time (i.e., one year or less of one year) and only a minority was systematically evaluated. In addition, only two intervention programs (i.e. KiVa and Notrap!) adopted a scientific evidence-based approach and only a minority was conducted on a national scale (ie, Generazioni Connesse - Safer Internet Center Italy, Una vita da social).

From this review it has emerged that the most effective interventions are those based on scientific evidence, include several components, involve both students and school staff, encourage students who assist to bullying to help victimized peers and promote empathy against the victim.

Starting from this review, some recommendations can be made regarding the implementation of bullying prevention interventions: the need to pay more attention to the approach based on scientific evidence and the evaluation of interventions; the opportunity to make interventions involving the school as a whole; the experimentation to a widest scale of the most effective models and intervention components.

Protection

Question 6. Assistance to victims

6.1. What specific reporting mechanisms, including helplines, are in place to ensure that child victims of exposure online of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?
- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

6.2. What legislative or other measures have been taken to ensure that child victims of online exposure of:

- a. self-generated sexually explicit images and/or videos are provided with the necessary support, assistance and psychological help?

- b. self-generated sexual content are provided with the necessary support, assistance and psychological help?

→ Please provide, if any, information on the number of victims who received support, assistance and psychological help in the above mentioned specific contexts (questions 6.1 and 6.2).

The Italian legislation (Article 609-decies) states that when a trial is initiated for one of the offenses related to child pornography (Article 600ter - Article 600quater cp) - as well as for other crimes such as slavery, child prostitution, sexual tourism, trafficking, sexual violence, sexual acts with minors, corruption, solicitation) committed to minors, the prosecutor informs the juvenile court. This communication is aimed at activating protection and assistance for the minor victim, through the intervention of the Specialized Judicial Authority (Court for Minors). In the same cases, the rule states that "the emotional and psychological assistance of the offended minor is ensured in every stage and grade of proceedings by the presence of parents or other suitable persons designated by the minor, as well as groups, foundations, associations or non-governmental organizations with proven experience in the field of assistance and support for the victims of the above mentioned offenses listed in a special list of legal entities legitimated for this purpose, with the consent of the minor, and admitted by the judicial proceeding. In any case, the minor is provided with the assistance of the Juvenile Justice Service and the services provided by local authorities." The Judicial Authority may, however, use such services for the purposes of the Juvenile Justice Service and the services provided by the local authorities in each stage and grade of the proceedings.

In the Italian system, the responsibility for taking on the minor victims of abuse and sexual exploitation is up to the Regions. The Department for Equal Opportunities, in order to ensure the homogeneity of the assistance on the national territory and to provide specific guidance on the safeguards for the minor victims of sexual abuse and exploitation, has recently set - in collaboration with the members of the ' Observatory on Paedophilia and Child Pornography - Guidelines identifying the essential levels of protection and support for minors who are victims of abuse and sexual exploitation presented at the Plenary Meeting of the Observatory held on 15.09.2017.

As for the helpline, it should be noted first that by the Department for Equal Opportunities the Servizio 114 Emergenza Infanzia (telephon Emergency Childhood Service 114) is active, to which you can address to report any form of disease / danger related to a minor; This is a multilingual service, active 24 hours a day, seven days a week, free of charge, accessible both from home and mobile phones (www.114.it).

The State Police website (<http://www.commissariatodips.it>) is the Internet office managed by the Post and Communications Police to receive information or report offenses that occur on the Internet, including those linked to online paedophilia and other minor offenses related to the use of computer and communication technologies.

Special sections are in the other police Services websites

(Carabinieri: <http://www.carabinieri.it/cittadino/consigli/per-piu-piccoli>, State Police: <https://www.poliziadistato.it/articolo/247> and <http://www.commissariatodips.it/da-sapere.html>) dedicated to children and parents, containing practical advice (also in the form of fairy tales, stories and comics), also relevant to paedophilia, on-line temptation, protection of identity and online psycho-physical integrity, correct use of the media.

As for the data available, it should be noted that in the 2016 Report of the Emergency Childhood Service 114, cases of request for assistance for sexting phenomena are increasing: they were 3.7% of all calls received in 2013 for abuse and paedophilia, 5.2% in 2015 (2067 calls), and 7.1% in 2016 (1667 calls). Not so dissimilarly emerges from the 2016 Report of The Telefono Azzurro association, which runs the helpline 19696 - according to which sexting reports counted for 15.3% of abusive and paedophile calls in 2015 (total 2682), while in 2016 help requests related to sexting were 21.6% of calls (total 2315).

Further data - related to the year 2015 - are found through the Database of the Observatory for the fight against paedophilia and child pornography of the Department for Equal Opportunities: the Ministry of Home Affairs provides this database with data on reported offenses concerning child and adolescence abuse and about the reporting of victims of crime. The Ministry data are extracted from the SDI (Intermediate Information System) on the crimes reported by the police to the Judicial Authority. Even in this context, there are no specific data concerning the self-production of child pornographic material by children or their dissemination. In general, data from the Ministry of Interior reported 1,788 offenses in 2015 related to child abuse and maltreatment, with a contraction in 2014 when the reports were 2,011, and also compared with 2013 when they were 1,911. Compared to the offense of child pornography (art 600ter of the Penal code) we have 149 crimes in 2015, which is 8.3%, down from 2014 when they were 240 and also compared to 2013 when they were 178. After these types of crime, the Data of the Ministry report 105 offenses for minor corruption in 2015 (5.9% of the total), 90 offenses for child prostitution (5% of the total), 58 complaints for child pornography (3.2% of the total), 35 offenses for aggravated sexual violence, because committed in educational institutions (2% of the total) and 26 for group sex violence (1.5% of the total); Other crime typologies amount to a total of 18 reports (1% of the total). In 2015, reported victims of child abuse and ill-treatment are 1,813, with a reduction compared to 2014 when the reported victims were 2,020 and even compared with the year 2013 when 1,930 minors were reported to abuse and maltreatment.

With regard to the types of offense, for 2015, victims of child pornography are 150 (8.3%), with a contraction compared to 2014 when they were 241 and also compared to 2013 when they were 184.

Victims of crimes of abuse and maltreatment related to the offense of minor corruption are 115 (6.3% of the total) in 2015, 90 are victims of child prostitution (5% of the total), 66 victims reported in connection with offenses related to detention of pedopornographic material (3.6% of the total), 35 reports for aggravated sexual violence because contracted at educational institutions (1.9% of the total) and 26 for group sex violence (1.4% of the total); the victims reported for the other types of crime amount to a total of 18 reports (1% of the total).

Moreover, as for the minors who have been assisted, more general data can be provided (not specific to the hypothesis dealt with in the questionnaire) about the taking over by the Social Services of Minority Justice of minors victims of sexual exploitation (abuse excluded) and maltreatment (including victims of crime related to the production / detention / trade / spread of paedophile material). The minor offenders of child prostitution, child pornography and possession of pornographic material, who were taken up for the first time by the Social Services for Minors in 2016, are 101 (93 males and 8 females). Data relating to victims of sexual offenses (other forms of exploitation and mistreatment or offenses provided for in Articles 572, 600, 600 bis, 600b, 600d, 601, 602, 609e, 612bc) which were taken up for the first time in 2016 by the Social Service, are the following at national level: 50 reported minors (including 24 males and 26 females) and 47 minors (22 males and 25 females) for whom actions have been undertaken by the social services in 2016. In the same year 2016, 117 are the minors victims of these crimes who have previously been assisted by the juvenile justice services (including 58 males and 59 females).

With regard to the assistance of boys and girls at school it has to be noted that in the last years in Italy the use of psychologists has been widespread, especially in first and second grade secondary schools, as some of them have introduced a psychological front desk and projects of several hours of training courses for school staff and parents and / or discussion of child related issues through interactive lessons and group games. The psychological front desk generally involves a psychologist for at least once a week, it is addressed to students, teachers and parents, and it is a setting where one can talk about any worry, even if not related to school, and where the utmost privacy is guaranteed (unless serious emergencies concerning the child and requiring the involvement of the family). This is a tool which can be used by children who need listening and support for issues related to self-production and the spread of sexually explicit material.

Lastly, in the implementation of the National Plan for the Prevention and Fight against of Abuse and Sexual Exploitation of Children 2015-2017, the members of the Observatory for the fight against paedophilia and child Pornography have planned a Guidelines for taking care and treating of online victims and their families, in order to identify the appropriate support and treatments through a Committee of Experts and a comparison of ongoing programmes in various Italian regions to be evaluated by effectiveness. Cismai (Italian Coordination of Child Maltreatment and Child Abuse Services) has already started an ad hoc Scientific Commission leading an experimentation in some Italian Regions in its centers, working with Save the Children Italia and the Postal Police for the drafting of the guidelines.

Question 7. Cooperation with civil society

Please describe cooperation with non-governmental organisations, other relevant organisations and other representatives of civil society engaged in assistance to victims of the offences covered by the present questionnaire (see questions 9-11) through e.g. child helplines, victim support organisations.

A: As for emergency helpline 114, it should be noted that this Telephone service is contracted out by the Department for Equal Opportunities of the Presidency of the Council of Ministers to a managing provider, a third sector association, which also carries out the assistance and support to the minor / victim who has been reported through the telephone line. Currently, the service provider is the SOS Association – Telefono Azzurro, and many entities belong to the helpline support network across the country (Police, Prosecutors at the Juvenile Courts and at ordinary Courts, Juvenile Courts and the ordinary Courts.)

Emergency Medical Facilities, Social Services, Regional Tutors and Ombudsmen for Children, residential care centres, Schools and Providers of Studies, Local Authorities, private social associations).

In addition, many third sector associations at national level deal with the exploitation of minors for sexual purposes, and have collaborated in many occasion with the public authorities and the police in projects on prevention and fight against of online paedophilia, as well as on assisting minor who victims of such offenses. In this regard, among the free services offered by the Connected Generation Project (see above Q 1) is the Listening Line 1.96.96, Child Helpline (also available via chat) active 24 hours a day for 7 days, which is run by the association SOS - The Blue Phone and two lines to report illegal material on the net (<http://www.azzurro.it/it/clicca-e-segnala> of SOS Telefono Azzurro Onlus and www.stop-it.it of Save the Children Italia Onlus). Since 2015, the Service has handled over 4,000 cases, of which 273 problems or difficulties related to the use of the Internet and the network. Telefono Azzurro is also on Facebook, through a specific APP to support children and

teenagers and help them if they want to report a discomfort or a risk situation (<https://www.facebook.com/pages/SOS-Il-Telefono-Azzurro-Onlus/44991281207>).

As for the assistance to minors who are victims of sexual abuse or exploitation, it should be recalled that in September 2011 the Department for Equal Opportunities has published a Call (n. 1/2011) for grants to pilot projects for the treatment of minors who are victims of abuse and sexual exploitation. Such a measure is issued under the lines set in the 3rd National Action Plan for the protection of the rights and the development of children. The aim of the Department was to give impetus to interventions for minor victims of abuse and sexual exploitation, with an attitude to a strong connection between all the operational and institutional resources of the local system and to multidisciplinary. The Call allowed the funding of 27 projects, with a balanced territorial distribution on the national territory, for an amount of 2 million and 800 thousand euros.

In addition, a public call of the Presidency of the Council of Ministers - Department for Equal Opportunities - was issued in 2016 in the implementation of the Special Action Plan on Sexual and Gender Violence 2015 - "for the strengthening of anti-violence centers and assistance services for women victims of violence and their children and for strengthening the network of territorial services ", which provided for a total amount of € 12 million. In January 2017, two decrees were issued by the President of the Council of 25 November 2016 concerning the resources of the Fund for Rights and Equal Opportunities Policies, which distribute 31 million euros between the Regions (under Law 119/2013 and under Law 93/2013): in particular, part of the funds, operating for the two year period 2017-2018, aim at the opening of new anti-violence centers and refugee homes and the upgrading of existing ones, and further regional initiatives on violence.

Prosecution

Question 8. Legislation

- 8.1. Does national law contain any reference to:
 - a. self-generated sexually explicit images and/or videos in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - b. self-generated sexual content in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
 - c. non-pictorial self-generated sexual content produced by children (e.g. sound, text) in the context of offences covered by the Lanzarote Convention (Art. 18-23)?
- 8.2. Does national law tackle the involvement of more than one child (i.e. consensual posing) in generating the:
 - a. self-generated sexually explicit images and/or videos?
 - b. self-generated sexual content?
- 8.3. Are there specificities related to the fact that more children appear on the:
 - a. self-generated sexually explicit images and/or videos when these children accept that their image and/or video are produced and shared through ICTs?
 - b. self-generated sexual content when these children accept that their image and/or video are produced and shared through ICTs?

In the Italian criminal system at present there is no specific reference to self-generated sexually explicit images/contents/materials produced by children, neither are there specific provisions on the participation by more children in self-generated pedopornographic material, nor does legislation

predetermine the extent of the validity of any consent given by the child who has produced self-generated sexually explicit or evocative images to sharing them through ICTs.

The matter of child pornography, as influenced by the indications contained in the Lanzarote Convention, is ruled by the provisions of the Criminal Code, articles 600-ter and 600-quater (for details see the answer to Question 20 of the General Overview Questionnaire and the answer to Q.9 below). Literally these provisions, as interpreted by the jurisprudence on the substance and by the consolidated case-law of the Supreme Court, do not expressly punish the production of self-generated child pornographic material by children and punish only cases in which such material is produced (or marketed, distributed, spread, transmitted, advertised, transferred, even electronically) "*using minors under the age of eighteen*".

The case law has pronounced itself very recently in this regard, with reference to the phenomenon of sexting, in particular in a case of sexually explicit material produced by a girl under eighteen, which she had then transmitted to other children who, in turn, have sent it to other children without her knowledge. In fact, the holders of the self-generated material who had sent it to others were acquitted of the charges based on art. 600 ter of the Criminal Code (production and dissemination of pedopornographic material) since the Court declared that this provision punishes the transfer of pedopornographic material only when the material has been produced with third parties (adults or minors) using the minor, whereas in this case the material had been self-generated by the girl herself. In this sense, the notion of "pedopornographic material" to which the article refers to, is only the one produced by a person other than the minor being depicted, since the law makes a clear distinction between the user of the material and the minor depicted in the images [3rd Criminal Section of the Supreme Court ("Corte di Cassazione"), judgment of 21 March 2016, No. 11675]. Differently, the case of pedopornographic material which was self-produced and disseminated via ICTs with the participation of an adult or a minor who "uses" a child or more children can fall under the above-mentioned offenses.

Regarding the production of self-generated child pornographic content representing sexual acts among children, it should also be reminded that, in Italy, cases of sexual acts with children fall under different regulations based on the age groups, and that normally sexual consent requires at least the age of fourteen. The Italian law allows to have sexual intercourse with children who have reached the age of 14 if they are consenting to it and if they are not subject to a dominant position. In case of dominant positions (such as those of parents, guardians, teachers, caregivers, physicians, public officials or even partners) the child must be at least 16 years old for the consent to be valid, otherwise there is a criminal offence (art. 609quater of the Criminal Code: sexual acts with children). The age of consent to sexual acts reaches 18 years if the act involves the parent, even adoptive, or a guardian or a partner, and a child who is at least 16 years old, and there is an abuse of powers connected to his/her role. The age of consent validly granted to sexual acts goes down, on the other hand, to 13 years if both partners are underage, provided the age difference is less than 3 years. If the child is less than 10 years old, the offence is considered aggravated (art. 609-quater). Under the age of 14, there is "sexual intangibility" (with the above-mentioned exception of the child who has reached the age of 13): his/her consent is always considered invalid and therefore any sexual activity involving him/her is considered and punished as sexual violence. Therefore, the production of sexually explicit material with the involvement of a child (or more children) being 14 years old and committing sexual acts with other children, could possibly be considered as the above-mentioned criminal offense of **sexual acts with children**.

As regards the self-production and the transmission of child pornographic material by children, it should also be noted that the Italian Criminal Code punishes the "incitement to paedophilic practices and child pornography" (art. 414-bis of the Criminal Code), a crime that takes place

whenever anyone (adult or underage), by any means and with any form of expression, publicly incites to commit, against children, one or more crimes of child prostitution, child pornography, possession of pornographic material (even if related to virtual pornography), sexual tourism, sexual violence, sexual acts with children and corruption of children. Those who publicly condones one or more of the above-mentioned crimes are also subject to the same sanction. That law also specifies that, with regard to such offences, it is not possible to invoke, as justification, artistic, literary, historical or social reasons or purposes, precisely to allow for the widest possible protection of children from behaviours that, disguised as artistic/cultural expressions, put them in danger of being sexually abused or exploited.

Question 9. Criminalisation

- 9.1. Does national law criminalise cases when adults:¹
- a. possess child self-generated sexually explicit images and/or videos?
 - b. distribute or transmit child self-generated sexually explicit images and/or videos to other adults?
 - c. distribute or transmit child self-generated sexually explicit images and/or videos to other children than those depicted on such images and/or videos?
- 9.2. Are there special circumstances (including alternative interventions) under which the above cases (9.1.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.3. What are the legal consequences of the above behaviours (9.1.a-c)?
- 9.4. Does national law criminalise cases when adults:²
- a. possess child self-generated sexual content?
 - b. distribute or transmit child self-generated sexual content to other adults?
 - c. distribute or transmit child self-generated sexual content to other children than those depicted such sexual content?
- 9.5. Are there special circumstances (including alternative interventions) under which the above cases (9.4.a-c), although established in fact and in law, are not prosecuted and/or do not lead to conviction?
- 9.6. What are the legal consequences of the above behaviours (9.4.a-c)?
- 9.7. Does national law criminalise cases when children:³
- a. produce self-generated sexually explicit images and/or videos?
 - b. possess self-generated sexually explicit images and/or videos?
 - c. distribute or transmit self-generated sexually explicit images and/or videos of themselves to peers?
 - d. distribute or transmit self-generated sexually explicit images and/or videos of themselves to adults?

¹ If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

² If the replies of Parties to the General Overview Questionnaire as regards the implementation of Article 20 of the Lanzarote Convention (see replies to question 16) are still valid, please refer to them. Otherwise, please up-date such replies in the context of this question.

³ This question does not in any way suggest that these behaviours should be criminalised.

- e. distribute or transmit self-generated sexually explicit images and/or videos of other children to peers?
- f. distribute or transmit self-generated sexually explicit images and/or videos of other children to adults?

9.8. Are there special circumstances (including alternative interventions) under which the above cases (9.7.a-f), although established in fact and in law, are not prosecuted and/or do not lead to conviction?

9.9. What are the legal consequences of the above behaviours (9.7.a-f)?

9.10. Does national law criminalise cases when children:⁴

- a. produce self-generated sexual content?
- b. possess self-generated sexual content?
- c. distribute or transmit self-generated sexual content to peers?
- d. distribute or transmit self-generated sexual content to adults?
- e. distribute or transmit self-generated sexual content of other children to peers?
- f. distribute or transmit self-generated sexual content of other children to adults?

9.11. Are there special circumstances or alternative interventions under which the above cases (9.10.a-f), although established in fact and in law, are not prosecuted and/ or do not lead to conviction?

9.12. What are the legal consequences of the above behaviours (9.10.a-f)?

Referring back to what was said in the answer to Question 8 of this thematic questionnaire (as well as to the answer to Question 20 of the General Overview Questionnaire), as regards the **criminalisation of sexual exploitation**, and in particular the production, transmission, circulation and possession of pedo-pornographic material, the Italian Criminal Code contains some specific rules (art. 600ter and art. 600quater), inspired by the Lanzarote Convention, which criminalise all forms of behaviours related to pedopornographic material:

- Art. 600-ter. Child pornography. *“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 performances or in any case obtains a profit from said performances. The same punishment shall be inflicted on those who trade in pornographic material, as mentioned under paragraph one. 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. 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. 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. 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.”*

⁴ This question does not in any way suggest that these behaviours should be criminalised.

- **Art. 600-quater. Possession of pornographic material.** *“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.”*

As regards the **notion of child pornography** (which impacts on the punishability of the various criminal conducts punished by articles 600-ter and 600-quater), it must be pointed out that in Italian law **art. 600-ter of the Criminal Code** provides for the *definition of child pornography* - introduced by Law 172/2012, with which Italy has complied with the provisions of the Lanzarote Convention -: *“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”*. The case law (Corte di Cassazione - 3rd Criminal Section, Judgment of 1 February 2013, No.5143) stated that: *“For the purposes of articles 600-ter and 600-quater of the Criminal Code pedopornographic material means anything portraying or visually depicting a minor under 18 being implicated or involved in a sexually explicit conduct, which may consist merely in showing the genitals or the pubic region”*. Consequently, any conduct related to any material other than the one defined above (such as images/videos of sexually evocative but not sexually explicit content and pedopornographic content) literally does not seem to fall within the scope of articles 600-ter and 600-quater; however it was clarified that it will be the judge, in each specific case, who will verify whether the material (image or video) is to be considered child pornography or not (Q. 9.4 a, b, c; 9.10 a, b, c, d, e, f).

As regards sexually evocative videos/audios/texts etc. involving minors, it should also be remembered that the Italian Criminal Code states that *“For the purposes of the criminal law, acts and objects are considered obscene when, as a shared feeling, they offend decency”* and that *“the work of art or the work of science is not considered obscene unless, for reasons other than the study, it is offered for sale, sold or otherwise procured to a minor under eighteen”* (art. 529). In respect to this material, the law provides for the criminal offense of obscene publications and performances (art. 528) committed by *“whoever, in order to trade or distribute or publicly display them, produces, imports, acquires, holds, exports, or circulates writings, drawings, images or other obscene acts of any kind”*; moreover, art. 725 of the Criminal Code punishes the public display, the offer for sale and the distribution of *“writings, drawings or any figurative object that offends public decency”*.

As regards the definition of child pornography, it should also be noted that the above-mentioned concept is complemented by that of **art. 600-quater.1 of the Criminal Code - Virtual Pornography**. *“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”*. The case law (Corte di Cassazione, 3rd Criminal Section, judgment of 9 May 2017, No. 22265) has established that the concept of virtual pornographic material also includes graphic representations of fantasy, which represent sexual acts on minors, hence the possession of pedopornographic comics can give rise to the concerned criminal offense.

Regarding the **transmission or spread/circulation of pedopornographic material** it should also be remembered that the Italian Criminal Code punishes the **“incitement to practices of paedophilia and child pornography”** in art. 414-bis of the Criminal Code (see answer to Question 8 of this questionnaire) and the criminal offense of **corruption of a minor** (art. 609-quinquies) which foresees an imprisonment from one to five years, among other things, for anyone who shows to a minor

under fourteen pornographic material, in order to induce her/him to commit or undergo sexual acts. Also in this case the punishment increases: a) if the offense is committed by more people who came together; b) if the offense is committed by a person who is part of a criminal organisation and in order to facilitate its activities; c) if the offense is committed with severe violence or if it leads to a severe injury of the minor due to the repetition of the behaviour; d) when the perpetrator is the ascendant, parent, adoptive parent, his/her partner, guardian, or other person to whom the minor is entrusted for reasons of care, education, instruction, supervision or custody, or who has a relationship of stable cohabitation with the minor.

In regard to the issue of **transmission, spread/circulation of pedopornographic material**, the Criminal Code also contains other provisions - not specifically intended to punish acts connected to child pornography or committed to the detriment of a minor - which could still be applied in certain cases where pedopornographic material is spread, even when self-generated by the minor him/herself, such as the **offence of defamation** (art 595) or the **offence of illicit interference in private life** (art. 615 bis). Also the provisions introduced by the Law 29 May 2017, No. 71, "*Child Protection Provisions to Prevent and Fight Cyberbullying*", such as the request for data shutdown, removal and blocking and the warning procedure against the perpetrator by the Chief of Police, could be applied in cases where self-generated pedopornographic material is spread in the context of cyberbullying (see answer to Question 3)

Finally, it should be pointed out that in relation to the circulation via ICTs of data concerning a minor, art. 167 of the Legislative Decree of 30 June 2003, No. 196 (Code on the Protection of Personal Data, the so-called Code of Privacy), under the heading "**Illicit Data Treatment**" punishes, if the fact does not constitute a more severe offence, whoever processes personal data in violation of the provisions of the legislative decree itself, in order to obtain a profit for him/herself or for anyone else or to harm others.

Given this specific legislative framework which criminalises any behaviour related to pedopornographic material, the Police, during its investigations, considers as punishable (and therefore initiates appropriate investigation procedures) - in cases of adults possessing self-generated pedopornographic images produced by a minor (Q 9.1 a) as provided by art. 600 quater - the distribution of such material (Q 9.1.b) as provided for in art. 600 ter and the conduct of adults showing or transmitting to minors such material (Q 9.1 c) as provided for in art. 609 quinquies. Such behaviors are also pursued when they are connected to sexually evocative material (Q 9.4 a, b, c). The production and possession by a minor of self-generated pedopornographic material or sexually evocative material (9.7 a, b - Q. 9.10 a, b) are not punishable, while in theory, art. 600 ter of the Criminal Code punishes the distribution or transmission of self-generated pedopornographic material or sexually evocative material by the minor him/herself or by adults or other minors (Q 9.7 c, d, and f, 9.10 c, d, e, f).

In spite of the Police orientation on the persecution of these behaviours, the outcome of the criminal proceedings stemming from these incriminations before the Courts of first instance may differ from that of a conviction (Q 9.2, Q 9.5, Q 9.8, Q 9.11). In this sense it should be recalled that the most recent case-law considers these crimes to exist provided that the material is produced by a person other than the minor, since the law does not provide for the specific case of the child's self-generated material (see the answer to Question 8). However, we want to signal the judicial decisions concerning the substance which, in cases related to the production of pedopornographic material, highlight as relevant element the consent of the child (i.e. arguing that the production of self-generated pedopornographic material by a minor or more minors together who reached the age to validly express consent to sexual acts is not punishable), although this element is not actually expressly indicated in the provisions laid down by articles 600ter and 600quater (Court of first instance of Florence, Judge for Preliminary Investigations, judgment No. 163 of 27.01.2015; Court of

Appeal of Milan, judgment of 12.03.2014). The same jurisprudence, on the other hand, considers that the spread/circulation/advertising of self-generated pedopornographic material may be punishable even if it is produced by the minor (and not by using the minor), thus interpreting the above-mentioned provisions in the light of the internationally ratified and nationally transposed documents (first of all the Lanzarote Convention) and in the light of the need to combat the culture expressed with this material and the dangers to which it exposes minors.

As regards the **existence of circumstances which may mitigate or justify or otherwise lead to the non-punishability of child pornography-related cases** (Q 9.2, Q 9.5, Q 9.8, Q 9.11), it must first be stated once again that the scope of the provisions on adults' and minors' conducts inherent to self-generated pedopornographic material produced by the minors themselves varies in relation to the above-mentioned jurisprudential interpretations of the relevant provisions (articles 600ter and 600quater); therefore there can be - as mentioned above - cases in which such conducts are considered non-punishable. As regards cases where the offense of child pornography can, in theory, arise, the Criminal Code also explicitly provides that when crimes of sexual exploitation are committed against a minor under the age of eighteen, the perpetrator cannot plead, as justification, that he/she ignored the age of the victim, unless the ignorance was inevitable: this means that in cases of inevitable ignorance on the age of the child, the perpetrator cannot be punished (art. 602quater). Finally, in general, the absence of criminal liability - also in relation to crimes involving sexual exploitation - may arise from the lack of imputability of the perpetrator, based on any of the reasons expressly provided for in the Criminal Code, including mental incapacity (articles 85 et seq.) and being underage (which prevents criminal liability before 14 years, and limits it from 14 to 18 years - articles 97 and 98). It should also be recalled that the Criminal Code foresees a mitigating circumstance (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 (art. 600-septies1). The Italian legislation is very strict in relation to these offenses and, except the application of this specific circumstance, it states that the generic mitigating circumstances (602-ter), other than those of the minor age (art. 98) and of the minimal importance in the participation to the offense (art. 114), cannot be considered equivalent or prevalent with respect to aggravating circumstances.

Regarding the **legal consequences of child pornography crimes** (Q 9.3, 9.6, Q 9.9, Q.9.12), it is first of all to be noted that these are the same for minors and adults who are considered to be perpetrators of child pornography crimes, except when different provisions foresee the possibility of an alternative definition of the proceedings for minors, provided for in the Juvenile Court's law (see Q. 10 in the General Overview Questionnaire on the "testing procedure in criminal proceedings against juvenile defendants"). In particular, in addition to the penalties provided by articles 600ter and 600quater above, the Italian Criminal Code foresees, in art. 602-ter, some aggravating circumstances such as the commission of sexual exploitation offenses: - by means of violence or threat; - by taking advantage of the situation of necessity of the child; - against a minor under the age of sixteen; - by an ascendant, adoptive parent, or his/her spouse or partner, by the spouse or relatives up to the second degree, by relatives up to the fourth degree, by the guardian or by the person to whom the minor has been entrusted for reasons of care, education, instruction, supervision, custody, employment; - by public officials or people in charge of public service in the exercise of their functions; - against a child in a state of infirmity or natural or provoked mental handicap; - through the administration of alcohol, narcotic, drugs or substances otherwise detrimental to the child's physical or mental health; - against three or more persons; - by more people together; - by a person who is part of a criminal organisation and in order to facilitate its activity; - with severe violence or if it leads to a severe injury of the child due to the repetition of the conduct; in cases where such offenses are committed by using means to prevent the identification of access data to telematic networks.

In addition to the aforementioned sanctions, among the legal consequences of child pornography related crimes there is also the application of **accessory penalties established by art. 600-septies.2 of the Criminal Code**, such as: 1) the loss of parental rights when being a parent represents an aggravating circumstance of the offense; 2) permanent exclusion from any office relating to the protection, guardianship or administration support; 3) loss of the right to food and exclusion from the succession of the offended person; 4) permanent interdiction, in the case of life imprisonment or imprisonment for a period not less than 5 years; Interdiction for 5 years, in case of conviction to imprisonment for 3 to 5 years. The conviction due to any of the afore-mentioned offences committed against minors leads, in any event, to the permanent exclusion from any office in the schools of all levels, as well as from any office or service in public or private institutions or structures traditionally attended by minors. Anyway it is provided for the closure of the premises used for carrying out the offenses mentioned in this section, as well as the revocation of the operating license or authorization for radio and television broadcasters.

Question 10. Production and possession of self-generated sexually explicit images and/or videos by children for their own private use

10.1. For Parties having made a reservation in accordance with Article 20(3) indent 2⁵

What measures have been taken to ensure that the production and/or possession of self-generated sexually explicit images and/or videos is not criminalised when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

10.2. For Parties that have not made a reservation in accordance with Article 20(3) indent 2⁶

Does national law criminalise the production and/or possession of self-generated sexually explicit images and/or videos when it involves children who have reached the age set in application of Article 18(2) where these images and/or videos are produced and possessed by them with their consent and solely for their own private use?

The Italian system does not criminalize the production of self-generated sexually explicit material by children who have reached the age of sexual freedom (14 years), nor is there a sanction for the possession of such material by the same minor who has produced it in a consensual way, or for possession by another minor who has received this material directly from the minor who produced it (see also Q. 8).

Question 11. Reference in law to ICT facilitated sexual coercion and/or extortion

How does national law address ICT facilitated sexual coercion and/or extortion of children and/or other persons related to the child depicted on the:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

⁵ Denmark, Germany, Liechtenstein, the Russian Federation, Sweden, Switzerland.

⁶ Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

R: Italian law considers coercion/extortion - also carried out through new technologies - of minors (or even adults) and related to pedopornographic material or self-generated sexually explicit images a criminal conduct that may have different criminal implications based on each specific case. The offences described in the following provisions can, for instance, come into the picture: art. 600 ter (child pornography), art. 610 (private violence), art. 612 (threats), art. 612 bis (persecutory acts), art. 660 (harassment), art. 609 bis (sexual violence), art. 629 (extortion).

When coercion/extortion includes the child's own production of self-generated pedopornographic material (sexually explicit video or content), the perpetrator of the crime (whether an adult or a minor) may also be punished under art. 600-ter of the Criminal Code for the offense of child pornography, aggravated under art. 602-ter as committed by means of violence or threat (see the answer to Question 9). With regard to this offense, it is recalled that the aforementioned provision explicitly provides for the punishment of anyone, "*by any means, even by telematic means, distributing, divulging, spreading or publicising*" pedopornographic material.

In addition, as regards specifically the use of new communication or information technologies in relation to sexual crimes on minors, art. 609 duodecies of the Criminal Code foresees aggravated sanctions when the offenses of sexual violence, sexual acts with minors, corruption of minors, gang rape and grooming are committed through *the use of means to prevent the identification of access data to telematics networks*.

It should also be borne into mind that the Italian law defines the **offense of sexual violence** (art. 609) as the conduct of anyone who, by means of **violence or threat** or because of abuse of authority, **forces somebody to commit or undergo sexual acts**. The same sanction applies to who induces somebody to commit or undergo sexual acts: 1) by taking advantage of the condition of the victim's physical or psychic inferiority at the time of the offence; 2) by deceiving the victim by taking somebody else's place. Part of the case-law (Corte di Cassazione, 3rd Criminal Section, judgment No. 37076/2012) states that the sexual violence offense can also be committed at a distance, in the case of a person who contacted via chat some underage girls to obtain photographs with pornographic content depicting them. According to this judgment, the sexual violence offense (in conjunction with the offense of production of pedopornographic material and extortion) may also consist in forcing a person (in that case underage) to commit sexual acts on her/himself and can arise even at a distance, i.e. by telephone or via other electronic communication equipment (Corte di Cassazione, 3rd Criminal Section, No. 12987 of 03/12/2008).

Moreover, the case law (Corte di Cassazione, 6rd Criminal Section, No. 32404/2010) declared that the offense of **persecutory acts** (art. 612 bis, so-called stalking) may arise when repeatedly sending the victim sms or emails or messages via social networks, as well as when **disseminating on social networks videos showing sexual intercourses** of the perpetrator with the victim.

With particular reference to minors and behaviours acted via new technologies, it is also recalled that art. 609-undecies of the Criminal Code punishes **grooming**: anyone who, for the purpose of committing a crime of child prostitution, child pornography or possession of pornographic material (even virtual), sexual violence, sexual acts with minors or corruption of minors, grooms a minor under sixteen, is punished with imprisonment from one up to three years. This provision precises that "grooming" means any act aimed at getting the child's trust through artifices, flattery or even **threats by means of the use of the internet or other networks or communication means**.

Lastly, as regards prevention/awareness-raising activities carried out on that specific subject, the Police has recently started (June 2017) the **#SayNO! Online Coercion and Extortion against Minors** campaign, concerning the phenomena of sextortion or blackmailing via webcam, i.e. crimes that start with online grooming and then evolve with the transmission of self-generated pedopornographic images and videos by underage victims, followed by threats and extortions by the perpetrators of such crimes to extort further material to the involved minor for both sexual and economic ends. This awareness raising and information campaign - carried out in collaboration with Europol, as well as with the associations Save the Children and Telefono Azzurro that manage hotlines of the Safer Internet Center in Italy - is part of the implementation of the *National Plan for the Prevention and Fight Against Child Sexual Abuse and Exploitation 2015-2017* and publishes online alerting tools to protect the victims (<http://www.commissariatodips.it/notizie/articolo/sayno-coercizione-ed-estorsione-online-contro-i-minori.html>).

Question 12. Jurisdiction rules⁷

Please indicate which jurisdiction rules apply under which conditions to the offences described above (questions 9-11) when the victim is not present in the Party when the offence is committed or when the offender is not present in the Party when the offence is committed.

Art. 604 of the Criminal Code provides for the cases in which one of the offenses concerning child pornography (but also child prostitution, enslavements, sex tourism, trafficking, sexual violence, sexual acts with minors, grooming, etc.) is committed abroad, stating that the sanctions provided for by the Italian Criminal Code and the related jurisdiction 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; in the latter case the foreigner is punishable when it comes to a crime punishable with imprisonment of no less than a maximum of five years and when the Minister for Justice requested it.

Question 13. Specialised units/departments/sections

13.1. Are there specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children, such as those referred to in this questionnaire (see questions 9-11):

- in law enforcement?
- in prosecution?
- in courts?

13.2. Please specify if there are specialised units/departments/sections in charge of dealing with ICT facilitated sexual offences against children committed by juvenile offenders.

→ Please specify how the specialised units/departments/sections referred to above (questions 13.1 and 13.2) are organised (number of staff, structure, specialised in which areas within ICTs, etc.)?

→ As regards law enforcement, please indicate if:

- there is a victim identification function?
- there is an active contribution to the INTERPOL's International Child Sexual Exploitation (ICSE) image database? If not, why?

⁷ Please answer this question taking into account the requirements of Article 25 of the Lanzarote Convention.

As for the Police, a special body deals with sexual crimes committed against minors through the information and communication technologies, The Postal and Communications Police, which has a one central and many territorial units (the Compartments). The Post and Communication Police is headquartered in Rome and coordinates 20 regional compartments and 81 territorial sections. This organization allows a widespread presence across the national territory. The two thousand professionals provide the citizens with their professional qualifications, in-depth computer skills and their judicial police experience. The Compartments, coordinated by the central Postal and Communications Police service, handle the cases and emergencies that arise from citizens' complaints and have a similar organization to that of the central service but with a more operational profile, and more close relation to the territory.

The Service is divided into distinct areas of intervention, and a special section established by law 6 February 2006 n. 38 acts as National Center for the Fight against Child Pedopornography on the Internet (CNCPO), (other sections are: Cyberterrorism - Copyright - Hacking - Critical Infrastructure Protection of the Country - E-banking - Criminological Analysis of Emerging Phenomena - Online Games and Betting). As far as pedo-pornographic sites are concerned, the law establishes the Center as the point of reference for the handling of reports, coming from both other police forces, also foreign police, and from citizens, voluntary associations and web providers. Throughout this activity, the Center is responsible for obtaining the list of child pornography sites of the Network, c.d. "black list", which is handed over to the internet service providers in order to prevent and block the browsing in them through filtering systems. The Center, acting as an operational body, constantly liaise with the Observatory for the Fight Against Paedophilia and Child Pornography, which acts at institutional level, to which it provides data for the analysis and prevention of the abuse of minors.

The Postal and Communications Police is the contact point of Italy with the police offices of the G8 countries dealing with cybercrime. A key part of the operational organization is the section dedicated to International collaborations, keeping relations with foreign countries' police partners in the field of cybercrime. In addition, the Computer Crime Unit (U.A.C.I.) has been established within the service, which studies and analyzes the phenomenon of computer crime in collaboration with the major Italian universities. In order to make the anti-cybercrime strategy more effective, The Postal Police is participating with some of its representatives in permanent working groups set up by the Government or international bodies, including the "Interministerial Network Safety Group", the G8, the European Community, the Council of Europe, the OECD, Interpol and Europol. He also collaborates with institutions (including the Ministry of Communications and the Communications Authority) and private operators dealing with communications in general. As part of the online child pornography activities, the Postal and Communications Police participates in the Child Pornography Group meetings and is part of the Virtual Global Task Force (VGT) network. Last but not least, we mention the participation in the work of the European Information Technology Crime Working Group, which meets regularly with the Interpol General Secretariat in Lyon, the High Tech Crime Committee of Europol and the Commission's Police Cooperation Working Group (PCWG) European.

In the field of investigations, it should also be remembered that within the State Police, the Minors Office, which is part of the Anti-Crime Division, is present at each "Questura" (territorial police office). This specialized office has been set up in 1996 with the aim of providing first and valid support to children at risk and to their families. The skilled personnel assigned to this office is able to listen to minor offenders or victims of crime, also with the collaboration of agencies and associations operating in the child sector. In particular the office deals with: abandonment of minors; pornography and prostitution; exploitation of child labour; sexual abuse of minors; use or disposal of narcotic drugs; maltreatments; bullying at school. In addition, other activities are carried out in schools in collaboration with the Ministry of Education, Universities and Research (MIUR). In fact some projects (such as 'Education to Legality' and 'The Policeman, A Friend'), foresee informal

meetings organized with schools to tackle acts of delinquency and bullying and disseminate knowledge about the rights of minors and respect for the rules). To counter criminal offenses against children, these offices have developed close relationships with other institutions (public bodies, but also private associations) with the aim of protecting the children. Among the collaborations are those with the Provveditorati di Studi (Ministry's territorial education offices) for surveillance in the schools and meetings between students and officials of the Minor Offices, that with Unicef, Ecpat-Italia and 'Telefono Azzurro' which participated in the training seminars for chief officials and staff at the Offices.

In relation to the contrast to paedophilia and child pornography, the Finance Guard also acts with powers of investigations, whose activity is:

(1) characterized by an incidental character in the pursuit of priority of economic-financial police activities and the fight against illicit trafficking. In this respect, within the strategy of action and objectives in the Observatory for combating paedophilia and child pornography, the Finance Guard is engaged in a constant counteraction of audiovisual piracy, which is a phenomenon where pedopornographic material are a relevant element. Such actions are carried out by the Ordinary and Special Departments of the Finance Guard, and are aimed at countering the forms of abusive realization, duplication, reproduction, transmission or dissemination in the public, sale, distribution and rental of audiovisual material. The illegalities in this sector are mainly:

- (a) physical piracy, intended as production and distribution of physical memory media (cd, dvd);
- (b) Digital piracy, consisting in the distribution via Internet of software, video or music files, video games, books from unofficial sources, through file sharing and downloading techniques.

As concerns the phenomenon of digital piracy, the investigations carried out by the Finance Guard tend to be directed to the identification of the equipment and organizational structures located in Italy and abroad through which the illegal dissemination of creative works is made through the web, in order to find the perpetrators of the offenses, the enforcement of confiscations, and the detection of websites used for illicit purposes;

(2) is aimed at the development of targeted counteractions lead by the Special Technology Fraud Unit to business consisting in the production, exchange and sale of pedopornographic material via the Internet;

(3) is confined, therefore, to a small number of operational cases.

Prosecutor's Office. In Italy, for the preliminary investigation, the prosecutor's functions are exercised by the magistrates of the prosecutor's office. In the prosecutor's office there is a pool of prosecutors in charge of dealing with ICT facilitated sexual offenses against children. For the crimes provided by the art. 600 bis, 600 ter, 600 quater, 600 quater, 600 quinquies and 609 undecies of the Italian Criminal Code, the prosecutor's functions are exercised by the magistrates of district directorate. The National Antimafia and Counter-Terrorism Directorate (DNA) performs the functions of coordinating investigations and investigative impulses conferred on it by the current one, in the case of organized criminal activities involving the prostitution and child pornography, sexual tourism and all forms of sexual abuse in minors legislation.

In this respect, the Italian penal rule about "criminal association" (Article 416 Penal code) explicitly provides for the punishment of those who associate themselves with the purpose of committing some of the crimes of sexual abuse or exploitation to minors even for the sole purpose of joining or participating in the association.

Courts. With regard to the organization of the Courts, there are specialized sections - including magistrates with specialized training and experience - in the most important judicial seats (located in the biggest Italian cities) in the offenses of vulnerable victims (women and minors), or in crimes against the person, the family and the minors who also engage in investigations and proceedings relating to sexual crimes committed against minors and facilitated by the use of computer technology and communication (as well as crimes of ill-treatment, violence sexual, trafficking, slavery, etc.). It should also be noted that in Italy the competence for investigations and proceedings related to offenses (including sexual exploitation and facilitated by the use of new technologies) perpetrated by a minor is attributed to the Italian Public Prosecutor at the Juvenile Court, and to the Juvenile Court (having its seat in each of the city's provincial capitals and regional jurisdiction). These are bodies whose member magistrates are specialists in juvenile law (which, in the case of the Tribunal, are also joined by Honourable Judges, with qualifications of psychologist, social worker, expert in childhood and adolescent issues, etc.). As for minors who are sexual offenders against other children, it should be noted that in the criminal proceedings before the Juvenile Court, they are taken over by the Office of the Social Services of Minority Justice (see also Question 10 General Questionnaire).

Victim identification function. With a specific reference to the identification of child victims of child pornography, the Postal and Communications Police Service through the National Center for the Contracts of Child pornography on the Internet (CNCPO), is part of a worldwide coalition under the leadership of Interpol, with the participation of Europol, which daily carries out international police cooperation in identifying the victims of child pornography wherever they reside, providing an active contribution to INTERPOL's International Child Sexual Exploitation (ICSE) image database. In this context, the participation of Italy in the project "Developing a methodology for identifying and supporting children who have been sexually exploited for the production of child pornographic images" (acronym: DICAM I and DICAM II), coordinated by Save the Children Italia with the participation of CNCPO and Cismai (see answer to Question 2).

It should also be noted that the National Plan for the Prevention and Fight against Sexual Abuse and Exploitation of Children 2015-2017 implementing the Lanzarote Convention, and the ratification law no. 172/2012 foresees, among other things, specific actions related to the identification and protection of victims, including a special training of the operators to the purpose. In particular, the Observatory for the Fight Against Paedophilia and Child Pornography has planned the following initiatives:

- identifying tools and procedures for information flows to the CNCPO coming from different sources, including through strengthening the police cooperation, surveying and monitoring child pornography sites, in order to standardize reporting methods and ensure a more efficient removal pedopornographic websites to be consolidated and implemented over time;
- definition of multidisciplinary intervention protocols for the emergence and management of cases of online sexual abuse that also provide specific training for the actors involved and facilitate an easier identification of victims of crime represented in child pornography.

Question 14. Challenges in the prosecution phase

What challenges do law enforcement, prosecution and courts face during the prosecution of ICT facilitated sexual offences against children involving the sharing of:

- a. self-generated sexually explicit images and/or videos?
- b. self-generated sexual content?

Children's self-produced child pornography is widespread among young people and this poses various challenges for governments. There is a need to better regulate the phenomenon, since a specific legislation on this issues is still missing - as we said answering to Q 8 and Q 9 - whether or not directing to criminalization, and aiming to guide the prevention, counteraction (also as investigation) and assistance to the victims. Italy (see above answers to Q.1, Q. 2, Q. 4, Q.4, Q. 6, Q. 7) has been for years committed to protecting children from the risks associated with the use of new technologies (child pornography, also grooming, cyberbullying, etc. included), but the interventions locally undertaken by public authorities and NGOs often lack coordination within an overall framework.

At the level of criminal investigation and prosecution, most problems lie in the identification of the persons legally involved and other difficulties connected to the use of computer and telematic technologies.

Another aspects on which action is needed is prevention: while several initiatives have been carried out for the children - often with the involvement of the schools, - the many actors in these initiatives report a dramatic lack of awareness in the children themselves of the risks and serious dangers connected with the self-production and / or dissemination of material through the internet.

In this perspective, an awareness-raising activity involving the education sector (from early childhood services to the secondary school) lead with continuity rather than episodic measures would be helpful in producing effective and generalized results.

Another challenge is the involvement of the parents, which is often problematic, not only on issues related to the use of the internet by minors but, more generally, on those related to abuse and sexual exploitation, as well as violence: it would be important to identify strategies to enhance effective collaboration of the families not only in prevention and counter-action of such phenomena as the self-production of pedopornographic material by children, but in an earlier stage in education activities to obtain the widest protection against the risks that these behaviours may cause.

Other issues concerning the protection of children from abuse and sexual exploitation, to which Italy intends to respond through the actions included in the National Plan for Prevention and Fight of Child Abuse and Sexual Exploitation 2015-2017 are:

- the training of the operators dealing with the protection of minors in the various sectors (Police, Courts, Social and Health services);
- the implementation and development of coordination among the many police corps engaged in activities against minor offenses (in particular those related to the use of information and communication technologies);
- Implementation and development of coordination between police corps, magistrates, health services , through multidisciplinary training, protocols, notes, etc. including finding the way to reconcile the investigations with the needs and timing of criminal justice, and with the needs of prompt care and assistance to the minor victims.
- the identification of appropriate ways and times for hearing a minor victim of crime (and also involved in self-production / dissemination of paedophile material through ICT) in the criminal proceedings, both during the investigation and during the trial (according to what provided for in the Guidelines identifying the essential levels of protection and support for minors who are victims of sexual abuse and exploitation);
- Strengthening the protection of minors in criminal proceedings against minors (in front of the Juvenile Court), now mainly focused on re-education of the perpetrator.

Question 15. Training of professionals

Are the offences referred to in this questionnaire (questions 9-11) addressed in training for professionals such as:

- a. law enforcement agents (in particular for front desk officers)?
- b. prosecutors?
- c. judges?

→ If so, please share the details of the training offered, specifying whether the training is mandatory.

Regarding the **training of the Police**, members of the Postal Police and Communications and the Minor Offices of the Police Headquarters, in order to become a member of these bodies must previously pass a public competition. The winners of the competition are assigned to the various educational institutions, located in different Italian regions, for the frequency of the training course. At the end of the training course, assignments are made at the various departments and specialties, according to the needs of the premises in the area. Members of the Carabinieri attend training courses for staff dealing with various issues relating to the sphere of children, with particular regard to the victim's approach, as well as the procedures to be taken in case they are offenders.

It should also be noted that in 2015 the Pocket Book "Guaranteeing the Rights of Minors - Vademecum for the Police Forces" was distributed to the Education Department of the Finance Guard by the National Ombudsman Authority for Children and Adolescents addressed to FF.PP professionals who are working in contexts involving, in various ways, minors. The vademecum addresses, among other things, the theme of paedophilia and cyberbullying.

Also referring to the judiciary, both for those who will be part of the Prosecutor's Office (ordinary and juvenile), and those who become judges of the Tribunal (ordinary or juvenile) are expected to access through public competition, to pass a biennial phase of hearing and specialization and vocational training courses are also provided for specific training in sexual offenses for minor or minor offenses as well. It is also recalled that the Juvenile Court works also with honourable judges, with high and proven professionalism and competence in relation to the protection and problems of children and adolescents.

Partnerships

Question 16. International co-operation

16.1. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexually explicit images and/or videos?

16.2. What measures have been taken to co-operate with other Parties to the Lanzarote Convention for:

- a. preventing and combatting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- b. protecting and providing assistance to the victims of sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?
- c. investigating and prosecuting sexual coercion and/or extortion resulting from the sharing of self-generated sexual content?

The Department for Equal Opportunities is involved in several European and international initiatives, as well as the Ministry of Foreign Affairs and international Cooperation, that adopted in 2012 the new *Guidelines for Children* including a specific section on countering child sexual exploitation and promotes policies and programmes at the national and international level to contrast every form of violence against children. Also the Ministry of the Interior has developed various activities to facilitate the exchange of information with Interpol, S.I.R.e.N.E. and Europol and the Postal Police takes part to different international initiatives and projects³³⁰ (i.e. AWF Twins Europol; I.C.S.E. International Child Sexual Exploitation; European Financial Coalition; Virtual Global Taskforce; Global Alliance).

There are also many measures to support international cooperation assistance for physical and psychological recovery, social reintegration according to the Optional Protocol to the Convention on the right of the child, on the sale of children, child prostitution and child pornography. For example, the Italian Development Cooperation support anti-trafficking projects by financing IOs interventions and targeted actions, directly or through IOs and NGOs, to prevent and contrast child trafficking, abuse and exploitation, including sexual tourism, involvement in armed conflicts, child labour. The Italian Ministry of Foreign Affairs and International Cooperation is fully committed to implement and encourage the adhesion to the CoE Lanzarote Convention, in synergy with institutions, IOs and NGOs. In particular the following measures are worth of mentioning:

- the reforms of criminal legislations to introduce the aforementioned crimes, to increase the awareness, to harmonize the domestic legislative frameworks according to international standards in terms of prevention, repression, protection and recovery of victims;
- the training of decision makers and operators;
- data collection on ill-treatment, abuse and sexual exploitation, to examine the different components of the phenomenon, its dimension, risk factors and territorial monitoring;
- the implementation of prevention policies by networking of institutions, to support vulnerable families, to provide for improved services and means to prevent and solve intra-family conflicts and other vulnerabilities, to connect schools and institutions, to strengthen monitoring on risks or clear violation, paying attention to distress, isolation and deviance, involving media to promote and diffuse a cultural attitude against all forms of violence on minors;
- the coordination among police forces, magistrates, public and private services, based on common standards;
- the enhancement of social protection nets, of the capacity and accessibility to public and private services to recover and give psycho-social support to victims, preserving their privacy and creating ad hoc protection spaces (communities, family foster care, educational home support, adoption, etc.);
- the collaboration among Internet providers, the judiciary and police forces at the national and international level to contrast effectively pedo-pornography and sexual exploitation on the web.

Moreover, a number of projects funded through E.U. funds on the prevention and fight of bullying and cyberbullying have been carried out in the last years in Italy, thus fostering cooperation with a number of European projects. As stated above, a research carried out by Istituto degli Innocenti in

collaboration with the University of Florence within the context of the Multi-country Study on the Drivers of Violence coordinated by Unicef Office of Research identified the following European funded projects that involve Italy as a partner:

Programs retrieved from Daphne database

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1. ABSAE -Addressing Sexual Bullying across Europe
 2. T.A.B.B.Y. In internet (Threat Assessment of Bullying Behavior in Internet)
 3. T.A.B.B.Y. Trip in Europe (Threat Assessment of Bullying Behavior in Internet)
 4. Europe's Anti-bullying Campaign
 5. ATTEMPT - Attractive Training Techniques to Empower parents and teachers
 6. Prevention of Violence through Education to Legality (POVEL)
 7. European Superkids Online - empowering children to safe behavior online
 8. The B-Band - Building a bridge to go Beyond the Bullying
 9. Cyberbullying in Adolescence: Investigation and Intervention in Six European Countries
 10. Street Life Safety for Young People - Smontailbullo
 11. MABE - Méthodes Actives et socio-constructivistes pour combattre la violence, les menaces et le harcèlement sexué, homophobe, et ethnique à l'Ecole
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Programs retrieved from Erasmus Plus database

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1. SMILEY - Social Mindedness in Learning Community (Good Practice; Success Story)
 2. FREAKS! (Good Practice example)
 3. Welcoming Europe into the class (Good Practice)
 4. YW - Youth Peace Ambassadors - Combating hate online and offline (Good Practice)
 5. Break the Mould (Good Practice)
 6. Kingsriver Community (Good Practice)
 7. Take a stand. Imagine a future without bullying (Good Practice)
 8. EDU-Living & EDU-Leaving
 9. ERASMUS MINUS Bullying. Practices in Prevention and Intervention in European Schools
 10. Social Media Threat or Opportunity
 11. ACCEPTO - Accepting yourself and Accepting the others
 12. Using Social Networking ICT Tools with peer learning and Crowdsourcing Techniques to Train School Communities on how to deal with student bullying
 13. What can I do? Stop bullying, take action!
 14. Vitamine Culture
 15. Clear Cyberbullying
 16. Youth Violence Behavior 2.0 Threat
 17. Take a stand - Lend a hand! Stop bullying now!
 18. Share the right story
 19. Change 4 life through sports
 20. In Ya Face(book)
 21. Volunteering for Visibility and Inclusion
 22. Let's make our school more international
 23. Dream without fear, love without limits
 24. CTRL+ALT+DELETE Cyberbullying
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25. Socialines Atskirties Mazinimas per Profesin Tobulejima
 26. Social Media & Youth
 27. Include Me
 28. Action Through Art Against Bullying
 29. Stop the Bully
 30. Stop Bullying
 31. I'm important because I am myself
 32. Movie Factory 2014
 33. Cyberbullying Let's Talk!
 34. Vision OTR-A-LTRA Visione
 35. A laboratory of creativity, collaboration and democratic culture (Greek title)
 36. Volunteers. Ideals. Perspectives
 37. School Safety Net
 38. CPDLab
 39. I am not Scared
 40. The Virtual anti-bullying village for kids
 41. Make a choice! - Using Theatre to Address Bullying
 42. Beat cyberbullying, embrace safer cyberspace
 43. Getting in touch with cyber-youth
 44. United: Connecting People for a better future - Italy 2015
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