

COUNTRY OVERVIEW

Ending Child Sexual Abuse and Exploitation: State-of-Play in light of the Lanzarote Convention

ITALY



COUNCIL OF EUROPE



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PREFACE

The [Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse](#) was adopted on 25 October 2007 in Lanzarote, Spain and entered into force on 1 July 2010. As of May 2023, it has been ratified by all 46 Council of Europe member states and two non-member states, namely the Russian Federation and Tunisia. The Lanzarote Convention is the most ambitious and comprehensive international legal instrument on the protection of children against sexual exploitation and sexual abuse, covering all possible kinds of sexual offences against children, namely sexual abuse of a child – including within the “circle of trust”, exploitation of children through prostitution, grooming and corruption of children through exposure to sexual content and activities and offences related to child sexual abuse material.

In 2022, the Council of Europe joined forces with ECPAT International to prepare Country Overviews covering specifically the Parties to the Lanzarote Convention. Building on a process and methodology already established by ECPAT International, as well as, on extensive information gathered through the Lanzarote Committee’s monitoring procedure, these overviews aim to provide an effective tool for advocacy and advancing the fight against child sexual exploitation and sexual abuse in countries.

The Country Overviews bring in one document the information submitted by Parties to the Lanzarote Convention through the [General Overview Questionnaire](#), the recommendations adopted by the [Lanzarote Committee](#)¹ in its monitoring rounds

and additional desk-based research to fill in gaps as to progress made since such information and monitoring findings were adopted. During the process, drafts of the overview were shared with ECPAT member organisations and other relevant organisations on the ground, who reviewed the content and supplemented the information with other local sources and analysis. Where possible, the Country Overviews also include the perspectives of children and/or survivors. ECPAT International and the Council of Europe would like to express their profound appreciation for all valuable inputs during the process and would like to reiterate that the Country Overviews do not contain any new monitoring findings. Any suggestion on the way forward that does not stem from such findings is not binding on the countries. Similarly, any promising practice put forward by the national authorities to highlight its implementation of the Lanzarote Convention does not entail the Lanzarote Committee’s endorsement of it until it is presented to it in the context of a compliance procedure.

The Country Overviews present relevant legislation, policies, and other measures in place to tackle child sexual exploitation and sexual abuse, and possible suggestions on the way forward. These are primarily based on Lanzarote Committee findings and are thus meant to reiterate what it has recommended. When this is not the case, they are mere suggestions on possible ways to enhance protection of children against sexual violence.

AT A GLANCE

KEY ACHIEVEMENTS



KEY CHALLENGES

Undertake further research at the national and local level for the purpose of observing and understanding in depth various forms of child sexual abuse and exploitation including current and newer manifestations, in order to maintain an up-to-date evidence base for policy development.



There is a need for increased attention to address the sexual abuse of children in the circle of trust (including by parents).



There is a need to ensure effective processes to evaluate the implementation of national plans and initiatives.



There is a need to enhance child participation in key decision-making processes at an institutional level.



There is a need to ensure that all children, including non-Italian, are aware of the availability of reporting mechanisms.

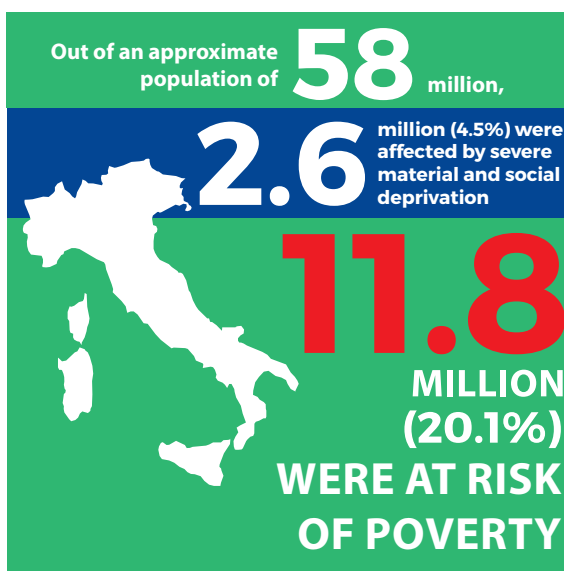


An increased attention to the gender dimension should be taken into account within the services provided to child victims of sexual abuse and exploitation.



INTRODUCTION

Located in the heart of the Mediterranean Sea, Italy is a parliamentary republic with over 58 million residents as of January 2023.³ In 2021, Italy's annual gross domestic product increased by 6.7%, ranking 8th in the world's largest economies by gross domestic product.⁴ Despite the economic growth to recover from the COVID-19 aftermath, Italy faces challenges particularly associated with the ongoing war-related high inflation.⁵ According to a report published in June 2023 by the Italian National Statistics Institute, in Italy approximately 2.6 million individuals (4.5%) were affected by severe material and social deprivation⁶ while 11.8 million residents (20.1%) were at risk of poverty in 2022.⁷ Poverty can be a significant determinant in not only perpetuating sexual exploitation of children but also in reinforcing its demand.⁸ In general, the demand for sexual exploitation of children is more likely to be prevalent in areas and/or situations marked with economic destitution.^{9,10}



Although having quite a homogeneous population, Italy's demographic is currently changing as a result of the various international migration fluxes. According to the Italian National Statistics Institute, as of January 2023, over 5 million foreigners were residents in Italy.¹¹ The country hosts a large population of refugees and migrants including children (both accompanied and unaccompanied), from countries such as Tunisia, Nigeria, the Ivory Coast, Guinea, Sudan, and Pakistan.¹² Refugees and migrants, especially unaccompanied children, due to a number of vulnerabilities related to their status (as detailed further in the section of this Country Overview on sexual abuse and exploitation of children in the context of crisis and emergency situations) are exposed to situations of poverty, social exclusion and unemployment. Unaccompanied migrant children from Nigeria and other African and Eastern European countries are identified to be particularly vulnerable and at-risk for trafficking and sexual exploitation, forced labour and/or street begging.¹³ Ethnic Roma children too are identified to be particularly vulnerable. A 2021 survey conducted with 1,045 Roma household members in Italy (out of a total of 8,461 respondents from 10 countries) found a prevalence (10%) of hate-motivated violence against Roma people, in the year prior to the survey, because of their ethnicity.¹⁴ In general, it is worth reminding that due to negative stereotypes and cultural biases against the Roma population, coupled with acts of discrimination and social exclusion,¹⁵ cases of child begging are perceived as "culturally ingrained" practices¹⁶

and not associated with risks to further exploitation. In addition, early marriage has also been identified as a common practice among the Roma population through which girls have been exploited in prostitution, pick-pocketing and also recruited for trafficking.¹⁷ In this context, it is also important to combat school segregation and improve living conditions and access to healthcare of these children.^{18,19} The Italian authorities consider related activities and projects as measures to prevent sexual abuse and exploitation of children.

Apart from a few references in non-governmental organisations reports, there are limited studies explicitly investigating the evolving risks and vulnerabilities to sexual abuse and exploitation of Roma children in Italy, indicating a gap in measures

to recognise their vulnerabilities. Studies and research that explicitly investigate the specific vulnerabilities and risks associated with the sexual abuse and exploitation of Roma children should be conducted to integrate existing systems of protection. It is important to note that children may also be at risk of sexual abuse and exploitation, trafficking and other forms of exploitation within the premises of institutional care.²⁰ According to the 2022 Regional Index on Child Maltreatment in Italy report, as of April 2021, the number of children and adolescents living in the care of social services amounted to 401,766.²¹ In the drafting of this overview, no information was found on investigations conducted in Italy to capture the scale of sexual abuse and exploitation of children in the context of institutional care.

FACTS ON CHILD SEXUAL ABUSE AND EXPLOITATION IN ITALY

SEXUAL ABUSE OF CHILDREN

Article 18 of the Lanzarote Convention defines sexual abuse as a) the engagement in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities; and b) engaging in sexual activities with a child where: – use is made of coercion, force or threats; or – abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or – abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.²²

Global findings on the prevalence of child sexual abuse widely imply the crime is a gendered crime, that disproportionately affects girls than boys.²³ However, increasing number of findings suggests that boys are also vulnerable and at-risk to child sexual abuse.²⁴ Any child is therefore at risk of sexual abuse. Child sexual abuse has an adverse long-term impact on children's physical, psychological, social and behavioural aspects of life.²⁵

Official statistics on the number of reported crimes committed against children in 2021, obtained from the Italian Ministry of Interior for the purpose of this Country Overview, showed a total of 2,285 cases, out of which 681 amounted to cases of sexual violence, 624 of solicitation of children, 589 of aggravated sexual violence and 391 of sexual acts with children.

This is corroborated by the 2022-2023 data obtained from the two main services operated by *Telefono Azzurro*, *Linea di Ascolto e Consulenza* (Listening and Counselling) 1.96.96 helpline and *Servizio Emergenza Infanzia* (114 Childhood Emergency Service) emergency hotline (promoted by the Department for Family Policies).

The primary purpose of both services is to record reports of harmful situations involving children including online and in-person sexual abuse and exploitation of children as well as provide counselling and support in emergency situations.²⁶ The 1.96.96 helpline handled a total of 46 cases of in-person sexual abuse in 2022, in which 54 children were involved as victims (88%), witnesses (10%) and offenders (2%).²⁷ Seventy-three per cent of these children were identified as female, 25% as male and 2% as non-binary, with 20% of cases involving children up to the age of 10, 43% children between 11-14 years old and 37% adolescents between 15-18 years old.²⁸ In the first three months of 2023, the helpline handled 12 cases of in-person sexual abuse.²⁹

REPORTED CRIMES COMMITTED AGAINST CHILDREN IN 2021

**2,285
CASES**



**SEXUAL
VIOLENCE** **681**
cases

**SOLICITATION
OF CHILDREN** **624**
cases

**AGGRAVATED
SEXUAL VIOLENCE** **589**
cases

**SEXUAL ACTS
WITH CHILDREN** **391**
cases

The 114 emergency hotline also handled a total of 138 cases of in-person sexual abuse cases in 2022, with 180 children involved as victims (90%), offenders (9%) and witnesses (1%). Sixty-seven per cent of the child victims were female and 33% male, with 34% of these cases involving children up to the age of 10, 35% children between 11-14 years old and 31% adolescents between 15-18 years old.³⁰ From 1 January to 31 March 2023, the emergency hotline handled 32 cases.³¹

In the context of the COVID-19 pandemic, reports from Interpol suggested the probability of domestic child sexual abuse cases would increase at the global level during the lockdown considering children were forced to be in close contact with the primary offender at all times.³² Italy was not an exception as the corroborated national findings largely indicate children's heightened susceptibility to violence and abuse at home from parents during the lockdown, with children having little to no access to support.³³

Another issue that has attracted global attention is the sexual abuse of children perpetrated by the clergy of the Catholic Church.³⁴ In its 2019 Concluding Observations on Italy's fifth and sixth combined periodic reports, the United Nations Committee on the Rights of the Child recommended independent and transparent investigations into all cases of child sexual abuse, prosecutions of alleged offenders, the establishment of child-sensitive reporting channels and legislative amendments to ensure that the clergy of the Catholic Church are not excluded from

prevention and protective tools.³⁵

A Decree of the Minister for Equal Opportunities and the Family dated 1 September 2022 established that the Italian Bishops' Conference would participate in the work of the Italian Observatory for the fight against paedophilia and child pornography (whose functions are further described in later sections of this Country Overview) as a permanent member.³⁶

Despite the widespread issue of child sexual abuse by the clergy of the Catholic Church over the years, quantitative data measuring the scale of the issue is still quite absent.³⁷ In November 2022 the Italian Bishops' Conference published a report examining cases of child abuse committed by the clergy of the Catholic Church in Italy.³⁸ According to the report, 90 "listening centres",³⁹ identified a total of 89 (children and vulnerable adults) alleged victims of sexual abuse by church personnel in the period 2020-2021.⁴⁰ Further, the report highlighted that alleged victims mainly belonged to the age group 15-18 (37.1%), followed by 10-14 year olds (31.5%).⁴¹ The most frequently reported offences to the listening centres were inappropriate behaviour and language (24 reports), touching (21), sexual harassment (13) and sexual intercourse (9).⁴² Thirty out of the 68 alleged offenders, were identified to be clerics.⁴³ The association *Rete L'Abuso* (the Abuse Network), led by and for survivors of sexual abuse by the clergy, stated that these findings were based on cases from 2020 and 2021 only and that the report was not prepared by an independent entity.⁴⁴

SEXUAL EXPLOITATION OF CHILDREN IN PROSTITUTION, THROUGH SALE AND TRAFFICKING AND IN THE CONTEXT OF TRAVEL AND TOURISM

Article 19 of the Lanzarote Convention defines **exploitation of children in prostitution** as the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment, regardless if this payment, promise or consideration is made to the child or to a third person.

Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings defines ‘trafficking in human beings’ as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁴⁵ In case of child victims, Article 4 (b) of the Council of Europe Convention on Action against Trafficking in Human Beings specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 4 (a)”.⁴⁶ In other words, the Convention recognises that children can never be willing participants to their own exploitation.

For its part, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography deals with the ‘**sale of children**’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.^{47,48}

The sexual exploitation of children **in travel and tourism** is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.⁴⁹ The Framework Convention on Tourism Ethics of the United Nations World Tourism Organisation recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.⁵⁰

Globally, the exploitation of children in prostitution, the sale and trafficking of children for sexual purposes, and the sexual exploitation of children in travel and tourism, more often than not, occurs in conjunction with other offences and not in isolation.⁵¹ For

example, the sexual exploitation of children in prostitution can occur in different contexts, including but not limited to establishment-based settings (such as massage parlours, nightclubs, dance cafes, clubs and bars), street-based contexts, online based

contexts, during conflict or humanitarian crises, through sale and trafficking and in the context of travel and tourism, all of which, multiply and exacerbate children's vulnerabilities.⁵²

The existing and emerging data collated shows the increasing number of victims, including children, being trafficked and sexually exploited. Official data provided by the Department of Equal Opportunities within the Presidency of the Council of Ministers⁵³ indicates that in 2021, the anti-trafficking system handled 706 new cases which included 19 children and assisted a total of 1,911 persons including 63 children.⁵⁴ Out of the total, 1,911 assisted persons, 935 (48.9%) were involved in sexual exploitation.⁵⁵ However, the data on sexual exploitation is not further disaggregated by age and/or gender of the victims.

IN 2021, THE ANTI-TRAFFICKING SYSTEM



The above data suggests the prevalence of a significant number of victims of sexual exploitation, including children. Additionally, it is important to consider that there may be underreporting of cases, due to difficulties in detecting, self-reporting and reporting of victims of trafficking. For example, data from the anti-trafficking Freephone Helpline

indicates that the helpline received a total of 3,116 calls in 2021 (of which 63% were related to sexual exploitation) but unlike in previous years, there were no self-reporting or reported cases relating to children.⁵⁶ Save the Children further reports a significant presence of Nigerian girls being sexually exploited in prostitution through sale and trafficking as well as an increasing number of girls and young women from Ivory Coast and Eastern Europe (primarily from Romania, Albania and Bulgaria).⁵⁷ Increasingly, unaccompanied girls aged 14 to 17 from Ivory Coast have been intercepted at the Italy-France border (mostly in Ventimiglia), thereby indicating that their traffickers intend for them to travel to France, with Italy being only a point of transit for them.⁵⁸

Additionally, criminal organisations in Roma communities (of Romanian and Bulgarian origin) traffic and exploit girls and boys for labour and for exploitation in prostitution in Italy.⁵⁹ Particularly for girls, Save the Children reports that they are either sent to the heads of criminal organisations or used as "comfort women"⁶⁰ in attempts to attract people and money.⁶¹ The phenomenon of double exploitation (labour and sexual), that children have been found to be exposed to, particularly in the southern regions of Italy, is thus reinforced.⁶²

In 2019, the Group of Experts on Action Against Trafficking in Human Beings (GRETA) amongst its other concluding remarks to Italy shared concerns over the lack of a comprehensive and coherent statistical system on victims of trafficking available in Italy.⁶³ In addition, GRETA urged the government to strengthen victim identification efforts and prevent the trafficking and exploitation of children in various forms.⁶⁴

With regards to victims' identification, the "Guidelines for the Territorial Commissions for the recognition of international protection" were prepared and adopted

in 2016 and further updated in 2020.⁶⁵ These guidelines were developed as part of a project of the National Commission for the right to asylum and of the United Nations High Commissioner for Refugees, aimed at identifying standard procedures for an appropriate identification of victims of trafficking during the recognition of international protection as well as for the coordinated intervention of the institutions and of the subjects involved. However, no evaluation or monitoring report on the implementation of the guidelines was available as of January 2024.

While existing data on the sexual exploitation of children in prostitution attributes predominantly to trafficked migrant and refugee children (majorly unaccompanied), there is little to no data on the sexual exploitation of children of Italian origin in prostitution.⁶⁶ Hence, it would be appropriate to intensify prevention and protection mechanisms to identify Italian children who are at risk of being exploited in prostitution.⁶⁷

An emerging area of concern has been the sexual exploitation of children occurring in the context of travel and tourism.⁶⁸ As further described in the sections below, the sexual exploitation of children occurring in the context of travel and tourism is criminalised in Italy.⁶⁹ The Police forces collect and disseminate data on such crimes and related reports, arrests, and convictions. Based on the latest available data within the period 2016-2021, there were 12 instances of this crime (two in 2021).⁷⁰ Despite such low numbers, Italy and most Western European countries are traditionally considered as countries of origin for sex offenders in tourism.^{71,72} It is important to highlight that clear estimates on the scope and extent of the sexual exploitation of children in travel and tourism in Italy (and Western Europe in general) are largely missing due to the hidden nature of such a crime.⁷³ The 2023 US Department of State's Trafficking in Persons report,⁷⁴ which indicates that Italy is making significant efforts to eliminate any form of trafficking in the country, also mentions that some Italian citizens engage in sexual exploitation of children in the context of tourism.⁷⁵

SEXUAL ABUSE AND EXPLOITATION OF CHILDREN FACILITATED BY TECHNOLOGY

Online sexual abuse and exploitation of children refers to situations involving digital, Internet and communication technologies at some point during the continuum of abuse and exploitation. It can occur fully online or through a mix of online and in-person interactions between offenders and children. Child sexual abuse and exploitation online includes an evolving range of practices including conduct related to child sexual abuse material (e.g., production, distribution, dissemination, possession of, etc.), grooming children online for sexual purposes, live streaming of child sexual abuse. Related concepts can include online sexual extortion, the non-consensual sharing of self-generated sexual content involving children, unwanted exposure to sexualised content, among others.

As observed globally, the integration of digital technologies, and children's access to the Internet is increasing exponentially.⁷⁶ As much as the increasing transition to online space promises unparalleled benefits for the users, it nevertheless also increases the likelihood for children of getting exposed to online risks.⁷⁷ The blurred lines between online and offline spaces combined with the anonymity of the Internet makes it much easier for offenders to not only commit crimes online, but also potentially commit crimes simultaneously in offline spaces or vice versa.⁷⁸ Hence, any action taken to combat online child sexual abuse and exploitation should consider the wider ambit of children's online and offline activities and recognise technology as a cross-cutting issue.⁷⁹ The second thematic monitoring round of the Lanzarote Committee focused on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies.⁸⁰ Additionally, in 2022, GRETA also stressed the increasing use of technology for trafficking into sexual and/or labour exploitation.⁸¹

According to the latest estimates from 2021, 90% of all Italian households had Internet access at home and 80% of individuals were using it on a regular basis.⁸² Data provided by the Italian National Statistics Institute showed that in 2022, 97.9% of children aged 15-17 years used the Internet, with 92.8% using it every day.⁸³

In the context of the EU Kids Online network,⁸⁴ 1,006 Italian children aged 9-17 were surveyed to gauge a better picture of their Internet access and use as well as associated risks and opportunities.⁸⁵ The findings suggested cyberbullying as one of the most harmful experiences for a child, with 79% of those having been bullied feeling very or fairly upset.⁸⁶ Nineteen percent of the surveyed children reported having witnessed someone else getting bullied online.⁸⁷ Similarly, 31% of children

aged 9-17 had been exposed to sexual content, with a higher rate of 51% for older teenagers.⁸⁸ The findings also suggested that whilst half of the children talked about the last time something bothered them online with a friend (47%) or with parents (38%), 1 in 4 children did not share what had happened with anyone.⁸⁹

In 2022, the 1.96.96 helpline handled a total of 27 cases of online sexual abuse in which 29 children were involved (as offenders in 3% of the cases).⁹⁰ Fifty-five point six per cent of the child victims were female, 40.7% were male and 3.7% non-binary, with 39% of the children involved being between 11-14 years old and 61% adolescents between 15-18 years old.⁹¹ In the first three months of 2023 the helpline handled 8 cases of online sexual abuse.⁹²

In the same year, the 114 emergency hotline handled a total of 64 cases of online sexual abuse, 90% of cases had children involved as victims, 7% as offenders and 3% as witnesses.⁹³ Fifty-eight per cent of the child victims were female and 42% male, with 16% of these cases involving children up to 10 years of age, 36% children between 11-14 years old and 48% adolescents between 15-18 years old.⁹⁴ In the first three months of 2023 the emergency hotline handled 13 cases of online sexual abuse.⁹⁵

Additionally, for both services, sexting, online grooming, sexual extortion, child sexual abuse material and sexual harassment were reported as the main problems.⁹⁶

In 2020, a wide-reaching undercover investigation by the Italian Postal Police,⁹⁷ operating for over two years in 53 provinces and 18 Italian regions, led to the identification of almost 432 users who were part of different WhatsApp and Telegram chat groups where they frequently exchanged child sexual abuse materials.⁹⁸ More recently in 2023, the Postal Police investigated 2,739 obscured websites⁹⁹

(out of the close analysis of over 28,000 websites), which were found to be hosting child sexual abuse materials.¹⁰⁰ The number of investigations, coordinated by the National Centre for Combating Online Child Pornography, for online sexual exploitation and grooming of children in 2022 was 4,542, which led to the arrest of 149 people for such crimes in 2022.¹⁰¹

In addition to these investigations, the State Police also reported multiple arrests in 2021 in relation to the possession of child sexual abuse materials, including attempts to arrange live streaming of child sexual abuse,¹⁰² and storing large amounts of child sexual abuse material (over 1 million in one case).¹⁰³

When looking at cases of online grooming of children for sexual purposes, according to the 2020 interagency data provided by the Ministry of Interior in the context of the monitoring of the Lanzarote Committee, out of the total 1,722 sex offenders, 299 (17%) were held responsible for the crime of child grooming.



Child self-generated sexual content

Self-generated sexual content, may involve children who take pictures or videos of a sexual nature of themselves for personal use,¹⁰⁴ but in some cases, children are

also groomed, deceived or extorted into producing and sharing their images and/or videos.¹⁰⁵ As per the Internet Watch Foundation 2022 annual report, out of the 255,571 webpages confirmed as containing child sexual abuse material across the world, about 78% (199,363) were assessed as containing self-generated content.¹⁰⁶ The number had increased by 6% as compared to 2021.¹⁰⁷

The focus of the second thematic monitoring round, by the Lanzarote Committee, was narrowed down to address child self-generated sexual images and/or videos to support State Parties in responding to the challenges put forth by this widespread practice.¹⁰⁸ As highlighted by the Lanzarote Committee in 2022, the phenomenon of child self-generated sexual content is under-researched across the State Parties, including Italy, and more efforts are needed to collect data at the national and local level for the purpose of observing and evaluating the phenomenon of child self-generated sexual images and/or videos.¹⁰⁹

Findings from a 2021 study conducted with 1,649 high-school (aged between 14-18 years old) students in Rome found that 1 in 10 students had shared intimate images or videos of themselves in the three years prior to the study.¹¹⁰ Alarming, 8% reported finding their images or videos online without their consent.¹¹¹ In 2020, the Italian Police conducted a joint complex investigation on a large revenge porn network of thousands of subscribers to three different chat groups on Telegram.¹¹² According to Italian news articles, Telegram chat groups belonging to this network and beyond consisted of an overwhelming quantity of child sexual abuse material as well as sexually explicit content depicting adults which were published often by former partners of the victims without their knowledge and consent.¹¹³

According to the 2022 data of the Postal Police, there were 244 cases of “revenge porn”, with 34 involving child victims.¹¹⁴

In its 2022 implementation report,¹¹⁵ the Lanzarote Committee requested Parties to protect children from possible criminalisation when engaging in self-production of sexual images/videos for private use only. In this context, the Lanzarote Committee specified that national legal frameworks¹¹⁶ should ensure that:

- Children will not be prosecuted when they possess:
 - their own self-generated sexually suggestive or explicit images and/or videos;
 - self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
 - the self-generated sexually suggestive or explicit images and/or videos of another child as a result of receiving them passively without actively asking for them.¹¹⁷

- Children will not be prosecuted for sharing their sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.¹¹⁸
- The distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as “child pornography” in accordance with Article 20(2) of the Convention.¹¹⁹

In its above-mentioned implementation report, the Lanzarote Committee noted that self-production and possession of self-generated material were not criminalised in Italy when the child(ren) in question have reached the legal age for sexual activities (14) which corresponds to the legal age for criminal responsibility (14). According to the Lanzarote Committee, when the legal age for sexual activities and the age of criminal responsibility do not coincide, younger and/or older children may not be covered by the exemption of criminal responsibility for children.

SEXUAL ABUSE AND EXPLOITATION OF CHILDREN IN THE CIRCLE OF TRUST

The Lanzarote Committee’s first monitoring round in 2015, focused on sexual abuse committed in the circle of trust, including legislative frameworks, preventive and protective measures undertaken and/or planned to address the issue.¹²⁰ It argued that the vast majority of children are victims of people they trust.¹²¹ Offenders can include members of the family, sports coaches, healthcare professionals etc., and can also include offenders who were met online under grooming circumstances.

As elaborated the General Overview Questionnaire submitted by the Italian

authorities to the Lanzarote Committee, there have been numerous legislative innovations that have implemented the protection of children from abuse within the circle of trust, as further detailed in the section on national legislation of this Country Overview.¹²²

Information available on in-person sexual abuse by the 1.96.96 helpline in 2022, indicates that 62% of the alleged offenders were adult strangers, while 38% were one of the child’s parents.¹²³ Similarly, in the cases identified by the 114 emergency hotline, 64% involved an adult stranger as

the offender while 36% involved one of the child's parents.¹²⁴ For both helplines, the offences were reported to have taken place mostly at home.¹²⁵ This 2022 data therefore suggests that approximately 40% of the cases reported to helplines concern child sexual abuse in the circle of trust.

Data related to online abuse indicates that most cases involved adult strangers and acquaintances (peer children or adults).¹²⁶ These specific findings on Italy are also in line with recent global trends and evidence, such as the research findings of the Disrupting Harm multi-country study on online child sexual exploitation and abuse,¹²⁷ further reinforcing that sexual offences against children (whether online or in-person) are also committed by someone from their circle of trust, making the crime difficult to prevent and detect.^{128,129}

Given the prevalence and high risks for child sexual abuse in the circle of trust, the Lanzarote Committee in 2015 urged States Parties, including Italy, to take the necessary

legislative or other measures to set up or designate mechanisms for data collection or focal points at a national or local level and in collaboration with the civil society for the purpose of observing and evaluating, in terms of quantitative data collection the phenomenon of the sexual exploitation and sexual abuse of children in general and child sexual abuse committed in the circle of trust, in particular.¹³⁰



SEXUAL ABUSE AND EXPLOITATION OF BOYS

Globally, factors associated with debilitating socio-economic conditions, heteronormative beliefs and attitude, notions of masculinity, family maltreatment, migration, and lack of awareness on the vulnerabilities for boys to sexual abuse and exploitation are identified as some of the key factors that multiply the risks for sexual exploitation of boys across the world.¹³¹ Despite findings of global research strongly suggesting the higher risks and vulnerabilities for boys to sexual abuse and exploitation, extensive research, knowledge and awareness is still very scarce.¹³² As a result, boy victims of sexual abuse and exploitation have been largely excluded in policy and targeted interventions.¹³³

In Italy, in recent years there have been specific research and projects on masculinity and sexual violence against boys such as the project Boys* & Culture of Care which culminated in the production of a manual for frontline workers working with boys.¹³⁴

According to the data obtained from the Italian Ministry of Interior in the context of the monitoring done by the Lanzarote Committee, in 2020, there were 495 boy victims of child sexual abuse and exploitation in Italy, compared to 2,202 girl victims. Although the number of boy victims appears to be significantly less than girl victims, it should not be discounted, considering that it is already challenging to estimate the severity of the occurrence and

impact of sexual exploitation of boys.¹³⁵ As discussed, in the Global Review of Existing Literature on the Sexual Exploitation of Boys, discriminatory practices and attitudes towards boy victims of sexual exploitation, lack of services available for boys, lack of understanding amongst service providers and lack of social support-based response pathways are some of the key factors impeding the help-seeking behaviour of boys.¹³⁶ The data obtained from the Italian Ministry of Interior for the drafting of this Country Overview, indicated a gradual increment from 2018 - 2020 in the number of boys seeking support from the 114 emergency hotline (668 boys in 2018, 834 in 2019 and 887 boys in 2020).

The majority of the findings available on the sexual exploitation of boys in Italy refer to

refugee and migrant boys travelling from the central Mediterranean route to Europe. A 2021 report by the Women's Refugee Commission, emphasised the widespread sexual violence against refugee and migrant boys and men in Italy, with some also exploited in prostitution.¹³⁷ Additionally, the report highlighted poor referral networks, under-trained staff and lack of linguistic and cultural mediators as some of the key reasons for the limited access to sexual violence care for refugee and migrant boys and men in Italy.¹³⁸ The report shed light into the phenomenon of sexual exploitation of boys, which is relevant across the globe, including Italy. Therefore, it is of significant importance to continue documenting trends and disseminating findings to prevent and protect boys from sexual abuse and exploitation.

CHILD, EARLY AND FORCED MARRIAGE AS A FORM OF OR AS A PATHWAY TO SEXUAL EXPLOITATION

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define 'child marriage' as "a marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent".¹³⁹ Child, early and forced marriage can be understood both as a form of or as a pathway to sexual exploitation.¹⁴⁰

Article 37 of the Council of Europe Convention on preventing and combating violence against women and domestic violence requires States Parties to do the necessary to ensure that those forcing a child to enter into marriage, and those who lure them into another country for such purpose, are criminalised.¹⁴¹

The root causes of child, early and forced marriages are largely founded on religious beliefs, cultural practices, gender norms, traditional customs, but also on parental perceptions of mitigating family economic burdens, especially in the case of girls.¹⁴² Considering these driving factors, child, early and forced marriages can also then be understood as a form or pathway to sexual exploitation when it involves an exchange

for financial or other compensation, or leads to trafficking for sexual purposes, exploitation in prostitution, or exposure to difficult situations that may be abused by perpetrators of child sexual exploitation.¹⁴³

Additionally, global findings on this phenomenon widely suggest the disproportionate impact on the advancement and development of girls.

However, the impact on child grooms cannot be discounted given that marriage may force boys to take on the role of adults. This places economic pressure on boys who might not be prepared and also possibly curtail future opportunities for them.¹⁴⁴

Official data referring to child and early marriages has been collected and analysed by the Italian National Statistics Institute for over 10 years. Data is disaggregated by gender and age. Furthermore, an official collection of criminal data concerning early marriages is carried out by the Criminal Analysis Service of the Ministry of Interior following the adoption of Law 69/2019 on gender-based violence and domestic violence (known as *Codice Rosso*-Red Code), with the first report presenting such data being disseminated in June 2021.¹⁴⁵ According to the latest of reports on the issue - published in February 2022 and

covering the period from 9th August 2019 to 31st December 2021 - there were 7, 8 and 20 reported cases of forced marriages in 2019, 2020 and 2021 respectively, with the highest number of forced marriage cases reported in the northern regions of Italy.¹⁴⁶

The report also highlights that the great majority of the victims were female (85%).¹⁴⁷ Regarding the age of the victims, 6% were 13 years old and under, 27% between 14-17 years old and 43% between 18-24 years of age.¹⁴⁸ Additionally, while 36% of the victims were of Italian origin, 64% were foreign nationals primarily from Pakistan, Albania, India, Bangladesh, Sri Lanka, Croatia, Poland, Romania and Nigeria.¹⁴⁹ Besides providing statistics on cases of forced marriages in Italy, the report does not further identify or examine the links between child, early and forced marriage and sexual exploitation in the particular context of Italy.

SEXUAL ABUSE AND EXPLOITATION OF CHILDREN IN THE CONTEXT OF CRISIS AND EMERGENCY SITUATIONS

Crisis and emergency situations refer to situations of armed conflicts and terrorism, migration and forced displacement, health and economic crises, natural disasters, including climate change, and any other unforeseen events that may hamper children's enjoyment of all their human rights.

In 2017, the Lanzarote Committee adopted a Special Report on Protecting children affected by the refugee crisis from sexual abuse and exploitation, which focused explicitly on generating information that would allow for the mapping of responses by State Parties on the increased risks of sexual violence against children affected by the refugee crisis.¹⁵⁰ Results from the compliance procedure, undertaken by the Lanzarote Committee in 2021-2022, also highlight some of the improvements that should be made in relation to the prevention and

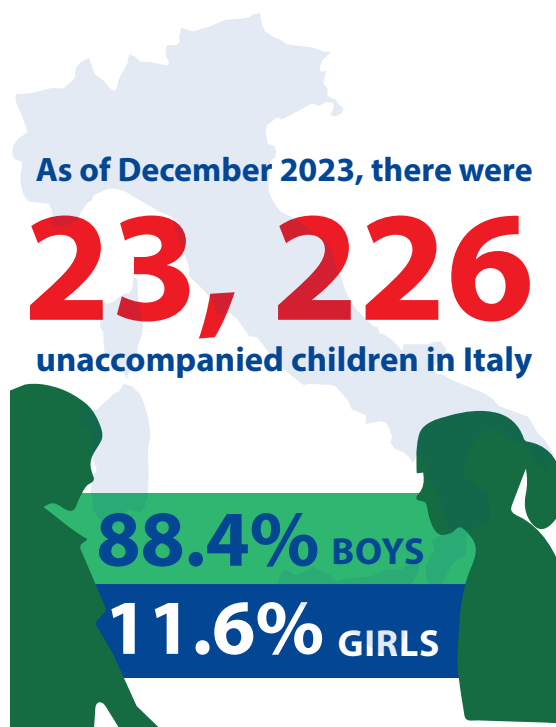
protection of refugee and migrant children from sexual abuse and sexual exploitation and in the prosecution of offenders.¹⁵¹

In the context of Italy, the report refers to the remarks made by frontline workers indicating the prevalence of sexual abuse and exploitation of children by traffickers on the Mediterranean route.¹⁵²

According to the information provided by the Italian Ministry of interior on arrival and demographics of refugees and migrants in

Italy, in 2023, 157, 652 people arrived by sea, of which 17, 319 were unaccompanied migrant children (11%).¹⁵³ This is an increase compared to the data in 2022 where 105, 131 people arrived by sea, of which 14, 044 were unaccompanied migrant children.¹⁵⁴

In its latest available monthly data upload (December 2023), the Ministry of Labour and Social Policies noted that as of 31 December 2023, there were 23,226 unaccompanied children in Italy, of which, 88.4% were boys and 11.6% were girls.¹⁵⁵ Of these children, 20.1% were from Egypt, followed by Ukraine, Tunisia and the Gambia.¹⁵⁶



The main issues that need to be addressed concern the identification of the exact number of unaccompanied foreign minors inside the country due, as detailed below, to the difficulties in verifying the age of migrants, the overcrowded reception centres, and the tendency of migrants to see Italy as a country of transit and not of destination.

As detailed in the 2022 trafficking dossier by Save the Children, there has been an increasing number of girls and young

women from Ivory Coast entering Italy, yet their stay in the reception centres can be as short as a month, with their traffickers having already organised their migration towards France.¹⁵⁷ Thus, a problem closely linked with unaccompanied minors is their disappearance after reaching Italy¹⁵⁸ and/or after registering at reception centres, which can increase their vulnerability to trafficking and exploitation. According to the data obtained from the Italian Ministry of Interior in the context of the monitoring done by the Lanzarote Committee, there were 3,099 unaccompanied children who went missing from the reception centres in 2020.

The issue of missing children had already been addressed by the Lanzarote Committee in 2015 with the Committee recommending all State Parties, including Italy, to address the phenomenon of missing children affected by the refugee crisis in order to gain a better understanding of the situation which, in turn, would enable Parties to better tackle this issue and thus reduce the risks faced by these children of becoming victims of sexual exploitation and sexual abuse.¹⁵⁹

In Italy, as indicated above, data on the presence of unaccompanied migrant children in the national territory is systematically collected and their movements are traced through the dedicated Information System for Unaccompanied Minors established within the General Directorate of Immigration and Integration Policies of the Ministry of Labour and Social Policies.¹⁶⁰ The responsibilities of the General Directorate of Immigration and integration policies, also include cooperating and liaising with the other administrations involved as well as investigating to proceed with the identification of family members in the country of origin of unaccompanied migrant children.

Given the specific vulnerabilities of migrant children, the Italian system also provides specific training interventions for those who work in contact with unaccompanied

children, refugees, and migrants (carried out by the Ministry of Interior together with the Office of the United Nations High Commissioner for Refugees).^{161,162} Such initiatives can be further improved by deepening the focus through specific training modules on sexual abuse and exploitation. The documented experiences of refugee and migrant children in Italy reflect the heightened risks to fall victim of trafficking and sexual exploitation through sale and trafficking. In this context, it is therefore appropriate to implement the protection system for refugee and migrant children to avoid the risks that they may become victims of trafficking and sexual exploitation through sale and trafficking, across the travel routes in Italy or in other countries passing through Italy. For unaccompanied and separated girls, accurate identification and targeted support (such as due diligence and gender-sensitive age assessment procedures) are very important to protect them from traffickers.¹⁶³

Responding to the crisis of accompanied and unaccompanied children, in 2015 the Lanzarote Committee invited all State Parties, including Italy, to systematically verify family links of the children affected by the refugee crisis with the adults who accompany them. In particular, they wanted to verify who these adults are, in order to protect these children against possible sexual abuse or sexual exploitation and in order to determine whether they are accompanied or not. In the latter case, they would want to provide them with the necessary protection from sexual exploitation and sexual abuse.¹⁶⁴

An issue of growing concern is the impending consequences of the ongoing conflict in Ukraine, and the influx of Ukrainians entering Italy as refugees including children. In the Guidance Note published by GRETA in May 2022, all State Parties, including Italy, were called upon to act urgently to protect people fleeing

the war in Ukraine and to take proactive steps to prevent human trafficking, considering the unprecedented arrivals of large proportions of people needing protection.¹⁶⁵ According to the Ministry of Interior's data as of 16 June 2023 (latest available info at the time of writing of this overview), there were 173,920 Ukrainians entering Italy due to the conflict, of which 49,461 were identified as children.¹⁶⁶ Italy was one of the 14 participating countries in a coordinated online investigation by the European Multidisciplinary Platform Against Criminal Threats (supported by Europol) that monitored online platforms suspected for links to human trafficking.¹⁶⁷ The investigation led to the identification of emerging trends and threats of sexual and labour exploitation of Ukrainian refugees by criminal networks.¹⁶⁸ Therefore, this will be a key challenge for the country's child protection system to tackle.

As of June 2023,

173,920
UKRAINIANS ENTERED ITALY
DUE TO THE CONFLICT



49,461
IDENTIFIED AS
CHILDREN

INTERNATIONAL COMMITMENTS AND LEGISLATIVE FRAMEWORK

INTERNATIONAL AND REGIONAL COMMITMENTS

Status of ratification of relevant international and regional instruments		
Instrument	Date of ratification or accession	Entry into force
Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) - 2007	2013	01/05/2013
Revised European Social Charter ¹⁶⁹ - 1996	1999	01/09/1999
Council of Europe Convention on Cybercrime (Budapest Convention) - 2001	2008	01/10/2008
Council of Europe Convention on Action against Trafficking in Human Beings - 2005	2010	01/03/2011
United Nations Convention on the Rights of the Child - 1989	1991	05/10/1991
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography - 2000	2002	03/04/2002
Optional Protocol on a communications procedure - 2011	2016	04/05/2016
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	2000	13/06/2000
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - 2000	2006	12/04/2006

In terms of international cooperation and commitments, it is worth mentioning that Italy submitted its second Voluntary National Review on its latest Voluntary National Review on the implementation of the Sustainable Development Goals in July 2022.¹⁷⁰ The report presents an update of the previous National Sustainable Development Strategy, in light of the new challenges brought by the COVID-19 pandemic and the geopolitical conflicts.¹⁷¹ The Italian cooperation strategy¹⁷² also takes into consideration issues connected to sexual abuse and exploitation of children, such as the risks related to irregular migration as well as gender-based and

domestic violence.¹⁷³ Moreover, the Italian National Statistics Institute Sustainable Development Goals Report provides a system of indicators that shows the progress made by Italy in the achievement of the 17 major environmental, social and economic goals, including a few statistics on targets related to forms of sexual abuse and exploitation against children.¹⁷⁴ Italy is involved in several European and international initiatives related to the protection of children against sexual abuse and exploitation. Reportedly, the Ministry of Interior has been proactive in developing and implementing activities aimed at facilitating information exchange with Interpol, Europol and

SIRENE,¹⁷⁵ the network that supports the cooperation and coordination between law enforcement agencies in the EU member states. Moreover, as a member of the WeProtect Global Alliance, Italy participated

in the review of the implementation of the Model National Response, a coordinated national response to online child sexual abuse and exploitation launched at the 2015 WeProtect Summit in Abu Dhabi.¹⁷⁶

NATIONAL LEGISLATION AND RECORDED OFFENCES

Following the ratification of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), through the Law of 1 October 2012, n. 172, Italian legislation has been greatly innovated to comply with the Convention, strengthen its current provisions, and provide a more comprehensive criminalisation of offences of sexual abuse and exploitation of children.

The Italian Civil Code does not provide an explicit definition of the term “child” but Article 2 states that legal adulthood (or age of majority) is attained at 18 years of age, with young adults acquiring the legal capacity to exercise their rights independently.¹⁷⁷ However, children above 16 years, can present a request to the Juvenile Court to obtain the status of “empowered minor”.¹⁷⁸ After an evaluation carried out by the court on the child’s psychophysical maturity and the validity and seriousness of the reasons for the request,¹⁷⁹ the so-called “empowered minor” can carry out daily tasks and marry.¹⁸⁰ Indeed, in Italy the legal age for marriage is 18 but the “empowered minor” can get married earlier if authorised by the Juvenile Court after this assessment procedure.¹⁸¹ The law does not provide a clarification on the “serious” situations that would allow the approval of marriages. However, according to ECPAT International, the age of marriage should always be 18 with no room for exceptions as child, early and forced marriage can be a form of or a pathway to sexual exploitation.¹⁸²

To avoid the occurrence of forced marriages for exploitative purposes, the law on gender-based and domestic violence¹⁸³ included in the Criminal Code a provision punishing by imprisonment of up to five years whoever, by violence or threat, forces a person to get married.¹⁸⁴ The same penalty is applied, if the person forcing the child belongs to their circle of trust.¹⁸⁵ This provision does not specifically refer to children but provides that the penalty is increased if the victim is younger than 18. Furthermore, the penalty is increased to up to seven years of imprisonment if the victim is younger than 14.¹⁸⁶ The rule also applies when the offence is committed abroad by an Italian citizen or a foreign resident in Italy or to the detriment of an Italian citizen or a foreign resident in Italy.¹⁸⁷

Regarding children’s rights in general, education is compulsory for a period of ten years that generally covers the span between 6-16 years old.¹⁸⁸ The minimum working age is 16, notwithstanding the completion of compulsory education.¹⁸⁹ The age limit is lowered to 15 years in case of attendance of the work-school programme.¹⁹⁰

Sexual abuse of children

In Italy, the crime of “sexual violence” is punished with imprisonment from 6 to 12 years and occurs when a person (adult or child) is forced, with violence or threats or through abuse of authority, to commit or engage in sexual acts.¹⁹¹ When the acts of sexual violence are committed by an ascendant, parent, even adoptive,

or guardian against a person under 18 years of age – among other aggravating circumstances - the penalty is increased by one third.¹⁹² The penalty is increased by half if the offence is committed against a child under 14 and is doubled if the offence is committed against a child under 10 years of age.¹⁹³

When sexual acts are performed without violence, threats etc., by an adult against children below 14, offenders are punished with imprisonment from 6 to 12 years.¹⁹⁴ This provision in practice establishes the age of consent for sexual activities for children of any gender at 14 years of age. This is one of the lowest in Europe.¹⁹⁵ The age limit rises to 16 when the offender is the ascendant, the parent (also adoptive), the guardian or any person to whom, for reasons of care, education, instruction, supervision or custody, the child is entrusted or cohabiting with.¹⁹⁶ For children above 16, the punishment is the imprisonment from three to six years.¹⁹⁷ In addition, following amendments in 2021, the Italian legislation criminalises anyone who, beyond the cases outlined by the provision criminalising “sexual violence”, commits sexual acts with a child aged 14 and above, abusing the trust received by the child or the authority or influence exercised over the child due to their position, office held or family, domestic, work, cohabitation or hospitality relationships.¹⁹⁸

Finally, in case of consensual sexual activities between children aged 13 and above, there is a close-in-age exemption to avoid criminalisation if the age gap between the children does not exceed four years.¹⁹⁹

Sexual exploitation of children in prostitution, through sale and trafficking and in the context of travel and tourism

In Italy, an adult can sell sexual services and a person can buy such services

without it being considered an offence. On the other hand, profiting from the prostitution of others and facilitating the sale of sexual services are considered crimes.²⁰⁰ It is important to highlight that adult prostitution, whether criminalised, decriminalised and/or regulated, has effects on the exploitation of children in prostitution as this often operates on the fringes of adult prostitution.²⁰¹

The Italian Criminal Code punishes the conducts of recruiting, inducing, procuring, exploiting, managing and controlling a child for prostitution as well as profiting from such exploitation.²⁰² Penalties include imprisonment from 6 to 12 years and a fine of up to €150,000.²⁰³ The legal provision also punishes those who commit sexual acts with children between 14 and 18 years of age in exchange for actual or promised money or other economic consideration, with a punishment of one to six years of imprisonment and a fine up to €6,000.²⁰⁴ In addition, following legal amendments in 2021, an increase of penalty is provided for the case of sexual acts with children under 14 in exchange for money or any other utility, even if only promised.²⁰⁵

In compliance with the EU Directive 2011/36 and the Council of Europe Convention on Action against Trafficking in Human Beings,²⁰⁶ the Italian Criminal Code criminalises the trafficking of children for, among others, sexual purposes.²⁰⁷ However, it is worth noting that the provision does not refer specifically to individual forms of sexual exploitation, such as child marriage or sexual exploitation committed online. There is no explicit reference to the irrelevance of children’s consent in their exploitation, as otherwise required by the United Nations Trafficking Protocol²⁰⁸ and the EU Directive 2011/36.²⁰⁹ The law nevertheless provides specific protection for children and establishes a distinction between trafficking of adults and trafficking of children, which consists in the non-limitation of the ways

in which the crime against minors is carried out.²¹⁰ Moreover, the penalty for the crimes of trafficking in human beings is increased, among other reasons, (by one third to one half) if the victim is under the age of eighteen.²¹¹

In addition, the legislation on migration criminalises a large span of criminal conduct relating to the transportation of migrants and provides increased penalties if the victim is a child, and the crime is committed for engaging in illegal activities including any form of exploitation.²¹²

In order to protect unaccompanied children, who are identified as victims of trafficking already in the country, Italian law recognises the State's obligation to properly inform them of their rights, including the possibility of seeking international protection.²¹³ In cases of reasonable doubt about the age of the victim, they are presumed to be a child.²¹⁴ To harmonise the legislation with the Lanzarote Convention, Italy introduced provisions establishing that offenders cannot use their ignorance on the age of the victim, unless inevitable, as an excuse in regards to crimes of sexual abuse and exploitation.²¹⁵ A judgement by the Italian Supreme Court in 2022 addressed the issue, abiding to the principle of the best interest of the child, and stated that, in case of doubt, the potential offender must refrain from the potentially harmful conduct.²¹⁶

Concerning the sexual exploitation of children in the context of travel and tourism, the Italian Criminal Code punishes with imprisonment between 6 to 12 years and a fine up to €154,937, those who organise or advertise trips aimed at exploiting children in prostitution.²¹⁷ Offenders who take the trip are liable for the exploitation of children in prostitution, since even booking the trip implies willingness to commit the offence.²¹⁸

Tour operators organising trips to foreign countries are obliged to include, in their advertising material, a warning against the

illegality of sexual exploitation of children in travel and tourism, and are otherwise subjected to an administrative sanction.²¹⁹ However, according to the 2018 report by the Bilateral National Authority of Tourism, latest available as of November 2022, out of the 180 tour operators present in the database, only 59% complied with their legal obligation and only three published the warning on their website homepage.²²⁰ It is worth noting here that only one travel and tourism company based in Italy and fifteen with operations in the country have committed to preventing the sexual exploitation of children in travel and tourism, by becoming members of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.²²¹

Sexual abuse and exploitation of children in the online environment

Following the ratification of the Lanzarote Convention, in 2012, Italy introduced various innovations in its legislation to combat crimes linked to online child sexual abuse and exploitation but gaps still remain and need to be addressed. In 2022, the Lanzarote Committee requested Italy, among others, to take the necessary legislative or other measures to establish jurisdiction over transnational cases of child sexual abuse and exploitation facilitated by information and communication technologies, when one of the constituent elements of the offence has taken place in its territory.²²² It also required Italy to remove the requirement that prosecution can only be initiated following a report from the victim or a denunciation from the State, of the place where the offence was committed. This is particularly important for offences of sexual abuse and exploitation, when committed by one of their nationals or by a person who has their habitual residence in its territory.²²³ Additionally, the Committee required Italy to remove the requirement for double criminality for offences of sexual abuse (Article 18), "child prostitution"

(Article 19), the production of “child pornography” (Article 20(1)(a)) and offences concerning the participation of a child in pornographic performances (Article 21), when committed by one of their nationals.²²⁴

The Italian Criminal Code defines child sexual abuse material,²²⁵ as per Article 20.2 of the Lanzarote Convention,²²⁶ as any representation of children involved in explicit sexual activities, real or simulated, or of their intimate parts.²²⁷ The provision also applies to cases where materials depicting children are generated by graphic techniques but seem to represent real situations because of their high quality resolution (also known as ‘digitally generated child sexual abuse material’).²²⁸ In the latter case, penalties are decreased by one third.²²⁹

Criminal conduct related to child sexual abuse material including the use or inducement of minors, under the age of 18 years, to produce sexual abuse material or to participate in pornographic shows; profiting from said materials and their trading is also punished.²³⁰ Moreover, the distribution, dissemination and advertisement of such material or the sharing of information aimed at the solicitation or sexual exploitation of children are punished by imprisonment for up to five years and a fine.²³¹ Italian law punishes whoever offers or provides child sexual abuse material, regardless of any monetary gain.²³² In addition, the intentional access without justified reason to child sexual abuse material is punished with imprisonment of up to two years and the mere possession of such material (with no intent to distribute, sell, etc.) is punished with up to three years of imprisonment.²³³ When the above-listed offences involve large quantities of materials, penalties are increased by up to two thirds.²³⁴ The law does not specify when a quantity is to be considered “large”; a judgement from the Italian Supreme Court states that the aggravated penalty would be enforced in case of possession of at least one hundred child sexual abuse materials.²³⁵

Italian legislation also bans viewing pornographic exhibitions and shows involving children.²³⁶ Positively, it is worth mentioning that this provision could be used to criminalise live streaming of child sexual abuse, where the coerced sexual activity is simultaneously broadcasted live online and watched by others remotely.²³⁷ Indeed, in 2020, the Siena Provincial Command of the Police discovered a website, on the deep web, where sexual violence and abuses of children were live-streamed. Two Italian citizens, who accessed the website, are under investigation based on the abovementioned provision for taking part in those abusive performances and inciting the commission of such crimes.²³⁸

The Italian Criminal Code further criminalises whoever shares sexual material intended to remain private, without the consent of the depicted person.²³⁹ The offence (also known as “revenge porn”) is aggravated if the acts are committed within an affective relationship, even if it has ceased, or through information and communication technologies.²⁴⁰ This provision does not specifically protect children²⁴¹ because the conduct of sharing material portraying children would be reconnected to the already existing provision, criminalising the dissemination of child sexual abuse material.²⁴²

According to a 2021 decision of the Italian Supreme Court, the valid consent that a child over 14 years may give according to the legal age set to engage in sexual activities (mentioned in the sections above) is considered as extending to the sharing of sexually suggestive or explicit material. Therefore, it is not considered an offence when producing child sexual abuse material is committed by neither the child over 14 years nor their partner, provided that the production of the material is not coerced and intended for the exclusive use of the people involved in the relationship.²⁴³

Otherwise, in case of dissemination of such material (whether arranged since the beginning of its production or done subsequently and without the consent of the child), the responsible person will be prosecutable for dissemination of child sexual abuse material.²⁴⁴

Solicitation (also known as grooming) is defined as any act aimed at gaining the trust of the child by using various means, including the Internet, information and communication technologies.²⁴⁵ Italian legislation punishes the solicitation of children under 16 years of age by imprisonment from one to three years.²⁴⁶ Any conduct, with the aim of committing a sexual offence against a child, carried out online will be prosecutable. The Italian provision introduces some enhancements to Article 23 of the Lanzarote Convention and the related opinion and explanatory note.²⁴⁷ This includes the fact that the law does not require the intention to meet the child for the conduct to be constituted as a crime²⁴⁸ but only that the act of building a relationship of trust with the child is considered as intent to commit a sexual offence.²⁴⁹ Secondly, the Italian Criminal Code protects all children below 16 from such conduct, providing a level of protection higher than the minimum standard recommended by the Convention, which uses, as a benchmark for this crime, the age of sexual consent (14 in Italy as mentioned in the section above on sexual abuse of children). Although not required by the Lanzarote Convention, amending the provision to include children between 16 to 18 would ensure greater protection for children of any age. Lastly, the means and modalities mentioned in the provisions are not limited to the online space, as provided by the Convention.²⁵⁰

Internet service providers have a duty, under the law, to report any company or individual to the National Centre for Combating Child Pornography who is disseminating, distributing, and trading child sexual abuse material.²⁵¹ After the National Centre has verified and reported on the website, Internet service providers have to use filtering systems to block access to websites sharing child sexual abuse materials. In case of omission, they are punished by payment of an administrative fine of up to €250,000.²⁵²

Prosecution of offenders of sexual abuse and exploitation of children

Following the ratification of the Lanzarote Convention, Italian legislation mandated the Ministry of Interior to record and store national data on convicted sex offenders.²⁵³ The Interagency Information System of the Central Directorate of the Criminal Police is the responsible agency. Data from 2020 shows that on a total of 1,722 convicted child sex offenders, 95% were male, 68% were of Italian origin and the most represented age group was between 14 to 22 years old.²⁵⁴

In cases of in-person sexual abuse reported to the 1.96.96 helpline in 2021, 85% of the alleged offenders were adults and 15% children, with significant percentage of offenders being male (75%) as compared to female offenders (25%).²⁵⁵ According to 114 emergency hotline, 87% of the alleged offenders in the reported cases were adults, with significant differences between male (73%) and female (17%) offenders also being recorded.²⁵⁶

In compliance with Article 26 of the Lanzarote Convention about corporate liability,²⁵⁷ Italian law holds legal persons accountable for the sexual exploitation of children.²⁵⁸ In fact, a legal person may be

liable for aggravated sexual assault, sexual exploitation of children in prostitution and production, trading, diffusion and mere possession of child sexual abuse material.²⁵⁹

The Italian judiciary system can prosecute crimes, including offences related to child sexual abuse and exploitation, committed abroad by or to the detriment of its nationals.²⁶⁰ Moreover, the prosecution is possible even when the crime is committed abroad by a foreigner, with the help of an Italian accomplice. However, in this case, the maximum term of imprisonment for the crime should not be less than five years and the prosecution has to be requested by the Minister of Justice.²⁶¹ Accordingly, all the major offences related to sexual abuse and exploitation of children would be prosecutable, with the exception made for the crime of solicitation.²⁶² In 2022, the Lanzarote Committee required Italy to establish jurisdiction over offences established in accordance with the Convention committed abroad by persons who have their habitual residence in its territory.²⁶³

With regards to extradition, the Criminal Code establishes the principle of double criminality: the offender can be extradited only if the conduct at stake constitutes a crime in both Italian and foreign legislations.²⁶⁴ This legal requirement represents an obstacle to the execution of the sentence of offences related to child sexual abuse and exploitation. For example, if a certain conduct is not criminalised in other countries, it would make it more difficult or impossible to carry out investigations and prosecute Italian citizens who committed offences abroad or, vice versa, foreign citizens who committed a crime of sexual nature against an Italian child or in Italian territory. Moreover, it creates a gap in the law that encourages offenders to travel to countries with lower levels of child protection.²⁶⁵

ITALY'S RESPONSE TO THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN

COORDINATION AND COOPERATION

The main coordinating body at the national level, focusing on addressing child sexual abuse and exploitation, is the Department of Family Policies within the Presidency of the Council of Ministers.²⁶⁶ Since 2018, its responsibilities have been integrated with those relating to the National Observatory on Childhood and Adolescence and those already belonging to the National Documentation and Analysis Centre for Childhood and Adolescence as well as the ones relevant to the Observatory for the Fight against Paedophilia and Child Pornography.²⁶⁷

The National Observatory for Children and Adolescents is responsible for coordinating all governmental units, regional and local authorities as well as civil society organisations working with and for children. It is also in charge of developing all official child-related documents and policies such as the State's report to the Committee on the Rights of the Child and the National Plan of Actions and Interventions for the Protection of the Rights and Development of Children and Adolescents.²⁶⁸ As of April 2022, this Observatory reported collecting data and defining the contents of the next report covering the 2020-2021 period.²⁶⁹ However, the last Biennial Report on the Condition of Childhood and Adolescence in Italy 2018-2019, does not present any relevant data on the issue of child sexual abuse and exploitation.²⁷⁰

The Observatory adopted the 5th National Plan of Action and Interventions for the Protection of the Rights and Development of Children and Adolescents in May 2021.²⁷¹ For the first time, the Observatory promoted an online consultation process on the topics of the Plan with over 2,000 children between the ages of 12 and 17.²⁷²

The Department for Family Policies, as mentioned, also performs the functions related to the Observatory for the Fight against Paedophilia and Child Pornography,²⁷³ a strategic body with the task of acquiring and monitoring data and information on the activities carried out by all public administrations, aiming to prevent and fight against the sexual abuse and exploitation of children. This Observatory maintains and monitors a database including data and information for monitoring the phenomena observed with the contribution of data provided by all the relevant public administrations.²⁷⁴ This database is meant to systematically organise and integrate data and digitalised information of the central and local administrations, thus providing an overall view and enabling a more in-depth understanding of the phenomenon.²⁷⁵

According to the information provided by the national authorities for the purpose of this Country Overview, the data contained in the database are processed according to statistical aggregation criteria that allow compliance with current legislation on

privacy protection of the stakeholders involved, victims and offenders. The Privacy Guarantor has established that data contained in the database must be aggregated no less than the provincial level (e.g., no municipalities) to prevent recognition of potential or actual sex offenders and victims.

In November 2022, the Observatory for the fight against Paedophilia and Child Pornography published the second National Plan for Preventing and Combating Child Sexual Abuse and Exploitation (hereinafter referred to as the second National Plan) which foresees activities for the promotion and implementation of protection mechanisms, actions, policies and strategies to involve and protect young citizens with respect to access to new technologies.²⁷⁶ For the first time, a group of approximately 70 boys and girls, between 12 to 17 years old, also participated in the drafting of the plan through a cycle of online meetings.²⁷⁷ During the meetings, the children analysed specific topics and drafted sets of recommendations contributing to the definition of a more suitable plan. Among other issues, the groups discussed the offences perpetrated within the circle of trust of the child, education and awareness²⁷⁸ as well as child participation.²⁷⁹

The National Plan follows the strategic goals and structure of the aforementioned 5th National Plan for Children and Adolescents, published by the National Observatory for Children and Adolescents.²⁸⁰

Within the framework of the coordination of activities focusing on protecting children from sexual abuse and exploitation, the

Department for Family Policies drafts an annual technical-scientific report on the activities of the Observatory for the Fight against Paedophilia and Child Pornography, integrated in the report that the President of the Council of Ministers has to annually submit to the Parliament.²⁸¹ The last report available, published in December 2022, covers the relevant issues faced and activities carried out in 2021, including the return to pre-pandemic levels for crimes related to contact abuse.²⁸² The Istituto degli Innocenti, a key national institution for the monitoring of child well-being, participates in the collection of information and in the drafting phase of the report.

A National Centre for the fight against online child sexual exploitation was created within the Postal and Communication Police Service of the Ministry of Interior to monitor online spaces in order to detect child sexual abuse material/websites and dynamics that could harm children. It also creates a blacklist of websites that Internet service providers have to block access to.²⁸³

In October 2022, the Committee of Ministers adopted a National Plan against the trafficking and severe exploitation of human beings for 2022-2025.²⁸⁴ The plan foresees various actions likely to foster child protection from sexual abuse and exploitation, in the context of trafficking. This includes awareness-raising campaigns among the population, especially those more likely to encounter trafficked victims, provide access to information on their rights and local services available for victims of trafficking, and training of relevant professionals.²⁸⁵

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

In accordance with the Lanzarote Convention and the recommendations adopted by its Committee, Italy is expected to take the necessary legislative actions and implement strategies to prevent and protect children from sexual abuse and exploitation. Central to preventing sexual violence is raising children's awareness, in accordance with their age and maturity, and including this information in the school curriculum.

The Authority for Children and Adolescents, (i.e., National Ombudsperson for Children) carries out promotion and awareness-raising activities as well as drafting of proposals, opinions and recommendations on sexual abuse and exploitation of children.²⁸⁶ The Authority also participates in the work of the Observatory for the Fight against Paedophilia and Child Pornography as a permanent guest.

In terms of preventive measures, Italian law requires employers to demand a police clearance certificate when hiring an employee and then subsequently every six months for job contracts for professional or organised voluntary activities involving direct and regular contact with children.²⁸⁷ However, the perception of civil society, shared in the context of the drafting of this Country Overview, is that this law is not properly respected by the employers and that the government has yet to implement any monitoring system to ensure that these checks are carried out. According to civil society, there have been cases of convicted offenders of sexual offences against children reintegrated in job positions which have direct contact with children, with the discovery only happening through inquiries from the local press.²⁸⁸ Positively, the second National Plan foresees initiatives to foster the incorporation of child safeguarding policies, both within the public and private sector, accompanied by setting up a control

and audit authority that would monitor the actual implementation of such policies.²⁸⁹

In consideration of the importance of the activity carried out by helplines/hotlines, the Department of Family Policies, in 2021 and for the second consecutive year, promoted a communication campaign, *"Esci dal buio. Chiedi aiuto"*, aimed at increasing information on the service provided by the 114 emergency hotline and how to access it. The campaign was created with the technical support of the *Istituto degli Innocenti*, which consisted of cartoons showcasing situations of suffering and witnessing violence which were disseminated between November 2021 and February 2022 through Facebook, Instagram, TikTok, Spotify, YouTube and Google.²⁹⁰

Among the awareness-raising initiatives carried out at the national level, a long-lasting one is *"Una vita da social"*, implemented by the Postal and Communications Police within the project *"Generazioni connesse"*.²⁹¹ In its 10th edition in 2022/2023, the initiative is an educational campaign on the responsible use of new technologies and online risks. With a truck equipped with multimedia tools, the Postal Police experts have met more than 2,5 million students in public squares and in schools, 220,000 parents and 125,00 teachers with a total reach of 17,000 schools and 400 cities in 10 years. The aim of the initiative is to prevent episodes of violence, harassment, defamation, harassment online, through awareness-raising empowerment work.²⁹²

In terms of education offered to children, starting from 2020, the Ministry of Education extended the teaching of the civic education subject to every school grade. Digital citizenship was included within the programme²⁹³ to teach children the risks and their responsibilities in the online

environment.²⁹⁴ However, insights from civil society, received in the context of the drafting of this Country Overview, indicate that the topic is often not addressed at all because teachers prefer dealing with other themes due to the lack of training on digital technology issues and the sensitivity and taboos linked to children engaging in sexual activities.²⁹⁵ Positively, education is an important component of the second National Plan. The Plan includes the promotion of digital education, for both children and adults, to make them aware of the risks in the online environment and to foster dialogue among them on the topic of sexual abuse and exploitation, by eliminating taboos and negative parenting practices.²⁹⁶

In addition, on the occasion of the World Safer Internet Day on 8 February 2022, *Generazioni Connesse* – Safer Internet Centre launched an eSafety Education Toolkit, which is an educational resource that includes open lessons plans, courses and activities to teach children and young people from 3 to 18 years old about online safety issues.²⁹⁷ Local non-governmental organisations have carried out multiple activities and campaigns to prevent child sexual abuse and exploitation, as described below.

In October 2020, *Telefono Azzurro* launched the Digital Citizenship Programme to raise awareness about potential risks for children in the digital environment.²⁹⁸ It consists of a one-year training programme on e-learning platforms that aims to train teachers and children about the opportunities and risks of the web, in order to use it in a conscious and safe way. It is divided into two stages: the first one is addressed to trainers and teachers and the second one is characterised by the peer-to-peer method, involving children between 13 and 18 years old.²⁹⁹

Between October 2019 and September 2021, ECPAT Italia together with ECPAT France as project-leader, carried out the

CAPISCE project, co-funded by the European Commission.³⁰⁰ The objective was to improve the access to justice of child victims of trafficking, to fulfil their right to be protected during judicial proceedings through the setting up of trainings for interpreters and cultural mediators and other activities such as the development of a video-dictionary for interpreters and the creation of an online community. ECPAT Italia carried out a total of eight training cycles involving 100 participants, mainly students in the sector of interpretation and cultural mediation. The outcomes of the project were officially presented on 28 March 2023 by ECPAT Italia in collaboration with the European Legal Interpreters and Translators Association and the *Associazione Italiana Traduttori e Interpreti Giudiziari* at the European Parliament liaison office in Rome. In this context, a roundtable with interpreters and cultural mediators was organised to discuss how to continue the trainings and grow the online community.³⁰¹

From the information available, it appears that most of the national initiatives focus on technology-facilitated sexual offences against children while other forms of sexual abuse and exploitation are scarcely addressed. However, the Italian authorities confirmed that other forms of abuse and exploitation are also included and addressed in the existing initiatives, despite their specified focus on technology and online environment.

Further, with regards to prevention, the Lanzarote Committee has urged Parties that have not yet done so, to put in place effective intervention programmes or measure for persons, including children, who fear they may offend to prevent the risk of offences being committed.³⁰² In this regard, the National Plan for Preventing and Combating Child Sexual Abuse and Exploitation 2022-2023 aims to create guidelines and protocols on the treatment and assistance of juvenile sex offenders, both under and above 18 years old.³⁰³

Despite the positive initiative, it is important to underline how these kind of interventions only happen after the commission of the

offence and not before, as a preventive measure.

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

In Italy, there are specialised law enforcement agencies investigating child sexual abuse and exploitation crimes. As aforementioned, the Postal and Communication Police is responsible for detecting cases related to online child sexual abuse and exploitation, but when the offence involves organised criminal networks, it is the National Anti-Mafia and Counter-Terrorism Directorate that coordinates the investigation.³⁰⁴ The first point of support to child victims and their families is the Minors Office, part of the Anti-Crime Division and present in each *Questura* (the territorial police office).³⁰⁵ Its qualified personnel carry out preventive and 'first response' activities in relation to child victims and their families, involving local agencies and associations working in the child sector. Specialised sections of the Mobile Police Squads investigate the sexual abuse and exploitation of children.³⁰⁶ Concerning the judicial system, the criminal courts of the main Italian cities have sections designed to deal with crimes carried out against vulnerable victims, such as women and children, including sexual offences and exploitation in prostitution.³⁰⁷ The fact that such sections are not available in all criminal courts reduces the possibility for child victims outside main cities to have their cases analysed by trained and experienced judges.

In addition, the Juvenile Social Services of the Juvenile Justice Department are responsible for assisting child victims together with the other services provided by local authorities.³⁰⁸

Reporting mechanisms

Proceedings regarding sexual abuse and exploitation against children start with the initiative of the Public Prosecutor, notwithstanding the possibility for the child victim to file a complaint.³⁰⁹ The Public Prosecutor has to inform the Court of Minors, of the commission of crimes related to sexual abuse and exploitation, to ensure the protection and assistance of the child by the Juvenile Justice Service.³¹⁰

Public officials and personnel of public services must immediately report to a public prosecutor or a judicial police officer any crime they are aware of while on duty.³¹¹ Failing to do so can result in fines of up to one year of imprisonment for judicial police officers.³¹² Private citizens can also report crimes (including those relating to the abuse and sexual exploitation of children), but do not hold a general obligation to do so.^{313,314}

In addition, it is possible to report a situation of potential or actual violation of children's rights to the Authority for Children and Adolescents, that works alongside the Regional Ombudspersons for Children.³¹⁵

Other channels for reporting offences or requesting help and guidance are the helplines or hotlines provided by the government itself or by organisations and associations. As highlighted in Section 2.1, *Telefono azzurro* is in charge of two services:

Servizio 114 Emergenza Infanzia (promoted by the Department for Family Policies) and *Linea di Ascolto 1.96.96*.³¹⁶ Both of these services are free, available 24 hours a day and 7 days a week, and are supported by highly-qualified operators.³¹⁷ However, the perception of civil society, shared in the course of the drafting of this Country Overview, is that children, especially those that are non-Italian, are not properly aware of the availability of these services, and the 24/7 accessibility of the helpline, is not provided in practice by the operators.³¹⁸ Another helpline provided is the Anti-trafficking toll-free number (800.290.290) which is a free public first aid service³¹⁹ that is available 24/7 as confirmed by information collected during the draft of this Country Overview.³²⁰ The helpline received 1,359 relevant calls in 2021.³²¹

A procedural guarantee related to reporting for the child victims of sexual abuse and exploitation is the special regime of the statute of limitation. That is a time period set by law during which the victim can report the offence suffered. Once expired, not only this would not be possible but, if the court had not issued a final judgement on the matter within this period, the alleged offender cannot be punished anymore for that crime.³²² For most crimes, this period in Italy amounts to the maximum imprisonment penalty provided by the law for that offence and, in any case, not less than six years.³²³ Following the ratification of the Lanzarote Convention, Italy doubled the statute of limitation periods for offences related to child sexual abuse and exploitation, with a minimum threshold of six years.³²⁴ For example, as 12 years of imprisonment is the maximum penalty provided for whoever sexually abuses a child the corresponding statute of limitation would be at least 24 years. However, the legislator did not double the period for the crime of child solicitation, so the statute of limitation only amounts to the minimum established by law, which is six years.

The statute of limitation period starts when the child turns 18, unless the crime had been reported beforehand.³²⁵ A downside of the provision is that the period keeps running while the case is being heard. Given the average length of Italian criminal trials, it can be an obstacle to the child victim's access to justice.³²⁶ Moreover, when child victims of sexual abuse and exploitation do disclose their abuse, this is often delayed.³²⁷ The existence of statutes of limitation can potentially thwart their access to justice. Therefore, ECPAT International recommends to remove any statute of limitation period for all offences concerning sexual abuse and exploitation of children, in order to give victims the time they need to feel comfortable enough to report the offence suffered and for the justice to carry out the legal proceedings and reach a final judgement, regardless of how much time has passed.

Investigations and child-sensitive justice

Italian law establishes that the emotional and psychological assistance of children has to be ensured during every phase of the proceeding, through the presence of their parents or another suitable person. This also includes associations or non-governmental organisations with proven experience in the field of assistance and support for child victims of sexual abuse and exploitation offences. In any case, the child will receive assistance from the Juvenile Justice Services and other services provided by local authorities.³²⁸ Currently, there is no strict eligibility criteria for associations and non-governmental organisations assisting children but the second National Plan for Preventing and Combating Child Sexual Abuse and Exploitation aims to create a national registry to identify these entities which can provide this assistance function.³²⁹

During the investigations, an expert in child psychology must assist the child when interviewed by the police, the prosecutor or the defence attorney in connection to an offence related to sexual abuse and exploitation.³³⁰ The presence of a psychologist, who generally asks questions to the child, is provided in order to protect the child victim or witness, while also ensuring an accurate and credible narrative.³³¹ Moreover, the Public Prosecutor can ask for an anticipated hearing (so called “*incidente probatorio*”) to examine the child victim before and outside the potentially long-lasting trial, avoiding re-victimisation. In fact, the evidence collected with the testimony of the child is also valid in the subsequent trial as everything takes place in the presence of the judge and the other parties of the trial, with many guarantees for the child.³³² In this case, the examination of the child is carried out in the form of the so-called “protected hearing”, which sees the judge asking the questions (and can resort to a family member of the child or an expert in child psychology)³³³ and choosing the means, locations and times that shall not cause discomfort to the child. For example, the hearing can be held outside the tribunal and even at the victim’s house.³³⁴

In addition, the Criminal Procedure Code establishes that during the trial, for offences related to sexual abuse and exploitation, witnesses under 18 years of age and persons in a particularly vulnerable condition cannot be examined if they have already been heard (in “*incidente probatorio*”) during such an investigation phase.³³⁵

The law establishes that in the case of crimes of sexual abuse, sexual exploitation, slavery and trafficking, the procedure and the trial shall always take place without public knowledge when the victim is a child.³³⁶ According to this provision, it is forbidden to publish personal data and photos of the child witnesses until they turn 18.³³⁷

According to the information provided by the national authorities for this Country Overview, in many Italian universities, in the School of Magistrates and in the Specialisation Schools for legal professions, the themes of the protection of vulnerable victims and the protection of children are studied in depth, also with a broad look at the international provisions. Within this context, it must be remembered, also, that a relevant training process for legal and justice professionals is the European Project “ENCLAVE” (Enhancing the capacity of legal & justice professionals on forensic interview procedures for child victims and witnesses of violence) that sees EuroCrime – Research, Training and consulting SRL as an Italian partner. Started on 1 February 2021, it is a two-year project that aims to implement and advocate for a more victim-sensitive approach within criminal proceedings regarding child victims and witnesses of abuses.³³⁸

In terms of legal aid, the State pays for all criminal proceedings related to child sexual exploitation or abuse offences, despite any income requirement³³⁹ and without any monetary thresholds for the individual process. Based on insights from civil society received in the drafting of this Country Overview, this provision is consistently implemented by the Italian judicial system³⁴⁰ and a 2021 judgement of the Italian Constitutional Court underlines its function of incentivising children and their families to report situations of abuse and exploitation and initiate legal proceedings.³⁴¹

Assistance to victims

Italy provides counselling services to identify, evaluate and assist potential child victims through specialist teams of experts in maltreatment in the local services and establishing coordination groups for the analysis of situations of suspected sexual

abuse. The Italian authorities further shared that within hospitals, specific services in paediatric facilities exist, for the diagnosis of ill-treatment, violence and sexual abuse, dedicated to boys and girls. Other protection services are offered by the anti-violence centres and shelters (*case rifugio*) which generally welcomes women alone or with their children. However, the perception of the civil society, shared in the drafting of this Country Overview, is that the insufficiency of highly trained personnel lowers the quality of services.³⁴² Another criticality, according to civil society, is the lack of tailored services that assist boy children of violence because most services are dedicated to or shaped to the needs of girl victims.³⁴³

Regarding unaccompanied migrant children, the main Italian legislation on migration states that in case of situations of violence or serious exploitation of migrants, the police can issue a special residence permit to allow them to participate in programmes of assistance and social integration.³⁴⁴ Even though this provision does not specifically address children's needs, another law provides an assistance programme for child victims of trafficking, ensuring long-term solutions through psycho-social, health and legal assistance even after the minor turns 18.³⁴⁵ However, the provision is not fully implemented as already noted by *Tavolo Minori Migranti*³⁴⁶ in 2017 and the situation has not changed as to 2021.³⁴⁷ It would be important to implement this aspect of assistance and care for unaccompanied and migrant children.

The second National Plan for Preventing and Combating Child Sexual Abuse and Exploitation expects to strengthen its assistance for child victims of sexual abuse and exploitation by creating guidelines inspired by the principles of trauma-informed care and multiple trainings for all categories of professionals involved in the care of children in exploitative or abusive situations.³⁴⁸

Access to compensation

Child victims of sexual abuse and exploitation can claim compensation through three different channels: civil courts, criminal courts and state-managed compensation funds.

In the first case, the child can bring the case before a civil court to have the recognition and assessment of the suffered damage. The court states the related monetary compensation to grant otherwise, in order to avoid the filing of multiple lawsuits, the child victim can ask for this assessment in the same criminal proceeding in which the offence is assessed, becoming a civil party to it.³⁴⁹

Italian legislation established a special state-managed fund to assist victims of trafficking. The fund for anti-trafficking victims is responsible for providing resources for assistance and social integration programmes but is also intended to provide compensation to victims of trafficking.³⁵⁰ However, the monetary reparation granted to each victim is very low (€1,500) and assigned only if enough financial resources are allocated to the fund each year; otherwise, the payment is postponed to the following year.³⁵¹

Another fund not specific to children but that they can turn to ask for compensation is the Revolving Fund for solidarity to the victims of mafia-type crimes, extortion, usury, and violent intentional crimes that, however, only covers sexual violence.³⁵²

PARTICIPATION OF CHILDREN AND SURVIVORS

Italian legislation supports the implementation of measures and programmes aimed at enhancing the participation of children in the life of local communities, including through the National Fund for Childhood and Adolescence.³⁵³

The 5th National Plan of Action and Interventions for the Protection of the Rights and the Development of Children and Adolescents 2022-2023 saw the participation of children in its drafting process. As a first step, children responded to a survey created by *Istituto degli Innocenti* on the contents of the Plan. Later, they worked to define a participatory model and national guidelines to foster participation of young people in the monitoring phase of the Plan itself and in the drafting of future ones.³⁵⁴

Children's participation is also guaranteed within the Authority for Children and Adolescents through the "girls' and boys' Council", a body set up in 2018 in the territorial area of Rome.³⁵⁵ The project's territorial scope is small due to it only being a trial for child participation mechanisms at the institutional level. However, the Authority is planning to expand it to the whole of the Italian territory.³⁵⁶ The Council is a body made of 23 young people between 14 and 17 years of age and created to foster direct institutional dialogue with children through meetings and events at the local level.³⁵⁷ The children issue opinions and draft recommendations on topics regarding children's rights that the Authority will discuss in parliamentary hearings and in occasion of drafting laws. The Italian

authorities in the context of the drafting of this Country Overview, also shared that there are additional councils of children and adolescents at both local and regional levels.

On a related note, in June 2022, the National Observatory for Children and Adolescents adopted guidelines on the participation of children and adolescents in order to foster the involvement of young people among institutions in the drafting of documents or other processes.³⁵⁸ Such guidelines are aimed at ensuring the integration of child and youth participation at all levels of government, namely in the context of the implementation of relevant action plans.

The drafting procedure of the second National Plan brought a good example of child participation in the dialogue with institutions but the objectives of the Plan itself do not fully mirror that aim as child participation has only been considered in the context of a national contest for children and adolescents to create material to raise awareness on child sexual abuse and exploitation, and initiatives of peer-to-peer education and events at the local level.³⁵⁹ Child participation should be always ensured at any level and in different type of activities, as indicated in the above-mentioned guidelines.

Regarding the efforts carried out by non-governmental organisations, two projects within the campaign *Indifesa by Terre des Hommes* are worth noting. The first one is an Observatory carried out since 2014 in collaboration with *ScuolaZoo*³⁶⁰ to give

voice to Italian boys and girls in high schools on issues like gender-based violence, discrimination, bullying, cyberbullying and sexting.³⁶¹ The partners created a survey based on children's questions and diffused it in all Italian schools where *ScuolaZoo* school representatives were present in-person or online.³⁶² The second project, in collaboration with *Kreattiva* association, brought the creation of the Network *Indifesa*, the first Italian WebRadio network against discrimination, gender stereotypes and violence, bullying, cyber-bullying and sexting.³⁶³ The aim of the *Indifesa* campaign, that comprises these two initiatives, is to ensure that girls around the world have access to education, health, protection from violence, discrimination and abuse.³⁶⁴

In the drafting of this Country Overview, civil society shared the perception that there is no widespread participation system that fosters children's dialogue with the institutions, especially on the subjects of sexual abuse

and exploitation. Moreover, according to civil society, the most employed participation instruments are surveys and questionnaires already elaborated by adults which, based on their perception, do not allow children to properly express their needs, ideas and propositions.³⁶⁵ Information collected shows that the majority of the initiatives are carried out in schools due to the lack of other opportunities to gather children and disseminate knowledge and awareness on this issue.³⁶⁶ The Council of Europe recommends that participation includes "the right, the means, the space, the opportunity and, where necessary, the support to freely express their views, to be heard and to contribute to decision making on matters affecting them, their views being given due weight in accordance with their age and maturity".³⁶⁷ Child participation should be meaningful, which includes children being able to effectively influence decisions and contribute to change.³⁶⁸

WAY FORWARD

Italy has continually been intensifying its policy making and implementation efforts of its regulatory frameworks for the prevention and protection of children from sexual abuse and exploitation. Despite the progress, rigorous research on the evolving forms of sexual abuse and exploitation of children would be beneficial to ensure always up-to-date knowledge on these issues to influence policy and programming. In addition, the victim identification and reporting systems could be strengthened to ensure a more accurate identification of victims of child sexual abuse and exploitation in the country.

Throughout the report, recommendations on strengthening victim identification and monitoring mechanisms were significantly noted. The increasing cases of reports made through helplines and/or hotlines for

online and in-person child sexual abuse and exploitation, increasing calls for assistance by victims of trafficking along with the growing influx of migrants and refugees (including accompanied and unaccompanied children) can make it difficult to collect data and pinpoint victims' identity and their vulnerabilities. It would therefore be useful to further implement the existing monitoring mechanisms with the aim to establish a process for age assessment, whether they have been sexually abused and exploited, and/or trafficked and exploited in prostitution. Hence, necessary trainings should be provided to improve the capacity of frontline staff to better identify children who have experienced or are at risk of sexual abuse and exploitation.

Relevant recommendations from the Lanzarote Committee in the **Special Report**

- **Considers** that Italy should put in place effective mechanisms for data collection with a specific focus on children affected by the refugee crisis who are victims or presumed victims of sexual exploitation and sexual abuse and review the possible removal of obstacles to the collection of such data, in particular, where they exist, legal restrictions to do so, with due respect for the requirements of personal data protection (R7).
- **Invites** Italy to ensure that the persons in contact with children affected by the refugee crisis are properly screened before working in contact with these children (R9).
- **Invites** Italy to train and raise awareness of those in contact with children affected by the refugee crisis on the detection, reporting and referral of signs of sexual abuse and sexual exploitation of children. Such training should include modules addressing the contextual specificities of these children's experiences (R10).

The Italian legislative framework on access to justice provides fair protection to child victims of sexual abuse and exploitation taking part in criminal proceedings. However, certain existing provisions have the potential to hinder children's access to justice. For example, the requirement of double criminality for extradition for crimes of sexual abuse and exploitation against children could represent an obstacle to the execution of the sentence. Additionally, removing the statute of limitation period for crimes related to child sexual abuse and

exploitation would give child victims the possibility to report the offence they suffered from when they are ready and to ensure the reaching of a final judgement regardless of the passing of time.

In addition, Italian legislation provides a fragmentary protection for children due to uneven age requirements that leave some age groups more exposed to certain kinds of offences. All offences of sexual abuse and exploitation should equally protect children of all ages and genders.

Relevant recommendations from the Lanzarote Committee

- **Considers** that Italy should fulfil obligations to prosecute the offenders and to provide international co-operation between the Parties in instances where the offence occurred prior to arrival on the territory for the purpose of investigation and prosecution (R12, [Special Report](#)).
- **Considers** that Italy should review its legislation to clearly specify that every child up to 18 years is protected in the context of the basic criminal offence of sexual abuse in the circle of trust (R6, [1st implementation report](#)).

In June 2022, the National Observatory for Children and Adolescents adopted guidelines on the participation of children and adolescents, which are to be systematically used and integrated in the implementation of relevant action plans and other initiatives for the protection of children. These guidelines could have a great impact in the change of a child participation culture in the country and in ensuring that children also participate in programmes on the prevention and protection against child sexual abuse and exploitation. Therefore, it will be important for the government to follow-up on the implementation of the guidelines, including by providing tools that can be used at all levels of government and through the assessment of impact. In line

with the initiatives outlined in the second National Plan for Preventing and Combating Child Sexual Abuse and Exploitation, it is recommended to develop and implement relevant trainings that are targeted to the specific needs and concerns of child victims of sexual abuse and exploitation, in close coordination with civil society organisations and frontline personnel. Trainings should address the competencies of staff to ensure effective prevention against sexual abuse and exploitation, the protection and treatment of child victims and access to child-friendly proceedings; as well as to the evolving nature of the phenomenon, including the challenges imposed by Information and Communication Technologies.

Relevant recommendations from the Lanzarote Committee

- **Invites** Italy to make sure that safe and child sensitive reporting and counselling mechanisms are available to and known by children affected by the refugee crisis in order to enable those of them who are victims of sexual exploitation or sexual abuse to break the pre-conceived perceptions they may have on the consequences of their disclosure and to report (R8, [Special Report](#));
- **Considers** that, if it is not doing so yet, Italy should provide specific regular training about child sexual abuse in the circle of trust for professionals working within the police, prosecution, child protection and health services (R14, [1st implementation report](#), 1st monitoring round);
- **Invites** Italy to overcome challenges in ensuring safe reception facilities and longer-term placement solutions by implementing a coherent set of quality standards on the basis of good practices to prevent sexual abuse and exploitation. These standards should be of the same quality for children affected by the refugee crisis as for any other child deprived of parental care as the former may be more vulnerable to sexual exploitation and sexual abuse (R23, [2nd implementation report](#), 1st monitoring round);
- **Requests** Italy to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training; mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Lanzarote Committee (Recommendation III-3, [2nd monitoring round](#));
- **Requests** Italy to ensure that prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training; mindful of the different contexts in the Parties as recalled in para 235 of the Explanatory Report, the Lanzarote Committee (Recommendation III-7, [2nd monitoring round](#));
- **Requests** Italy to ensure that training on ICT facilitated sexual offences against children is available for prosecutors who are or will be working on these issues. (Recommendation III-16, [2nd monitoring round](#));
- **Requests** Italy to ensure that training on ICT facilitated sexual offences against children is available for judges who are or will be working on these issues. (Recommendation III-18, [2nd monitoring round](#)).

ENDNOTES

1. The [Lanzarote Committee](#) is the body established to monitor whether the Lanzarote Convention is effectively implemented by its Parties (i.e. the countries having ratified/acceded to it). It is composed of representatives of the Parties to the Convention as well as representatives of international governmental and non-governmental organisations active in combating child sexual exploitation and sexual abuse.
2. ECPAT and the Lanzarote Committee consistently use the term 'child sexual abuse material', in line with the Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse. Exceptions are made when quoting directly legal texts which have not been amended yet to reflect the switch in terminology. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse](#). 30. Bangkok: ECPAT International.
3. Italian National Statistics Institute (2023). [Popolazione residente per età, sesso e stato civile al 1 gennaio 2023](#).
4. The World Bank (2021). [Data Italy](#).
5. OECD (2022). [Economic Forecast Summary \(June 2022\)](#).
6. In line with the Europe 2030 strategy, the "severe material and social deprivation rate" refers to the proportion of the population experiencing an enforced lack of at least 7 out of 13 deprivation items. Eurostat. (n.d.). [Glossary: Severe material and social deprivation rate \(SMSD\)](#).
7. Italian National Statistics Institute (2023, June). [Condizioni di vita e reddito delle famiglie. Anni 2021-2022](#).
8. ECPAT International (2016, March). [Power, Impunity and Anonymity](#). Bangkok: ECPAT International.
9. *Ibid.*
10. Telefono Azzurro (2022, May). [IO MI FIDAVO. L'abuso sessuale può avere molte facce. Parliamone insieme](#).
11. Italian National Statistics Institute (2023). [Immigrati.Stat Stranieri residenti al 1° gennaio – Cittadinanza](#).
12. *Ibid.*
13. Migrants & Refugees (2021). [Country Profiles Italy](#).
14. European Union Agency for Fundamental Rights (2022). [Roma Survey 2021 – Main results](#).
15. The Children's Society (2018). [Supporting Black and Minority Ethnic Children and Young People Experiencing Child Sexual Exploitation](#).
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32. Interpol (2020, September). [INTERPOL report highlights impact of COVID-19 on child sexual abuse](#).
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35. Committee on the Rights of the Child (2019, February). [Concluding observations on the combined fifth and sixth periodic reports of Italy](#).
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37. *Ibid.*
38. Italian Bishops' Conference (2022, November). [Proteggere, prevenire, formare. Primo report sulla rete territoriale per la tutela dei minori e delle persone vulnerabili](#).
39. Listening centres are structures established by the Diocesan or Inter-diocesan services for the protection of minors and are dedicated to alleged victims of abuse within the Church.
40. Italian Bishops' Conference (2022, November). [Proteggere, prevenire, formare. Primo report sulla rete territoriale per la tutela dei minori e delle persone vulnerabili](#).
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43. *Ibid.*
44. Rete L'Abuso (2022, November). [Abusi nella chiesa, numeri che non convincono](#).
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46. *Ibid.*, Article 4 (b).
47. UN General Assembly (2000, May). [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#). Article 2(b).
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52. *Ibid.*
53. As recorded through Italy's Electronic Trafficking Database SIRIT platform.

54. "As regards the Italian context, the data made available by Italy's Electronic Trafficking Database (the SIRIT platform) report three types of information compared to the year 2021: the new evaluations of cases of potential trafficking victims performed; the number of new cases handled; the total number of victims assisted and handled within the system." Save the Children (2022). *Little Invisible Slaves 2022: Trafficking dossier*.
55. *Ibid.*
56. *Ibid.*
57. *Ibid.*
58. *Ibid.*
59. *Ibid.*
60. A euphemism used to refer to girls and young women (mostly Korean) who were kidnapped by Japanese military troops during the Japanese imperial rule, and were coerced into sexual activities in Japanese military established brothels also referred as 'comfort stations'. United States Institute of Peace (2022, September). *A Guide to Understanding the History of the 'Comfort Women' Issue*.
61. Save the Children (2022). *Little Invisible Slaves 2022: Trafficking dossier*.
62. *Ibid.*
63. Group of Experts on Action against Trafficking in Human Beings (2019, January). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Italy – Second Evaluation Round*.
64. *Ibid.*
65. National Commission for the Right to Asylum and United Nations High Commissioner for Refugees. (2020). *Identification of victims of trafficking among those requesting international protection and referral procedures*.
66. There tends to be a general association between trafficked unaccompanied minors and sexual exploitation, more specifically sexual exploitation in prostitution. More so, regarding the availability of data, the only available data is provided by ISTAT, which is disaggregated by the crimes committed by the offenders and not disaggregated by victims of the crime. Information provided by ECPAT Italia, the ECPAT member in the country.
67. Gruppo di lavoro per la Convenzione sui diritti dell'Infanzia e dell'Adolescenza (2022). *I Diritti dell'Infanzia e dell'Adolescenza in Italia. 12° Rapporto di aggiornamento sul monitoraggio della Convenzione sui Diritti dell'Infanzia e dell'Adolescenza in Italia*.
68. Interagency Working Group on Sexual Exploitation of Children (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*.
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91. *Ibid.*
92. *Ibid.*
93. *Ibid.* 76-77.
94. *Ibid.*
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101. *Ibid.*
102. Polizia di Stato (2021). *La Polizia Postale in prima linea nel contrasto internazionale della pedopornografia*.
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138. *Ibid*.
139. Interagency Working Group on Sexual Exploitation of Children (2016). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 63.
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179. *Ibid.*
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182. ECPAT International (2020). [Summary Paper on Child, Early and Forced Marriages as a Form of, or Pathway to Sexual Exploitation of Children](#).
183. Government of Italy (2019, July). [Law No. 69 of 19 July 2019](#). Article 7.
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186. *Ibid.*
187. *Ibid.*
188. Government of Italy (2006, December). [Law No. 296 of 27 December 2006](#). Article 1, paragraph 622.
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191. Government of Italy (1930). [Criminal Code](#). Article 609-bis.
192. *Ibid.*, 609-ter.
193. *Ibid.*
194. *Ibid.*, 609-quarter.
195. European Union Agency for Fundamental Rights (2017, November). [Consent for sexual activity with an adult. Mapping minimum age requirements concerning the rights of the child in the EU](#).
196. Government of Italy (1930). [Criminal Code](#). Article 609-quater.
197. *Ibid.* The aim of the provision is to enhance the protection of children from the acts of those who have special duties of care, instruction and custody.
198. Government of Italy (1930). [Criminal Code](#). Article 609-quater.
199. Government of Italy (1930). [Criminal Code](#). Article 609-quater.
200. Government of Italy (1958, February). [Law No. 75 of 20 February 1958](#). Article 3.
201. ECPAT International (2020). [Summary Paper on Sexual Exploitation of Children in Prostitution](#). Bangkok: ECPAT International.
202. Government of Italy (1930). [Criminal Code](#). Article 600-bis.
203. *Ibid.*
204. *Ibid.*
205. Government of Italy (1930). [Criminal Code](#). Article 609-quater.
206. Council of Europe (2005, May). [Council of Europe Convention on Action against Trafficking in Human Beings](#). Articles 18 and 24.
207. Government of Italy (1930). [Criminal Code](#). Article 601 and 602-ter.
208. United Nations (2000, November). [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#). Article 3.c: “The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article”.
209. European Parliament and Council of the European Union (2011, April). [Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims](#). Paragraph 11: “However, when a child is concerned, no possible consent should ever be considered valid.”
210. According to Article 601, the means for trafficking of human beings are: deceit, violence, threats, abuse of authority or taking advantage of a situation of vulnerability of physical or mental inferiority or of necessity, or by promising or giving money or other advantages to the person having authority over them. The same provision provides that trafficking in persons involving children is punished regardless of the existence of these or other modalities.
211. Government of Italy (1930). [Criminal Code](#). Article 602-ter. The same provision establishes numerous specific aggravating circumstances for the crimes of slavery, trafficking in human beings, sexual abuse and exploitation of child connected to a greater and more effective protection ensured for children.
212. Government of Italy (1998, July). [Legislative Decree No. 286 of 25 July 1998](#). Article 12, Paragraph 3-ter.
213. Government of Italy (2014, March). [Legislative Decree No. 24 of 4 March 2014](#). Article 4.
214. *Ibid.*
215. Government of Italy (1930). [Criminal Code](#). Article 602-quater.
216. Corte di Cassazione, Sez. III Penale. (2022, January). [Sentenza n. 502/22 del 12/01/2022](#).
217. Government of Italy (1930). [Criminal Code](#). Article 600-quinquies.
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219. Government of Italy (1998, August). [Law No. 269 of 3 August 1998](#). Article 16.
220. Bilateral National Authority of Tourism (2018, March). [Osservatorio Nazionale circa l'applicazione della legge 269/98 e del Codice di Condotta recepito il 19 Luglio 2003 dal CCNL del Turismo](#). 8.
221. The Code (n.d.). [Members](#).
222. Lanzarote Committee (2022). [Implementation report on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies \(ICTs\) addressing the challenges raised by child self-generated sexual images and/or videos](#). Recommendation IV-1.
223. *Ibid.*, Recommendation IV-5.
224. Lanzarote Committee (2022). [Implementation report on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies \(ICTs\) addressing the challenges raised by child self-generated sexual images and/or videos](#). Recommendation IV-6.
225. Article 600-ter of the Italian Criminal Code.
226. Lanzarote Convention, Article 20.2 “For the purpose of the present article, the term ‘child pornography’ shall mean any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child’s sexual organs for primarily sexual purposes”.
227. Government of Italy (1930). [Criminal Code](#). Article 600-ter.
228. *Ibid.*, Article 600-quarter.
229. *Ibid.*
230. *Ibid.*, Article 600-ter.
231. *Ibid.*
232. *Ibid.*
233. *Ibid.*, Article 600-quarter. Law 238/2021 modified the art. 600 quarter of the criminal code (“Possession or access to pornographic material”) providing for the punishment of mere intentional and unjustified access to child sexual abuse material.
234. *Ibid.*, Article 600-ter and 600-quarter.

235. Corte di Cassazione, Sez. III Penale (2017, August). *Sentenza n. 39543 del 30/08/2017*. However, it should be remembered that in the Italian system, sentences do not have the value of a binding "precedent" and judges are always free to interpret the rules with respect to concrete cases.
236. *Ibid.*, Article 600-ter and 600-quarter.
237. ECPAT International (2020, November). *Summary paper on Online child sexual exploitation*. Bangkok: ECPAT International.
238. Gazzetta di Siena (2020, July). *Violenze e abusi in diretta sul web: torna l'incubo delle chat dell'orrore*.
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240. Government of Italy (1930). *Criminal Code*. Article 612-ter.
241. *Ibid.*
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243. Corte di Cassazione, Sez. Un. Pen. (2021, October). *Informazione provvisoria n. 18 del 28/10/2021*.
244. *Ibid.*
245. Government of Italy (1930). *Criminal Code*. Article 609-undecies.
246. *Ibid.*
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248. Lanzarote Committee (2015, June). *Opinion on Article 23 of the Lanzarote Convention and its explanatory note*. Paragraph 157.
249. Government of Italy (1930). *Criminal Code*. Article 609-undecies.
250. *Ibid.*
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252. *Ibid.*, Article 14-quater.
253. Government of Italy (2012, October). *Law No. 172 of 1 October 2012*.
254. Data Provided by the Service for the Interagency Information System of the Central Directorate of the Criminal Police – Ministry of the Interior to the Lanzarote Committee Secretariat (December 2020).
255. Telefono Azzurro (2022, May). *IO MI FIDAVO. L'abuso sessuale può avere molte facce. Parliamone insieme*.
256. *Ibid.*
257. Lanzarote Convention, Article 26 "Each Party shall take the necessary legislative or other measures to ensure that a legal person can be held liable for an offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on: a) power of representation of the legal person; b) an authority to take decisions on behalf of the legal person; c) an authority to exercise control within the legal person".
258. Government of Italy (2006, February). *Law No. 38 of 6 February 2006*.
259. Government of Italy (2008, June). *Legislative Decree No. 231 of 8 June 2001*. Article 25-quinquies.
260. Government of Italy (1930). *Criminal Code*. Article 604.
261. *Ibid.*
262. As per Article 609-undecies of the Italian Criminal Code, solicitation is punished by one to up to three years of imprisonment, therefore under the legal requirement.
263. Lanzarote Committee. (2022). *Second implementation report: The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)*. Recommendation IV-4.
264. Government of Italy (1930). *Criminal Code*. Article 13.
265. ECPAT International (2022). *Extraterritorial Jurisdiction and Extradition Legislation as Tool to Fight the Sexual Exploitation of Children*. Bangkok: ECPAT International.
266. Government of Italy. Department for Family Policies (n.d.). *Cosa facciamo*.
267. Government of Italy. (2018, July). *Law Decree No. 86 of 12 July 2018*. Article 2.
268. Government of Italy (2007, May). *Presidential Decree No. 103 of 14 May 2007*.
269. Government of Italy. Department for Family Policies (2022, April). *Disponibili le Relazioni sulla condizione dell'infanzia e dell'adolescenza 2016-2017 e 2018-2019*.
270. Government of Italy. Department for Family Policies (2022). *Biennial Report on the Condition of Childhood and Adolescence in Italy 2018-2019*.
271. Government of Italy. Department for Family Policies. (n.d.) *National Plan for Children and Adolescents*.
272. *Ibid.*
273. Government of Italy (2007, October). *Ministerial Decree No. 240 of 30 October 2007*.
274. *Ibid.*
275. The database pursues the following objectives: (a) acquire and harmonise data from databases outside the Department for Family Policy, thus enhancing the principle of cooperation between central administrations; (b) verify the scope of specific crime phenomena; (c) analyse the variations of criminal phenomena in space and time; (d) obtain typical profiles of victims of violence and offenders; (e) identify specific elements of detection and reporting, law enforcement and protection interventions; (f) use all the information to facilitate priority setting in the planning out actions to protect victims; (g) ensure timeliness and thematization in the availability of information.
276. Government of Italy. Department for Family Policies (2022, May). *L'Osservatorio per il contrasto della pedofilia e della pornografia minorile approva il nuovo Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale minorile*.
277. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
278. *Ibid.*
279. *Ibid.*
280. Government of Italy. Department for Family Policies (2022, May). *L'Osservatorio per il contrasto della pedofilia e della pornografia minorile approva il nuovo Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale minorile*.
281. Government of Italy (1998, August). *Law No. 269 of 3 August 1998*. Article 17.1.
282. Government of Italy. Department for Family Policies (2022, December). *Relazione al Parlamento sull'attività di coordinamento in tema di prostituzione, pornografia, turismo sessuale in danno di minori, quali nuove forme di schiavitù – Anno 2021*.
283. Government of Italy (2006, February). *Law No. 38 of 6 February 2006*.
284. Government of Italy (2022, October). *Adottato il Piano nazionale d'azione contro la tratta e il grave sfruttamento*.
285. Government of Italy. Council of Ministers (2022). *Piano nazionale d'azione contro la tratta e il grave sfruttamento 2022-2025*.
286. Government of Italy. (2011, July). *Law No. 112 of 12 July 2011*.
287. Government of Italy (2014, March). *Legislative decree no. 39 of 4 March 2014*. Article 2. The employer who does not fulfill this obligation is subject to the sanction of payment of a sum ranging from €10,000.00 to €15,000.00.
288. Information provided by ECPAT Italia, the ECPAT Member in the Country.
289. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
290. Government of Italy. Department for Family Policies. (2021, November). *Esci dal buio. Chiedi aiuto*.
291. Council of Europe (2017, October). *Lanzarote Convention. Italy. Replies to the thematic questionnaire "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"*.
292. Polizia di Stato (2022, October). *Al via la X^a edizione di "Una vita da social"*.
293. Government of Italy (2019, August). *Law No. 92 of 20 August 2019*.
294. Government of Italy. Ministry of Education (2020, June). *Linee guida per l'insegnamento dell'educazione civica*. Annex A.
295. Information provided by ECPAT Italia, the ECPAT Member in the country.
296. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
297. Safer Internet Day (2022). *In your Country: Italy*.

298. Telefono Azzurro (2020, October). *Telefono Azzurro: al via il progetto di formazione "Cittadinanza digitale: più consapevoli, più sicuri, più liberi"*.
299. *Ibid.*
300. CAPHISCE stands for "Child victims of trafficking: Access to Protection and Information based on their Specific needs during Criminal investigation and proceedings". The project was conducted also in collaboration with ECPAT Belgium, ECPAT Netherlands, the European Legal Interpreters and Translators Association and Acting For Life.
301. Information provided by ECPAT Italia, the ECPAT Member in the country.
302. Lanzarote Committee. (2018, 31 January). *2nd Implementation Report; Protection of children against sexual exploitation in the circle of trust: The strategies*. Adopted by the Lanzarote Committee on 31 January 2018.
303. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
304. Council of Europe (2017, October). *Lanzarote Convention. Italy. Replies to the thematic questionnaire "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"*.
305. *Ibid.*
306. Government of Italy. Ministry of the Interior (2019). *Iniziativa di prevenzione e contrasto del Dipartimento della Pubblica Sicurezza a tutela dei minori e delle cd. "fasce deboli"*.
307. Council of Europe (2017, October). *Lanzarote Convention. Italy. Replies to the thematic questionnaire "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)"*.
308. Government of Italy (1930). *Criminal Code*. Article 609-decies.
309. *Ibid.*, Article 120.
310. *Ibid.*, Article 609-decies.
311. Government of Italy (1988). *Criminal Procedure Code*. Article 331.
312. Government of Italy (1930). *Criminal Code*. Article 361.
313. Government of Italy (1988). *Criminal Procedure Code*. Article 333.
314. Reporting is currently mandatory for: 1) crimes against the State for which the life penalty is prescribed; 2) receiving in good faith counterfeit money; 3) receiving goods and/or money of illicit origin; 4) some conducts related to possession or discovery of explosive materials; 5) sport frauds; 6) kidnapping for extortion. Policarpio, I. (2019, January). *Denuncia obbligatoria: i casi in cui denunciare non è una scelta*.
315. Government of Italy (2011, July). *Law No. 112 of 12 July 2011*.
316. Telefono Azzurro (2022, May). *IO MI FIDAVO. L'abuso sessuale può avere molte facce. Parliamone insieme*.
317. *Ibid.*
318. Information provided by ECPAT Italia, the ECPAT Member in the country.
319. Lanzarote Committee (2021, October). *Follow-up given by Parties to the Special Report on 'Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse'. Compliance report concerning Recommendation 32*.
320. Information provided by ECPAT Italia, the ECPAT Member in the country.
321. Osservatorio Interventi Anti-tratta (2021). *Relazione sulle attività del Numero Verde Antitrattra. Report 2021*.
322. Government of Italy (1930). *Criminal Code*. Article 157.
323. *Ibid.*
324. Government of Italy (2012, October). *Law No. 172 of 1 October 2012*.
325. Government of Italy (1930). *Criminal Code*. Article 158.
326. In the context of this Country Overview, "access to justice" is understood as "the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards" (UN Common Approach to Justice for Children, 2008).
327. See e.g. ECPAT International (2017) *Through the Eyes of the Child: Barriers to Access to Justice and Remedies for Child Victims of Sexual Exploitation* ECPAT International. 58.
328. Government of Italy (1930). *Criminal Code*. Article 609-decies.
329. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
330. Government of Italy (1988). *Criminal Procedure Code*. Articles 351, 362 and 391-bis.
331. *Ibid.*, Article 362.
332. *Ibid.*, Article 392.
333. *Ibid.*, Article 498.
334. *Ibid.*, Article 398, Paragraph 5-bis.
335. *Ibid.*, Article 190 bis. The law establishes that, for these subjects, the examination is permitted only if it concerns facts or circumstances other than those covered by the previous declarations or if the judge or some of the parties deem it necessary on the basis of specific needs.
336. *Ibid.*, Article 472.
337. *Ibid.*, Article 114.
338. The ENCLAVE Project (n.d.) *Enhancing the capacity of legal & justice professionals on forensic interview procedures for child victims & witnesses of violence*.
339. Government of Italy (2002, May). *Presidential Decree No. 115 of 20 May 2002*. Article 76, Paragraph 4-ter.
340. Information provided by ECPAT Italia, the ECPAT Member in the country.
341. Corte Costituzionale (2021). *Sentenza n. 1 del 11/01/2021*.
342. Information provided by ECPAT Italia, the ECPAT Member in the country.
343. *Ibid.*
344. Government of Italy (1998, July). *Legislative Decree 286 of 25 July 1998*. Article 18.
345. Government of Italy (2017, April). *Law No. 47 of 7 April 2017*. Article 17.
346. The discussion table is composed by Ai.Bi., Amnesty International Italia, ASGI, Caritas Italiana, Centro Astalli, CeSPI, Consiglio Italiano per i Rifugiati, CISMAI, Coordinamento Nazionale Comunità di Accoglienza, Defence for Children International Italia, Emergency, INTERSOS, Oxfam Italia, Salesiani per il Sociale, Save the Children Italia, SOS Villaggi dei Bambini, Terre des Hommes.
347. Centro Studi di Politica Internazionale (2022). *Secondo Rapporto Osservatorio Nazionale sui Minori Stranieri Non Accompagnati in Italia – 2021*.
348. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
349. Government of Italy (1988). *Criminal Procedure Code*. Article 74.
350. Government of Italy (2003). *Law No. 228 of 11 August 2003*. Article 12.
351. *Ibid.*
352. Government of Italy (2016, July). *Law No. 122 of 7 July 2016*. Article 14.
353. Government of Italy (1997, August). *Law No. 285 of 28 August 1997*.
354. Government of Italy. Department of Family Policies (2021, May). *V Piano Nazionale di Azione e di Interventi per la Tutela dei Diritti e lo sviluppo dei soggetti in età evolutiva 2022-2023*.
355. National Observatory for Children and Adolescents (2022, June). *Linee guida per la partecipazione di bambine e bambini e ragazze e ragazzi*.
356. *Ibid.*
357. *Ibid.*
358. *Ibid.*
359. Government of Italy. Observatory for the fight against Paedophilia and Child Pornography (November, 2022). *Piano nazionale di prevenzione e contrasto dell'abuso e dello sfruttamento sessuale dei minori*.
360. ScuolaZoo is an Italian community of students whose mission is to tell and defend students' dreams and needs, creating content and experiences that unite and allow them to express their potential (from the ScuolaZoo Manifesto).
361. Terre des Hommes. (n.d.). *Bullismo e cyberbullismo. Parlano i ragazzi, attraverso i dati dell'Osservatorio Indifesa*.
362. *Ibid.*
363. *Ibid.*
364. *Ibid.*
365. Information provided by ECPAT Italia, the ECPAT Member in the country.
366. *Ibid.*
367. Council of Europe (2012). *Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18*.
368. Council of Europe (2020). *Listen – Act – Change. Council of Europe Handbook on children's participation for professionals working for and with children*.

The joint Council of Europe and ECPAT International Country Overviews gather the monitoring findings and recommendations of the Lanzarote Committee, existing research and publicly available data about sexual exploitation and abuse of children in parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). National regulatory frameworks are analysed and presented in light of the standards of the Lanzarote Convention. The joint Country Overviews also present achievements and challenges in the implementation of the Lanzarote Convention, and highlight ways forward to improve the protection of children against sexual exploitation and sexual abuse.

Italy ratified the Lanzarote Convention on 3 January 2013 and it entered into force in its respect on 1 May 2013. Many actions against the sexual abuse and exploitation of children have been taken in Italy, including a comprehensive legal framework in line with the principles enshrined in the Lanzarote Convention, the adoption and implementation of National Plans for Preventing and Combating Child Sexual Abuse and Exploitation and the availability of The Observatory for the Fight against Paedophilia and Child Pornography, a strategic body for monitoring relevant data and information. Further steps can be taken to improve the protection of children in Italy such as carrying out further research at the national and local level for the purpose of observing and understanding various forms of child sexual abuse and exploitation to inform policy-making, increased attention to address the sexual abuse of children in the circle of trust (including by parents) and to ensure effective processes to evaluate the implementation of national plans and initiatives.

ENG

ECPAT International is a global network of civil society organisations working to eradicate all forms of sexual exploitation of children. Over the past 30+ years, ECPAT has become the forefront international network of non-governmental organisations dedicated to end this severe form of violence against children, advocating for States' accountability and more robust measures across sectors to enhance the protection of children. ECPAT currently has over 120 member organizations operating in over 100 countries around the world.

www.ecpat.org



The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

