Sexual Exploitation of Children in Italy
Submission
for the Universal Periodic Review of the human rights situation in Italy

Submitted by

ECPAT Italia and ECPAT International

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ECPAT Italy began in 1994 as a campaign of different associations and became a Non-Lucrative Organisation for Social Utility (ONLUS) in 1998. The group is active in the tourism sector and is implementing the Code of Conduct. ECPAT Italy also conducts capacity-building activities on the different manifestations of commercial sexual exploitation of children.

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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 29 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 109 network members operating in 96 countries.

Justification for submission

1. The present submission is an update to review the progress that has been made by the Government of Italy (GoI) to end sexual exploitation of children (SEC) and assess the level of implementation of the UPR recommendations made in 2014.[1] New recommendations to end SEC in Italy will be made. Recommendations made in this report are in line with the commitment made by the GoI to eliminate all forms of violence against children, including sexual abuse and exploitation with the adoption of the 2030 agenda for Sustainable Development in 2015.[2]

2. The content of this report is mostly based on country work experience and desk research by ECPAT Italia and ECPAT International.

3. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,[3] online child sexual exploitation ('OCSE'), child sexual abuse materials ('CSAM'),[4] trafficking of children for sexual purposes, sexual exploitation of children in the context of travel and tourism[5] ('SECTT') and, child, early and forced marriage ('CEFM').

4. Although general recommendations related to violence against women and children and human trafficking where made in the UPR of 2014, no specific recommendations pertaining the combat of SEC were included in the previous review.

Current status and developments of sexual exploitation of children in Italy

5. Located in the heart of the Mediterranean Sea, Italy is a parliamentary republic with over 60 million inhabitants[6] who, for the most part, are of Italian origin. Despite ranking 9th in the 2017 World Bank's annual GDP ranking,[7] Italy has faced important challenges since the 2008 financial crisis. Political instability, high unemployment rates and economic stagnation deteriorated the already fragile Italian economy.[8] According to the latest estimates of the Italian National Institute of Statistics (Istat) published in mid-2018, in 2017 1.778.000 families (6.9% of families resident in the country) lived below the poverty line; this is the highest proportion since 2005.[9] Poverty, along with unemployment and insufficient social structures, are factors that can lead to the exploitation of the most vulnerable in society, including children.

6. Italy has been acutely affected by the refugee crisis that started in 2015 when an upsurge of sea arrivals severely tested the ability of the Government to respond, process arrivals and provide support and protection to those genuinely fleeing war, violence and persecution. According to the figures released by the Italian Minister of Interior at the end of March 2019, 501 migrants, of which 83 were unaccompanied children, arrived in Italy since the beginning of 2019, travelling by sea and entering the country via its exposed shores.[10] In its latest monthly report (January 2019) on unaccompanied foreign minors, the Ministry of Labour, Family and Social Affairs states

that the number of minors staying in reception centres or with foster parents is 8,971 of which the vast majority (92.5%) are boys.[11] Unfortunately, due to difficulties in verifying migrants' age, overcrowding in reception centres and the tendency of migrants to view Italy as a transit country and not a destination of its own, it is difficult to gauge the true number of unaccompanied foreign minors within the country. Worryingly, as of January 2019, 4,492 minors previously registered at reception centres were reported missing[12] and were therefore at risk of ending up in the hands of traffickers or criminal networks who might exploit them for labour and sexual purposes as well as other illicit activities.

7. Another particular group at risk of SEC, especially through trafficking and prostitution, is the Roma population who, despite being in Italy for a long time, is not officially recognised and protected as a minority. Due to a number of factors, including language barriers and lack of awareness on SEC, children belonging to minority groups may face additional vulnerabilities to SEC.[13]

8. The exponential increase of media reports on different manifestations of SEC[14] confirms that Italian children are also at increased risk of sexual exploitation, especially in prostitution and through digital technology. According to a 2016 study report on the drivers of violence affecting children, elements that increase children's vulnerability to SEC in Italy are: previous experience of abuse, absence of a family for migrant children and invisibility of trafficking victims.[15] Reportedly, common patterns among Italian children who are sexually exploited are: belonging to families marked by domestic violence and alcohol abuse, and having family members already involved in the sex industry.[16]

9. There are no regularly kept government or police statistics on **children exploited in prostitution** in Italy. The most comprehensive and recent official report is a formal enquiry commissioned by the Parliamentary Commission on Childhood and Adolescence, which aimed at analysing the extent of the exploitation of children in prostitution in the country by interviewing representatives of the public sector, judiciary and civil society working on the issue.[17] The survey does not provide an estimate but highlights that exploitation of children in prostitution is growing.[18]

10. The exploitation of Italian children in prostitution is often triggered by poverty and the absence of an adequate welfare system.[19] In some cases, boys and girls are induced into prostitution by family members in order to be able to buy necessity goods.[20] According to ECPAT Italia, offenders often perceive themselves as benefactors supporting the families of their victims.[21]

11. In addition to difficult socio-economic situations, the sexual exploitation of children in prostitution is also observed among adolescents from wealthy families who voluntarily decide to enter the sex industry because of boredom, consumerism, peer- pressure and weak parental support.[22] A well-known example of this is the '*baby squillo*' scandal, which got widespread national attention.[23]

12. With over 61% of the population using Internet,[24] 30 million Facebook subscribers,[25] and 141.29 mobile phones per 100 population,[26] Italy is a highly connected country. As would be expected, young people are highly represented. According to the fact-finding enquiry of the Parliamentary Commission on Childhood and Adolescence, the most recent cases of child sexual abuse and exploitation in Italy happen and/or start online, especially through social media and smartphone apps.[27] A common pattern is for offenders to create a fake social media account to make contacts with children pretending to be peers.[28] Reportedly, 90% of cases of online grooming that leads to sexual exploitation in prostitution takes place on social media.[29] Istat indicates that in 2017 alone, 560 offences related to **online child sexual exploitation** were flagged by the police to the judicial authority.[30] The Postal and Communications Police Service, a unit of the State Police of Italy that is responsible for the investigation of cybercrime, identified and included in a specific blacklist 2,182 websites containing CSAM/CSEM in 2018,[31] a 105 increase from the previous year.[32]

13. Accurate estimates of the scale of the **trafficking of children for sexual purposes** are not easy to provide due to the hidden nature of the crime. However, there is no doubt that this crime in Italy is inextricably linked to migration, with unaccompanied minors being particularly vulnerable. According to data provided by the Department for Equal Opportunities, formal cases of child victims of trafficking who benefited from social protection projects in the framework of the National Plan against Trafficking in 2017 were 200 (196 girls and 4 boys), of whom 46% were sexually exploited.[33] 93.5% of the victims are Nigerian girls between 16 and 17 years of age.[34] The national helpline against trafficking reports that 5.5% of the 224 relevant phone calls received were related to minors.[35] Reported/formal cases are likely to be only a fraction of the extent of the problem. Two worrisome recent trends identified are the trafficking of Nigerian girls and Romanian children.

14. Besides being a well-known destination, which attracts millions of tourists per year,[36] recent data show also an increase in the number of international departures from Italy.[37] Although showing positive trends in the national tourism-related expenditures and revenues, such high numbers may be worrying from a SEC perspective. Unfortunately, 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 not available due to the hidden nature of the crime as well as under-reporting and lack of standardised data collection systems.[38]Despite this lack of recent data and information, Italy is traditionally considered as a country of origin for offenders, along with most Western European countries.[39]

15. There are no official statistics on **child, early and forced marriage** in Italy. However, in the past few years, media and NGOs have often devoted attention to this issue especially in reference to migration and ethnic minorities.

Legislative framework

16. Following the ratification of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as 'the Lanzarote Convention', Italian legislation has been greatly innovated in order to be in compliance with the Convention, strengthen its current provisions and provide a more comprehensive criminalisation of SEC-related offences.

Exploitation of children in prostitution

17. According to article 600-bis of the Criminal Code, the exploitation of children in prostitution includes recruiting, inducing, procuring, exploiting, managing and controlling a person under 18 years of age for prostitution as well as profiting from such an exploitation. The article does not just punish intermediaries facilitating and profiting from the exploitation in prostitution but also offenders who commit sexual acts with children between 14 and 18 years in exchange for payment or other economic consideration, even if only promised.[40]

18. The limited age range provided by the law could be explained by the fact that performing sexual acts with a child below 14 is always considered aggravated sexual violence, according to article 609-ter.[41] Moreover, this age limit rises to 16 when the perpetrator is an ascendant, a parent – also adoptive – or the parent's partner, the guardian or other person to whom the child is entrusted for reasons of care, education, surveillance or custody, or a person cohabiting with the child.[42]Furthermore, Article 414-bis criminalises the act of instigating a person to commit sexual offences, including exploitation in prostitution, against a child.[43]

Online child sexual exploitation (OCSE)

19. Another innovation introduced by the ratification of the Lanzarote Convention, is the inclusion in the Italian Criminal Code of quite a comprehensive definition of child sexual abuse material,[44] which directly reflects Italian Article 20.2 of the Lanzarote Convention.[45]

20. However, according to a recent decision of the Italian Supreme Court, when the images are self-produced by the child himself/herself (e.g. selfies) and shared without being coerced, the persons who received and distributed them are not punishable.

21. The Italian Criminal Code also punishes the mere possession of CSAM with up to three years of imprisonment and a fine,[46] and also bans viewing pornographic exhibitions and shows involving children.[47] Positively, it is worth mentioning that this provision could be used to criminalise live streaming of child sexual abuse, a practice on the rise, which combines the exploitation of children in prostitution and the production of CSAM.[48] However, an analysis of recent

jurisprudence on the topic available online at the time of writing shows that this as yet to be tested in the legal system.

22. Unfortunately, national legislation does not punish knowingly obtaining access through information and communication technologies (ICTs) to CSAM, as provided by the Lanzarote Convention.

23. The above-mentioned provisions also apply 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').[49] Probably based on the wrong assumption that this kind of materials do not harm children because they don't involve any physical contact, penalties are decreased by one third.[50]
When CSAM-related offences involve large quantities of materials, penalties are increased by up to two thirds.[51] However, no guidance is provided regarding the specific amount required for the applicability of the increased penalty.

24. Article 609-undecies of the Italian Criminal Code criminalises the solicitation/grooming of children under 16 years of age with the intention of committing a sexual offence. Grooming is defined as any act aimed at gaining the trust of the child by using various means including the Internet and ICTs.[52]

Sale and trafficking of children for sexual purposes

25. Although in compliance with international and European standards, the Italian legislation does not explicitly state that a child's consent to his/her own exploitation is irrelevant. In fact, according to the wording of the provision, the distinction between adult and child trafficking is not a matter of consent, but the fact that the legislator does not limit the modalities by which the latter is conducted.[53] The acknowledgement that consent is irrelevant for a child is not explicitly mentioned, as opposed to the Palermo Protocol.

26. Italian law does not provide any specific legislation on the sale of children for sexual purposes. However, Article 602 of the Criminal Code further criminalises "the buying or selling of slaves" in situations there are not covered by the previous provision on trafficking. If the victim is a child under 18 or if the acts are committed for the purposes of sexual exploitation in prostitution or organ removal, the maximum penalty is increased from 20 to 30 years of imprisonment.[54] It is worth noting that the article does not mention sexual purposes other than exploitation through prostitution (e.g. producing CSAM, or child, early and forced marriage).

27. Lastly, the legislation on migration criminalises a large span of conducts relating to the transportation of migrants and which provides for increased penalties if the victim is a child and the crime is committed for the purposes of engaging in illegal activities including any form of exploitation.[55]

Sexual exploitation of children in travel and tourism (SECTT)

28. Italian criminal code punishes any person who organises or advertises trips aimed at exploiting children in prostitution.[56]

29. Moreover, tour operators organising trips abroad are obliged by law to include a warning against the illegality of SECTT-related conducts in all informative and marketing material, including promotional and advertising material, offers of services and travel documentation.[57] Unfortunately, according to the latest report of the Bilateral National Authority of Tourism on the application of this law, in 2018, only 59% of the 180 assessed tour operators complied with their legal obligation.[58]

Child, early and forced marriages (CEFM)

30. in Italy children below 18 years[59]- cannot marry. However, Article 84 of the Civil Code provides for an exception in favour of children aged 16 and above who personally present a motion to the Court.

31. The law does not specify which situations should be considered 'serious' but, an analysis of case law shows that recurrent motives are: pregnancy, living together as husband and wife, bad relationship with the family of origin and economic reasons.[60] This lack of clarity in the legal provision may lead to disguised cases of CEFM for exploitative purposes. As recommended by the Committee on the Rights of the Child in its latest review of Italy, all exceptions that allow marriage under 18 should be removed.[61]

Extraterritorial jurisdiction and extradition law

32. Pursuant to Article 604 of the Italian Criminal Code, extraterritorial jurisdiction applies to all offences related to sexual abuse and exploitation when the offender or the victim is an Italian citizen and the crime is committed abroad.[62] Extraterritorial jurisdiction also applies to crimes committed abroad by a foreigner with an Italian accomplice.[63]

33. With regards to extradition, the Italian Penal Code establishes the double criminality requirement for extradition, which means that the offender can be extradited only if the crime he/she committed was prohibited in both his/her country of origin and in the country where the crime was committed.[64] Moreover, the extradition of an Italian citizen is limited to cases where it is explicitly provided by an international convention.[65]

Recommendations to the GoI

- Amend Article 600-bis of the Criminal Code in order to ensure the same level of protection from

exploitation in prostitution to children below 14 years of age, although protected by Article 609-ter, which criminalises aggravated sexual violence.

- With regards to crimes related to online child sexual exploitation, explicitly criminalise the live-streaming of child sexual abuse as well as knowingly obtaining access to child sexual abuse material through Internet and communications technologies.
- Include a provision explicitly criminalising the sale of children for all sexual purposes.
- Amend legislation related to the legal age of marriage in order to provide more clarity on when the judge can authorise children aged 16 to marry.
- Remove the double criminality requirement for extradition.

General measures of implementation

National Action Plans and overall Strategies

34. A National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children, which is the primary national strategy against SEC, was in place till 2017. Unfortunately, after its expiration the Plan has not been updated. Moreover, due to the changes in the government regime, reportedly the Observatory has been recently placed under the management of the Department of Family Policies, creating further delays in the drafting and implementation of a new plan.[66]

35. The first National Anti-Trafficking Plan was adopted by the Council of Ministers in 2016 in order to address a long lasting and important gap in the national policies.[67] The Plan explicitly recognises child victims of trafficking in many interventions related to prevention, protection, identification of victims, reception and support. Moreover, the Plan establishes that with regards to the protection and reception of victims of trafficking, adequate protection mechanisms taking into account the needs of children exploited for, sexual purposes and forced marriage, should be developed.[68] Other specific and SEC-related actions include the organisation of training courses for law enforcement, students and professionals on trafficking, and the development of projects aimed at raising awareness on responsible and sustainable tourism in order to reduce demand.[69]Reportedly, information related to the actual implementation of the plan exist but are not available to the public.[70]

36. The lack of information regarding their implementation and monitoring makes it extremely difficult to assess the effectiveness, uptake and possible limitations of the envisaged interventions and actions.

Coordination and Evaluation

37. The most relevant coordinating body at national level is the Department for Equal Opportunities of the Council of Ministers that is in charge of developing national strategies for preventing and combating child sexual abuse and exploitation.[71] Every year, the Department for Equal

Opportunities presents a report to the Parliament on the coordination activities implemented by all branches of the Government in order to prevent and protect children from sexual abuse and exploitation.[72] Unfortunately the latest report available on the Department's website dates back to 2015 and more recent data are not yet available.

38. The Head of the Department for Equal Opportunities presides over the Observatory for the fight against paedophilia and child pornography, which was established by law.[73] The Observatory is currently composed of representatives of the State Police and military corps with police duties, the Ministry of Justice, the Department for Equal Opportunities and three CSOs.[74] The main duty of the Observatory is to acquire and monitor data and information on all activities aimed at preventing and repressing child sexual abuse and exploitation.[75] These data and information are then stored in a database to be used for monitoring and research purposes. Unfortunately, it seems that, although a database has reportedly been established and implemented, no report has been published so far.

Recommendations to the GoI

- Draft and implement a new National Plan for the Prevention and Fight against Abuse and sexual exploitation of Children. The Government should allocate ex-ante financial resources for the implementation of activities included in the Plan in order to avoid delays and poor outcomes and provide concrete information on the implementation of the Plan to assess its effectiveness.
- The Observatory for the fight against paedophilia and child pornography should urgently compile and publish a report on the data and information included in its database in order to effectively monitor the efficacy of current policies.

Prevention

Training and awareness raising

39. In order to highlight the importance of prevention in the context of SEC and the need for multi-faceted and multi-sectorial strategies, the National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children contained a section fully dedicated to the different actions needed to prevent SEC in the country.[76] The comprehensiveness of the Plan on the topic of SEC prevention, confirms the need for an updated version as well as a dedicated system to monitor its implementation.

40. In relation to OCSE, a number of initiatives are in place to improve online safety and raise awareness on the risks children may encounter online. The Postal and Communications Police also carry out awareness-raising and educational activities focusing on the responsible use of new technologies and online risks.[77]

41. The work done by local NGOs to prevent SEC is commendable. Notably, since 2012, Save the Children Italia has been active in preventing the trafficking of children for any kind of

exploitative purposes through its project "*Vie d'uscita*" ('ways out').[78] In the context of this project, Save the Children Italia and its partners provide presumed trafficked children and children at risk with legal counselling, social and cultural mediation and referral to dedicated and specialised reception and assistance centres.[79] The association *SOS Telefono Azzurro* organises trainings and information sessions for schoolchildren, parents and teachers on various issues related to children's rights and welfare including the safe use of the Internet and new technologies.[80] In January 2018, the campaign "Stop Sexual Tourism" was launched by a number of local NGOs, including ECPAT Italia, in order to raise awareness on the phenomenon by displaying a poster in all major Italian airports.[81]

Participation of children

42. The 4th National Plan of Actions and Interventions for the Protection of the Rights and the Development of Children and Adolescents includes in its interventions the need to ensure children participation at all different territorial levels, especially in reference to policies and plans which directly affect them.[82] According to the 2017 report submitted by the Italian Government to the CRC, "the 4th PAI has adopted two tools in order to allow children's participation: a consultation held in 60 schools on the national territory, and the publication of the 4th PAI in an ETR (Easy To Read) version".[83]

43. Children's participation is also guaranteed at the central level through the National Authority for Childhood and Adolescence. Its priorities include listening directly to children through meetings and events at the local level and promoting participation and listening through its website www.garanteinfanzia.org.[84]

44. Councils of adolescents and young people (between 15 and 25) also exist at the local level and allow young people to take part in decision-making processes.[85] The main purpose of these councils is to promote the participation of children and young people in the local political scene and develop projects for them in partnership with other councils located in different regions or municipalities.[86] Unfortunately, a list of all currently active councils is not available, due to the fact that some operate at the regional level and some in smaller municipalities.[87]

45. Besides the prevention initiatives mentioned above involving children, there are no specific mechanisms to ensure children participation, including child victims and survivors, in SEC-related policies and plans.[88] Moreover, according to the section of the National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children related to the consultative process preceding its redaction, children's inputs were not sought in any way.[89]

Recommendations to the GoI

- Consult children during the drafting of all national plans directly affecting them.
- Design strategies to involve child victims and survivors in specific programmes related to sexual

exploitation of children in a safe and empowering manner that does not exacerbate their victimisation.

Protection of the rights of the child

Measures adopted to protect the rights and interests of child victims by the court and law enforcement

46. In Italy, many specialised law enforcement agencies and investigative police units deal with SEC manifestations. Besides the above-mentioned Postal and Communications Police that handles cases related to sexual abuse and exploitation online, it is worth mentioning the National Anti-mafia and Counter-Terrorism Directorate (DNA). The DNA coordinates investigations when crimes related to sexual abuse and exploitation are committed by organised criminal networks.[90] [91]

47. Furthermore, since 1996, each territorial police office has a specialised Minors Office (part of the Anti-Crime Division), whose purpose is to provide support to children at risk and their families.[92] Minors Offices are composed of personnel trained to deal with child offenders and victims of crimes, especially in relation to: child maltreatment; abandonment of minors; exploitation in prostitution and for CSAM/CSEM; child labour, sexual abuse; bullying and use or dealing of narcotic substances.[93]

48. Concerning the judicial system, the criminal courts of the main Italian cities (e.g. Rome and Milan) have specialised sections solely dealing with cases involving vulnerable victims (women and minors) of, among others, sexual offences and exploitation in prostitution.[94] Unfortunately, the fact that these sections are not available all over the country means that the possibility for all child victims to see their offenders tried by a judge with particular and specialised skills and competences is reduced.

National complaint mechanisms

49. Although according to the Italian Criminal Code, any victim, including children, is entitled to file a complaint for SEC-related offences,[95] the Public Prosecutors have the duty to initiate investigations *ex officio* on the basis of information obtained by any sources (e.g. a police report). Public officials and personnel of public services have the mandatory duty to immediately report any crime they are aware of while on duty.[96] Private citizens can also report a crime to the judicial authority, but it is not mandatory to do so, except for specific offences,[97] among which SEC-related offences are not included.

50. Article 609-decies of the Criminal Code establishes that for SEC-related crimes, the Public Prosecutor has to inform and involve the Juvenile Court at any stage of the proceedings,[98] in order to guarantee protection and assistance to the child victim.

51. In Italy, the prescription period (also known as 'statute of limitations') for the criminal court is the highest imprisonment penalty provided by law for each specific offence.[99] However, the Criminal Code was recently amended and it now states that the prescription period for SEC-offences starts when the child turns 18, unless the criminal action has already been filed.[100] Unfortunately, the prescription period still runs when the case is being heard. This, along with long criminal trials and delays in reaching a judgement -which are common in the Italian justice system-, can hinder child victims' access to justice in the country.[101]

52. Any person, including children, can also present a complaint for violations of children's rights to the Regional Ombudspersons for Children and Adolescents, which are present in 16 regions and autonomous provinces out of 21.[102] For those regions where a Regional Ombudsperson is not available, complaints can be made to the National Ombudsperson.[103]Data on complaints made to the Ombudspersons have not been collected and/or analysed yet.[104]

Child-sensitive justice

53. The National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children defines two objectives aimed at protecting children in the justice system: implementing Article 609-decies of the Criminal Code by identifying CSOs that can provide adequate assistance and support to child victims, and drafting guidelines defining the best practices for court hearings involving child victims.[105] However, these guidelines have not been developed yet.[106]

54. According to Article 609-decies of the Criminal Code "the emotional and psychological assistance of the offended minor is ensured in every stage and grade of proceedings by the presence of parents or other suitable persons designated by the minor, as well as groups, foundations, associations or non-governmental organisations […]".

55. The Code of Criminal Procedure also provides special measures. Article 190 bis establishes that for SEC-related offences, witnesses under 16 years cannot be placed under examination if they have already made statements during the preliminary investigations or in the pre-trial phase of the trial, when cross-examined with the person against whom the statements will be used.[107]

56. According to Article 351, 362 and 391bis, the assistance of an expert in child psychology is required when a minor is being interviewed by the police, the prosecutor or the counsel of the defence in relation to an offence related to sexual abuse and exploitation. Article 392 provides a special procedure ('*incidente probatorio*') when gathering the full testimony of minors who are victims or witnesses of sexual exploitation or abuse before the public trial phase. The purpose of

this provision is to prevent the child victim or witness from being forced to give evidence during trial, which can take place a long time after the abuse and/or exploitation and thus retraumatise the victim. This is in order to allow the child victim to promptly commence a psychological rehabilitation process. In this case, the examination of the minor must be carried out by means and procedures (e.g. at the child's domicile), which take into account the child's needs and aim at preventing re-traumatisation.[108]

57. Other provisions stipulate special safeguards for both child victims and witnesses such as conducting *in camera* hearings when the victim of a sexual offence is a child,[109] providing the Court with assistance from a family member or an expert in child psychology when examining a child victim,[110] and ensuring that the examination of child victims of sexual abuse and exploitation takes place in front of one-way glass.[111]Lastly, legal aid is paid by the State for all criminal proceedings related to SEC offences.[112]In light of the above, the Italian legislation could be considered in compliance with the international standards in relation to child-sensitive justice. However, no recent statistic/information is available regarding the actual application of the above-mentioned provisions.

Access to recovery and reintegration

58. The National Plan for the Prevention and Fight against Abuse and Sexual Exploitation of Children stipulated protecting children through support and psychotherapeutic recovery programmes for child victims of sexual crimes.[113] One of the envisaged activities was the drafting of a set of guidelines that define the essential levels of protection and support for child victims of sexual abuse and exploitation.[114] Although the Guidelines were finalised and presented in September 2017,[115] they have yet to be implemented.

59. Regarding victims of slavery and trafficking, a reference should be made to article 18 of the legislative degree on immigration (the main legislation on the topic) which establishes a unified programme of assistance and social integration for victims of these crimes, which guarantees for a temporary period of time, adequate living conditions (e.g. accommodation and food) and health care.[116] Once the abusive or exploitative situation is verified, the competent public authority issues a special residence permit to give the victim the possibility to participate in a programme for support and social integration.[117]

Access to compensation

60. Child victims of SEC can claim compensation in Italy through three different channels: civil courts, criminal courts and state-managed compensation funds. In order to avoid having to file a separate civil lawsuit to receive compensation, child victims can also become a civil party to the criminal proceedings.[118]

61. A specific state-managed fund is available in Italy for victims of trafficking, including children.[119] However, the possibility of access to compensation is limited to cases where the offender has been convicted and has not paid damages to the victim.[120] Moreover, the compensation amount for each victim (established by the law setting up the Fund) is very low (1,500 euros), and therefore inadequate to restore the moral, physical and psychological damages suffered.[121] Additionally, compensation is granted only if enough financial resources are allocated to the fund each year; otherwise, payment is delayed to the next year.[122]

62. The Fund, which is not accessible to victims of other SEC manifestations, should be better structured and budgeted in order to ensure child victims' access to compensation.

Recommendations to the GoI

- Establish specialised sections dealing with cases related to sexual exploitation of children in all criminal courts.
- Amend legislation related to prescription periods for crimes related to sexual exploitation of children. Considering the length of criminal proceedings, the prescription period should be paused while the case is being heard.
- Establish a state-managed fund to provide compensation to child victims of all forms of sexual exploitation.

International Cooperation

63. In terms of international cooperation and commitments, it is worth mentioning that Italy submitted its Voluntary Report on the implementation of the SDGs in July 2017.[123] The report presents the National Sustainable Development Strategy 2017-2030, which defines the strategic framework to be used to mainstream the SDGs into national planning. SEC is mentioned in one of the five areas under which the Strategy is divided (People, Planet, Prosperity, Peace and Partnership).[124]

64. Italy is involved in several European and international SEC-related initiatives, especially with regards to online child sexual exploitation. Reportedly, the Ministry of the Interior has been proactive in developing and implementing activities aimed at facilitating information exchange with Interpol, Europol and SIRENE,[125] the network that supports cooperation and coordination between law enforcement agencies in the EU member states.

65. In the framework of the WePROTECT Global Alliance Against Child Sexual Abuse Online, Italy has reaffirmed and endorsed the Statement of Action of the London WePROTECT Summit of December 2014 during the 2015 WePROTECT Summit in Abu Dhabi. It also agreed to establish and develop a coordinated national response to online child sexual exploitation in accordance

with the Model National Response , [126] which describes the capabilities needed for an effective child protection system. Current national policies and legislation aimed at preventing and protecting children from sexual exploitation are described in the paragraphs above.

66. The Postal and Communications Police participates in the European Information Technology Crime Working Group, the High-Tech Crime Committee of Europol and the Commission's Police Cooperation Working Group for Europe.[127]

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[1] Human Rights Council (2014), "Report of the Working Group on the Universal Periodic Review: Italy", A/HRC/28/4, 10 December 2014.
[2] Sustainable Development Goal Targets 5.2, 8.7, and 16.2.
[3] ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016", Bangkok: ECPAT, 29.
[4] ECPAT prefers the term 'child sexual exploitation material' or 'child sexual abuse material' over the often in legal context still used 'child pornography' in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016", Bangkok: ECPAT, 39.
[5] *Ibid.*, 54.
[6] Istat (2018), "Demo.Istat. Bilancio demografico anno 2017 e popolazione residente al 31 Dicembre Italia".
[7] The World Bank (2017) "Data: Gross Domestic Product".
[8] Focus Economics (2018), "Italy Economic Outlook".
[9] Istituto Nazionale di Statistica (2018), "Comunicato Stampa: La Poverta in Italia".
[10] Government of Italy, Ministry of Internal Affairs (2019), "Cruscotto statistico giornaliero 26 March".
[11] Ministero del Lavoro e delle Politiche Sociali (201), "Report mensile minori stranieri non accompagnati (MSNA) in Italia".
[12] *Ibid.*
[13] The Children's Society (2018), "Supporting black and minority ethnic children and young people experiencing child sexual exploitation", 11.
[14] *See e.g.* Greco, Francesco (2018), "Bambini dai 7 ai 9 anni costretti a prostituirsi con il consenso dei genitori per pochi euro: il fenomeno della prostituzione minorile in Italia", *TPI News*, 29 November 2018; Il Messaggero (2018), "Madre faceva prostituire I figli di 3, 4 e 7 anni: fra I client anche un carabiniere", 23 November 2018; Il Messagero (2018), "Prima adescava minorenni sui social poi i rapport sessuali: arrestato 37enne", 15 November 2018,.
[15] Instituto degli Innocenti (2016), "Multi-country study on the drivers of violence affecting children. Italian Report", 36-37.
[16] *Ibid.* 42 citing Carchedi, 2004; Save the Children, 2013; Camera dei Deputati, 2012.
[17] *Ibid.*
[18] *Ibid.*
[19] Parliamentary Commission on Childhood and Adolescence (2016), "Indagine conoscitiva sulla prostituzione minorile", 37.
[20] *Ibid.*
[21] *Ibid.*
[22] *Ibid.*
[23] See e.g. Sawkins Isabel (2015), "Mussolini husband convicted for 'baby squillo' peccadillo", *The Italian Insider*, 22 October 2015.
[24] ITU (2018), "Country ICT Data – Percentage of individuals using the Internet".
[25] Internet World Stats (2017), "Italy, data as December 2017".
[26] ITU (2018), "Country ICT Data – Mobile-cellular subscriptions".

[27] Parliamentary Commission on Childhood and Adolescence (2016), "Indagine conoscitiva sulla prostituzione minorile", 48.
[28] *Ibid.,* 50
[29] *Ibid.*
[30] Istat (2018), "Delitti denunciati dalle forze di polizia all'autorità giudiziaria".
[31] Polizia Postale (2018), "Polizia Postale: un anno di attività".
[32] Polizia Postale (2018), "Resoconto attività 2017".
[33] Save the Children (2018), "Piccoli Schiavi Invisibili. I minori stranieri vittime di tratta e sfruttamento in Italia", 5.
[34] *Ibid.*
[35] *Ibid.*,
[36] *See e.g.* UNWTO (2018), "UNWTO Tourism Highlights - 2018 Edition".
[37] Banc d'Italia (2018), "Indagine sul turismo internazionale", 11 June 2018, 9.
[38] ECPAT International jointly with Defence for Children –ECPAT Netherlands (20016), "Global Study on Sexual Exploitation of Children in Travel and Tourism. Regional Report Europe" 9.
[39] *Ibid.*, 26.
[40] Government of Italy, "Criminal Code", Article 600-bis.
[41] *Ibid.*, Article 609-bis.
[42] *Ibid.*
[43] Government of Italy, "Criminal Code", Article 414.
[44] Government of Italy, "Criminal Code", Article 600-ter.
[45] 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".
[46] *Ibid.,* Article 600-quarter.
[47] *Ibid.*, Article 600-ter.2.
[48] *See e.g.*, Luxembourg Guidelines, 46.
[49] Government of Italy, "Criminal Code", Article 600-quarter.1.
[50] *Ibid.*
[51] *Ibid.,* Article 600-ter and 600-quarter.
[52] Government of Italy, "Criminal Code", Article 609-undecies.
[53] According to Article 601, the means for trafficking of human beings are: deception, violence, threats, abuse of authority or of a position of vulnerability, physical, psychological inferiority, need or of the giving of receiving of payments or benefits.
[54] Government of Italy, "Criminal Code", Article 602.
[55] Government of Italy, "Legislative Decree 286 of 1998", Article 12. 3ter.
[56] Government of Italy, "Criminal Code", Article 600-quinquies.
[57] Government of Italy, "Law No. 269 of 1998 "Provisions against the Exploitation of Prostitution, Pornography, and Sexual Tourism to the Detriment of Children: The New Forms of Slavery", Article 16.
[58] EBNT (2018), "Osservatorio Nazionale circa l'applicazione della legge 269/98 e del Codice di Condotta recepito il 19 Luglio 2003dal CCNL del Turismo", 12th Edition, October 2018, 8.
[59] Government of Italy, "Civil Code", Article 2.
[60] Calvigioni, Renzo (2014), "Il matrimonio del minore di età".
[61] Committee on the Rights of the Child (2019), "Concluding observations on the combined fifth and sith periodic reports of Italy", CRC/C/ITA/CO/5-6, 28 February 2019.
[62] Government of Italy, "Civil Code", Article 604.
[63] *Ibid.*
[64] Government of Italy, "Criminal Code", Article 13.
[65] *Ibid.*
[66] Information provided by ECPAT Italia.
[67] Council of Ministers (2016), "Piano nazionale d'azione contro la tratta e il grave sfruttamento 2016-2018".
[68] *Ibid.*, 41.

[69] *Ibid.*, 23-24.
[70] Information provided by ECPAT Italia.
[71] Government of Italy, Department for Equal Opportunities (n.d.), "Competenze", last update 20 October 2016.
[72] Government of Italy, Law No. 269/1998, Article 17.
[73] *Ibid.*, Article 17.1bis.
[74] Government of Italy, Presidency of the Council of Ministers (2016), Ministerial decree of 30 August 2016.
[75] Government of Italy, Department for Equal Opportunities (n.d), "Osservatorio per il contrasto della pedofilia e della pornografia minorile", last update 31 October 2016.
[76] Government of Italy, Department for Equal Opportunities (2015), "National Plan to Prevent the Sexual Abuse and Exploitation of Children 2015-2017".
[77] Postal and Communications Police (2018), "Report 2017", accessed 19 February 2018.
[78] Save the Children Italia (n.d.), "Vie d'uscita".
[79] *Ibid.*
[80] SOS Telefono Azzurro (n.d.), "Corsi di formazione".
[81] Mete (n.d.), "Progetto internazionale a tutela dei diritti minorili nel mondo".
[82] Government of Italy, Department for Equal Opportunities, "Issues".
[83] Fifth and sixth periodic report of Italy submitted under article 44 of the Convention on the rights of the child, June 2017, 6.
[84] *Ibid.*, 10.
[85] *Ibid.*, 18.
[86] *See e.g.* Regione Lazio (2008), "Regolamento Istitutivo del Consiglio dei Giovani".
[87] Information provided from ECPAT Italia.
[88] *Ibid.*
[89] Government of Italy, Department for Equal Opportunities (2015), "National Plan to Prevent the Sexual Abuse and Exploitation of Children 2015-2017", 3-4.
[90] Council of Europe (2017), "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)".
[91] Article 416 of the Italian Criminal Code specifically criminalises and punishes those who associate with the purpose of committing crimes related to the sexual abuse and exploitation of children.
[92] Polizia di Stato (2013), "Ufficio Minori".
[93] *Ibid.*
[94] *See e.g.* Tribunale Penale di Roma (n.d.), "Prima Sezione Penale"; Tribunale Penale di Milano (n.d), "Sezione Quinta Penale".
[95] Government of Italy, "Criminal Code", Article 120.
[96] Government of Italy, "Code of Criminal Procedure", Article 331.
[97] *Ibid.,* Article 333. 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; 4) sport frauds; 5) kidnap for extortion. Policarpio, Isabella (2019), "Denuncia obbligatoria: I casi in cui denunciare non e una scelta", 11 Gennaio 2019.
[98] Government of Italy, "Criminal Code", Article 609-decies.
[99] *Ibid.,* Article 157.
[100] *Ibid.,* Article 158.
[101] Child Rights International Network – CRIN (2015), "Access to Justice for Children: Italy".
[102] Government of Italy (2011), "Istituzione dell'Autorita' Garante per l'Infanzia e l'Adolescenza", Article 6; Garante Infanzia (n.d.), "Garanti Regionali – Elenco".
[103] Garante Infanzia (n.d.), "Segnalazioni".
[104] Information provided by ECPAT Italia.
[105] Government of Italy, Department for Equal Opportunities (2015), "National Plan to Prevent the Sexual Abuse and Exploitation of Children 2015-2017", 33.
[106] Information provided by ECPAT Italia.

[107] Government of Italy, "Code of Criminal Procedure", Article 191 bis and Article 1 bis.
[108] *Ibid.,* Article 398 and Article 5bis.
[109] *Ibid.*, Article 472 and Articles 3bis and 4.
[110] *Ibid.,* Article 498. 4.
[111] *Ibid.*, Article 498, 4ter.
[112] D.P.R. 115/2002, "Testo Unico in Materia di spese di giustizia", Article 76. 4 ter.
[113] Government of Italy, Department for Equal Opportunities (2015), "National Plan to Prevent the Sexual Abuse and Exploitation of Children 2015-2017", 33.
[114] *Ibid.*
[115] Instituto degli Innocenti (2017), "Osservatorio anti pedofilia, presentate le Linee Guida per l'assistenza delle vittime".
[116] Government of Italy, "Legislative Decree 286 of 1998", Article 18.3bis
[117] *Ibid.*, Article 18.1.
[118] Government of Italy, "Code of Criminal Procedure", Article 74.
[119] Government of Italy, "Law 228 of 2003", Article 12.2bis.
[120] *Ibid.*
[121] *Ibid.*
[122] *Ibid.*
[123] Italian Ministry for the Environment, Land and Sea (2017), "Voluntary National Review Italy, National Sustainable Development Strategy", July 2017.
[124] *Ibid.*, 13.
[125] Council of Europe (2017), "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)", 26 October 2017, 31.
[126] WeProtect Global Alliance)2015(, "WeProtect summit - Statements of action 2015".
[127] Council of Europe (2017), "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)", 26.