**

***Ministry of Foreign Affairs and International Cooperation***

***Inter-ministerial Committee for Human Rights***

***Italy***

***Reply to the Letter of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material***

***September 2019***

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Following to your query, Italian Authorities are in a position to provide the following information prepared with the collaboration of the Department for Family Policies of the Presidency of the Council of Ministers.

1. **Context**

One of the fundamental challenges with regard to preventing and combating abuse and sexual exploitation in Italy, is certainly to face the problem of the emergence of the phenomenon, often underestimated and unknown.

According to this, it’s worth to be mentioned that among the initiatives implemented by the Presidency of the Council of Ministers for the prevention and combating of pedophilia and child pornography, in 2011 was published a **public Notice for funding projects to take care of child victims of abuse and sexual exploitation**, promoted with the aim of overcoming the inhomogeneity of the procedures that are activated in this area and guaranteeing synergetic and multidisciplinary interventions on the territory. The public notice has gathered the interest and the adhesion of numerous subjects, both public and private, and has allowed the financing of 27 projects on the national territory.

Moreover, the **Emergency Childhood - 114 service** is also worth mentioning, an emergency phone help-line funded since 2003 and currently managed by Telefono Azzurro Onlus, which provides socio-psycho-pedagogical listening and counseling for situations of emergency and discomfort that can harm the psycho-physical development of children and adolescents. The service is accessible from all over the country, twenty-four hours a day, free of charge, available to anyone wishing to report situations of danger and hardship that involve minors. The 2016 data (published) of the Public Service 114 Childhood Emergency show that there is an increasing trend for all reports related to sexual abuse and pedophilia: sexting cases in 2015 represented 5.2% of calls, in 2016 they are 7.1% ; the requests for intervention for cases of sexual abuse in 2015 were 69% of the cases, in 2016 they represent 71.6% of the cases managed for this issue; there is an exponential increase in reports for online crimes, which in 2006 represented 0.6% of calls to 114 Childhood Emergency, while in 2016 they represented 2.8%. Increasing trends also for reports related to images of naked children: if in 2015 they were 1.1%, in 2016 they represent 2.1% of reports.

1. **Risk factors**

In relation to drivers of sexual exploitation of children in Italy, the *Multicountry Study on the Drivers of Violence – Italian Report[[1]](#footnote-1)* drafted by the Istituto degli Innocenti (Florence, Italy) identifies the following dimensions:

Because of its geographical position, Italy is one of the most important countries for human trafficking in Europe. How this affects children is less understood. The following associations appear to be important:

* **Demand for sex workers and child pornographic material.** Official sources mark a growth in the child pornography business and sex market, which involves minor workers as well (Save the Children 2013; Camera dei Deputati 2012; Carchedi 2004).
* **Existence of efficient organizations.** Criminal organizations are efficient in safeguarding their work facilitating the mobility of child victims, taking charge of logistics while performing strict control over girls (Save the Children 2013; Camera dei Deputati 2012). Exploiters force girls to declare being over 18 years of age, moreover they make them move often within the same city or across different regions, sometimes spending time in open sites, such as the street, or in flats. In addition, exploiters exercise control over these girls in various ways: patrolling with their car when girls are on the streets, as well as, psychologically and physically threatening them. (Save the Children, 2013).
* **Unaccompanied foreign children** who escape registration or escape from the reception structures where they are hosted, may become vulnerable to sexual exploitation from traffickers.
* **Absence of family for migrant children.** The Parliamentary Commission on Childhood and Adolescence stresses the potential link between the presence of unaccompanied minors in migrating flows across Europe and the phenomenon of sexual exploitation (Camera dei Deputati, 2012; Save the Children Italia, 2013). According to Europol, out of the 10,000 unaccompanied foreign children who have disappeared after their arrival in Europe, 5,000 arrived in Italy. While some may have reached their families in other European countries, it is feared that others are involved in the phenomenon of sexual exploitation through criminal organisations.
* **Compulsive consumerism seems to drive adolescents to prostitute themselves.** From the investigation on child prostitution mandated by the Parliamentary Commission on Childhood and Adolescence, which included a series of hearings with key stakeholders and organizations working to fight sexual exploitation, it emerges that in bigger cities teenagers use prostitution as a way to satisfy secondary needs such as the purchase of goods (Camera dei Deputati, 2012).

With regards to risks for violence in online communities, online chats seem to be the most dangerous sites for children to fall victim of grooming; however mobile phones and social networks can also expose children to the risk. Concerning drivers of on-line violence the following dimensions emerge as relevant:

* **Parents supervision of children’s internet use** (Meter Onlus, 2015; Ainsaar et al., 2012) influence the exposure to risk. Adolescent respondent to a cross country analysis of strategies against violence online agreed that free internet communication should be allowed only from a certain age onwards and that younger children ought be supervised by adults. However, respondents also highlighted the generational gap with older adults – including parents – as a major obstacle to preventive actions (Ainsaar et al 2012).
* **Limited knowledge of computer and social skills.** In a cross-country analysis of strategies against violence online, researchers found that adolescents endorse protective strategies when communicating via the internet such as adopting specific technical computer settings that guarantee access only to people who have been identified and accepted. Adolescents found that a key strategy of safe and successful communication is the ability of knowing when to stop (Ainsaar et al., 2012).
* **Children are often unaware of the risks of online behaviors, which may be connected to sexual experimentation, rather than problematic backgrounds** (Ainsaar et al., 2012). Adolescents from different European countries report to appreciate the freedom and opportunities of exploring (sexual) life on the internet, which provides a space to play with identity and social interaction. Moreover, discussing sexual issues on the internet is easier than in real life, this makes the internet an appealing experiment place (Ainsaar et al., 2012).
1. **Children’s vulnerability**

Migration and precarious socio-economic conditions are risk factors. In particular unaccompanied foreign children find themselves in a condition of potential vulnerability.

Unaccompanied foreign children identified at reception centers are typically assigned to group housing with about 5-10 children, and enrolled in vocational schools. However, some of them leave in order to look for a job or to join relatives in other European countries. For this reason, it is feared that some may become vulnerable to involvement with criminal organisations and are at risk of sexual and other forms of exploitation. At the date of 30th August 2019, 4788 unaccompanied foreign children were irretraceable and most of them were from Tunisia, Afghanistan, Eritrea and Somalia.

**iv.** **The overarching legal-normative framework**

Italy is deeply involved in preventing and combating the phenomenon of sexual abuse and exploitation of children in particular through the actions promoted by **the Observatory for the fight against Pedophilia and child pornography,** a specific body – with the task of operating within the Department for family policies of the Presidency of the Council of Ministers - ad hoc established under **Law No. 269 of 1998 (as amended by Law No. 38/2006)** and regulated by DecreeNo. 30 of October 2007, no. 240 (as amended by DM No. 21 of 21 December 2010).

With the introduction of **Law No. 172 of 1 October 2012** of **ratification** and **execution** of the **Lanzarote Convention of the Council of Europe against sexual abuse and sexual exploitation of children**, penalties for the crime of mistreatment in the family have been tightened: anyone who mistreats a person of the family, or a cohabitant, or even person subjected to supervision for reasons of education , education, treatment, supervision or custody is now punished with imprisonment from two to six years. The penalties have increased (from four to nine years and from seven to fifteen years) if the event results in a serious or very serious personal injury; if the death of the injured person results from the fact, the imprisonment is from twelve to twenty-four years.

The limitation period for all crimes against individuals has been doubled, that is, crimes of enslavement, trafficking in persons, prostitution and child pornography, and the crime of "tourism initiatives aimed at exploiting child prostitution".

The crime of child prostitution has been redefined; Art. 1 of Law No. 172/2012 specified the conduct of induction, exploitation, management and organization of child prostitution. It was established that the assets that constituted the proceeds or profits of the exploitation of prostitution were confiscated.

The limitation period for the crime of sexual violence was doubled by Law No. 172/2012, ratifying the Lanzarote Convention. Therefore now the crime is prescribed in twenty years.

It is envisaged that in the event of conviction for crimes of sexual violence against minors, the convicted person may no longer hold any office in schools of all levels and in institutions, services or public and private structures predominantly attended by minors.

Moreover, it's worth to be mentioned the **Legislative Decree No. 39 of 4 March**, which transposed the European Directive 2011/93 / EU, which introduced Art. 25-bis to the Presidential Decree No. 313/2002, providing that “all those who intend to employ a person for the pursuit of professional activities or organized voluntary activities that involve direct and regular contacts with minors - not just the protection and guardianship of children - are required to apply for the criminal certificate of criminal record from which there is no conviction for the offenses referred to the Italian Penal Code” in Arts. 600-bis, (children prostitution) 600-ter, (juvenile pornography) 600-quater, (detention of pornographic material) 600-quinquies (tourist initiatives for exploitation and child prostitution). The certificate has a validity of six months, with renewal obligation upon expiration. In case of default the employer is subject to the administrative penalty from € 10,000 to € 15,000. Voluntary work is excluded from the scope of the standard, with the consequence that, for organizations carrying out this type of activity, the requirement to apply for a certificate is only allowed if they assume the role of employers. Private domestic-based employers are excluded from the field of application of the standard (e.g. childcare intake). In order for the provision to be found to be practical, it is necessary to have professional activities that involve direct and regular contacts with a certain or determinable number of children (e.g. sports instructors for minors, public or private school teachers, school bus drivers etc..), excluding activities directed at an undifferentiated user within which there may be "even" children.

**v. New and innovative strategies**

Italy has developed and implemented in recent years a strategy for the prevention of sexual exploitation and sexual abuse, through **a National plan to prevent and fight sexual abuse and sexual exploitation of children** a fundamental tool draft by the **Observatory for the Fight against Pedophilia and Child Pornography has the task to draft** as well as other types of studies and initiatives on the subject.

The last plan approved in 2016 acts on several interconnected levels. First, through an accurate identification of the specific characteristics, at a phenomenological level, related to the abuse and sexual exploitation of minors in Italy. Secondly, through the implementation of the existing regulatory provisions with particular reference to the forms of abuse and sexual exploitation of children related to the use of new technologies (sexting, grooming, cyber-bullying) and to those phenomena that are still difficult to identify and combat effectively (sex tourism, abuse within the family or in places not yet specifically regulated, such as sports and recreational activities and volunteering). Thirdly, through interventions aimed at building a multidisciplinary and complex system to provide adequate protection of children victim of sexual abuse or exploitation, both during the judiciary process, and outside of it, by creating effective support instruments at a legal, psychological and social level. And finally, by creating a system of coordinated interventions of prevention of the sexual abuse and exploitation, through the diffusion of greater awareness and training.

These interventions are to be implemented at every level in each different context. They will directly or indirectly involve children and adolescents as well as all those who are in contact with children (for family reasons, educational, recreational, professional, medical, etc.), aiming to develop a real cultural change of the child protection system, in the civil society.

In order to adequately pursue these objectives, the Plan has four **strands of work** (Prevention - Fight- Protection- Monitoring), which represent the strategic areas of intervention to be implemented in coordination among the different agencies concerned. In order to achieve the objectives above, several relevant entities were involved: governmental departments, regions, local authorities, trade associations (for tourism, for the IT sector, for the media, etc.), child protection associations and bodies, cultural, sports and recreational associations and other actors of civil society.

**vi. Data and monitoring**

Art. 17, paragraph 1-bis, of **Law No. 269 of 3 August 1998,** as amended by Law No. 38 of 6 February 2006, authorizes the creation of an *ad hoc* database to collect, with the input of data provided by other central administrations, all the information useful for monitoring the phenomenon of sexual abuse and sexual exploitation of children.

The database collects, with the contribution of the central administrations in various capacities (Ministry of Justice - Juvenile Justice, Ministry of the Interior and ISTAT), all useful information for monitoring the phenomenon. In particular, statistical data are provided, in aggregate form, on minors and young adults in charge of the social service offices for minors for crimes of exploitation of prostitution and child pornography, possession of pornographic material through the exploitation of minors, reduction in slavery, slave trade and trade, alienation and purchase of slaves, sexual and group violence, sexual acts with minors, corruption of minors, solicitation of minors. Through the database, we intend to organize and integrate in a systematic way the informative and computerized heritage of different Administrations, allowing an overview and a deeper knowledge of the phenomenon of interest, with a specific focus on the minor victim of crime sexual. The database is inserted as an information source in the National Statistical Plan (PSN).

The highly **innovative element** of this tool is represented by the change of perspective that it proposes to take with respect to the already existing information systems: it intends in fact to shift the focus of attention from the perpetrators of the crime and from the crime itself to the child victim, making it the main subject of analysis.

From the **most recent data published** through the collection of the database, there is an increase of 49.3% of the victims of child prostitution (which in the three-year period 2014-2016 go from 73 to 109). The victims of child pornography in the period considered decreased by 26.6% (decreasing from 241 to 177), but in reality in the last year the phenomenon returns to rise after that in 2015 it had decreased to 150 victims. On the other hand, the victims of sexual acts with a minor decrease (passing from 437 victims in 2014, to 410 in 2015 to 368 in 2016, due to a percentage contraction of 15.8%) and corruption of minors (which between 2014 and 2016 go from 155 to 124, for a percentage contraction of 20%).

**viii. The way forward**

Institutions should be encouraged in creating specific tools of intervention to prevent the phenomenon and above all to facilitate its emergence in order to combat I, especially according to sexual exploitation of children and child prostitution. In this direction, they are worth to be mentioned both civil society projects in assisting and supporting victims of abuse and sexual exploitation, as for example the ones funded by the Public Notice No. 1/2011 for supporting pilot projects for the treatment of minors, victims of abuse and sexual exploitation within the family or outside the family, and, on the other hand specific guidelines for acting procedures, as for as national guidelines that identify the essential levels of protection and support for victims of abuse and sexual exploitation, aimed at achieving homogeneity and ensuring minimum standards of protection at national level to care and assistance services offered to children who are victims of sexual abuse or exploitation by the Regions and the local authorities, which in Italy, in conformity with the Constitutional Charter, are responsible for the specific competence mentioned above.

1. <https://www.istitutodeglinnocenti.it/content/progetti-di-ricerca-internazionale>. [↑](#footnote-ref-1)