COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

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

Replies to the thematic questionnaire

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

TELEFONO AZZURRO

ITALY

Replies received by the Secretariat on 1 July 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

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

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

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

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

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".
In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.
Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. Your name and position: **Fondazione SOS il Telefono Azzurro ETS**

b. State Party in respect of which the questionnaire is submitted: **Italy**

c. Entities and bodies which have been involved in responding to this questionnaire: **Policy and Advocacy Office, Servizio 19696, Operations Management**

Introductory Note

Fondazione SOS – il Telefono Azzurro ETS is an Italian foundation active in the protection of children and adolescents since 1987. It manages Servizio 19696 – a national helpline for children in need – and the 114 Childhood Emergency Service, as well as psychological support services, educational programmes, and advocacy activities related to child protection.

This contribution provides observations based on operational experience in response to the Lanzarote Committee's Thematic Questionnaire T-ES(2026)06 on the screening of professionals, volunteers, and other persons in contact with children. The observations refer to the legislation and practice in force in Italy as of 27 March 2026.

The term "screening" is understood – in accordance with the questionnaire – as "verification of criminal convictions for sexual offences against children".

1. Persons Concerned by Screening Requirements

Question 1: *Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children?*

Answer: Yes, partially.

In Italy, the requirement is established by Article 25-bis of Presidential Decree No. 313 of 14 November 2002 (as amended by Legislative Decree No. 122 of 2 October 2018). This provision requires anyone intending to employ a person who carries out, in any capacity, professional or voluntary activities involving direct and regular contact with minors to obtain a criminal record certificate covering offences under Articles 600-bis, 600-ter, 600-quater, 600-quater.1, 600-quinquies and 609-undecies of the Criminal Code.

The table below summarises the sectors covered:

⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: The Foundation systematically requires a criminal record certificate from all parties involved in its institutional and project activities, regardless of the nature of the relationship – employees, freelancers, collaborators, volunteers, and civil service participants. This practice, adopted as a binding internal standard, goes beyond current Italian law requirements and is proposed as a model best practice to be made mandatory by law for all organisations working with minors.

In practice, application is uneven: informal volunteering, religious organisations, and the third sector still show significant gaps in the actual request for certificates. Telefono Azzurro recommends explicit, sanctioned extension of the obligation to all persons working with children, including unstructured volunteering.

Sector	Public Sector	Voluntary Activity	Private Sector	Self-Employed
Education – Pre-school	Yes	Yes	Yes	Yes
Education – Primary	Yes	Yes	Yes	Yes
Education – Secondary	Yes	Yes	Yes	Yes
Education – Tertiary	Yes	Yes	Yes	Yes
Education – Extracurricular (e.g. language schools)	Yes	Yes	Yes	Yes
Childcare (e.g. kindergartens, crèches, childminders)	Yes	Yes	Yes	Yes
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	Yes	Yes	Yes	N/A
Detention	Yes	N/A	N/A	N/A
Migration facilities (e.g. reception centres)	Yes	Partial	Yes	No
Sport	Yes	Yes	Yes	Yes
Culture and leisure activities	Yes	Partial	Partial	No
Entertainment sector	Yes	Partial	Yes	No
Faith and religion	Yes	Partial	Partial	No
Healthcare (including psychological and psychiatric services)	Yes	Yes	Yes	Yes
Social protection services	Yes	Yes	Yes	N/A
Law enforcement	Yes	N/A	N/A	N/A
Judicial	Yes	N/A	N/A	N/A
Civil society organisations	Yes	Partial	Partial	No
Victim services (incl. Barnahus, domestic violence services)	Yes	Yes	Partial	N/A

Question 2: *Does your State define the level or threshold of contact with children which necessitates verification? Does it distinguish between direct, indirect or online contact?*

Answer: Partially.

The Italian legislation refers to 'direct and regular contacts with minors' without precisely defining what 'regular' means. There is no quantitative threshold (number of hours, frequency of interactions) nor a formal distinction between direct physical contact, indirect contact (presence in the facility without direct interaction), or online contact.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: The Foundation identifies as a critical gap the absence of a specific framework for roles operating in digital mode (e.g. moderators of online communities for minors, e-learning tutors, educators on gaming platforms). With the spread of digital interactions between adults and children, this gap exposes children to concrete risks. Telefono Azzurro recommends adopting a definition that explicitly includes continuous individual online contact with minors.

Question 3: *Is the absence of criminal convictions for sexual offences against children required to become an adoptive parent, a foster parent, or a child's legal guardian?*

Answer: Yes.

For national and international adoption (Law 184/1983 and subsequent amendments), the procedure includes a thorough assessment by the Juvenile Court, which includes verification of the criminal record. A similar verification applies to foster care and the appointment of legal guardians, including for unaccompanied foreign minors (Article 19-bis of Legislative Decree 142/2015).

Question 4: *Is the absence of criminal convictions for sexual offences against children required for household members of persons carrying out professional or volunteering activity in their home who are in contact with children, or persons wishing to become adoptive parents, foster parents, or legal guardians?*

Answer: Yes, limited to certain cases.

For adoption and foster care procedures, the Juvenile Court orders investigations covering the entire cohabiting family unit. However, for professionals working in home-based settings (e.g. home educators, childminders), current legislation does not expressly require verification of cohabiting family members.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: Telefono Azzurro recommends extending the screening obligation to adult cohabitants of professionals working with minors in home-based settings, in line with what already applies to foster care.

Question 5: *Does the requirement to verify the absence of criminal convictions also apply to children applying for professional or volunteer positions, and to adults in respect of convictions received before the age of 18?*

Answer: Yes.

Since the request is made by the employer, the certificate may be requested for any worker, regardless of age.

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

Answer:

In Italy, the criminal record is linked to the fiscal code (codice fiscale), which is unique and immutable for each person, in addition to personal data. A name change does not result in the loss of criminal information, as the fiscal code remains unchanged. The computerised criminal records system ensures traceability even in the case of personal data changes.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: A critical issue remains for foreign nationals: verification of foreign criminal records takes place via ECRIS (for EU citizens) or through bilateral requests for non-EU countries. In cases of changes in documentary identity (e.g. refugees with new documents), the link to previous foreign criminal records can be problematic.

Question 7: *Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children?*

Answer: Partially.

There is no comprehensive national legislation conditioning access to public funding on screening verification for all persons involved. Some specific calls for proposals (e.g. from the Ministry of Labour and Social Policy, regional bodies) require declarations of compliance with child protection legislation. The Foundation considers this an area requiring strengthening with explicit obligations.

2. Information Included in Screening

Question 8: *Does the criminal record check include convictions for all offences established by the Lanzarote Convention (Articles 18-24)?*

Answer: Yes, formally.

The criminal record certificate issued pursuant to Article 25-bis of Presidential Decree 313/2002 covers the following offences of the Italian Criminal Code:

- Article 600-bis: child prostitution (Article 19 of the Convention)
- Article 600-ter: child pornography (Article 20 of the Convention)
- Article 600-quater: possession of child pornographic material (Article 20 of the Convention)
- Article 600-quater.1: virtual pornography (Article 20 of the Convention)
- Article 600-quinquies: tourism initiatives aimed at sexual exploitation of minors (Article 21 of the Convention)
- Article 609-undecies: grooming (Article 23 of the Convention)

Articles relating to sexual abuse (Article 18) and aiding/abetting are also covered through Article 600-bis and related provisions.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: In practice, Telefono Azzurro has noted that convictions for Article 609-undecies (grooming) are still underrepresented in certificates requested, both because of the relative novelty of the offence and due to difficulties of detection. Recommendation: strengthen training for HR offices and volunteering managers on the importance of verifying these specific offences.

Question 9: *Does the screening extend beyond criminal convictions to relevant administrative or disciplinary sanctions, or other information available to the authorities?*

Answer: No, not systematically.

The Italian screening system is limited to final criminal convictions entered in the criminal record. Precautionary measures, pending criminal proceedings, disciplinary sanctions imposed by professional bodies, or civil decisions restricting parental responsibility are not accessible in the standard pre-employment screening framework.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: This is one of the most serious gaps identified by Telefono Azzurro: persons under criminal investigation or suspended by a professional body for inappropriate conduct with minors may legally access roles in contact with children, as their criminal record appears formally clean. Telefono Azzurro recommends establishing a consultable register (even in partial and confidential form) of persons barred from activities with minors, inclusive of precautionary measures and relevant disciplinary sanctions.

Question 10: *If restrictions on the exercise of relevant activities apply as a result of a criminal conviction for sexual offences against children (Article 27, paragraph 3.b of the Convention): are they life-long? Are they applied only to activities in the public sector?*

Answer:

In Italy, conviction for offences under Articles 600-bis and subsequent provisions of the Criminal Code implies automatic and permanent disqualification from any role in schools of all levels, and from any office or service in public or private institutions habitually frequented by minors (Article 600-septies.2 of the Criminal Code). The closure of businesses whose activity is directed at offences against minors and the revocation of licences or authorisations for radio and television broadcasters is also ordered.

Question 11: *Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children?*

Answer: Yes, with exceptions.

The special certificate pursuant to Article 25-bis of Presidential Decree 313/2002 is specifically structured to report all convictions for sexual offences against minors, including those that would otherwise be non-disclosable (spent or rehabilitated convictions). This is one of the positive features of the Italian system, introduced precisely in transposition of the Lanzarote Convention obligations.

3. Screening Procedure

Question 12: *How is the screening procedure set out in your legal framework?*

Answer:

Italian legislation is fragmented across multiple normative sources:

- Presidential Decree 313/2002, Article 25-bis (central provision on the certificate for sexual offences against minors)
- Law 172/2012 (ratification of the Lanzarote Convention)
- Legislative Decree 39/2014

- Sector-specific legislation: Legislative Decree 297/1994 (education), Law 184/1983 (adoption/foster care), CONI Sports Justice Code

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: The absence of a consolidated text or comprehensive framework creates application confusion, inconsistency across sectors, and monitoring difficulties. Telefono Azzurro recommends the adoption of a unified framework legislation, possibly supplemented by sector-specific guidelines, standardising obligations, procedures, and controls.

Question 13: *If screening is required, who is required to act?*

Answer: The employer.

In Italy, the employer bears the obligation to obtain information on final criminal convictions of the prospective collaborator and therefore to request the certificate. The person concerned is notified of the request.

Question 14: *If screening is required, who bears the costs of screening procedures?*

Answer:

The certificate requested by the employer is subject to a stamp duty of €16.00, a chancellery duty of €3.92, and an additional €3.92 in the case of urgency (same-day release). All costs are borne by the requesting employer.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: The Foundation notes that digitalisation of the process (online request and digital release of the certificate) is still incomplete and not uniform across the national territory.

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

Answer: Insufficiently.

There is no systematic monitoring and control system in Italy for compliance with the screening obligation. Inspections are carried out primarily by the National Labour Inspectorate (INL) or following complaints. There is no register or system of periodic reporting by employers.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: This is a significant structural gap. Telefono Azzurro recommends establishing a periodic auditing mechanism, with particular attention to the third sector and volunteering, and introducing reporting obligations for entities receiving public funding that work with minors.

Question 16: *Are there sanctions foreseen for failure to comply with screening obligations?*

Answer: Yes, but with limited application.

An employer who fails to request the certificate under Article 25-bis of Presidential Decree 313/2002 is subject to an administrative sanction ranging from €10,000 to €15,000. However, sanctions are rarely applied in practice due to the lack of an effective control system (see Question 15). No specific criminal sanctions are provided for failure to screen.

Question 17: *Is regular screening, beyond the initial recruitment process, required for professionals, volunteers, foster parents and legal guardians?*

Answer: Partially and without systematic application.

Italian legislation does not generally provide for mandatory periodic screening of professionals already in service. Some exceptions exist for roles subject to periodic renewal of qualifications (e.g. teachers, psychologists). For foster parents, social services teams carry out monitoring, but no formal update of the criminal record at a defined frequency is required.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: Telefono Azzurro internally adopts, as a best practice, the request for an updated criminal record certificate from its operators every three years. Telefono Azzurro recommends that this practice become a mandatory legal obligation for all persons working with minors, with a frequency of at least every three years.

Question 17b: *Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are authorities allowed to inform the employer or volunteer organisation?*

Answer: Only at a later stage.

Italian law does not provide a general obligation to inform employers of criminal proceedings opened against their employees. The confidentiality of preliminary investigations (Article 329 of the Code of Criminal Procedure) limits the communication of such information. Only where specific precautionary measures are applied (e.g. restraining order from minors, professional suspension) may the judge order communication to the employer.

> ⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: This is one of the most dangerous gaps for child safety: a person under investigation for sexual abuse of minors may continue to work in contact with children for years until a final conviction. Telefono Azzurro recommends introducing a mechanism allowing child protection authorities (not individual employers) to be informed of the opening of criminal investigations for sexual offences against minors, to activate appropriate precautionary measures.

4. Cross-Border Screening

Question 18: *If the candidate has previously resided or worked in different countries, is it required to verify the absence of criminal convictions in each of those countries?*

Answer: Formally yes, in practice very limitedly.

Italian legislation provides that for citizens of other countries or Italians with periods of residence abroad, criminal record verification should extend to countries of previous residence. In practice, this verification is often very cumbersome and significantly more costly. Moreover, in some cases it is not possible to request a certificate specific to offences against minors, but only a generic criminal record certificate.

⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: The Foundation highlights as a frequent practical case that of foreign animators, educators and sports operators employed in accommodation facilities, summer camps and parish centres, for whom verification of criminal records from the country of origin is extremely slow and bureaucratically complex. Telefono Azzurro recommends mandatory and standardised cross-border verification protocols, indicating maximum timeframes and procedures for cases where no response is received from a foreign State.

Question 19-20: *Is there a mechanism to request/provide data about criminal convictions for sexual offences against children from/to the competent authority of another State outside the context of criminal proceedings? Is there an obligation in this regard?*

Answer:

For European Union countries, Italy participates in the ECRIS system (European Criminal Records Information System), which allows automatic exchange of information on criminal convictions between Member States, including for pre-employment screening purposes (Directive 2011/93/EU, Article 10; ECRIS-TCN Regulation for third-country nationals).

For non-EU countries, requests are made through channels of international judicial cooperation (bilateral conventions, INTERPOL), often with very long timelines and without guaranteed response.

⚑ Observation by Fondazione SOS il Telefono Azzurro ETS: In practice, ECRIS is still rarely used for pre-employment screening purposes (outside criminal proceedings). Telefono Azzurro recommends raising awareness among competent authorities (Ministry of Justice) of the systematic use of ECRIS for pre-employment checks, and providing for extension of the system or equivalent mechanisms to non-EU countries through specific bilateral agreements on child protection.

5. Additional Details, Challenges and Promising Practices

5.1. Practical Challenges

Based on operational experience, Fondazione SOS il Telefono Azzurro ETS identifies the following main challenges:

Regulatory fragmentation: the absence of a consolidated text generates application uncertainty and inconsistency across sectors.

Bureaucratic slowness: certificate release times, especially for cross-border checks, are often incompatible with the rapid recruitment needs of volunteering and education.

Incomplete digitalisation: the online certificate request system is not yet uniformly available across the national territory, generating disparities between regions.

Absence of continuous screening: once employed, professionals and volunteers are not subject to mandatory periodic checks, with the risk that convictions subsequent to employment remain unknown to the employer.

Underutilisation of ECRIS: the European criminal information exchange system is little known and little used by non-profit sector employers.

Lack of a register of disqualified persons: there is no centralised and consultable register (even in confidential form) of persons who have been disqualified from activities with minors.

5.2. Promising Practices

Fondazione SOS il Telefono Azzurro ETS highlights the following good practices adopted internally or observed in the Italian system:

Structured internal screening: the Foundation applies an internal screening procedure for all employees, collaborators and volunteers working in contact with minors, including: criminal record verification, structured interview focusing on child protection, mandatory child safeguarding training before commencement of activities, and triennial renewal of criminal record verification.

Code of Ethics and Safeguarding Policy: the organisation has adopted a Code of Ethics and a Safeguarding Policy defining expected behaviours and internal reporting procedures, in line with international child safeguarding standards.

Mandatory reporting to 114: all Telefono Azzurro operators are required to report situations of risk or abuse to the Judicial Authority and to Service 114 – Childhood Emergency. This generates a double level of protection.

CONI model for sport: the CONI Sports Justice Code provides, for affiliated sports organisations, screening obligations and the appointment of a Child Safeguarding Officer. This sector model could be extended to other areas.

Protocols with the Prosecution services: in some Italian judicial districts, collaboration protocols between Prosecution services and child protection services have been piloted for timely communication of precautionary measures concerning persons working with minors. Telefono Azzurro hopes for the generalisation of such protocols at national level.

5.3. Concluding Recommendations

Based on operational experience and the observations contained in this contribution, Fondazione SOS il Telefono Azzurro ETS formulates the following recommendations to the Italian authorities and the Lanzarote Committee:

1. Adopt a comprehensive framework legislation on screening, unifying sector-specific provisions and providing for uniform minimum standards.

2. Introduce automatic and permanent disqualification for those convicted of the most serious offences, with direct employer access (via computerised system) to verification of disqualification status.

3. Explicitly extend screening to continuous online contact with minors and to digital operators.

4. Make periodic screening mandatory (at least triennial) for all persons in continuous contact with minors.

5. Strengthen the use of ECRIS for cross-border pre-employment checks and provide simplified procedures for verification of criminal records from non-EU countries.

6. Establish a confidential communication mechanism to child protection authorities regarding the opening of criminal investigations for sexual offences against minors involving persons working with children.

7. Make access to public funding for projects involving minors conditional on the adoption of a verifiable Safeguarding Policy and documented compliance with screening obligations.