

United Nations Study on Violence against Children

Response to the questionnaire received from the
Government of the Italian Republic

Study On Violence against Children (in Italy)

July 2004

"State parties shall ensure to the maximum extent possible the survival and development of the child (Art. 6, para. 2, UN CRC)"

Since the UNGA Special Session devoted to children and child-related issues (May 2002), the Italian Government has fully committed itself to spare "no effort in continuing with the creation of a world fit for children, building on the achievements of the past decade and guided by the principles of first call for children".

From the WHO's first world report on violence and health, it was laid down that violence is the main problem for public health in the world. Violence is the result of an interaction of individual, familiar, social and structural conditions. In this regard, the Italian Government has been taking forward this issue by providing ad hoc plans with the aim at encouraging the collection of information, which can help to establish priorities, at supporting the research on causes, consequences, costs, at adopting measures, as well as at enhancing the co-operation and the exchange of information on the prevention of violence and the control of the application of human rights protection international agreement's and related laws.

I. Legal Framework

International and domestic legal framework:

Italy signed and ratified the UN Convention on the Rights of Child (CRC) in 1991, by Act no. 176/91, and its relevant Protocols, by Act no. 46/02. In doing so, Italy's commitment to the protection of child victims of violence has been renewed. Italy has also signed on 12 December 2000 the UN Convention against Transnational Organised Crime, as well as its Protocols "to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" and "against the Smuggling of Migrants by Land, Sea and Air", of which the ratification process is underway¹. With specific regard to children, victims of trafficking and more generally of exploitation for sexual purpose, it is also worth mentioning the ratification, by Act no. 77/03, of the European Convention on the Exercise of Children's Rights².

¹ Italy's role in taking forward the drafting and signing, in Palermo, on 12 December 2000, of the UN Convention against Trans-national Organized Crime and its Protocols regarding the trafficking in persons, especially women and children, and migrants, was particularly significant.

² Participation in the above-mentioned international legal instruments has not been the only manifestation of the State's interest in this issue and its intention to contribute to the drafting of binding instruments. The first World congress against Sexual and Commercial Exploitation of Children, held in Stockholm in 1996, called upon all Member States to make a specific effort in this respect. At the end of the Congress, all priority areas of intervention were highlighted: local, national and supra-national coordination; prevention; suppression and judicial protection; the protection, recovery and reintegration of victims. A balance sheet of the first five post-Stockholm years was the subject of the Multilateral

The 1997-2003 period witnessed a wealth of legislative intervention and action in favour of children, in the light of Act no. 285/97 entitled "Provisions for the promotion of children's rights and opportunities":

- Domestic legislation: (The Basic Law). Ex Art. 3, the principle of non discrimination is a cornerstone of the Italian legal and judicial system. In particular, ex Arts. 31, para. 2, and 37, paras. 2 and 3, the State "protects...children and adolescents, by adopting and/or implementing measures to this end...". (Primary legislation) Law no. 55/58 on Prostitution and the Fight against the Exploitation of Prostitution by Others; Law no. 285/97 on Measures for Children's Protection; Law no. 40/98 on Immigration; Law no. 451/97 on the Establishment of the Parliamentary Commission for Children and of the National Childhood Observatory; Law no.269/98 against the Exploitation by Prostitution of Children, Pornography, Sex Tourism and Other Contemporary Forms of Slavery³⁻⁴; Law no. 189/2002 on Immigration; and Law no. 228/03 on Measures against Trafficking in Human Beings. (Secondary legislation) Legislative Decree no. 286/98, the Unified Text of Provisions on Immigration and the Status of Foreign Citizens (of which art. 18 grants temporary residence permits for social protection to trafficked persons); Presidential Decree no. 394/98 bringing regulations and norms relating to immigration and aliens in line with art. 1, paragraph 6 of the Legislative Decree no. 286; Bill no. 2207-b which should establish a Special Witness Protection scheme.

With specific regard to organs of protection, it is worth mentioning Bills no. 2,157, entitled "Urgent measures and delegation to the Government for questions of family and child law", and no. 2,501 "Modifications to the composition and competence of the minors' criminal courts", which are intended to bring about a systematic reform of the judiciary involved with minors (the Parliament is examining these two Bills covering the consultation of children not only in judicial hearings but also in administrative proceedings, as an implementation of the European Convention on the consultation of minors)".

Conference of European and Central-Asian countries, Protection of Children against Sexual Exploitation, held in Budapest in November 2001. At the end of the proceedings, a Declaration of Intent and a regional Action Plan were adopted, with which the delegates firmly re-stated the criminal nature of the phenomenon, confirmed their pursuit of a strategy based on the principle of "zero tolerance" of an form of violence and took note of the significant progress made since 1996. This plan was then presented and adopted at the 2nd World Conference against the Commercial sexual Exploitation of Children, which took place in Yokohama in December 2001, where all relevant stakeholders confirmed their commitment to defending and promoting the interests and rights of children in order to protect them from all forms of abuse and exploitation

³ Law 269/98 is a landmark provision aimed at equipping our country to meet the new national and international challenges in combating abuse and sexual exploitation of children. The objective of this Act is to protect the physical and psychological health of children in sexual matters, with a view to fostering their proper development. Law no. 269/98 envisages penalties for the exploitation, inducement or abetting of child prostitution (article 600 bis penal code). The subjective element of the offence is generic and does not provide for any specific criminal intent. From the procedural point of view, if the victims are less than 16 years of age and have already made statements in the pre-trial stage of the proceedings or statements filed pursuant to article 238 of the code of criminal procedure (c.c.p.), cross-examination is allowed only where considered by the judge to be absolutely necessary.

⁴ Art. 600 ter and quater of the penal code, punish, respectively, the conduct of persons exploiting children for the production of pornographic material and those trading in, distributing or selling pornographic material produced through the sexual exploitation of children, or persons possessing such material. Art. 600 quinquies p.c. punishes the conduct of organising or advertising trips organised for prostitution's activities.

In practical terms, a number of European legislative provisions have been translated into Italian legislative system. This includes: Council Framework Decision 2004/68/JHA of 22 December 2003 on combating sexual exploitation of children and child pornography; Council Resolution of 20 October 2003 on initiatives to combat trafficking in human beings, in particular women (20037C260/03); European Parliament and Council Decision adopting a programme of Community Action (2004 – 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the DAPHNE II programme) (COM(2003) 54); and Decision No. 1151/2003/EC of the European Parliament and of the Council of 16 June 2003 amending Decision No. 276/1999/EC, adopting a multi-annual Community action plan on promoting a safer use of the Internet by combating illegal and harmful content on global networks^{4bis}.

Violence – sexual assault: Definition, figures, legal framework, domestic jurisdiction, complaint procedure

“..the Child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law..(Art. 12 UNCRC)”

With Law no. 66/1996, the offences of rape and indecent assault were incorporated in the single crime of sexual assault. The law defines the perpetrators of offences under reference as all “those who use violence or threats to force a minor of any age to perform or submit to sexual acts, or those performing sexual acts on children younger than 14 (or 16 if the perpetrator is their parent, guardian or the person entrusted with their care) even in the absence of violence, or those who perform sexual acts in the presence of children under 14 with the aim of having them witness these acts”. Participation by a number of persons in acts of sexual assault also constitutes an offence (pursuant to Arts. 609 bis ss.)” More specifically, Art.609 bis p.c. provides for the crime of sexual assault; Art. 609 ter p.c., as updated and amended by Act. No. 269/98, envisages aggravating circumstances in case of acts perpetrated in damage of minors under 14 and of minors under 16 if there was a relationship, such as parenthood, between the perpetrator and the victim. In particular, the penalty of the imprisonment is increased up to 14 years if the act is perpetrated in damage of minor under 10. Art. 609 quater p.c. set forth “that, apart the cases foreseen in Art. 609 bis p.c., there is no punishment if the “author” is a minor and his/her age does not exceed of three

^{4bis} The European Strategy for Children’s Rights. Along the cited line, it is worth recalling that the European Charter, containing specific provisions regarding children’s rights (arts. 24 and 32), was adopted in December 2000. A European Day for Children has been established to be celebrated every year during the month of November (18 November 2000 Paris; 9 November 2001 Brussels), as well as the permanent Intergovernmental Group “Europe de l’Enfance” (composed by representatives of the Ministries competent in the field of childhood and adolescence). In this regard, the Italian Government has participated with serious commitment to the ministerial reunions of European Member States (on occasion of the United Nations General Assembly Special Session on Children). A Secretariat for the European Network of National Centres for Children has also been established. The management of the coordination service has been assigned to the intergovernmental Group at the National Centre for the Documentation and Analysis of Childhood and Adolescence.

years the age of the “victim”, provided that the latter is 13”. Ex Art. 609 *sexies* p.c. is prescribed that *ignorantia* of the age of the victim *non excusat*. Moreover, at the procedural level, Arts. 609 *septies*, *nonies* and *decies* p.c. set forth that “the criminal proceeding is started *ex officio*” and “the juvenile courts and the ad hoc bodies must be promptly informed”; and finally “in case of positive verdict, additional penalties includes the lost of the parental authority and the permanent interdiction by the office of tutor”.

By including both rape and indecent assault in the category of sexual assault, Law no. 66/1996 has produced a change which means *inter alia* that the more recent data are not fully comparable with those preceding the entry into force of the Law under reference. The data for 1999-2001 showed a sharp reduction in the phenomenon, after a fairly marked increase in 2000, both in the number of victims and the number of offences reported. The following two years saw a drop in the numbers, with a tendency to stabilisation in 2002. The marked increase in 2000 has to be interpreted as the consequence of the entry into force of Law 269/1998, which has played a significant role in raising public awareness of the issue of sexual violence against children and at the same time in increasing the measures to monitor violence as a whole against children^{5-5bis}.

The protection of child victims at the procedural level: in the trial and post-trial stages

By acknowledging sexual abuse as a felony offence “against the person” and no longer “against public morality”, Act no. 66 of 15 February 1996 (“Provisions against sexual abuse”) introduces a new policy as a basis for criminal proceeding. Crimes against children shall be prosecuted *ex officio* and the child victim shall be heard in a protected environment with a psychological support. In doing so, criminal proceedings become more child sensitive. Particularly, Art. no. 392 of the Code of Criminal Procedure grants either the State’s Attorney or the person indicted of sexual abuse the possibility of anticipating the hearing of a child under sixteen during preliminary investigations (the so-called “interlocutory witness exam”). The purpose of this provision is to prevent the child victim or witness from giving evidence during

⁵ On a more general note, violence against women and children in the form of rape, sexual, physical, and economic violence is a violation of human rights, perceived by Italy’s public opinion as a serious social and cultural plague. To date, more than 100 associations have organised counselling centres, toll-free crisis support phone lines, and provided legal and psychological support to women in difficult situations. Along with specific law provisions, with the support of funds provided to Regions and Local entities under Law 285/97 on Children Rights, more than 300 facilities have been activated by initiative of the Ministry for Equal Opportunities, with the continuous field activity of social and health care service providers and NGOs, especially those dealing with child violence and abuse within the household. In this specific regard, the Government has also adopted a special plan on household violence against minors, with financing priority to actions indicated by Municipalities, local health care units (hereinafter, ASLs), Schools and/or private social care providers. Under Law no. 451 of 23rd December 1997 a special National Commission was established that drafted the “Guidelines against child violence and abuse”, with particular attention to violence against young girls. All these issues will be better tackled along with this report, nevertheless, it could be worth recalling, as a sign of effective interest for the issue of violence, that in 2001 Laws no. 134 and no. 60 set forth free legal advice to indigent rape and abuse victims, an invaluable tool to defend themselves and safeguard their rights, most often resorted to in collaboration with anti-violence centres and courts.

^{5bis} Please notice that an ad hoc analysis of data has been included in the section no. 5 of this Report.

the trial, which can even occur a long time past the abuse, thus allowing him/her to promptly commence a psychological rehabilitating process. The "interlocutory witness exam" occurs then at an early stage of trial proceedings. The State's Attorney is entitled to ask the Judge for Pre-trial Investigations to hear the child and join the relevant transcript to the case file, thus avoiding a further involvement of the child.⁷ In particular, Art. 398, para. 5-bis of the Code of Criminal Procedure entrusts to the Judge the possibility to hear the child under 16, while establishing place, time and adequate procedures for the "interlocutory witness exam" according to the child's needs. To this end, the child's hearing can even take place either at his/her domicile or at ad hoc sites (usually furnished with a one-way mirror system and appropriate audio-visual equipment to prevent the child from unwanted encounters) and shall be tape-recorded or filmed. One can talk of a "protected hearing" where questions are asked by a psychologist who has the task to protect the child victim or witness while ensuring an accurate and credible narrative. Finally, Art. 472, para. 3-bis of the Code of Criminal Procedure provides for the Judge sitting in chambers when the offender is under age and forbids any question about the child's private and sex life unless it is indispensable to establish facts.

As above mentioned, Act no. 269/98, entitled "Provisions against the exploitation of prostitution, pornography, sexual tourism concerning children as new forms of enslavement", is a milestone in fighting children's sexual exploitation and abuse since it embodies the principle of a full (i.e. both psychological and physical) protection of the child and its rights to a healthy and peaceful sexual development. Acts no. 66/96 and no. 269/98 not only have deeply reviewed the applicable rules preventing and punishing sexual abuse, but they also aim at protecting the victim, especially children, against any form of sexual exploitation and abuse for the sake of their physical, psychological and moral development, according to the principles of international agreements^{7bis}. Para. 3 of Art. n° 609-decies p.c. provides for mandatory assistance of children under age by the Youth Welfare Services of the Juvenile Justice Department, while para. 4 empowers Judicial Authorities to avail themselves of the Youth Welfare Services' support in any stage of proceedings. Youth Welfare Services act in concert with ordinary and juvenile Offices of the State's Attorney when abuse is reported; they agree upon operational and preventive measures with both Judicial Authorities and local agencies; they develop psychological aid techniques for child victims during

⁷ Although our legal system allows for any repeatable incident evidence to be renewed, it is generally accepted that the hearing of a child under sixteen in the context of an "interlocutory witness exam" shall not be repeated in trial not only as a redundant step but also as psychologically prejudicial to the child.

^{7bis} Of great importance is the recent government Bill of November 2003, entitled "Provisions on combating the sexual exploitation of children and child pornography", currently under consideration. This Bill could be seen as the key text with respect to the many other bills on this subject already presented. On 29 April 2004 the State-Regions Conference expressed its favourable opinion on the bill. The Bill envisages a reform of the current legislative framework resulting from the entry into force of Laws no. 66/1996 and no. 269/1998. The Bill takes into account the need for amendments that has emerged since these two laws were implemented. It also takes on board the position that has developed at the European level, as set forth in the proposed Council framework decision on combating the sexual exploitation of children and child pornography, on which political agreement was reached by all Member States during the JHA Council of 14 and 15 October 2002, and which is now at the approval stage.

“interlocutory witness exams” and protected hearings; they organize working groups to develop action methodologies in favour of children, victims of sexual abuse; they study socio-family environments, also in view of preventing further abuse; they cooperate with district anti-abuse centres. They assist the child during the whole judicial proceedings and protect his/her psycho-physical thoroughness as provided by law.

This “case undertaking” is a complex process starting with the report of a sexual abuse and involving social, health and judicial fields. A number of professionals are involved in this process, each after a specific training and sphere of action. Particularly, the Youth Welfare Services of the Juvenile Justice Department grant the child victim and his/her family the support of psychologists and social workers with an ad hoc approach.

At this stage, more than considering the number of judicial cases in which judges expressly recalled the UN CRC principles and provisions, it is important to recall how many laws, including the recent ones, have been inspired by the UN CRC and its Protocols, as well as the Italian pledges and commitments at the international level. Along this line and in the light of the above Laws, judges enforces legal provisions and pronounces verdicts.

Assistance and psychological recovery treatment programmes for child victims of sexual abuse

At present, Italy’s relevant bodies have stressed that the duty to recognise and report difficult socio-environmental elements, not always accessible to the organs of the Police, is often incompatible with the role of service provider (e.g. assistance to the elderly, the disabled and families in crisis). While, it is necessary to review the role of Social Services and to promote a professional re-qualification, to redefine these different roles and avoid confusion between duties of aid and prevention and duties of inspection, the services that act through direct contact with minors and their families during the prosecution of juvenile offenders, services such as judges’ auxiliaries, play an important role.

Competent operators may act to remove the causes of difficulties, keeping in mind that one of the most important objectives for the protection of minors is their removal from families who do not educate them, but must also be ready to aid the family of origin in its role of educator. In accordance with the provisions of the second paragraph of Art. 17 of Law no. 269/1998, any fines issued, sums of money confiscated and sums deriving from the sale of goods seized pursuant to this same law are to be paid into state revenues to be re-allocated to a special fund under the budget of the Prime Minister’s Office. Two-thirds of the total sum will then be used to fund special prevention programmes and programmes for the assistance and psychological recovery of under 18-year-old victims of the offences referred to in articles 600-bis, 600-ter, 600-quater and 600-quinquies of the penal code (p.c.), as introduced by articles 2 paragraphs 1, 3, 4 and 5 of Law 269/1998. The remaining sum should be used, where the resources available so allow, for the rehabilitation of persons found to be responsible for the offences envisaged by articles 600-bis, second para., 600-ter, third para., and 600-quater p.c., who submit the

appropriate request (the above Arts of the p.c. refer to reduction to slavery, pornography, etc).

Ad hoc monitoring mechanisms: The EMERGENCY CODE 114 and other national free emergency phone helpline for children, including trafficked minors

i. In 2002 the Ministry for Communications, along with the Ministry for Equal Opportunities and the Ministry for Labour and Social Policies, began trials on an emergency phone helpline to report situations involving cruelty to children or violations of their rights. The phone number is 114. This number gives access, at no cost to the caller, to a "cruelty to children emergency" service available to children and adolescents who need to report abuse or other serious problems. The "114" code is designed as a single access number that takes calls for help and routes them to the appropriate structures such as the police, the local social-health services or the judicial authorities, after evaluating the caller's needs.

Following the inter-ministerial Decree of 14 October 2002, as adopted by the Ministry for Communications jointly with the Ministry for Equal Opportunities and the Ministry for Labour and Social Policies, the project was set up, and operational arrangements put in place. A three-month trial period was envisaged in three cities. The pilot project was run by SOS Il Telefono Azzurro from 26 March to 23 June 2003 in the Province and Municipality of Treviso and the municipal districts of Milan and Palermo.

- The aim of the trial was to test a model to take and properly interpret the calls for help, set in motion the relevant actions and liaise with other institutional interlocutors at both the central and local levels. The reference model for the operation of the service was a network capable of creating synergies among all the players involved (other institutional bodies, the 118, 117 and 113 emergency numbers and local health agencies (LHAs)), while respecting the institutional role and expertise of each.

The results of the first pilot run showed the importance of following agreed procedures with all the institutions in the area (police, local authorities etc), whose contribution in terms of experience in the sector and in-depth knowledge of local circumstances proved to be decisive for the satisfactory outcome of the actions undertaken.

On the basis of the experience gained thus far and through an inter-ministerial Decree of 6 August 2003, the service has been put on a permanent footing and rolled out countrywide. After a public tender procedure, the service was entrusted to the Associazione Telefono Azzurro, this time for a two-year period that can be extended to four years, at a cost of 1,200,000.00 euros per year. The above inter-ministerial Decree of August 2003 set out the criteria and procedures for the running of the service. The decree substantially reproduced the terms included in the preceding interministerial decree with the following

additions: i. further tasks have been handed to the service provider: the elaboration of "periodic analysis and statistics on the violence and alienation of children encountered during the running of the service"; ii. the cooperation with "the competent authorities involved in the protection of children's rights"; iii. the notification "to the relevant authorities responsible for communications [as concerns] the circulation of images, messages and dialogues broadcast by audio-visual or telemetric means that may be harmful to the physical or psychological development of children or adolescents" (art.3). A supervisory committee, composed of one representative of each Ministry involved, has been set up to oversee the operation of the service (art.7).

ii. The "Blue Telephone" service. It is also worth mentioning that this association, through its national free phone services, respectively 1.96.96 and 199.151.515, has received in the year 2003 a number of phone calls amounted to 355.046.

iii. The Anti-trafficking help-line. The Toll-Free Number (800-290 290) Project, providing for a national centre and 14 local centres (involving some 80 call centre workers as a whole, covering roughly a dozen of foreign languages). From July 2000 to March 2003, the free-phone service took 520,936 calls, of which it took action on 194,350, from: i. victims of trafficking: 21,945 (11,29%); ii. clients: 14, 151 (7,28%); iii. relatives: 16,912 (8,70); iv. members of the public: 119,733 (61,61%); v. police: 13,664 (7.03%); vi. suspected persons: 2,632 (1.35%); vii. victims of prostitution: 5,313 (2.73%). Calls from victims aged 14 or under amounted to 1% of the total from January to March 2003. The percentage of calls from 14 to 17-year-olds was higher, at 7% of the total (On the subject of age, we cannot rule out that the peak found for the 19-25 age group (35% of the total) actually conceals the fact that minors have been forced by their exploiters to say they are older than they actually are).

II. Institutional framework and resources to address violence (international cooperation)⁹

National Institutions and relevant bodies:

The Prime Minister's Office, through the Ministry for Equal Opportunities/Department of Equal Opportunities which co-ordinates the actions by all public administrations entities to fight against exploitation, slavery, sexual abuse, and through the Inter-ministerial Commission provided for by Art. 18 of L.D. no. 286/98, co-ordinates and monitors relevant measures adopted and to be implemented;

The Ministry of Foreign Affairs (MFA), through its Directorates General, coordinates international policies and actions. More specifically, the following are the Directorates General most committed on these grounds:

⁹ Please, note that the role of civil society has been considered throughout this Report.

The Directorate General for Multilateral Political Affairs and Human Rights, which is in charge of negotiations on International Agreements on the promotion and protection of human rights and works in cooperation with the Inter-ministerial Committee on Human Rights (ICHR).

The Directorate General for Development Cooperation (DGDC), which is in charge of promoting, coordinating, financing, implementing and monitoring policies and actions for the protection and sustainable development of women and the new generations of minors at risk in Developing Countries or in Countries with a Transient Economy.

The Ministry of Labour and Social Policies coordinates the National Childhood and Adolescence Monitoring Centre, as well as the Committee on Non-Italian Minors, as regards non-Italian minors in Italy without a family on the national territory and the temporary stays for treatment purposes;

The Ministry of Health, as regards non-Italian women and minors in Italy, for the purpose of medical treatment within humanitarian programmes, or minors in Italy within Regional Humanitarian Programmes;

The Parliamentary Commission for Children and the National Childhood Observatory, established by Law no. 451/97, and then regulated by Presidential Decree no. 369/98. The Observatory is chaired by the Minister of Employment and Social Policies, and has to promote coordination among central, regional and local Authorities, associations, professional orders and NGOs, involved in this issue. In particular, the Observatory promotes and guides policies on child-related issues. This body, supported by the National Centre for Documentation and Analysis for Children and Adolescents: i. Prepares every two years the National Plan of Action for the Protection of Children's Rights; ii. Prepares every two years the Report on the situation of children and adolescents in Italy; iii. Contributes to prepare the State's report to the UN on the implementation of the UN Convention on the Rights of the Child (1989).

The National Centre for Documentation and Analysis for Childhood and Adolescents, which has been established by Act no. 451/97, and supports the work of the National Observatory for the Childhood.

The Inter-ministerial Committee for the Coordination of Fight against Paedophilia, named CICLOPE, has been established with the aim at coordinating all actions undertaken to protect children from exploitation and sexual abuse. With its establishment at the Italian Presidency of the Council of Ministers – Equal Opportunities Ministry -, the Committee named "CICLOPE" is composed of eleven representatives of the Italian competent administrations. On a more specific note, it co-ordinates all the activities of the Italian public administrations concerning prevention, assistance, (even legal, if necessary) and protection of children from sexual exploitation and sexual abuse.

Other entities, such as the Ministry of Justice, the Home Affairs', the Ministry of Education, University and Research and the Ministry of Environment carry out important actions for the purpose of protecting non-Italian women and children in Italy.

Within this context and in a future perspective, the National Council on Economy and Labour (CNEL) might become a centre for monitoring, evaluation and dialogue. The CNEL is one of the few institutional fora in which Italy's economic and social problems have found an increasingly frequent and fruitful airing, thanks especially to the contribution of the social forces in the Assembly and the constant links with representatives of ministries, public bodies and institutions. In this respect, it is worth mentioning the publication of the Proceedings of the Conference "Il bambino da soggetto di diritti a protagonista di scelte (The Child from Subject of Rights to Protagonist of Choices)", organised by CNEL's Commission on Labour and Social Policies, in cooperation with "Telefono Azzurro", in June 2003. This Conference is an early indicator of CNEL's intention to put its resources and commitment to the service of minors and to give a concrete contribution to the protection of the rights of children and adolescents. This commitment will be pursued by installing the Working Group for the Rights of Children and Adolescents in the Commission of Labour and Social Policies. The Working Group will be made up of CNEL board members and representatives of UNICEF and of public bodies and institutions.

Monitoring and allocations of resources: the integrated system of services and actions to prevent, counter and combat sexual abuses, paedophilia and the sexual exploitation of children

As stated in the 2003 National Plan to combat Paedophilia, within the new framework of institutional relations, the State has a double function of strategic guidance and evaluation to monitor the effectiveness of public spending and ensure the essential levels of assistance with respect to the exercise of civil and social rights, while the Regions have the sole responsibility of (as established by the revised version of Title V of the Constitution (Constitutional Law no. 3 of 18 October 2001 containing Amendments to Title V of Part II of the Constitution)) planning and coordinating social and health initiatives, and the local municipal services and the health services run by the local health agencies (LHAs) are responsible for managing, organising and implementing primary, secondary and tertiary prevention services. At present, mechanisms to monitor the system of social and health services going through the reorganisation process are therefore necessary to ensure that abused children's rights to protection and, more generally, to health, are being respected.

With this aim in mind, the CICLOPE Committee has recommended that a standardised monitoring and evaluation system be set up that takes into account the results achieved in terms of cost effectiveness (understood as the optimal relationship between the means used and results achieved) and cost-aware management (savings of available resources)

A decisive contribution in ensuring that the organisational and programming approach to children's issues is addressed and taken forward in a coherent manner throughout the country was Law no. 285 of 28 August 1997 containing provisions for the promotion of rights and opportunities for children and adolescents. This encouraged the creation and growth of a wide range of local experiences whose activities follow all three lines of prevention¹⁰.

The National Centre for the Documentation and Analysis of Childhood and Adolescence, a government body set up for this purpose through Law 451/1997, has reported on the results obtained each year in its Report to Parliament on the State of Implementation of Law no. 285/1997. In 2001 the Centre carried out a research-action involving an in-depth survey of the projects taken forward in this sector. The survey showed that, with regard to basic services, a good (but not uniform) network of assistance structures for child victims of violence and their families is taking shape at the local level in Italy¹¹.

Budget and Social Policies

The National Plan of Social Services and Actions 2001-2003

The current national social policy is determined by the National Plan of Social Services and Actions 2001-2003 approved in implementation of Art. 18 of Law no. 328/2000. The priority objectives established in the Plan for 2001-2003, which reflect the aims of protecting children from violence, include a greater emphasis on reinforcing children's rights (Objective 2).

With this objective in mind, the aim of the National Plan is to consolidate the responses for children and adolescents, including immigrants, following an approach based on the reinforcement of their rights. The types of services taken into consideration and to be soon developed at the local level include a particular focus on the creation and enhancement of psychological and social support services for family members at risk of violent conduct, including sexual, through highly integrated social-health primary prevention initiatives; psychological-social treatment and rehabilitation services for child victims of violence (maltreatment, abuse, sexual exploitation) through integrated actions

¹⁰ The objectives to consolidate the system of social services are: i. liaison by the various public and private social services organisations making up the multi-centre prevention and protection system; ii. encouraging functional coordination between actions for the promotion of well-being and those for protection from violence; iii. providing more economic resources for the treatment phase; iv. incentivising the training and qualification of operators in the services; v. ensuring and consolidating the integration of social, health and legal processes so that procedures are brought into line with the needs of children, averting the risk of secondary victimisation as a result of inefficiencies in the actions taken forward.

¹¹ These services, run by local and/or private social organisations, are also flanked by the juvenile court system's social services, whose activities, following the entry into force of Law 269/1998, have been further extended to include assistance to child offenders and protection and assistance for the victims of prostitution and child pornography. These services, run by the juvenile courts' centres as envisaged by Art. 8 of Legislative Decree 272 of 28 July 1989 concerning Implementation, coordination and transitional provisions pursuant to Presidential Decree 448 of 22 September 1998, containing provisions on criminal proceedings against child offenders, and reformed by Legislative Decree 146 of 21 May 2000 containing Measures to up-grade the structures and staffing levels of the prison administration and of the Central Office of the Juvenile Courts System, as well as the establishment of new ordinary and special management grades in the prison officers corps in accordance with Art. 12 of Law 266 of 28 July 1999, operate in close liaison with the services set up by the local authorities.

by the social, health, legal and education services; services to foster the socialisation and enhance the relational resources of children and their parents (play areas, family centres, meeting places for adolescents, etc).

The National Fund for Social Policies

As stated in the National Social Plan 2001-2003 and in accordance with Law no. 328/2000, Italy is moving forward with the intention of promoting a Responsible Welfare: a welfare system, plural and supported by shared responsibilities between all levels of government, municipal, provincial, regional and central (which, each within their own sphere of responsibility, contribute to the formulation, implementation and evaluation of social policies), trade unions and employers' organisations, and social and consumers' associations (that play a part in formulating social welfare objectives and evaluate the degree to which they have been achieved), in addition to local communities, families and individuals (who are active players in the social policy field and play a key role in the design and realisation of the system), and the public assistance and charitable institutions taking part in the regional programming of the system. This system also includes actors, such as the ONLUS (non-profit (socially useful) organisations), the cooperative sector, the voluntary sector, associations and bodies working in the social sector, foundations, union advisory bodies and bodies recognised by the religious authorities (that play a part in the programming, organisation and operation of the integrated system).

Law no. 328/2000 specified (Art. 22.1 c)) that actions for the promotion of the rights of children and adolescents, as well as actions in support of children in situations of disadvantage, should be included in the "essential level of social services delivered in the form of goods and services". The law also sets forth that actions carried out under the integrated system should be implemented in accordance with the aims of Law no. 285/1997. This last point is significant because the implementation of that law implies the intention to substantively implement the UN Convention on the Rights of the Child:

- the aggregation and self-organisation of users, families, and individuals, which are a factor for the enrichment of the network of services.

The Social Fund finances the system of regional and district social plans that provide the framework for the implementation of the integrated network of personal services, currently undergoing far-reaching new developments.

The resources allocated to the National Fund amount to 1,716,555,931 euros, as envisaged by the Ministry of Labour and Social Policies' Decree of 18 April 2003 on the distribution of the National Fund for Social Policies for 2003, adopted jointly with the Ministry for Economic Affairs and Finance. The amount allocated to the Regions increased by about 15%, from 771,461,269 euros in 2002 to 896,823,876 euros in 2003.

National Fund for Social Policies – Regional Breakdown

REGIONS	RESOURCES 2002	RESOURCES - 2003	DIFFERENCE 2003 - 2002
Abruzzo	18,909,834	21,108,898	2,199,064
Basilicata	9,492,354	10,853,710	1,361,356
Calabria	31,724,898	41,301,496	9,576,598
Campania	77,014,313	103,772,555	26,758,242
Emilia Romagna	54,417,335	60,745,641	6,328,306
Friuli Venezia Giulia	16,921,620	18,889,470	1,967,850
Lazio	66,348,939	75,290,951	8,942,012
Liguria	23,291,912	26,387,239	3,095,327
Lombardy	109,159,547	122,178,458	13,018,911
Marches	20,639,815	23,040,062	2,400,247
Molise	6,153,673	7,335,331	1,181,658
Autonomous Province of Bolzano	6,354,100	7,093,032	738,932
Autonomous Province of Trento	6,512,509	7,269,863	757,354
Piedmont	55,399,871	61,842,439	6,442,568
Puglia	53,824,175	67,328,454	13,504,279
Sardinia	22,838,383	25,696,413	2,858,030
Sicily	70,862,100	80,953,332	10,091,232
Tuscany	50,566,167	56,446,613	5,880,446
Umbria	12,665,163	14,138,021	1,472,858
Valle d'Aosta	2,226,537	2,485,466	258,929
Veneto	56,138,023	62,666,432	6,528,409
TOTALS	771,461,269	896,823,876	125,362,607

International cooperation: initiatives to assist children in need living abroad

International cooperation and long-distance support have been strengthened, Funds have been freed up and quotas introduced for the financing of projects aimed at children. Funds have been increased for projects related to raising the standard of living of children in need. Particular focus has been put also on the short-term hospitality in Italy offered to foreign minors, namely, the adequate screening of foster homes for foreign minors, the communications link with social services as concerns such homes, the definition of competences and responsibilities of various actors involved and the monitoring of associations.

Italy has historically been promoting international solidarity and cooperation in its capacity as a Member State of the European Union, of the United Nations, of the Council of Europe and of other international organisations dealing with this increasing phenomenon¹². According to Law no. 49/87, the Directorate General for Development Cooperation at the Italian MFA (DGDC) has the power to establish, among others, also the Office for Women and Childhood Protection, to promote a number of actions involving women, minors, mothers and children and health-related issues. In 1998, within the Governmental Plan of Action for Children and Adolescents and the Guidelines on Minors' Issues promoted by the DGDC, a specific attention was given to the issues of minors and the Office for Women and Childhood Protection, whose name has changed. It has been re-entitled "Office for Women, Minors and Persons with Disabilities".

The innovative guidelines drawn up by the Directorate General for Development Cooperation (DGDC) date from 1998. In practical terms these involve funding for bilateral and multilateral initiatives in collaboration with the United Nations agencies (UNICEF, ILO, UNICRI, UNODCCP), NGOs (especially, in view of its specific role in combating the sexual exploitation of children for commercial purposes, ECPAT International), and the Italian Regions and local authorities. The CICLOPE's plan gives primary consideration to cooperation initiatives that include measures to combat paedophilia, an area in which the MFA plays a key role.

At present, the Ministry of Foreign Affairs, through its General Directorate to Development Co-operation, is engaged in important projects related to the different subjects referring to children protection. Referring to this subject, the most important fields identified are: fight against the worst form of child labour; protection of children's rights; fight against poverty and the worst forms of child exploitation; elimination of sexual exploitation of minors and sexual tourism involving minors; initiative against the maltreatment of children and women in Italy; initiative for child victims of sexual exploitation and abuse; initiative for child victims of prostitution, pornography and trafficking for sexual purposes; programs against the trafficking of human beings; support for juvenile justice system; advancement of the conditions and development of children; social development of youngsters and fight against poverty; protection and reinstatement of minors with physical and psychological handicap; initiative for the children involved in armed conflicts.

More specifically, the most significant project carried out by the General Directorate to Development Co-operation are the followings:

SENEGAL/UNICEF/Decentralised Cooperation: Multilateral Programme Involving the Italian Regions and Italian NGOs – Fight

¹² In the near future, the Italian Government will undertake to perform the following, among its domestic intervention strategies and within those strategies implemented by the Ministry of Foreign Affairs (MFA): "set up, in cooperation with the Ministry of Labour and Social Development, a National Commission with the task of coordinating the development of policies and cooperation schemes in the countries of the South of the World and those having a transitional economy as well as projects on immigrants and programmes for education to development in Italy".

against the worst forms of child labour in Senegal. **Budget: 1 million Euro.** In Senegal, internal conflict is taking place in the Casamance region. Many children have been victims of this prolonged civil conflict. This programme aims at directing substantial resources and attention to support the most needy children through the provision of essential services, trauma therapy and a range of community-level integrated services. **Financed on a year-by-year basis, soon to be implemented.**

NICARAGUA/UNICEF/ Decentralised Cooperation: Multilateral Programme Involving the Italian Regions and Italian NGOs – Protection of children's rights in Nicaragua / Fight against poverty and the worse forms of child exploitation. **Total expenditure: 1.5 million Euro.** The program is focussed on the prevention and fight against the worse forms of child exploitation, labour, abuse and sexual exploitation. The program, which is set up by local and Italian NGOs that operate in Nicaragua, develops decentralised cooperation in the context of regional strategies for poverty-reduction and a general process of decentralisation. A key feature of the whole project is also the rehabilitation and re-engagement of vulnerable minors following a traumatic and lengthy civil war. **Soon to be implemented.**

Central America (El Salvador, Honduras, Guatemala, with links to the UNICEF project started in Nicaragua under Italian funding). – **Regional Program ILO/IPEC** – Prevention and fight against the worse forms of child exploitation. **Budget: 2.5 million Euro.** The countries concerned suffer from high rates of poverty, family and community disintegration, general political instability, a common lack of respect for human rights and in particular those of women and children and a tradition of toleration and even promotion of child labour. The initiative tackles the issue of children who live and work among the enormous waste-heaps found near the urban centres (basureros). In cooperation with local and Italian NGOs that operate in the region and on this issue, the programme seeks to promote and develop decentralised cooperation initiatives. **Presently being implemented.**

INDIA/ILO/IPEC – Multilateral Programme "Fight against child labour in the Karnataka silk industry". **Budget for the Initiative 2,9 million Euro.** This initiative too has been developed through the IPEC system (International Programme for the Elimination of Child Labour), which the ILO uses in various countries where child labour is both common and a growing trend. India is a country in which the use of child labour is often particularly brutal, as is the case with the use of child labour in silk production. **The programme is in its initiation phase.**

DOMINICAN REPUBLIC/UNICEF. Multilateral Programme – Elimination of the worse forms of sexual exploitation of minors and sexual tourism involving minors (in collaboration with EPCAT Italy). **Total Value: 750,000 Euro.** The programme seeks to face up to the serious problem of abuse and sexual exploitation of minors and young women. More specifically, the programme recognises the growing trend in sexual tourism involving

minors and in which an above-average number of Italians take part. Under the framework of the initiative, a set of institutions and operators has been established in order to prevent and take action against national and international paedophilia. One of the results has been the creation of a Code of Conduct for the Dominican tourist industry aimed at protecting children. **Presently being implemented.**

NIGERIA/UNICRI – Multilateral Programme “Initiative against the maltreatment of Nigerian children and women in Italy” (in collaboration with ECPAT Italy). **Total budget 760,000 Euro.** The initiative is part of the World Programme for the prevention of Human Trafficking, launched by the ODCCP (United Nations Office for Drug Control and Crime Prevention) and UNICRI (United Nations Interregional Crime and Justice Research Institute) in February 1999. The initiative is intended to impede organise crime’s trafficking of young women and children for the purposes of sexual exploitation and to reverse the trend of trafficking from Nigeria to Italy. The project’s objectives are the strengthening of criminal law and the justice system in Nigeria, as well as the bilateral harmonisation of relevant regulations, including the promotion of bilateral conventions. Also intended is the protection of victims of trafficking in Nigeria and Italy and the promotion of preventive measures such as the circulation of information regarding human trafficking between the two countries. To promote more decentralised cooperation, a joint coordination will also be initiated with the Italian Regions and Local Authorities concerned with the sexual exploitation of young women and children. **Presently being implemented.**

EAPRO AREA/UNICEF (East Asia and the Pacific Regional Office) and more specifically in the following States: **Cambodia, Vietnam, Laos, Indonesia, the Philippines and Thailand.** “Initiative for child victims of sexual exploitation and abuse”. **Italian Contribution 5.16 million Euro.** The initiative was launched in occasion of the Yokohama International Conference (December 2001) which concerned the sexual exploitation of children and was organised jointly by the Japanese Government; UNICEF and ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes). **Presently being implemented.**

UNICEF/Italian Cooperation – Initiative to assist child victims of abuse and commercial sexual exploitation in the Central American/Caribbean Region (The Americas and Caribbean Regional Office – TACRO) and more specifically in the following States: Guatemala, El Salvador, Honduras, Nicaragua, Panama, Costa Rica, Belize and Mexico. **Value of the Italian Contribution: 2.68 million Euro.** The basic strategy for the regional initiative follows the recommendations on Commercial Sexual Exploitation and Minors made at the Yokohama International Conference (17-20 December 2001) as well as, more recently, the concluding document of the United Nations General Assembly Special Session, “A World Fit for Children”. **In its launch phase.**

UNICRI – Finalised Multilateral Contribution “Global Program Against the Trafficking of Human Beings”. **Total value of Italy’s contribution 980 thousand Euro.** The DGCS finances the 0-18 years old segment, particularly regarding the sale of minors for purposes of sexual exploitation and financial gain. UNICRI carries out the operation in collaboration with ECPAT International in 4 regions of the world – Asia, Africa, Latin America and Eastern Europe. This sale of minors is considered to be of the utmost gravity, assuming different dimensions, spreading and often directly involving Italy itself. The formulation of the joint programme proposal by UNICRI and ECPAT has been finalised. UNICRI is now promoting decentralised cooperation operations with those localities that witness the presence of sexually exploited foreign minors. **Soon to be implemented.**

MALI And IVORY COAST/IOM – Finalised Multilateral Initiative “Fight Against Trafficking of Minors”. **Total Italian contribution 750,000 Euro.** This important initiative, brought about by the International Organisation for Migrants (IOM) and financed by Italy, targets exploited children working in cocoa and cotton fields in neighbouring Ivory Coast. The programme foresees the involvement of national and local institutions at all levels as well as a link-up with NGOs that operate on the territory. **Presently being implemented.**

UNICEF/IRC – Africa – “Policy Responses” for the preparation of the EU Action Plan against trafficking of humans – young women and minors – in the context of EU/Africa consultations in which Italy and Sweden are responsible for the present subject-matter and the provision of strategic documents to be presented at the next EU-Africa Summit. The research, based on a first study of child-trafficking in Africa, was published in the “Innocent Insight” series and was under the title “Child Trafficking in West Africa: Policy Responses”. This was published in 8 Western African countries (Benin, Burkina Faso, Cameroon, Ivory Coast, Gabon, Mali, Nigeria and Togo) and analysed possible policies and action plans to fight child-trafficking. DGCS contribution for the first phase of the study 40,000 Euro. The second phase of the project allowed for the collation of data and information, providing a picture of the situation within the different areas studied. Subject to particular analysis were local legislative tools, multilateral and regional accords, and national strategies to fight trafficking, while mapping out also the principle routes used for trafficking and identifying the principle actors in the fight against trafficking. **Italian contribution for the second phase of the study 50,000 Euro.**

ANGOLA/UNICRI – Multilateral Programme – “Support for the juvenile justice system in Angola”. **Total budget 2.7 million** ... This programme, produced by UNICRI, focuses on support for the juvenile justice system in Angola and seeks to create a Minors Court in Luanda and train judges and prosecutors specialising in juvenile justice as well as borstal staff. The program also develops pilot schemes for minors at risk, involving also the families and communities to which they belong. UNICRI avails itself of Italian NGO’s working in the country on projects for social development and training. The training projects seek to train educators themselves and community leaders.

They also take into consideration the gender dimension of this work. **Presently being implemented.**

MOZAMBIQUE/UNICRI – Multilateral Programme “Strengthening of juvenile justice in Mozambique”. **Total budget 2 million** ... This programme too is produced by UNICRI and focuses on support for the juvenile justice system in Mozambique. Since the two programmes share the same goals, are produced by the same body and operate in two countries that share the same language, the programmes should be linked and benefit from an exchange of ideas and experiences. Similarly to the Angola programme, this present programme includes the training of those individuals operating in the juvenile justice system, as well as preventive measures taken to support and strengthen the social security net. **Soon to be implemented.**

AFGHANISTAN/UNICEF –Multilateral contribution for the “Protection of children in breach of the law in Afghanistan”. **Total budget 800,000.** This intervention, carried out through UNICEF in Kabul, is aimed at the prevention and rehabilitation of minors in breach of the law in Afghanistan. Given the extremely difficult conditions in which the country finds itself, there is a great need to bring back into society those children who commit minor offences that can result in incarceration in prisons shared with adults. **Presently being implemented.**

ALBANIA/Decentralised Cooperation – Multilateral Programme run by the Regional Authorities for Emilia-Romagna, Marche and Puglia. “Advancement of the conditions and development of children in Albania”. **DGCS contribution 1.5 million Euro.** Institutional reform is underway in Albania to progressively decentralise to the municipalities the decision-making process and provision of services. The programme is developed on two levels of intervention. On the one hand, the programme seeks to assist the formal, central institutions charged with decentralising the administration of social services and national adoption service. On the other hand, the programme is intended to support concrete initiatives for the protection of minors at risk. The programme hopes to assist the Albanian Government in its efforts to improve materially and culturally children’s living conditions through the administrative decentralisation intended to create concrete social services for minors in the following Albanian municipalities: Elbasan, Scutari and Valona. **Presently being deliberated upon.**

BOLIVIA/UNICEF – Multilateral Initiative “Protection of children’s rights in Bolivia: Institutionalisation of the Institute for the Protection of Children of the El Alto Municipality”. **Total budget 1.8 million** ... The severe economic crisis which the country is facing has greatly affected the living conditions of Bolivian children. This programme is intended to create and develop a set of integrated services across the country that can increase the quantity and quality of educational and social services for children who are particularly vulnerable and at risk. **Presently being deliberated upon.**

EL SALVADOR/UNDIP – Multilateral Initiative for the “Programme of support to children in breach of the law and victims of violence in El Salvador”. **Total budget 1.5 million** ... The initiative concentrates on the prevention of social marginalisation and organised crime’s sale of street children to armed gangs (marras). The initiative also focuses on the provision of care for minors in breach of the law by promoting their re-integration into society and the community through education and training intended to create future employment opportunities. **Presently being implemented.**

ETHIOPIA/Appointed NGO – Bilateral Programme “Social development of youngsters and fight against poverty in two chosen regions of Ethiopia: Oromia and City Administration Addis Ababa”. **Budget 2.5 million** ... The programme will develop regular operations in the field of action of NGOs working in the two chosen regions. The purpose of the programme is to reach as many children in conditions of extreme social vulnerability and risk as possible in order to improve their standard of living and increase the protection provided by the existing institutions and local social development organisations. The programme is to be carried out by a consortium of two NGOs as regards decentralised intervention (Regional Bureaux), while the DGCS will directly manage those tasks requiring mediation with the central institutions (Ethiopian Ministry for Social Affairs). **Soon to be launched.**

BOSNIA/Decentralised Cooperation. Bilateral Initiative “Protection and reinstatement of minors with physical and psychological handicaps”, **Cofinanced by DGCS/Marche and Emilia Romagna Regions for a** total budget of 2.8 million ... The programme fits into the wider context of the fight against social exclusion and marginalisation and, in particular, into the protection and reinstatement into society of disabled minors and the promotion of research into a Bosnian way of integrating different social services for handicapped individuals. Beginning with an investigation to identify families with disabled children, the initiative is intended to aid access to educational services and psychological care and rehabilitation for those children traumatised and made victims of the violence during the armed conflict, as well as highlighting their needs and living conditions. **Soon to be launched.**

The development cooperation programmes of the Ministry of Foreign Affairs in the 2002-2003 period¹³

The main instrument through which the MFA operates in this sector is development cooperation, which aims to eliminate the social and economic conditions that provide a fertile breeding ground for these phenomena. The Ministry places a particular emphasis on the prevention of situations of poverty, marginalisation, ignorance, discrimination, conflict and crime that

¹³ On the occasion of the Special Session of the General Assembly of the United Nations (UNGASS) in New York on 8-10 May 2002, the Ministry published Italy for Children’s Rights 2002, an up-date of the previous document produced for the Second World Congress on Sexual Exploitation at Yokohama. The latest version, currently being produced, summarises the state of implementation of the projects funded by Italian Cooperation for Development up to 31 December 2003. Again in the DGDC, a working group is reviewing and up-dating the 1998 Guidelines on cooperation as applied to children’s issues.

often involve the most vulnerable groups, women and children, in their countries of origin.

Under the programmes funded by the MFA's Directorate General for Development Cooperation the following coordination bodies have been set up:

- the Italian-Nigerian Task Force for the multi-bilateral project to combat the trafficking of women and children from Nigeria to Italy, entrusted to the United Nations Interregional Crime and Justice Research Institute (UNICRI). This Task Force envisages the participation on the Italian side of the National Anti-Mafia Directorate, the Ministry of Justice, the Public Prosecutor's Office and Questura in Turin, and ECPAT Italia, and on the Nigerian side, the Police, the immigration service, the President's special assistant for measures to combat the trafficking of people, and the Ministry of Justice;
- the Dominican Association of Tourism Operators and the Italian tour operators and tourism industry to draw up and apply the codes of conduct to be applied by tourism operators in the Dominican Republic and Italy, as part of the Multi-bilateral Project to Combat Trafficking for Sexual Exploitation and Sexual Tourism in the Dominican Republic, entrusted to UNICEF;
- the Task Force composed of the National Anti-Mafia Directorate, the Ministry of Justice, the Ministry of the Interior and the corresponding ministries in the various countries selected in the geographical areas where the Global Trafficking Programme is being implemented, entrusted to UNICRI and taken forward in partnership with ECPAT International.

Participation by local Authorities in international projects and initiatives

Besides the cited social policies, another area in which the Regions have been active is in EU initiatives. More specifically, a number of regional Authorities are involved in the Daphne European Project and are often required to provide local co-funding for the costs not covered by the European Commission. In other cases, supra-national activities are the result of regional policies in the field of decentralised cooperation: Tuscany Region, for example, is coordinating a cooperation programme with Rumania that involves social-educational structures in the Brasov district. This project envisages a programme of actions to prevent and combat the neglect, abuse and exploitation of children. Emilia Region is taking part in two European projects (the Stop and Interreg programmes), both on the trafficking in human beings for the purposes of sexual exploitation. Outside Europe, in the context of decentralised international cooperation, the Region is also taking part in a project in Brazil on the prevention of neglect and the reception and family reintegration of children at risk and victims of abuse. Valle d'Aosta is taking part in the Daphne Project (DGR 220 of 28 January 2002) and in the Hippocrates Programme, which envisages initiatives for the prevention of violence in schools. Piedmont Region is taking part in the Kiriade Project, funded through Daphne 2000/2003, which aims to set up services to inform foreign children and adolescents of the resources available locally and of the Italian legislation on immigration, violence, sexual exploitation and prostitution, and to organise training courses for social workers.

The Role of Civil Society: its Participation in international cooperation projects and initiatives

Civil society in Italy is also involved in international cooperation projects. *Terre des Hommes* has set up and runs about 40 projects in Latin America, Africa, Asia and the Middle East. The beneficiaries of these projects are street children, the victims of psychological torture, children living in slums, bidonvilles and other disadvantaged areas, children in prison, and children exploited through prostitution or child labour. The *Comunità Papa Giovanni XXIII association* is taking part in a project for *meninos de rua* in Brazil, Chile, and Bolivia and for street children in Zambia and Kenya. *ECPAT* is taking part in projects of multidisciplinary and innovative approach to victim identification, rehabilitation of women and children trafficked for sexual slavery and Prevention against trafficking in children and child sex tourism, respectively in Vietnam and in Cambodia.

III. Children as “actors (perpetrators)” in addressing violence

To Contrast Deviance and Juvenile Delinquency Intervention for Adolescents

In the last twenty years juvenile deviance in Italy has undergone profound transformations. In fact, under a quantitative profile, the number of children with penal charges has more than doubled, even though in the last ten years a descending parable in the estimate of such phenomenon has begun. Under a qualitative profile, set against the difficult quality of life in southern Italy in which the so called “children of the mafia” live (ie. Minors involved in organised criminal activity or who in any event have suffered its subculture), there is in the northern centre, the consistent and at times massive presence of foreign children who commit crimes. To this difficult situation, there has recently come to being added that constituted by the emergence of a new deviance with new manifestations which go from bullying in schools and others of violence just as exasperated as unmotivated. It presents its own peculiar features and is currently described in non technical words such as “discomfort of easy living” that is “hooliganism for boredom”.

Italian justice, accustomed in the past in handling juvenile deviance, is therefore posed with new and complex problems. The starting point from which to begin is the realisation in each region of an adequate knowledge of the deviance and of the juvenile criminality, its exploitation by adult criminality and the constant evolution of such phenomenon. In the second place it is necessary to emphasise family crisis and the fact that the phenomenon of deviance is extending, so much that it can no longer belong to just “minors” but it extends to the whole family becoming therefore “family deviance”, as is confirmed by the recent serious blood events within family components, sexual abuse and family mistreatment.

Therefore, the current institutional efforts aim at supporting alternative means to those of the justice system for the resolution of conflicts (from arbitration in the workplace to conciliation in the ADR to peaceful agreement with police conflicts, to hearings before the justice of the peace for matters without conflict to the attempt of conciliation in matters of marriage separation and the experience of supervision tribunals). In particular, mediation in its various forms of application (be it family, school, social, etc.), particularly in penal matters in addition to remedy, is gradually reaching a more significant role.

For the prevention of youth alienation, "Youth Space" initiatives have been implemented in youngsters' spontaneous meeting points and are aimed at preventing, informing and educating youngsters on issues of health with particular emphasis being given to training and psychological issues.

The improvement in living conditions for adolescents begins with the increased understanding of the "discomfort of comfort" trend and youth violence (bullying, violence, gangs). Within schools health education has been given increased attention through, inter alia, the co-ordination of services provided within schools (such as mental health services, rehabilitation of youngsters and community paediatrics). In addition, situations of youth disaffection have been monitored for which teacher training has been carried out (and re-socialisation initiatives, aimed at youngsters involved in potentially criminal activities, have been increased (also through penal mediation)).

In brief, the type of the interventions in this area has been thus far carried out "vertically". Even though adolescents are considered actors, they still continue to be the "addressees" of *ad hoc* measures^{13 bis}.

^{13 bis} **Some relevant initiatives:**

Nisida European Studies Centre

The Justice Minister inaugurated on 30 October 2003 at the Anjou-Castle in Naples the Nisida European Centre for Studies on youth alienation; founded by decree on 31 March 2003 to develop with other EU Member States policies and responses to youth alienation and criminality. The Centre's primary scope is to collect and study data regarding various forms of youth alienation and disaffection in order to develop an understanding of the matter at a European level; to provide additional scientific support to studies, research, training and experiments carried out in EU Member States, as well as to formulate preventive and responsive strategies. On 18 December 2002, the Department for Juvenile Justice, the Campania Region and Naples City Council signed a specific Protocol for the creation of the Studies Centre on the island of Nisida aimed at promoting international conventions as well as research, studies and training. The Nisida island was chosen not only for its exceptional panoramic value, but also because of the presence of structures traditionally intended for borstal boys and because of the past positive experimentation of models of intervention for minors at risk of criminality or already censured by the Juvenile Justice Authorities. The establishment of the European Studies Centre forms part of a greater project involving the Department of Juvenile Justice and the Penal Institute for a progressive structural and operational renewal in response to new ideas on the treatment of minors.

- Closing the Juvenile Homes by 2006

With the need to enact suitable legislative and financial instruments in order to develop a specific "Action Plan to close Juvenile Homes by the year 2006", this Government is assessing, in the light of Law no. 149/01 and with due account to the Reform of Chapter V of the Constitution, the opportunity of setting up a Special Fund with financial coverage starting from the year 2004 for the purpose of developing, in line with the Regional Governments and with due consideration to territorial differences, projects and programmes providing new options to Juvenile Homes.

IV. Policies and Programmes to address violence against children

"States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse..(Art. 19, UN CRC)"

The Government's strategy follows three main lines: i. prevention, to remove conditions conducive to risk and reinforce a positive environment for the affirmation of children's rights; ii. the provision of resources for the care and treatment of child victims of abuse and exploitation; iii. the reinforcement of investigative and repressive measures at the national, European and international levels. In doing so, a large number of actions, as above mentioned have been carried out: the promotion of social, educational and cultural services and opportunities to foster the well-being of children and adolescents; the creation of local public and private social services for prevention and the protection and assistance of children in distress and their families; the creation of new legislative instruments to combat and suppress sexual crimes against children; more incisive international cooperation with a view to removing the causes of those forms of the phenomenon that are mainly transnational.

The action of the Italian Government during the Italian Presidency of the European Union

The Italian Presidency of the Council of the European Union provided an opportunity to reaffirm Italy's commitment and concern in this area. Topics concerning the implementation of the rights of children and their protection were included in Ministers' policy agendas during the Italian semester of Presidency of the EU. In particular, the Ministry for Equal Opportunities gave a particular emphasis on combating the trafficking of human beings, paedophilia, and domestic violence. With specific respect to the abuse and sexual exploitation of children, a Working Seminar to raise awareness and exchange experience on measures to combat paedophilia was promoted. This event was intended as an opportunity to encourage the exchange of experience and to identify a platform of European action to protect children from exploitation and sexual abuse and to assist and foster the recovery of victims (national Seminar on Raising Awareness and Exchanging Experiences to Combat Paedophilia, Noto, 7-8 November 2003). As to domestic violence, a form of maltreatment to which many boys and girls are exposed and which can cause them serious emotional, psychological and behavioural harm, it was the focus of a seminar organised by the Network of anti-violence centres in cities taking part in the Urban Italia Programme. This Network, a project supported by the Ministry, is unique in its kind and was made possible by European Union funding. Launched in 1998, it has enabled the creation of anti-violence centres and a reinforcement of existing services, thus making it possible to gain a better understanding of the phenomenon of violence within couples or families, and to put in place innovative measures for prevention and action (national seminar on the Network of anti-violence centres of cities taking part in the Urban Italia Programme, Catania 25-26 November 2003).

The Ministry of Labour and Social Policies, on its own, took forward the issue of violence against children at the EU level, in particular during the meeting of European ministers with responsibility for children's issues (Lucca, September 2003) and again at the European Conference of Ministers with responsibility for children's issues organised jointly by Italy and France, as part of the Presidency initiatives (European conference on Preventing Abuse, Promoting "Good Treatment": a European ambition, Paris 20 November 2003).

- The meeting in Lucca brought together Ministers, Under-Secretaries and representatives of the Ministers of the EU and of the then ten acceding countries to discuss three issues regarding the affirmation of the rights of children: i. combating sexual abuse within and outside the family and the sexual exploitation of children in the European Union; ii. combating child labour in the European Union, to initiate a reflection on child labour in industrial societies; iii. promoting children's rights at EU level through guarantee mechanisms at the local, national and European levels.

- The European Conference in Paris on the maltreatment of children, organised by the Italian Ministry of Labour and Social Policies and the French Ministry for Health, the Family and the Disabled, discussed three main topics: i. a balance sheet and the prospects for the Daphne European programme in the light of the new edition of the programme; ii. the concept of good treatment and its recognition in Europe in training policies, the creation of services and professional practices linked to childcare; iii. social assistance phone helplines for reporting cases of maltreatment of children.

The meetings included in the Italian Presidency agenda played an important role in the development of a European social policy designed to protect children from violence. They provided the right context for the analysis of some aspects of the phenomenon that have a peculiarly transnational nature, led by child pornography, sexual tourism and trafficking, and called for a wide-ranging debate on prevention, suppression and assistance strategies, the last-named of which are formally the responsibility of the individual Member States, as part of their domestic social and health policy frameworks.

The Protection of Minors who are Abused or Sexually Exploited

Over the last few years, child abuse, violence, and sexual exploitation have polarised Italy's public opinion's, in the light of a new culture of protecting the minors' rights, but also because of a series of painful cases that set off a strong social reaction, along with drawing the attention of the media and of public and private institutions.

All activities carried out by the public Authorities for the prevention, legal and non-legal assistance and protection of minors who have been victims of violence and/or sexually exploited have been subject to a thorough process of co-ordination. As to the preventive measures, Italy flags *inter alia* the role of the Ministry of Interior, whose activities were integrated by the implementation of the circular letter of the General Direction of the Civil Service to local Police Authorities, issued in October 2000, that set forth new tools and safeguard actions against paedophilia. The directives thereto require drafting a half-

yearly report on the trend of the phenomenon and on results achieved by the actions to be submitted to the Ministry of the Interior. In particular, the Provincial Committees of some local Police Authorities have set up restricted technical staff groups, to promote more effective methods of coordination among the relevant bodies, and to create a database to be made available to all partners involved in this fight. Said technical groups have laid down agreement protocols and action plans with guidelines for social and health care services to reporting and taking care of cases of child sexual and generic abuse. Further to this, the Coordinating Committee issued the "Directions for Training on child Abuse", published in April 2001 on Paper and on the Internet. Dating back to the same period is the "Report on the Condition of Children and Adolescents in Italy", issued according to the provisions of Law no. 451/97. Also worth quoting is the "Targeted Mother and Child Project" included in the "National Health Care Plan 1998 to 2000", a programming tool made available to the Ministry of Health for enacting policies for the protection of childhood, motherhood and female health. Counselling centres and volunteer paediatrics are key for the achievement of these goals. The activity of counselling centres and paediatrics, along with programming aimed at supporting family ties of the minor, are the most efficient tools available to field workers, in accordance with Law no. 285/97 (and need to be supported and enhanced).

As regards to the framework of repressive interventions carried out by the Government, the foremost role of the Public Security Department of the Ministry of the Interior, and, in particular, the Postal and Telecommunications Police is worth mentioning: further to specific and exclusive assignments set forth by Law no. 269/98, this task force works 24/7 to enforce measures against web-based paedophilia. A constant Internet monitoring activity is focused on mushrooming paedo-pornographic sites, entered into a database, as well as on detecting the regular presence of certain users in thematic chat-rooms and on bulletin boards. Such monitoring is carried out for prevention as well as repression purposes: in particular, centralised monitoring is indispensable for so-called undercover activities. Such tools, provided for and regulated by Law no. 269/98, require specific technical as well as investigative training. Therefore, this service trains in-house and out-sourced staff that can be assigned to "undercover browsing" upon request of the judiciary.

A few more actions taken by the Government in this sensitive field are worth reminding: for six years now, at every police authority a "Rainbow" Unit has been active in protecting minors, with specially trained social workers (mostly female). Police, Carabinieri and Tax Police officers have been intensively trained on crimes against the youth. Moreover, further to the top priority circular letter of the Ministry of the Interior, police surveillance of places most often attended by children has been tightened in collaboration with local entities and volunteer workers; in turn, Postal and Telecommunications Police turns an increasingly attentive eye on Internet crimes at both the national and the international level. Also worth mentioning is the Agreement Protocol signed by ECPAT, the Department for Public Security – Postal and Telecommunications and Infostrada one of Italy's foremost telecommunications company, aimed at drafting an ISP (Internet Service Providers) Behavioural Code. In doing so, the

Italian Government has constantly monitored the implementation of the Law no. 269/98 "Regulations against the exploitation of prostitution, pornography and sexual tourism affecting minors as new forms of slavery".^{13 ter}

Initiatives for the Care and Protection of Foreign Minors:

Trafficking in human beings is one of the most wretched human rights violations. In the Italian scenario, most of the victims are women and girls, trafficked for sexual exploitation, and, in some cases, for work and household slavery purposes. Fighting this trade is considered a top priority at both national and international levels. The central measure adopted by the Italian Government in the fight against trafficking is the provision for "social protection" permits to foreigners who are victims of exploitation, the so called "Art. 18 approach (Legislative Decree no. 286/98)". Indeed, recent legislation on immigration provides that a foreigner who find himself/herself in a situation of such violence or severe exploitation to the extent that his/her life is threatened, after attempts made to escape the clutches of a criminal organisation or fears of reprisal for making statements during the course of a trial against his/her exploiters, may apply for a permit "for social protection" to enable him/her to break free from violence and repression of a criminal organisation and to participate in a social care and integration programme. This measure is also applied to cases of abuse and danger, which are not necessarily linked to prostitution only, but to other activities (begging, drug selling, etc.). The issuing of these permits is decided by Police Authorities. The imminence and depth of the danger to the foreigner and the extent to which he/she is willing and able to cooperate with the police force when providing information against criminal organizations are important factors.¹⁴

Along with the above Decree, Law no. 269/98 has been implemented to fight the exploitation of foreign minors. This has been done through police actions to

^{13 ter} Additional initiatives included: a campaign was launched to raise awareness amongst parents and promote values of motherhood and fatherhood. Relevant data has been collected and available services and funds have been mapped out for initiatives that aim to prevent and counteract child abuse. Awareness campaigns and specific training courses have been run to coordinate the work of professionals working in different Ministries on child-related issues. Semi-formal agreements between various institutions working on the issue have also been promoted. Support has been given by public health and education initiatives carried out by specialised local equipes operating locally.

¹⁴ On a more specific note, Article no. 18 sets the requirements of special stay permit release. It outlines two parallel ways of obtaining a stay permit, social protection and judicial collaboration, independent of one another. Indeed, the release of a stay permit out of social protection reasons does not lay down any obligation to report to the police on the victim's side. The resulting social and psychological recovery might pave the way for the victim's trust in justice and possible decision to collaborate.

The stay permit application can be filed not only by the "*Public Prosecutor, in cases where legal action is underway*" but also by "*the social services of Local Entities or no-profit associations and other types of associations*" in charge of social protection projects. Subsequently, the local police authority issues the stay permit for humanitarian reasons. In further enactment of the above Article no. 18, the Ministry for Equal Opportunities set up the Inter-ministerial Commission provided for by the Article itself, which, in turn, started in the Autumn of 1998 a national social protection programme specially targeted for sexually-exploited women mimesized among street immigrant prostitutes. The Programme provides for two types of intervention. – **Protection and Social Integration Projects**, jointly financed by Local Entities (providing 30% of funds). From 1999 to 2001 154 such projects on the whole national territory were jointly financed, with the field activity of some 200 organisations and 700 social care providers, offering trafficked women social and psychological support, security shelters, basic Italian language courses, training and help in entering the labour market. Such projects are targeted for women and minors victims of the sex trade.

counteract exploitation through prostitution and criminal activities, as well as the social reintegration or returning of minors, when possible, to their original families and communities abroad.

At the procedural level, the protection and integration of foreign children in Italy was firstly carried out through a national census on unaccompanied foreign minors present in Italy, run by the National Committee on Foreign Children in order to update and review standards for the uniform reception across the country and the establishment of appropriate links with the countries of origin. Then, among other things, an awareness campaign has been launched aimed at informing immigrant families and discouraging them from carrying out female genital mutilations. Moreover, cultural mediators have been used to help foreign minors detained in juvenile detention centres, as well as training course for relevant actors have been launched.

With a view to combating the exploitation of child labour, discrimination, sexual violence and all those often hidden assaults on children's rights, Italy is working towards the achievement of a firm approach based on vertical and horizontal solidarity, given that the growing needs of children and adolescents are the special responsibility not just of the State but also of local Authorities, educational establishments, social forces and associations, who are required to defend, apply and develop the principles ratified by the New York Convention on the Rights of the Child (1989) and the Special Session of the General Assembly of the United Nations of 2002. Vertical solidarity means that the "authorities closest to the citizens should shoulder these responsibilities". This implies integration between different public bodies in planning and managing services and interventions for children and adolescents. Integration on a political level by defining local spheres of interest and local plans (involving municipalities, LHAs, educational establishments and the judicial authorities). And integration on an operational level, where local actors from different sectors combine forces to promote the well-being of children in their territory, in addition to an horizontal solidarity between public institutions and civil society, with the consequent enhancement of the tertiary sector and social forces. More specifically, by promoting joint ventures and partnerships with the educational world, the church, voluntary associations and social forces, the municipalities can gradually build up a network that tackles these problems by working towards integration. Worthy of mention here are the initiatives launched in recent years by some Italian municipalities, as mentioned in the section dedicated on social policies: work inspections, health and safety inspections and civil society monitoring have all co-operated in fighting the worst forms of child labour, as well as the black market employment of adolescents. Programmes have been launched to sustain school attendance and prevent school drop-outs, devising flexible forms for catch-up courses and vocational training for those youngsters whose previous educational experience has been one of disengagement and failure. An educational system has been formulated to allow a synergy between school and work and/or switching from school to work experience for lower secondary school. There have been numerous initiatives for information and prevention organised in recent years

(conferences, study days), and the social partners have been significantly involved in using the instruments set up by the relevant laws.

Also noteworthy is the commitment of non-profit organisations in the social services (supporting public actors and the social partners) and in sports and extracurricular activities in general.

As a result of the above initiatives, it is worth mentioning the “Childhood Plan” – containing the proposals of the Standing Forum of the Tertiary Sector – which highlights the major problems involving minors and will indicate possible solutions (initiatives and projects to be launched in the near future)^{14 bis}.

V. Data collection, analyses and research

^{14 bis} Measures to be taken soon:

1. The children’s Ombudsman. The establishment of a Children’s Ombudsman is considered to be a unique way of delivering a concrete application of the directives and principles for the protection of children and promoting those children’s rights that have been sanctioned by the most advanced world regulations on the matter. This idea is based upon the different experiences of various European countries (e.g. Norway, Austria, Denmark, Spain and Portugal) and from the documents issued in the international field. During the more recent legislatures, various legislative plans and proposals were presented for the establishment of a Children’s Ombudsman or Children’s Civic Defender. These plans and proposals sought to define with increasing clarity the structure, role and powers this figure should hold in order to avoid an overlap of with other existing institutions (minors’ judges, lay-clothed judges, socio-psycho-pedagogical équipes, etc.). Within this context, the Children’s Ombudsman has already been established in certain Regional Administrations in order to reinforce the institutional presence across the national territory and implement related networks and preventive measures. Already eight Regional Authorities (Veneto, Lazio, Abruzzo, Piemonte, Umbria, Puglia, Marche and Friuli Venezia Giulia), through regional legislative acts, have established differing apolitical bodies whose common duty is to protect children’s rights. The Defenders-Ombudsmen have an average mandate of 5 years and are based in the Regional Giunta or Council. Recent legislation has also attributed to these regional Ombudsmen powers of surveillance over communications and assistance to minors residing separately from their families, as well as competence over unaccompanied non-national minors. Collegial bodies that are closely linked to the Regional Government have been established in the remaining 4 Regions. Furthermore, certain Regions (e.g. Veneto) have presented legislative bills for the establishment of a national Ombudsman.

2. The Government undertakes to set up an Office for the Public Protection of Children, in accordance with the principles expoused in commitment 31 of the conclusions of the Special Session of the General Assembly of the United Nations dedicated to children and the European Parliament’s Resolution no. A 3-0172/92 of 8 July 1992 and observations by the Parliamentary Commission for Childhood in its report on the juvenile courts system approved unanimously on 17 December 2002 and sent to both houses (Doc. XVI-bis, no. 1). This body would have the task of protecting the rights and interests of children, supervising the application of the laws and international conventions in this area, receiving related requests and reports, investigating violations of children’s rights, formulating proposals regarding action by the public authorities to protect children’s rights, and reporting to Parliament each year on its activities.

3. The Government undertakes to supplement the provisions of art 609 decies p.c. with a sanction designed to ensure that this provision for the protection of victims is respected properly and to its extent possible, and to clarify the principles for the allocation of competencies by using to the best advantage the services provided by local bodies with responsibility for the protection of children in social and health matters.

4. The Government undertakes to review the provisions of articles 392.1 bis c.c.p. and 498.4 ter c.c.p., by establishing that it is compulsory for the evidence of child victims to be given, on pain of invalidity, in the form of a protected hearing (i.e. using a “mirrored glass” system with speakers to avoid the serious distress caused to the child by meeting the accused in person).

Furthermore, with respect to Art. 498.4 ter c.c.p., the Government undertakes to prohibit the examination of child victims during the trial (even with the mirror-glass and speaker system), when – according to the statements made by the children’s services or local authorities – this hearing could cause serious trauma to victims who were children at the time of the offence, in consideration of the long time-lag since the events in question or the changed circumstances of the individual concerned.

There is a widespread awareness that a knowledge of the data and characteristics of the phenomenon is a vital tool not just for research and prevention purposes, but also to determine which assistance measures are most suited to the needs of the victims of abuse and sexual exploitation.

Unfortunately, Italy does not yet have a centralised system for the collection and analysis of the relevant data. The lack of systematic data that we encounter when monitoring violence is mirrored in the more general lack of a global information system on childhood and services for children^{14 ter}.

a. Data on Violence and related issues

However, the latest data – not yet definitive – available from the Ministry of the Interior on this offence refer to 2002 and the first half of 2003.

Table 1 - Sexual assault against child victims – reported offences and persons reported to the judicial authorities. Italy, 2002

	Victims	Reported offences	Persons reported to judicial authorities
Sexual assault (art. 609 bis and ter p.c.)	395	341	389
Sexual acts with children (art. 609 quater p.c.)	80	55	57
Child abuse (art. 609 quinquies p.c.)	18	9	9
Group sexual assault (art. 609 octies p.c.)	18	18	53
Total	511	423	508

Source: Ministry of the Interior

First of all, it can be stressed that the most common offence between 2000 and 2002 is sexual assault, with 395 victims (70% of whom younger than 15), 341 reported offences and 389 persons reported. Of these, 221 (about 57%) of the persons reported were arrested. With respect to the other offences

^{14 ter} Within the specific context of the CICLOPE Committee, the Ministry for Equal Opportunities expressed the need to find a solution to these inefficiencies by setting up an Observatory on the Phenomenon and on Prevention and Suppression Policies, which was subsequently established through the Minister's Decree of 17 June 2003. The Observatory supports the Committee in obtaining qualitative and quantitative data at the national, European and international levels and is made up of three bodies: i. a Committee of experts, whose remit is to draw up the guidelines for the exchange of information by the various actors involved following a network-based approach; ii. a Technical Committee, acting as an operational arm of the Committee of Experts and with responsibility for investigations and data collection according to the working plan drawn up by the Committee of Experts; iii. a Council of associations operating in the field, through which they can make their experience available as an advisory body to the two Committees. The Committee of Experts is already working on the guidelines for the collection and elaboration of the data. Responsibility for the first of these two tasks will lie with the Technical Committee, whose members will be appointed over the next few months. At the same time, formal agreements will be drawn up with the associations taking part in the Council.

envisaged under Law no. 66/1996, although the numbers of offences are lower, the number of victims is still significant. In the case of sexual acts with minors, a large proportion of victims are in the lower age groups: 87.5% were under 15 at the time the offence was reported, and almost half were aged 0-10. This information confirms both the early age at which abuse begins, a recurrent feature in cases of sexual abuse within the family, and operators' increased ability to detect early symptoms of distress even in very young children. It is interesting to note that the offence with the highest percentage (44.4%) of adolescent victims, i.e. aged 15 to 17, is group sexual assault^{14 ter}. Moreover, the information currently available highlighted that the 70% of the victims are girls. In particular, the proportion actually varies, since the percentage of girls increases with the age of the victims: from 65.5% in the lowest age group (0-10 years) to 81.5% in the highest (15-17) (This variation can be explained, at least in part, by the greater difficulty experienced by boys in seeking help when in a state of need). With specific regard to the nationality of the victims, the great majority are Italian, as is the case with the majority of offenders (85%). Many of these offences are committed within the environments most familiar to the child: the home or the social or educational environments they frequent. This explains the strong correlation between the nationality of the victims and that of the perpetrators.

Between 2002 and 2003, the number of victims and the numbers of offences and persons reported all increased. From a comparison of the data for the first half of 2002 with those for the first half of 2003, it can be seen that the number of child victims of sexual offences appears to have increased by over 140. If we consider that in the year 2002 the number of victims of these offences was just over 500, the figure for the first half of 2003 (438 victims) suggests that the total for the year will be much higher than for 2002.

Table 2 - Sexual assault against minors – age of victims by type of offence. Italy, 2002. (Absolute values)

	Total	Age 0-10	Age 11-14	Age 15 - 17
Sexual assault (art. 609 bis and ter p.c.)	395	133	157	105
Sexual acts with children (art. 609 quater p.c.)	80	36	34	10
Child abuse (art. 609 quinquies p.c.)	18	6	11	1
Group sexual assault (art. 609 octies p.c.)	18	2	8	8
Total	511	177	210	124

^{14 ter} This form of abuse is a form of aggression strongly correlated to peer group dynamics and often involves younger individuals both as victims and as perpetrators.

%	100	34.6	41.1	24.3
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Source: Ministry of the Interior

These data confirm both the early age at which abuse begins, a recurrent feature in cases of sexual abuse within the family, and operators' increased ability to detect early symptoms of distress even in very young children. The information currently available points to a sort of gender gap in the victims, 70% of whom are girls. However, the proportion actually varies, since the percentage of girls increases with the age of the victims: from 65.5% in the lowest age group (0-10 years) to 81.5% in the highest (15-17). This variation can be explained, at least in part, by the greater difficulty experienced by boys in seeking help when in a state of need and distress:

Table 3 - Sex of the victims by age group. Italy, 2002 (Absolute values)

	Total	0-10 years	11-14 years	15 - 17 years
Girls	358 (70.1%)	116 (65.5%)	141 (67.1%)	101 (81.5%)
Boys	153 (29.9%)	61 (34.5%)	69 (32.9%)	23 (18.5%)
Total	511 (100)	177 (100)	210 (100)	124 (100)

Source: Ministry of the Interior.

Table 4 - Sexual assault against children - victims by age group. Comparison between the first half of 2002 and the first half of 2003

	from 01/01/2002 to 30/06/2002			from 01/01/2003 to 30/06/2003			% change		
	Age 0-10	Age 11- 14	Age 15- 17	Age 0-10	Age 11- 14	Age 15- 17	Age 0-10	Age 11- 14	Age 15- 17
Sexual assault (art. 609 bis and ter p.c.)	77	76	62	141	151	92	83.1	98.7	48.4
Sexual acts with children (art. 609 quater p.c.)	30	22	6	8	18	2	-	-	-
Child abuse (art. 609 quinquies p.c.)	6	10	1	9	7	1	50.0	30.0	0.0
Group sexual assault (art. 609 octies p.c.)	1	2	3	6	3	0	500. 0	50.0	100. 0
Total	114	110	72	164	179	95	43.9	62.7	31.9

Source: Ministry of the Interior

With regard to the data concerning the age of the victims, we can see that the 11-14 age group is the one most affected by this increase, with a rise of 60% from 2002 to 2003, from 110 victims to 179. In the case of victims aged 15 to 17, the numbers of victims of group sexual assault and sexual assault against minors appear to be falling. The number of victims of child abuse, a definition that is being used less in view of its unclear legal content, which is unable to capture the real nature of the abuse suffered by the child, is unchanged.

In practical terms, in analysing the percentage change data, we need to bear in mind the actual numbers involved: an increase of 500%, as noted for victims of group assaults aged ten or less, certainly appears alarming, but in absolute terms the figures are much lower, going from 1 to 6 cases in the two periods under study. This consideration is not intended to underplay the gravity of the violence suffered by such young children, but to avoid unnecessary and unhelpful alarm, especially in view of the observations we have made concerning the nature of the data and the phenomenon under study. The increase in the number of victims is accompanied by a rise in the numbers of offences and persons reported, from 245 in the first half of 2002 to 349 in the first half of 2003 for the former, and from 284 to 392 for the latter. The offence showing the most marked increase is child abuse, for which both the number of reported offences and the number of persons reported to the judicial authorities doubled. This is followed by offences under Art. 609 bis and ter (a rise of 57.1% in the number of offences and 50.7% in the number of persons reported), and group sexual assault (up 37.5%), with an average of 3 individuals reported for each reported offence in 2003. Taking the data overall, we see a reduction in the number of arrests (154 in the first period, compared with 284 persons reported, and 139 in the second period, against 392 persons reported). This can probably be explained by the fact that the data being compared are those for the first half of 2002 and the first half of 2003, which means that the number of arrests compared with the total number of persons reported is bound to increase as on-going investigations are completed.

Table 5 (a) - Child victims of sexual assault, offences reported and persons reported to the judicial authorities. Italy, 1999-2002

While it is true that the data are still provisional, we can say that after a rapid fall from 2000 to 2001, the phenomenon shows a moderate tendency to stabilisation. However, we need to wait until the data for 2002 have been finalised, although significant variations are not expected with regard to the figure for last year: the decrease of over 40% from 2000 to 2001 contrasts with a fall of just 0.8% from 2001 to 2002. We still need to see the results for 2003, which began with a significant upwards movement in the figures, as we underlined in the previous paragraph. As regards the age of the victims, while for 2000 a large proportion were aged ten or less (303 victims, or 43% of the total), in the following two years the increase mainly affected 11-14 year-olds (again in terms of the percentage breakdown of the victims by age group).

Years	Victims	Offences reported	Persons reported to the judicial authorities
1999	572	425	523
2000	700	491	623
2001	398	360	444
2002	395	341	389

Source: Ministry of the Interior

Table 5 (b) - Sexual assaults against children – victims, reported offences and persons reported to the judicial authorities. Comparison between the first half of 2002 and the first half of 2003.

	from 01/01/2002 to 30/06/2002			from 01/01/2003 to 30/06/2003			% change		
	Victims	Reported offences	Persons reported to the judicial authorities	Victims	Reported offences	Persons reported to the judicial authorities.	Victims	Reported offences	Persons reported to the judicial authorities.
Sexual assault (art. 609 bis et ter p.c.)	215	189	209	384	297	315	+78.6	+57.1	+50.7
Sexual acts with children (art. 609 quater p.c.)	58	41	44	28	27	29	-51.7	-34.1	-34.1
Child abuse (art. 609 quinquies p.c.)	17	7	7	17	14	15	-	+100.0	+114.3
Group sexual assault (art. 609 octies p.c.)	6	8	24	9	11	33	+50.0	+37.5	+37.5
Total	296	245	284	438	349	392	+48.0	+42.4	+38.0

Source: Ministry of the Interior

Table 6 - Child victims of sexual assault by age group and region – 2000-2002

Table 6 shows the breakdown of the victims by age group and geographical distribution. The Regions with the highest number of victims are Lombardy and Campania, which have however seen a marked decline in the phenomenon in

the three years under consideration. In Lombardy, for example, the number of victims fell from 116 in 2000 to just over 45 in the following two years. Campania saw a similar trend, from a total of 114 victims in 2000 to 40 in 2002. In terms of percentage change, the 2000-2001 period is mainly characterised by a fall in the numbers of very young victims: compared with an overall reduction of 43.1%, there was a drop of just under 60% for the 0-10 age group. For 2000/2001, on the other hand, the numbers of 15-17 year-olds fell by 16%, while there was a slight increase for the other two age groups.

	2000				2001				2002			
	0-10 years	11-14 years	15-17 years	Tot.	0-10 years	11-14 years	15-17 years	Tot.	0-10 years	11-14 years	15-17 years	Tot.
Piedmont	7	11	9	27	2	2	8	12	4	11	0	15
Valle d'Aosta	0	0	0	0	0	1	0	1	0	0	1	1
Lombardy	42	39	35	116	14	21	12	47	18	13	17	48
Trentino Alto Adige	0	1	3	4	2	3	3	8	1	4	3	8
Veneto	9	13	13	35	2	3	9	14	7	3	5	15
Friuli Venezia Giulia	5	0	0	5	0	0	4	4	2	1	0	3
Liguria	6	5	10	21	6	2	1	9	11	9	6	26
Emilia Romagna	8	13	9	30	5	6	5	16	12	14	6	32
Tuscany	21	12	12	45	5	6	6	17	19	13	15	47
Umbria	0	1	1	2	1	1	1	3	1	15	4	20
Marches	0	2	2	4	0	1	1	2	3	4	3	10
Lazio	24	19	29	72	19	20	22	61	12	13	17	42
Abruzzo	9	3	1	13	3	3	1	7	3	0	0	3
Molise	7	2	0	9	2	0	1	3	0	2	1	3
Campania	62	34	18	114	19	17	10	46	17	15	8	40
Puglia	35	27	16	78	11	21	12	44	3	6	8	17
Basilicata	0	8	2	10	8	4	11	23	0	4	2	6
Calabria	28	5	0	33	7	12	7	26	5	14	6	25
Sicily	34	27	8	69	10	20	9	39	15	14	3	32
Sardinia	6	5	2	13	9	5	2	16	0	2	0	2
Italy	303	227	170	700	125	148	125	398	133	157	105	395

Source: Ministry of the Interior

A better approach to the analysis of the data for the geographical distribution of the victims is presented in the following table.

Table 7 - Geographical breakdown of victims. Indicators. Italy, 2000-2002

2000								
	Percentage breakdown				Victims for every 100,000 resident children			
	0-10 years	11-14 years	15-17 years	Total	0-10 years	11-14 years	15-17 years	Total
North-west Italy	18.2	24.2	31.8	23.4	3.9	11.1	13.9	7.2
North-east Italy	7.3	11.9	14.7	10.6	2.2	7.8	9.2	4.6
Central Italy	14.9	15.0	25.9	17.6	4.2	8.6	14.2	7.0
Southern Italy	46.5	34.8	21.8	36.7	8.0	11.1	6.6	8.5
Islands	13.2	14.1	5.9	11.7	5.0	9.7	3.9	5.9
Italy	100.0	100.0	100.0	100.0	5.0	10.0	9.5	6.9

2001								
	Percentage breakdown				Victims for every 100,000 resident children			
	0-10 years	11-14 years	15-17 years	Total	0-10 years	11-14 years	15-17 years	Total
North-west Italy	17.6	17.6	16.8	17.3	1.6	5.3	5.4	3.0
North-east Italy	7.2	8.1	16.8	10.6	0.9	3.5	7.7	2.6
Central Italy	20.0	18.9	24.0	20.9	2.4	7.1	9.7	4.7
Southern Italy	40.0	38.5	33.6	37.4	2.8	8.0	7.5	4.9
Islands	15.2	16.9	8.8	13.8	2.4	7.6	4.3	4.0
Italia	100.0	100.0	100.0	100.0	2.1	6.5	7.0	3.9

2002								
	Percentage breakdown				Victims for every 100,000 resident children			
	0-10 years	11-14 years	15-17 years	Total	0-10 years	11-14 years	15-17 years	Total
North-west Italy	24.8	21.0	22.9	22.8	2.4	6.7	6.2	3.9
North-east Italy	16.5	14.0	13.3	14.7	2.2	6.4	5.2	3.6
Central Italy	26.3	28.7	37.1	30.1	3.3	11.4	12.6	6.7
Southern Italy	21.1	26.1	23.8	23.8	1.6	5.8	4.5	3.1
Islands	11.3	10.2	2.9	8.6	1.9	4.9	1.2	2.4
Italia	100.0	100.0	100.0	100.0	2.2	6.9	5.9	3.9

Source: Ministry of the Interior

These data enables us to evaluate not just the extent of the phenomenon but also the trend. It makes sense to speak of a fall in a given geographical area not just in numerical terms but also with respect to the incidence of the

phenomenon in that area, both in terms of percentage breakdown of the victims by age group (and so we give a geographical breakdown of the victims for each group) and in terms of incidence on the total population, i.e. on the number of children resident in the area in question. The section showing the percentage breakdown shows the proportion of victims compared with the total for the age group in question. Thus it appears, for example, that the percentage of victims aged 0-10 was higher in Southern Italy in 2000 and 2001, with 46% and 40% respectively of the total for child victims of sexual assault in that specific age group. Again in Southern Italy, and for the same age group, we see a fall to 21.1% in 2002, a trend that was also confirmed by the number of victims for every 100,000 resident children in the same area, which fell from 8 in 2000 to 1.6 in 2002.

Indeed, it is in Southern Italy that, as demonstrated by the figures shown in the preceding tables, we find the greatest fall in the number of victims and, above all, in their incidence on the total number of victims and on the population of resident children. If we disregard the breakdown by age group, we find a fall from an overall figure of 8.5 victims for every 100,000 resident children in 2000 to just under 5 in 2001, and just over 3 in 2002. In brief, the numbers of child victims, taken as a percentage of the population of resident children in the different geographical areas, changes from 2000 to 2002. More specifically, for the southern regions, which saw the greatest incidence of the phenomenon with respect to the population of resident children in 2000 and 2001, with values above the national average in both years, in 2002 the figure was lower than the national average and one of the lowest for the period.

Before going on to analyse the other features of the phenomenon under study, it should be underlined that the data on the number of victims per 100,000 resident children appear to over-estimate the real incidence of the phenomenon since a by no means negligible proportion of the victims are non-Italians, which means that the reference population should also include foreign children present on Italian territory. It would also be legitimate to think that the foreign victims also include non-resident children.

Table 8 - Child victims of sexual assault, by nationality. Italy, 1999-2002

If we analyse the nationality of the victims, between 1999 and 2002 the only substantive change was the marked increase in the number of victims of unknown nationality. This can presumably be ascribed to the provisional nature of the data available and the fact that many procedures relating to offences committed in 2002 are probably still on-going.

	1999		2000		2001		2002	
Nationality	victims	% of total	victims	% of total	Victims	% of total	victims	% of total
Italian	541	94.6	641	91.6	370	92.7	293	74.2
Foreign	31	5.4	45	6.4	29	7.3	42	10.6
Unknown	0	0.0	14	2.0	0	0.0	60	15.2

n								
Total	572	100.0	700	100.0	399	100.0	395	100.0

Source: Ministry of the Interior

An increase can be noted in the proportion of victims of foreign nationality, which can in part be attributed to the increase in the foreign population resident in Italy. The data for the resident foreign population show a considerable increase in recent years, to 1,464,589 at the end of 2000, with a growth rate of 12.6% from 1997 to 1998, 13.8% from 1998 to 1999, and 15.3% from 1999 to 2000. To the numbers of resident foreigners should be added those with permits of stay, whose numbers are tending to rise – about 3% in 1999-2000 and around 5% in 2000-2001¹⁵. This last factor can be attributed at least in part to the Government's efforts to "regularise" the presence of foreign nationals on Italian territory and reduce the numbers of clandestine immigrants.

Table 9 - Child victims of sexual assault by nationality, sex and age group. Italy, 2002

	0-10 years		11-14 years		15-17 years		Total	
	Male	femal	male	femal	male	Femal	male	Femal
	s	es	s	es	s	es	s	es
Italian	30	62	26	94	16	62	72	221
Foreign	9	20	12	11	2	6	23	37
Unknown	2	10	6	8	2	17	10	32
Total	41	92	44	113	20	85	105	290

Source: Ministry of the Interior

Table 9 shows a breakdown of the victims not just by nationality and age group, but also by sex. The data show a marked prevalence of female victims, who account for nearly three-quarters of the total of children subjected to sexual assaults in 2002. The distribution by age of female victims shows that the 11-14 age group was most badly affected, with about 39% of the total for girls, who account for about 80% of all victims in this age group. If we look at the youngest age group (ten and under), just under 70% were girls (about 31.7% of all female victims). This figure is still very high but reflects a higher proportion of male victims compared with the other age groups. Finally, 81%

¹⁵ Moreover, it should be borne in mind that, although the provisions adopted by the Government are intended to eliminate the "clandestine" presence of foreign nationals, a proportion of foreigners still does not hold either a residence permit or permit of stay, which makes it difficult to assess how many foreign nationals there are in the country. It is not in any case possible to quantify the numbers of foreign children affected by this phenomenon, because while information is available on the population of resident foreign nationals, including the number of children, with respect to permits of stay it is not possible to quantify the number of children because only some of them have their own permit, with others being included in their parents'. Finally, it is obviously impossible to quantify the number of foreign children present in Italy illegally.

of the victims in the oldest age group are girls. If we consider, however, that this is the age group with the lowest number of cases, we find that of all female victims of sexual assaults, just under 30% are in this category.

Table 4, which was presented at the beginning of the section on sexual assaults on minors, shows 395 victims in 2002, 341 reported offences and 389 persons reported, all figures that are declining or tending to stabilise. Of the 389 persons reported in 2002, 221 were arrested. A comparison with the data for 2001, in which 70% of those reported were then arrested, might suggest a fall in the proportion of arrests. However, the fact that the data are only provisional means that in some cases the investigations and judicial procedures might still be under way, in which case we might expect to see an increase in cases resulting in the arrest of the perpetrator.

The increase in the proportion of arrests compared with the total number of persons reported in 2001 might also be an effect of stricter procedures, recommended by the Ministry of the Interior, for reports involving the type of offence under consideration. This leads us to consider that once the data for 2002 have been confirmed, the proportion of arrests might be higher than that reported here. Bearing in mind the provisional nature of the data, this interpretation is confirmed by the figures for the first half of 2003, with 33.5% of the reports leading to arrests, a figure that suggests that the time required for investigative and judicial procedures might have produced an apparent fall in the percentage of arrests.

Table 10 - Persons reported to the judicial authorities for violence against children. Breakdown by state of arrest and citizenship – 2000-2002

	2000			2001			2002		
	Persons reported	of whom arrested	% of total arrested	Persons reported	of whom arrested	% of total arrested	Persons reported	of whom arrested	% of total arrested
Italian	528	274	51.9	371	253	68.2	325	176	54.2
Foreign	91	69	75.8	70	58	82.9	63	44	69.8
Unknown	4	1	25.0	3	1	33.3	1	1	100.0
Total	623	344	55.2	444	312	70.3	389	221	56.8

Source: Ministry of the Interior

It is also useful to analyse another very important aspect of the issue under study - the relationship between the victims and perpetrators of the sexual assault:

Table 11 - Perpetrator's relationship with the victim. Italy, 2000-2002

	2000		2001		2002	
	Absolute	%	Absolute	%	Absolute	%
Relationships where perpetrator knows the victim	476	76.4	222	50.1	344	88.4
Relationships where perpetrator does not know the victim	147	23.6	221	49.9	45	11.6
Total	623	100.0	443	100.0	389	100.0

Source: Ministry of the Interior

Table 11 shows that compared with a fall in the number of victims, the figures for the relationship between perpetrator and victim fluctuate over the three years under consideration. In 2000 and 2002 there was a marked predominance of relationships where the perpetrator knew the victim, while in 2001 there was essentially a balance between this category and relationships where the perpetrator and victim did not know each other.

To evaluate this distribution correctly, we need to wait for the final data of the year 2003, although the data for the first half of the year already show the proportion of offences where the perpetrator knows the victim to be settling out at around the 2002 level. This allows us to say, albeit with due caution, that the anomalous year is 2001.

Table 12 - Breakdown by type of relationship in offences where the perpetrator knows the victim. Italy, 2000-2002

	2000		2001		2002	
	absolute	%	absolute	%	absolute	%
Family environment	449	94.3	205	92.3	327	95.1
Parent	102	22.7	63	30.7	79	24.2
Sibling	9	2.0	3	1.5	8	2.4
Parent's partner	20	4.5	13	6.3	14	4.3
Uncle	35	7.8	14	6.8	23	7.0
Grandfather	29	6.5	8	3.9	7	2.1
Cousin	2	0.4	2	1.0	2	0.6
Brother-in-law	1	0.2	0	0.0	0	-
Partner	3	0.7	0	0.0	0	-
Acquaintance	248	55.2	102	49.8	194	59.3
School environment	16	3.4	14	6.3	8	2.3
Teacher	3	18.8	11	78.6	4	50.0
School employee	13	81.3	3	21.4	4	50.0

Social context	11	2.3	3	1.4	9	2.6
Priest	3	27.3	0	-	1	11.1
Family doctor	4	36.4	0	-	1	11.1
Sports instructor	1	9.1	1	33.3	2	22.2
Employee of institute for children	0	-	0	-	4	44.4
Employer	0	-	0	-	1	11.1
Baby-sitter	3	27.3	0	-	0	-
Sports centre employee	0	-	2	66.7	0	-
Total	476	100.0	222	100.0	344	100.0

Source: Ministry of the Interior

Compared with 2000, when a similar distribution was found, 2002 is characterised by a high proportion of offences committed by perpetrators who knew their victims: these account for 88% of all cases, compared with 76.4% in 2000. Of these, about 95% refer to cases of sexual assault within the family (327 cases), a proportion that is still growing with respect to the two previous years, for which the figures were 94.3% in 2000 and 92.3% in 2001. Many of the abuses committed within the family environment can be attributed to acquaintances (about 59% in 2002), although the figures most deserving of notice concern offences by parents, who were responsible for just under a quarter of all sexual assaults committed within the family in 2002. Finally, the figures for offences committed by uncles (23 cases), parents' co-habiting partners (14), siblings (8) and grandparents (7) are by no means insignificant.

Although the figure for the first half of 2003 is provisional, it suggests that the considerations made for 2000 and 2002 still hold. In those two years, in terms of the perpetrator-victim relationship, there was a prevalence of cases of violence where the perpetrator knows the victim. In the majority of such cases, the perpetrator and the victims are linked by some kind of family tie. If we compare the data for the first half of 2002 with those for the first half of 2003, there is an obvious increase in these relationships, which rose from 180 cases out of 209 reported (about 86%) in the first half of 2002 to 299 out of 319 reported (just under 94%) in the same period in 2003.

Table 13 - Breakdown by context of relationship between the perpetrator and the victim. Italy, first half 2002-first half 2003

	from 1/01/2002 to 30/06/2002		from 1/01/2003 to 30/06/2003		% change
	Absolute	%	Absolute	%	%
Family environment	176	97.8	275	92.0	56.3
School environment	3	1.7	14	4.6	366.7
Social	1	0.5	10	3.4	900.0

environment					
Total	180	100.0	299	100.0	66.1

Source: Ministry of the Interior

Of the offences where the perpetrator knows the victim, those linked to the family environment still predominate, even though a comparison of the two periods shows a substantial increase for the other two spheres under consideration: from 3 to 14 cases of assault in the school environment, and from 1 to 10 cases in the social sphere. With reference to assaults within the family, cases in which the perpetrator knows the victim still predominate (about 55%), although the proportion of offences committed by parents (24.7%) or a co-habiting partner (6.5%) is also increasing. Finally, a comparison of the first six months of 2002 with the same period in 2003 shows a new increase in the number of victims. This is more marked in the 11-14 and 0-10 age groups, the categories most seriously affected by the phenomenon.

Table 14 - Child victims of sexual assaults by age group – Comparison of the first half of 2002 with the first half of 2003

	from 01/01/2002 to 30/06/2002		from 01/01/2003 to 30/06/2003		% change
	absolut e	%	Absolut e	%	
0-10 years	77	35.8	141	36.3	83.1
11-14 years	76	35.3	154	39.7	102.6
15-17 years	62	28.8	93	24.0	50.0
Total	215	100.0	388	100.0	80.5

Source: Ministry of the Interior

Before concluding our analysis of sexual assaults on children, we should point out that the considerations made with respect to the provisional nature of the data for 2002 are even more relevant to our reading of the data for the first half of 2003.

The fact that a further increase emerges in the number of reports and victims does not necessarily mean that the phenomenon is increasing overall. We need first of all to confirm the stabilisation of the trend in 2002 and then, for 2003, wait until at least the definitive data for the year as a whole are available.

b. Data on positive actions under Law no. 285/97

As to positive relevant actions in favour of children, a data bank on local services funded through Law no. 285/97 and established by the National Centre for the Documentation and Analysis of Childhood, has allowed for the

documentation, filing, evaluation and analysis of executive projects, initiatives, and activities carried out during the first triennium. The data bank on 31 May 2002 provided an overview of the quantity and quality of the projects and initiatives launched under Law no. 285/97 for the children's protection. The projects recorded by the data bank, taken as a whole, came to be 2863. The project under Art. 4 (Services to support child-parent relationships, to counteract poverty and violence, including through services provided by educational institutions) are 1,455 (45.3% of all projects recorded). In this regard, it appears evident that local authorities have mostly acted on projects that take a traditional approach to child issues. It is less clear how much this trend is determined by a careful analysis of needs and how much it is due to mere convenience in the organisation and management of known projects, as well as the safety and security this traditionalism brings. More specifically, 1,192 projects referred exclusively to Art.4.

One can speak of Law no. 285 as a laboratory because, with 2863 projects carried out and 6927 interventions produced across Italy, opportunities and rights for children have been attained and general goals for welfare anticipated: instruments for the mobilisation of resources; new forms of co-operation between institutions, as for the planning and management of the network; no-less-significant cooperation between institutions and private-social actors; participatory planning; monitoring and evaluation instruments and models that throughout 2001 and 2002 will be experimented with the conclusion of the projects linked to the first triennium.

VI. Awareness, advocacy and training (carried out also through civil society activities)

The importance of information and prevention

The solution of problems relating to childhood requires diversified forms of intervention that also have to be integrated and coordinated by educational establishments, actors in the relevant sectors, social partners and non-profit organisations. Besides instruments of a repressive nature, Italy attaches great importance to information and prevention initiatives which are included in social-inclusion policies (combating child exploitation, family support, prevention of school drop-outs, violence). In this regard, much has to be done to raise civil awareness of child related issues and to promote these policies.

Information, training and refresher courses for operators in the sector

1. Initiatives put in place by the Ministry of Labour and Social Policies

In cooperation with the National Centre for the Documentation and Analysis of Childhood and Adolescence, the Ministry of Labour and Social Policies has promoted the creation of a working group composed of experts in the sector. The Working Group has the task of implementing a programme of specific research, documentation and awareness-raising initiatives on disadvantage and the maltreatment of children.

In 2002, the Group focused on the issue of prevention and organised a national seminar on "The prevention of disadvantage in childhood and

adolescence: policies and services for promotion and protection, “a friendly ear” and network approaches (Florence, 24 September). The aim of the initiative was to bring together a wide range of public and private actors working with families and children at the regional and local levels. The initiative responded to a real need to meet and share experiences, as shown by the high number of participants: 408 registered and 395 actually attended. During the workshop ad hoc meetings were organised to present local projects and experiences, while the plenary sessions were used to discuss the current state of research and the work carried out in each workshop.

- Since primary prevention also involves actions to sensitise interested parties to the issues, a working group of adolescents from various Italian Regions has been set up. Coordinated by the National Centre and adopting a peer education approach, boys and girls took part in a project design workshop that resulted in an information booklet for teenagers on the subject of violence, entitled *Uscita di sicurezza* (Emergency Exit).

The Working Group on maltreatment and sexual abuse is currently engaged in the second implementation stage of the plan of activities, which sees the experts and the National Centre working on the organisation of an experimental research project to create a national system to monitor instances of neglect, maltreatment and/or sexual abuse of children that are reported and/or taken in hand by the local services.

2. Initiatives involving representatives of central government departments

A significant investment has been made in information and training by representatives of central government and its local offices, including through participation in seminars and coordination initiatives. This engagement confirms the Government’s awareness of the importance of creating specialised professional resources and its interest in taking part in events dedicated to the exchange of experiences at the national and supra-national levels.

The Juvenile Courts Department organised a training/information course in the Messina training school on “The treatment of sexual abuse, for juvenile court operators in Calabria and Sicily”. The course also involved the direct supervision of a number of cases.

Again in Messina, the training project *From Darkness into Light*, on the subject of women and child victims of trafficking, was taken forward and completed. This project included three public initiatives on sexual violence against women and children; a training course for “listeners”, voluntary and otherwise; seminars in a number of schools in Messina and the creation of a contact point where “listeners” are available for those needing to talk about abuse.

At the training school in Castiglione delle Stiviere, the Juvenile Courts Department has set up a training course on abuse and violence against children, entitled “*Chi raccoglie le conchiglie: adolescenti, sessualità, adulti*”. The course is divided into two modules and is addressed to operators in the

juvenile courts system and local operators. The course, scheduled for autumn 2003, focussed on the issues of violence, sexuality and the importance of lending a friendly ear to adolescents.

The Juvenile Justice Department has also promoted a series of seminars on "The sexual abuse of children and unaccompanied foreign children", in cooperation with Criminalpol: i. In 2002, a national module was organised that was attended by 40 operators from the Ministry of Justice and the Police; ii. in 2003, at the local level, 3 modules were organised in the department's three training schools for operators in the North, Centre and South of the country. The seminars were attended by 120 people from the Ministry of Justice and the police. The two departments each handle cases – in different ways and with different operational instruments – involving both child victims and child perpetrators of sexual offences against other children. The aim of the course was to encourage the development of an integrated action towards a wider dissemination of information and the discussion of working procedures and practices.

The Juvenile Justice Department has also produced a study-document on "Abuse and violence against children: a survey of the phenomenon by the Children's Social Services Offices in the Juvenile Courts Department". This is a national investigation of the phenomenon of child abuse, conducted on the basis of quantitative and qualitative information on the cases reported and/or taken in hand by the Department's social services offices.

A research project on child perpetrators of sexual offences against other children has also been designed and initiated in conjunction with the University of Turin's Department of Psychology.

The Ministry of the Interior has also been involved at the European level, with officials taking part in the Specialised Interpol Group on crimes against children. Again at the European level, the Ministry of Labour and Social Policies has taken part in study and discussion events on the protection of children, abuse and the implementation of children's rights at meetings of the L'Europe de l'enfance group, which brings together officials from the Ministries responsible for childhood issues.

The media and the protection of children

The course of action being followed is in line with the commitments undertaken by the Government at the international level, inter alia, by signing the Convention on Cybercrime drawn up in Budapest in 2001, which is currently being ratified by Italy.

In recent years the attention of the adult world has focused on children's relationship with the communications media, and on the risks that they might run in the use of Internet. These new concerns have been added to those regarding the correct use of television.

The Ministry for Communications has sought to respond to the need expressed by a number of commentators to regulate the communications sector for the protection of children by moving on both fronts and setting up two working groups: one on "TV and the Protection of Children" and the other on "Internet and Children".

More specifically, on 29 November 2002, the Ministry published the Self-Regulation Code on TV and the Protection of Children, which has been adopted by the main national and local broadcasters' associations. A joint Supervisory Committee (made up of representatives of the institutions, users and broadcasters) has also been set up with the principal aim of supervising the correct application of the Code by all signatory parties and monitoring the quality of children's programming. Each citizen is also considered to be responsible for supervising the application of the Code, since arrangements have been put in place for anyone who feels they have information regarding violations of the principles sanctioned by the Code to send in reports to this effect. Particularly worthy of note is the explicit provision on the treatment of news concerning children and the arrangements for them to take part in broadcasts. The Code guards against the risks of concentrating over-much on the spectacular aspects of such situations or their instrumentalisation, and against violations of the right to privacy, contempt for the dignity of children and intrusion into individuals' private lives. These risks are inherent to any situation where news is given of particularly dramatic events such as those involving sexual assaults on children.

The role of the public broadcasting service in the protection of children

The RAI's membership of the CICLOPE Committee testifies to its role as a committed participant in the campaign to combat paedophilia.

The RAI's Social Action Department¹⁶ has conducted a series of initiatives, in cooperation with internal corporate structures or key national or local institutions, on social communication and the issue of paedophilia. The Department follows three, equally important, lines of action:

i. In-house awareness-raising initiatives. The corporation has circulated information on the CICLOPE project and its innovative potential throughout its multi-media editorial structures through specific meetings (in cooperation with the Personnel Division). RAI also distributes suitable material to journalists, writers, etc. This commitment has led to an increase, in both qualitative and quantitative terms, in the attention paid to the issue in the networks' programming.

¹⁶ RAI's Social Action Department is responsible for company communication and social programming, with a view to drawing up communication guidelines and the reference principles for the presentation of social problems by RAI, within the service contract between RAI and the Communications Ministry. The Department defines, proposes and/or implements initiatives on social matters both externally and within radio, TV and multimedia programming, in collaboration with the competent associations and institutions. It takes on board social matters brought forward by the associations and institutions operating in this field, by means of direct interaction with them with a view to making the public as aware of social problems as possible.

ii. Further study and action. Initiatives linked to the RAI's nature as a public service and therefore to ways of communicating the issue, focusing on both prevention and on its social consequences, have also made it possible to address aspects linked to language and content. In cooperation with Telefono Azzurro (the children's phone help-line), a code for communications operators on how to deal in the media with children and adolescents' fears (Bambini e adolescenti di fronte alle paure – (Children and Adolescents face to face with their fears)) has been drawn up and disseminated within and outside the corporation. With CORECOM in Friuli Venezia Giulia, RAI has put together a dossier on paedophilia and the treatment of this issue by the media.

iii. Documentation. Various initiatives have been taken forward in relation to documentation on the issue of paedophilia on television. For example, in cooperation with the CENSIS, a research project entitled "Au revoir les enfants" was conducted and presented on RAI in July 2002. The project focused on the relationship between children and the representation of pain in TV and involved the analysis of three months of RAI programming. Serious attention has also been paid to the abuse of children in situations of serious social disadvantage.

In spring 2003 the radio programme Zapping and Radio RAI's GR1 news programme launched a campaign in collaboration with UNICEF on *Infanzia rubata, infanzia violata* (Childhood Stolen, Childhood Violated) – a campaign to say "no" to child soldiers, sexual mutilation and sexual tourism.

With this campaign, RAI and UNICEF Italia sought to alert political and social forces and public opinion to three extreme aspects of the condition of children throughout the world. During the campaign many volunteers from the regional and provincial Committees of UNICEF Italia, associations and organisations, local authorities and municipal councils, children, schools, health authorities and museums took part in the campaign. The Department for Fire-Fighting, Public Emergencies and Civil Defence (Coordination Office and External Relations Office) at the Ministry of the Interior also took a particularly active part in the campaign. Others taking part were newspaper editors and personalities from the worlds of entertainment, culture and sport, and about 250 members of Parliament (from the Chamber of Deputies and the Senate and from all political allegiances).

The Self-Regulation Code of Conduct "Internet and Children"

A particular emphasis has been laid on the difficult subject of how better combating paedophilia on the Internet, a phenomenon that is recent but no less serious and far-reaching for that. In its pathological form, the huge expansion of Internet made possible by the exponential pace of technological development, accompanied by a lowering of the average cost of IT equipment, has favoured both the market for images of sexual abuse and child pornography and contacts between individual paedophiles and organised groups.

On the subject of self-regulation, worthy of note are the initiatives by the Ministry of Communications, which drew up and issued the new television self-

regulation code and the code for the protection of children with respect to the Internet, and those of the Ministry for Innovation and Technologies (MIT), assisted in its efforts to prevent and combat the phenomenon by the Interior Ministry's Postal and Communications Police Service.

The starting point for the MIT's initiative was the implementation of the commitments set out in the plan E-Safe Directions 2003-2004, which follows on from the Safer Internet Action Plan adopted by the European Union Parliament and Council to address the potential risks connected with the use of IT instruments (the Ministry for Communications also deals with the Safer Internet Action Plan).

In this context, the Minister for Equal Opportunities and the Minister for Innovation and Technologies intend to draw up an intensive, far-reaching information and training campaign for 2003/2004. The development of an informed use of the new technologies is the basis for a project currently being drawn up, addressed mainly to women and involving the production and distribution of a CD-ROM containing information on the correct use of the Internet. This collaborative project by the two Ministries has been conceived with a view to achieving positive knock-on effects on children. Indeed, the idea of setting a female target audience arose from the double consideration that it is usually women who spend most time with children, whether as mothers, child-minders or teachers, while according to the statistical data they also seem to be the least technologically literate group.

Prioritäre



Rappresentanza Permanente d'Italia
presso le Organizzazioni Internazionali
10, Chemin de l'Impératrice
Genève

000143

La Mission permanente de l'Italie auprès des Nations Unies et des autres Organisations Internationales à Genève présente ses compliments au Haut Commissariat aux Droits de l'Homme et se référant à sa Note Verbale n. 1905 du 4 Août 2004, a le plaisir de lui remettre, en annexe, de renseignements complémentaires aux reponses de l'Italie au questionnaire sur la violence contre les enfants, demandée au Secrétaire Général de l'O.N.U. par l'Assemblée Générale dans sa resolution 57/190.

La Mission permanente de l'Italie saisit cette occasion pour renouveler au Haut Commissariat aux Droits de l'Homme l'assurance de sa très haute considération.



Genève, **27 JAN. 2005**

Haut Commissariat aux Droits de l'Homme
Palais des Nations
Genève

c.c Ms Jane CONNORS

OHCHR REGISTRY

31 JAN 2005

Recipients : J. Cameron
MAM
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.....

**United Nations Secretary-General's Study on
Violence against Children**

Questionnaire Italy

Some integrations to the UN Questionnaire

A. Legal provisions on violence against children

"4. Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children"

- *Ad hoc* civil and criminal measures against domestic violence and abuse were taken by Italian legislation, specifically by Act n. 154 of 4 April 2001 ("*Rules against domestic violence*"). One of the most significant measures contained in the Act is the possibility of removing the offender from the family instead of the abused child or any other abused member of family. It's important to underline that the Act offers the framework allowing the protection of children witnessing of violence, a category of children victims often neglected in the attention of professionals and of the law.
- The Act n. 39 of 1 march 2002 "Provisions for the implementation of obligations deriving from the adhesion to European Union", the Ministry of Communication has promoted the modification of Act n. 249 of 31 July 1997, "Establishment of a Public Guarantee Authority for communications and norms on the systems of telecommunication and radio communication", for the introduction of a special sanction in case of broadcasting of programmes (Italian or from European Televisions) which may harm seriously the moral and psychological development of minors (violence, pornography, in particular).

a. The law and specific forms of violence

The civil code (art 330 and followings) lays the basis for limits to the autonomy of family in order to protect children; the articles state that the judge can decide the loss of parental authority when a parent violates or neglect the duties connected to the parental education and care, or abuses of his/her power causing a severe damage (moral or physical or material) to the child.

The art. 333 of civil code states limits to the parental authority when parents behave in a way that put the child at risk.

Law N. 184 of 4 May 1983 "Provisions regarding the Adoption and Foster Placement of Children", the article n.8 states that the minors in situation of abandonment, due the lack of moral and material assistance and care by parents or other family members having the tutorship, may be stated in condition of adoptability. The law states that each person has the possibility to inform judicial authority or social services about a situation of material or moral abandonment of a child; public officials and those exercising a public exercise, as teachers, have the obligation to report such situations (art. 331 of Penal proceedings code).

Crimes against children for which the criminal proceeding is ex officio and the juvenile courts and the ad hoc bodies must be promptly informed:

- Penal code, art. 570, *Violation of the obligations of familial assistance and care*, everyone, leaving home, or having a behaviour which is contrary to rule or moral, deserts the obligations of care and assistance related to the parental authority or tutorship, is sentenced with imprisonment until one year or a penalty from 100 euro to 1000 euro. The judge applies both, the sentence and penalty, if the violation regards: 1) misappropriation or waste the child's possession; 2) material neglect of minor.
- Penal Code, art 571, *Abuse of correction punishments*, states the punishment of everyone who abuses of correction punishments or methods of discipline in damage of a person subjected to her/his authority, or to him/her granted for reasons of care, education, custody or supervision. If the punishment has as consequence a danger of a illness "For the body or for the mind", the person is sentenced with prison until six months. If as consequence there is a personal injury, the sentence varies from one to six years of imprisonment; if the effect is the death of the victim, the sentence is from three to eight years of imprisonment.
- Penal Code, art. 572, *Maltreatments in family or against children*, states the punishment of anyone who mistreat in a systematic and repetitive way a relative or a minor of 14 years or a person granted to his/her authority. The sentence is from one to five years of imprisonment. If as consequence there is a personal serious injury, the sentence is from four to eight years, if the injury is very serious injury from seven to fifteen; if the consequence is the death, the imprisonment is from twelve to twenty years.
- Penal code, art. 591, *Abandonment of minor or of a person incapacitated*, states punishment of anyone who abandons (moral or material) a person minor of 14 years or a person incapacitated because of mental or physical illness, or because not having the possibility to look after herself/himself . The sentence is the imprisonment from six months to five years .
- Penal code, art. 593, *Failure to assist*, states the punishment of everyone who fails to inform the public authority when he or she finds a minor of 10 years abandoned or without custody by a parent or an adult . The sentence is the imprisonment until three months or a penalty of 300 euro.
- In terms of the institutional and service system, obstacles have been found to application of the Act n.66/96 and Act 269/98, which can be summarised essentially as: relative scarcity and lack of homogeneity in territorial distribution of professional skills and instrumental resources (reception communities, survey and treatment centres, health and hospital structures specialised in medical diagnosis, etc); the need of major professionals resources for the treatment of children victims of violence, their family and the author of abuses. In relation to juvenile prostitution, there has also emerged the need to promote closer contacts with the embassies of the countries of origin of juveniles brought into prostitution, and to specialise actions and programmes to oppose the phenomenon both in Italy and in the countries of origin of the trafficking flows.

A.2. Violence from discrimination against migrant minors

"Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them."

- On the basis of the provisions of Legislative Decree No. 286/98 and its subsequent amendments, that if foreign children living legally in Italy have full rights, also foreign children living illegally in Italy also have greater guarantees thanks to respect for the rights

of the individual. In the specific case, it should be noted that children and adolescents living within the national territory for any reason are guaranteed fundamental rights such as the right to an education and to health care.

- In the scholastic environment, projects for the training of scholastic personnel on intercultural education have been set up, in particular, reference is made to the project for distance learning (MPI/RAI Convention) through television transmissions and the Internet, to the national ALI project that provides both training on matters relating to intercultural education and the programming of specific teaching activities for the insertion of foreign students;
- The Ministry of Education, the Universities and Research supports the use of cultural mediators by the individual schools which are able to avail themselves of the services of mediators made available to them by local authorities.
- Financing of projects and experimental initiatives for foreign children and nomads in the schools existing in specific areas with strong migratory populations.
- Specific risk may be identified with unaccompanied foreign minors entering in Italy illegally; the problem has gradually taken on an important numerical consistency. Italian legislation expects their placing in a safe place, the appointment of a temporary tutor, the granting of a residence permit for minors and the start of researches into the original family in order to arrange the assisted homecoming, where conditions exist, on the contrary the entrance of the minor to Italy happens by the custody, the adoption, the choice of an educational-professional course and the granting of a new residence permit. A recent modification of *Testo Unico* 286/98 grants a residence permit for study reasons, access to work or subordinate or autonomous work reasons for those unaccompanied minors who are in Italy for no less than three years and take part in projects of social and civil integration for at least two years. The DPCM 535/99 gives to “the authority of Police in collaboration with diplomatic and consular corps”, the task to verify the identity of the minor.
- In the 11th January 2001 the Committee of Foreign Minors approved guidelines on foreign minors, the rules on the assisted homecoming provides that the decision on the opportunity of it must be taken in the best interest of the child, subject to examination of his conditions, of those of his family and of the country of re-entry; this norm may help in take in particular consideration those cases in which the minors escaped from a violent and abusive family.

B. Assistance and psychological recovery treatment programmes for children

- On the stage of protection and recovery, the types of services developed on a local level are mainly:
 - *Services for the social and psychological support* of families at risk of violent behaviour, including violent sexual behaviour, through initiatives for early prevention and strong socio-health integration;
 - *Services for psycho-social care and recovery* of child victims of violence (maltreatment, abuse, sexual exploitation) through integrated action among the social, health, judicial, and educational sectors;
 - *Services aimed at encouraging socialization and increasing the value of the relationships* between boys and girls and their parents (play grounds, family centres, meeting places for adolescents, etc.).
 - Social services and specialized centres provide support to minor and families in form of counselling, home support or legal advice.
- Social, medical, educational and therapeutic programmes existing to support child victims of violence:
 - harm reduction programmes,

- drop-in centres,
- residential centres,
- sexual health services,
- counselling for victims and their families,
- individual and family therapy
- specific therapeutic programmes for abusers
- home-visiting programmes
- social resources counselling
- refugees for mother and child
- training programmes to facilitate the social integration of migrants adolescents exploited in sexual “market” of prostitution
- intercultural intermediaries to make easier the contact between the minor exploited and the services system or judicial system
- on the road counselling services aimed to meet adolescent in the places where they are forced to prostitution.

Despite the fragmentary nature, there has been a positive planning capacity by local authorities and the third sector in creating specialized units and centres, promoting citizen awareness, training workers, creating partnerships to check and try out action methods, etc.

- Schools realize, sometimes in the framework of the programmes on health, projects on the prevention of violence both by adults and by peer. The targets are teachers, students and parents; most of the programmes are based on a strong coordination and cooperation with territorial services in order to strengthen the multidisciplinary collaboration among operators. The projects are included in the local plan for training that each school can autonomously decide, in other cases the initiatives are supported by local authorities. The projects organized in schools may be divided in three categories:
 - General, with a focus on the general rights of children or on sexual education , two general curricula in which the teachers include a part on violence, some of them include workshops for parents on the well-being of their children;
 - Specific, that is workshops or educational programmes exclusively concentrated on child sexual abuse or child maltreatment; most of them are finalized to teach children social abilities effective to protect themselves;
 - Mixed, programmes of new generation, which integrate in a general framework a well articulated programme on the primary and secondary prevention of violence, most of them include workshop or specific training for teachers.

C. Institutional framework and resources to address violence against children

“POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.”

- In 1998, a National Commission for the Co-ordination of Policies against Ill-treatment, Sexual Abuse and Sexual Exploitation of Children was established (DPCM of 26 February, 1998). The tasks of the Commission, composed of representatives of all the Ministries interested to the problem, NGOs, and experts, related to research, analysis, and advice on multi-disciplinary strategies. At the end of its mandate, the Commission issued a document

containing “Proposals for Actions for Preventing and Combating Violence against Children” in which it indicated five main strategies for combating violence against children that Public Administrations could implement in collaboration with other institutions and bodies interested in the problem, within the social-private sector and within civil society. The five strategic approaches, that respond to the provisions of Art. 19 of the UN Convention of 1989 and the Agenda for Action adopted by the World Conference in Stockholm in 1996, identify a plan of action aimed at understanding the phenomenon of the maltreatment, abuse and sexual exploitation of the child, prevention, protection, and care as well as the growth in awareness on children’s right.

- In some parts of Italy, protocols regarding cooperation among various Justice offices (Juvenile Courts, Penal and Civil Courts) have been signed. The focus is mainly on the following points:
 - Acknowledgement of the need for mutual submission of the “*notitia criminis*” in order to ensure the co-ordination of investigation activities with possible institution of civil proceedings for the protection of the child abused;
 - The removal of the child from the family (in the case of abuse within the family) and the adoption of custodial measures against the offender, should take place after consultation between the authorities involved, in order to avoid both possible pressures on child;
 - The procedures and timing of the protected hearing of the child victim of sexual abuse, as specifically established by Act n. 66/96;
 - The psychological investigations, legal medical tests as well as assessment of the abused child’s competency to testify shall be agreed upon by judicial authorities with a view to limiting overlapping investigations as far as possible in order to avoid secondary victimization;
 - The Judicial authorities involved should avoid the victim’s identification by media.
- The regional governments in recent years have promoted inter-institutional committee in order to facilitate the cooperation among all the institutions involved in the protection of a child victim of violence. Some regions have adopted multidisciplinary protocols for the detection and notification of cases by the social and sanitary services. In particular, regional administrations have provided for drafting and passing general provisions for regulating procedures for gathering information, reporting and protecting children who have been the victims of violence through protocols and guidelines to which they have resorted to fill the legislative gaps, especially those relating to Art. 609 *decies* introduced by Law No.66/96. From this point of view, we must unfortunately underline the lack of similar defining efforts regarding actions for prevention, information gathering, evaluation and combating of child prostitution, a phenomenon with uncertain qualitative and quantitative contours but, by now, proving to be significantly present and wide spread throughout Italy.

Region	Act	Content Summary
Latium Region	<i>Guidelines for the Prevention and Treatment of Violence and Abuse against Children (Resolution of the Regional Council No. 3846 of 13.07.1999)</i>	The document contains a wide technical scientific introduction, the organisational procedures of services integrated into networks (special attention is paid to aspects related to clinical diagnosis and the indicators of abuse), a bibliography and a glossary.
Emilia-Romagna Region	<i>Trends in Child Abuse (Resolution of the Regional Council No. 1913 of</i>	The document contains legislative references, information on

	26.10.1999)	competences and the collaboration among services and institutions, on emergency measures and other acts for the protection of children, on technical advice, on filing a complaint and its content, on the special guardian, and on training of the professionals working in the sector.
Piedmont Region	<i>Guidelines for Reporting and Taking Charge of Cases of Sexual Abuse (Resolution of the Regional Council No. 42 of 02.05.2000)</i>	The document describes the characteristics of the phenomenon, the objectives of interventions, the network of institutions and services, the legislative references, the times, the instruments, and the methodological path for reporting and taking charge of cases of sexual abuse.
Veneto Region	<i>Guidelines for Reporting and Taking Charge of Cases of Child Abuse (Resolution of the Regional Council 1999)</i>	The document indicates the objectives of interventions, the network of institutions and services, the legislative references, the times, the instruments, and the methodological path for reporting and taking charge of cases of child abuse.
Tuscany Region	<i>User's Guide and Tools on the Neglect and Maltreatment of Children (Resolution No.313 ofl March 2002)</i>	The document analyses the characteristics of the phenomenon, the objectives of interventions, the competence of the various institutions and bodies, the legislative references, the times, the instruments, and the methodological path for reporting and taking charge of cases neglect and maltreatment of children.
Lombardy Region	<i>User's Guide and Tools on the Neglect, Maltreatment and Abuse of Children (In course of approval)</i>	The document analyses the characteristics of the phenomenon, the objectives of interventions, the competence of the various institutions and bodies, the legislative framework of reference, the instruments, and the path for reporting and taking charge of cases neglect, maltreatment and abuse of children.

- In October 2000, the Department issued a specific circular letter in which the competent local authorities (Prefetti) were asked to invite the Provincial Committees for Public Administration (now called Permanent Conferences) to initiate the analysis and monitoring of paedophilia, and to create a territory based network of activities to combat this kind of

illegal acts. In the wake of this instruction, a number of meetings have been organised; participants were appointed by the relevant Judicial Authorities, Law Enforcement, local authorities, including Municipalities, Provinces and Regions, compulsory education establishments and Universities, Health and Social Security Services as well as by charity associations. Two of the weakest points of these experiences of interinstitutional and multidisciplinary coordination are: the precarious nature of these structures, if they are not formally recognised through resolutions of the participating bodies, and the high turn-over of their members.

- The art.18 of the Act on the immigration (Law 40 of March 6, 1998 “Doctrines on immigration and regulations pertaining to the conditions of the foreigner”) makes available financial resources for supporting projects against trafficking, prostitution of minor and forced prostitution of adults. From 1999 to 2003 the Department of Equal Opportunities, the central administration which coordinates the application of the fund stated by the Act, have financed almost 224 projects for adults and minors victim of trafficking and exploited in the prostitution market.
- On 6th of April 2001, the Interministerial Committee for the Co-ordination of Government Action against Child Abuse and Trafficking in Women and Children for Sexual Purposes and the National Childhood and Adolescence Monitoring Centre issued the document **Guideline Document for Training relating to Child Abuse and Mistreatment** containing proposals and guidelines for training personnel dealing with violence against children in the social, judicial, medical and education fields.
- The National Childhood and Adolescence Documentation and Analysis Centre is an organism for research, documentation and data collection of great importance at national level. It constitutes a precious source of information and an important instrument for analysing and monitoring the complex reality of the child’s world, at the disposal of the institutions of the Italian State, local governments, of private social organisations and of those working in the sector. The Centre has created an information system also including a large statistical data base with 200 important social indicators relating to the welfare of children, distinguished by gender, classes of age, territorial distributions and historical series. The following data banks are also active: legislative, bibliographic, filmographic and projects financed under Law 285/97. The whole of this documentation and analysis is disseminated through both the web site of the National Centre and through the series of journals of documentation of the Centre, distributed throughout Italy to local administrators and those working in the sectors concerned, to students and university researchers.
- Thanks to Law 451/97, Regional Documentation Centres on Childhood and Adolescence have been established by the Regions, with similar tasks to those instituted at national level. These structures have become made operational in most Regions. The creation of these organisms represents both an instrument for better understanding the local reality of available services and conditions of the child’s life and for evaluating the results of the measures adopted, the impact and the effectiveness of social policies in the sector.
- Representatives of the Ministry for Productive activities participate to international bodies of coordination against sexual tourism, in particular to the task force of the World Tourist Organization. In this field the Ministry has supported:
 - information campaign,
 - production of materials for sensitisation of tourist operators and tourists;
 - the organization of conference and seminars
 - production of in-flight spot;
 - distribution of “luggage tags” e leaflets;
 - support the creation of a web site to inform and collect data and denounces of abuses (www.stopchildtrafficking.org);
 - diffusion to the Code of conduct of tourist industry ;

- media campaigns (televisions, radios)
- Pilot Programme “ A network of Towns against violence”: developed in 1994, the project is coordinated at a national level by the Ministry of Equal Opportunities. The programme support survey, experimental projects and initiatives to implement services for women victims of violence in and outside the family and their children. The children have become an added beneficiary thanks to a major awareness about the negative and dramatic effects of witnessing violence. The towns involved have been : Venezia, Roma, Napoli, Foggia, Lecce, Reggio Calabria, Palermo e Catania Genova, Trieste, Salerno, Bari, Catanzaro, Cosenza, Siracusa, Cagliari, Brindisi, Caserta, Crotone, Misterbianco, Mola di Bari, Taranto, Carrara, Milano, Torino e Pescara.

D. Children as actors in addressing violence

Even if in a fragmented way and without a national strategy, children and adolescents have been directly actors of specific activities such as

- School programmes
- Workshop on the theme, e.g. showing video or meeting and questionnaire to evaluate social stereotypes or social representations of the phenomena.
- Laboratory on the problem of violence and gender relations
- Production of videos, books and communication campaigns .

Outside the school and outside the family, the socialization of the new generations and the acquisition of skills also come in the "*in-between time*", in a multiplicity of places both formal (associations, parishes, sports groups etc.) and informal (television, peer groups, new media etc.). It is the whole set of these opportunities, of these fragments of time, in a proper, fruitful relationship that contributes to the total formation of the individual and to growth., and in which the children are active actors.

The law 285/97 has been an important and fundamental tool to promote children and youth participation as actors in projects to reinforce their rights of citizenship even from the point of view of a major respect and inviolability of their bodies and minds.

E. Statistics

Sexual exploitation – Law 269/98

Child prostitution.

Child prostitution in Italy mainly appears in the following four ways:

- as foreign child prostitution, usually female, forced prostitution or characterised by the strong subjection of girls to adults who have imposed or aided their migration, who profit by it and, in general, use physical and/or psychological violence as an instrument of coercion;
- as prostitution of Italian girls or boys or adolescents, able to be related to the poor socio-economic conditions of their families and the socio-cultural deprivation within their lives, who are put at the disposition of third parties or who find on the street, either being forced to do so or in part independently a way, the way of surviving for themselves and for their nuclear family;
- as prostitution of young boys and girls (mainly foreigners on their own) inserted within a circuit of the black economy, attracted by the prospect of higher earnings than those guaranteed by other forms of work, in the absence of an adult person to refer to;
- as occasional prostitution of young boys and girls (mainly Italian) who sporadically and independently find in the exchange of sexual services for money a possible way of meeting non primary needs, starting from sentiments of relative deprivation or induced needs of a consumer kind.

Having ascertained a strong presence of even large pockets of Italian child prostitution leads us to ask ourselves about approaches and practices relating to action in the sector that have been used up until now, generally concentrated on the finding, accommodating and offering help to foreign children. The data regarding Italian children confirms, instead, the importance of promoting and encouraging integration between the knowledge and the working methodologies of services and social workers who deal, in general, with child in difficulty and those of the bodies specialised over the years in the field of prevention and the fight against prostitution. From this point of view, we can see the need for upgrading existing services on maltreatment and sexual abuse so that they can provide their contribution to knowledge and competence also in respect to the phenomenon of the sexual exploitation of children.

Sexual tourism

With regard to sexual tourism to the detriment of children, this is a type of exploitation which, also in view of the data presented at the Second World Congress on the Sexual Exploitation of Children held in Yokohama in December 2001, is growing and also involves Italy, which is among the countries of origin of the major tourist flows feeding this market. Amongst the most problematic aspects which emerged, given the characteristics of the phenomenon, namely, giving responsibility to and actively involving those working in the sector in actions directed at prevention and repression are undoubtedly those of the greatest complexity, but, no less, of the greatest urgency, together with the need for better and more operational co-ordination with the investigating agencies and the police of the countries of destination. This last matter is an aspect which is also independently important for the purpose of the widest enforcement of Law No.269/98, in which the principle of extraterritorial jurisdiction is provided for in the crime of sexual exploitation of children (Art. 604 Italian Criminal Code).

	anno 1998			anno 1999		
	Reported offences	Persons reported to the judicial authorities	Whose male	Reported offences	Persons reported to the judicial authorities	Whose male
Juvenile prostitution (art. 600 bis C.P.)	9	3	3	108	211	181
Juvenile pornography (art. 600 ter C.P.)	21	0	0	82	12	12
Owning of pornographic material produced by the exploitation of minors (art. 600 quater C.P.)	0	0	0	24	7	7
Sexual tourism (art. 600 quinques C.P.)	0	0	0	1	0	0

	anno 2000			anno 2001		
	Reported offences	Persons reported to the judicial authorities	Whose male	Reported offences	Persons reported to the judicial authorities	Whose male
Juvenile prostitution (art. 600 bis C.P.)	136	117	98	198	409	352
Juvenile pornography (art. 600 ter C.P.)	406	46	42	1.767	138	134
Owning of pornographic material produced by the exploitation of minors (art. 600 quater C.P.)	97	8	8	154	30	30
Sexual tourism (art. 600 quinques C.P.)	1	1	1	4	0	0

Fonte: Istat

Data not definitive

	Anno 2002		
	Reported offences	Persons reported to the judicial authorities	Persons arrested
Juvenile prostitution (art. 600 bis C.P.)	13	20	16
Juvenile pornography (art. 600 ter C.P.)	16	55	2
Owning of pornographic material produced by the exploitation of minors (art. 600 quater C.P.)	14	19	9
Sexual tourism (art. 600 quinquies C.P.)	0	0	0
Trafficking of minors (art. 601 C.P.)	4	5	5
Totale	47	99	32

Source: Ministry of Interior

	From 1/01/2002 to 30/06/2002			From 1/01/2003 to 30/06/2003			Variation %		
	Reported offences	Persons reported to the judicial authorities	Persons arrested	Reported offences	Persons reported to the judicial authorities	Persons arrested	Reported offences	Persons reported to the judicial authorities	Persons arrested
Juvenile prostitution (art. 600 bis C.P.)	5	7	6	33	73	43	+560,0	+942,9	+516,7
Juvenile pornography (art. 600 ter C.P.)	9	46	2	6	11	3	-33,3	-76,1	+50,0
Owning of pornographic material produced by the exploitation of minors (art. 600 quater C.P.)	12	14	4	4	8	0	-66,7	-42,9	-100,0
Sexual tourism (art. 600 quinquies C.P.)	0	0	0	0	0	0	-	-	-
Trafficking of	0	0	0	0	0	0	-	-	-

minors (art. 601 C.P.)									
totale	26	67	12	43	92	46	+65,4	+37,3	+283,3

Source: Ministry of Interior

Child pornography and the Internet.

The production of child pornography and, in particular, its diffusion through the Internet has aroused the interest and attention of international institutions and of the Italian central administration (both Ministries and co-ordination bodies), which have moved in the direction of more clearly defining these crimes and in searching for sufficiently adequate solutions and measures for repressing and preventing them. It should be noted important progress in investigations, specially within the sphere of the fight against child pornography and exploitation via the Internet thanks to the provision of more hardware and software for the special forces of the Postal and Telecommunications Police. This has enabled a huge step forward to be taken in terms of the quality and quantity of the information collected: for example, if in 1999 and 2000, 1,470 and 2,252 web sites were monitored respectively, in 2002, there were about fifteen times as many web sites monitored, precisely 24,897. It is worth remembering that the control activities of the Postal and Telecommunications Police relating to the enforcement of Law 269/98 also include collaboration with Interpol and Europol which are currently undertaking research into a European service for monitoring computer crimes.

Crimes on Internet : web sites monitored for pedo – pornography . Italia, anni 1998 – 2003

	1998	1999	2000	2001	2002	1° semestre 2003	totale
Persons prosecuted	4	3	35	25	29	5	101
Persons under enquiry	8	136	255	220	562	488	1.669
Perquisitions	8	111	164	222	606	490	1.601
Web sites monitored	n.d.	1.470	2.252	24.894	32.972	17.159	78.747

Source: Ministry of Interior

Protection

Measures of protection adopted by Juvenile Courts - 1999-2001

	1999			2000			2001		
	Total measures of protection	For removal from home		Total measures of protection	For removal from home		Total measures of protection	For removal from home	
		v.a.	%		v.a.	%		v.a.	%
ITALIA	10.450	3.079	29,5	12.367	3.798	30,7	9.282	1.796	19,3

Fonte: Istat, civil judicial statistics

Minors authors of sexual violence -Minors reported to juvenile Courts

Crimes	1999			2000			2001		
	< 14	14-17	0-17	< 14	14-17	0-17	< 14	14-17	0-17
Sexual violence	120	407	527	113	376	489	168	484	652
Exploitation of prostitution	0	6	6	1	8	9	0	5	5