



**Convention on the  
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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 12 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF  
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2004**

**ITALY\***

[14 July 2004]

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\* This document has not been edited before being submitted for translation.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1 - 16	7
I. THE ITALIAN LEGISLATION IN THIS FIELD .....	17 - 49	9
A. From Law 269 of 3 August 1998 to Law 228 of 11 August 2003 .....	17 - 41	9
B. The bill of 7 November 2003 - Provisions on combating the sexual exploitation of children and child pornography .....	42 - 49	14
II. INSTITUTIONAL BODIES .....	50 - 59	16
A. Comitato Interministeriale di Coordinamento per la lotta alla pedofilia (Interministerial Committee for the Coordination of the Fight against Paedophilia - CICLOPE) .....	50 - 55	16
B. The Observatory on the phenomenon and on prevention and suppression policies .....	56 - 59	17
III. THE ACTION OF THE ITALIAN GOVERNMENT IN COMBATING PAEDOPHILIA DURING THE ITALIAN PRESIDENCY OF THE EUROPEAN UNION .....	60 - 68	17
IV. AREAS FOR ACTION AND OPERATIONAL INSTRUMENTS .....	69 - 127	19
A. Sexual tourism: the Italian tourism industry's code of conduct and initiatives to raise awareness, combat and prevent the phenomenon .....	69 - 83	19
B. The media and the protection of children .....	84 - 114	23
1. The Self-Regulation Code on TV and the Protection of Children .....	86 - 93	23
2. The role of the public broadcasting service in the protection of children .....	94 - 97	24
3. The Self-Regulation Code of Conduct "Internet and Children" .....	98 - 114	25

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
C. Children's SOS Tel. 114 - National free emergency phone helpline for children .....	115 - 122	28
D. The anti-trafficking freephone number .....	123 - 127	29
V. THE INTEGRATED SYSTEM OF SERVICES AND ACTIONS TO PREVENT, COUNTER AND COMBAT PAEDOPHILIA AND THE SEXUAL EXPLOITATION OF CHILDREN .....	128 - 167	31
A. The National Fund for Social Policies .....	138 - 141	32
B. The National Plan of Social Services and Actions 2001-2003 .....	142 - 144	34
C. Law 285 of 28 August 1997 containing provisions for the promotion of rights and opportunities for childhood and adolescence .....	145 - 146	35
D. The regions .....	147 - 167	35
1. The drafting of guidelines for action in cases of maltreatment, abuse and/or sexual exploitation of children .....	153 - 156	36
2. Structures for the coordination of action in cases of maltreatment, abuse and/or sexual exploitation of children .....	157 - 162	37
3. Adoption of a regional guidance plan on childhood and adolescence that includes the issue of violence against children .....	163 - 167	38
VI. PREVENTION AND INITIATIVES TO PROMOTE, DISSEMINATE AND RAISE AWARENESS OF THE CONTENT OF THE OPTIONAL PROTOCOL .....	168 - 222	38
A. The national prevention and awareness-raising campaigns .....	168 - 171	38

**CONTENTS (continued)**

	<i>Paragraphs</i>	<i>Page</i>
B. The preventive approach: the role of schools .....	172 - 211	39
1. Some general features of the programmes taken forward in schools .....	174 - 179	39
2. The specific contribution of projects involving schools in the fight against abuse and sexual exploitation: <i>Monitoring of the most recent initiatives put in place by schools</i> .....	180 - 183	40
3. Organisational initiatives by liaison structures and services .....	184 - 187	41
4. Regulatory initiatives .....	188 - 190	42
5. Other training and informational initiatives .....	191 - 197	43
6. The importance of information and prevention .....	198 - 211	44
C. Information, training and refresher courses for operators in the sector .....	212 - 222	47
1. Initiatives put in place by the Ministry of Labour and Social Policies .....	212 - 215	47
2. Initiatives involving representatives of central government departments .....	216 - 222	47
VII. THE CRIMINAL ASPECTS OF ACTS OF MALTREATMENT, ABUSE AND/OR SEXUAL EXPLOITATION OF CHILDREN .....	223 - 290	49
A. Sexual assault against children. 2002 and the first half of 2003 .....	223 - 240	49
B. Historic analysis of the available data .....	241 - 270	54
C. Forms of sexual exploitation .....	271 - 284	64
D. The use of the web as an instrument for sexual exploitation and child pornography .....	285 - 290	67

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
VIII. THE PROTECTION OF CHILD VICTIMS IN THE TRIAL AND POST-TRIAL STAGES .....	291 - 332	69
A. Instruments for the protection of children during trial proceedings .....	291 - 304	69
B. Assistance and psychological recovery treatment programmes for child victims of sexual abuse .....	305	71
C. Projects carried out using the funding made available through Decree 89 of 13 March 2002, containing Regulations governing the fund referred to in Art. 17.2 of Law 269 of 3 August 1998 concerning actions on behalf of child victims of abuse pursuant to Art. 80.15 of Law 388 of 23 December 2000 .....	306 - 315	71
D. Social protection projects in application of Art. 18 of Legislative Decree 286/1998 .....	316 - 332	74
IX. HEALTH CARE FOR CHILD VICTIMS OF ABUSE .....	333 - 359	78
A. NHP priority projects 2003-2005 .....	341 - 351	79
1. Implementing, monitoring and updating the agreement on essential and appropriate levels of assistance and cutting waiting lists .....	342 - 346	79
2. Promoting the local level as the primary level for assistance and for governing health and social-health pathways .....	347 - 351	79
B. Health objectives and general measures .....	352 - 359	80
1. Support programme to combat the new pockets of poverty and marginalization .....	353 - 354	80
2. The health of babies, children and adolescents .....	355 - 356	81
3. Mental health .....	357 - 359	81

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
X. THE ROLE OF ITALIAN COOPERATION IN THE PROTECTION OF CHILD VICTIMS OF MALTREATMENT, ABUSE AND/OR EXPLOITATION .....	360 - 377	82
A. The development cooperation programmes of the Ministry of Foreign Affairs .....	362 - 369	82
B. Participation by local authorities in international projects and initiatives .....	370 - 373	85
C. Participation by civil society in international cooperation projects and initiatives .....	374 - 375	86
D. Italian participation in European projects .....	376 - 377	86

## Introduction

1. As a State Party to the UN Convention on the Rights of the Child, which it ratified through Law 176 of 27 May 1991, Italy recognises the status of the child as entitled to rights as an individual and within the family and social community in which he lives, grows and matures.
2. Our country has therefore undertaken to ensure the full respect of the rights to which children are entitled. In accordance with articles 4 and 19 of the Convention, each State Party is required to adopt: *“all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the [...] Convention”* and in particular *“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, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement”*.
3. More specifically, States Parties *“undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, [they] shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials”* (Art. 34), and *“take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form”* (Art. 35). Finally, each State Party is required to *“take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”* (Art. 39).
4. This undertaking has been reinforced through participation in other international legal instruments for the prevention and suppression of violence against children.
5. These include ILO Conventions 138 on the Minimum Age for Admission to Employment and 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified on 28 January 1981 and 7 June 2000 respectively.
6. Italy’s role in taking forward the drafting and signing, in Palermo on 12 December 2000, of the United Nations Convention against Transnational Organized Crime and its Protocols regarding the trafficking of persons, especially women and children, and migrants, was particularly significant.

7. In this respect, the ratification through Law 77 of 20 March 2003 of the European Convention on the Exercise of Children's Rights, signed by Italy on the day of its approval by the Council of Europe, is also worthy of mention.

8. However, participation in the above-mentioned international legal instruments has not been the only manifestation of countries' interest in this issue and their intention to contribute to the drafting of documents that are binding on them. From the mid-1990s on, the entire international community has taken steps to discuss these phenomena and the need to seek a strong common position to combat them. The first World Congress against the Sexual and Commercial Exploitation of Children, which took place in Stockholm in 1996, called upon all Member States to make a specific effort in this respect. The agenda adopted at the end of the Congress considered all the areas of priority intervention to effectively combat the phenomenon: local, national and supra-national co-ordination; prevention; suppression and judicial protection; the protection, recovery and reintegration of victims; and the participation of children and adolescents in drawing up policies in this sector.

9. At the national level the Agenda needs to be translated into specific action plans against paedophilia and sexual exploitation and the creation of policy coordination bodies, for which it uses the term focal points. A balance sheet of the first five post-Stockholm years was the subject of the Multilateral Conference of European and Central-Asian countries, *Protection of children against sexual* exploitation, which took place 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 any form of violence and took note of the significant progress made since 1996, when the major gaps and challenges faced by the countries were set out in Stockholm, for the first time in a truly incisive manner.

10. 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. In Yokohama, the representatives of governments, inter-governmental organisations, non-governmental organisations (NGOs) and international organisations underlined their commitment to defend and promote the interests and rights of children in order to protect them from all forms of abuse and exploitation. This is to be achieved through the adoption of multi-sector, multi-measure, inter-disciplinary action plans for the implementation of which active coordination is envisaged in the form of monitoring and evaluation mechanisms between and among local and national governments, inter-governmental organisations and NGOs, local communities and all the other key players in civil society at the local, national and international levels.

11. However, Italy's renewed, determined commitment to the protection of child victims of violence is demonstrated by the signing and ratification of the two Optional Protocols to the Convention on the Rights of the Child. These were transposed in the form of Law 46 of 11 March 2002, concerning the involvement of children in armed conflicts and measures to combat the sale of children, child prostitution and child pornography – practices that treat children in the cruellest and most abhorrent ways, in clear violation of their rights.



12. This commitment was reiterated with Italy's participation in the special session of the UN Assembly dedicated to children, which took place in New York in May 2002. The Conference discussed the work carried out at the international and national levels against all forms of violence and, in the document *A world fit for children*, the final Declaration approved by the Assembly, reiterated states' commitment to attain the fundamental objectives and the instruments to pursue them in order to preserve the dignity of children. These include the registration of each child at or shortly after birth; the creation of reception structures in the eventuality of their family failing to carry out its task of care and protection; prevention through information and training campaigns and the promotion of codes of conduct; the up-dating of national legislation to achieve an increasingly high level of protection for victims and of penalties for offenders; the collection of data on cases, actions and the impact of policies; the drawing up of agreements for the coordination of investigations; the monitoring of trafficking routes and the implementation of operational programmes.

13. In this context Italy is required to present its first Report on the Implementation of the Second Protocol to the Committee on the Rights of the Child, the supervisory body envisaged by the Convention.

14. This report will therefore examine the main legislative, administrative and judicial instruments through which our country has applied the Protocol, the activities undertaken to provide information on and disseminate the content of the Protocol, and the numerous bilateral and multilateral international cooperation initiatives undertaken by Italy in this context.

15. For the compilation of the Italian Government's First Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child, the Interministerial Committee for Human Rights, which operates in the Ministry of Foreign Affairs (MFA) and whose remit is to draw up and present to the United Nations the Government's reports on the implementation in Italy of the main Conventions on the protection of human rights, set up a special Working Group to coordinate the input from the following Departments: the Prime Minister's Office, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Policies, the Ministry for Equal opportunities, the National Council for the Economy and Labour (CNEL), and the Italian UNICEF Committee. This clearly demonstrates the intention to include an NGO, one that has always actively promoted the protection of children's rights and taken an active part at the national level in many informational and awareness-raising initiatives and has provided a valuable contribution through its experience and support of children.

16. The Working Group began meeting in 2003 to discuss the content of the First Report, while keeping clearly in view the need to draft the text in accordance with the Guidelines provided by the Committee on the Rights of the Child.

## **I. THE ITALIAN LEGISLATION IN THIS FIELD**

### **A. From Law 269 of 3 August 1998 to Law 228 of 11 August 2003**

17. Law 269 of 3 August 1998 is a landmark provision in this context and one of the most important results of the effort being made to equip our country to meet the new national and international challenges in combating the abuse and sexual exploitation of children.

18. The objective of this law is to protect the physical and psychological health of children in sexual matters, with a view to fostering their proper development. Law 269/1998 envisages penalties for the exploitation, inducement, or abetting of child prostitution (Art. 600 *bis*). The subjective element of the offence is generic and non-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 Art. 238 of the code of criminal procedure (c.c.p.), cross-examination is only allowed where considered by the judge to be absolutely necessary. Articles 600 *ter* and *quater* of the penal code (p.c.) 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. Article 600 *quinquies* of the p.c. punishes the conduct of organising or advertising trips intended for the use of prostitution activities of which children are victims.

19. With respect to the criminal liability of the offences under consideration and those of sexual assault and sexual acts with foreign children, where committed abroad, the law has introduced an *ad hoc* provision pursuant to Art. 604 of the p.c. This envisages unconditional liability for both Italian citizens and foreign citizens who commit offences against foreign children in combination with the Italian citizen (in this case, see clause two of Art. 10 p.c., according to which a request by the Minister of Justice is necessary to punish a foreign citizen judged to be guilty in this respect).

20. The Government's strategy follows three main lines:

- Prevention, to remove conditions conducive to risk and reinforce a positive environment for the affirmation of children's rights;
- The provision of resources for the care and treatment of child victims of abuse and exploitation;
- A reinforcement of investigative and repressive measures at the national, European and international levels.

21. This strategy has given rise to a large number of actions: 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.

22. In accordance with the provisions of Law 451 of 23 December 1997, in 2003 the Italian Government drew up and approved the National Action Plan for the protection of the rights and development of children. The strategic lines and priorities set forth by the Government in this document are a result of the work carried out by the National Observatory for Childhood and Adolescence, and of a survey of the actions and initiatives carried out from June 2000 to

June 2002 by the Ministry of Labour and Social Policies in conjunction with the National Centre for the Documentation and Analysis of Childhood and Adolescence and all other government departments involved in “child-centred policies”.

23. With respect to the specific issue examined in this report, the Action Plan sets out a number of commitments of priority importance:

1. The Government undertakes to set up an Office for the Public Protection of Children, in accordance with the principles espoused 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.
2. 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 in full, and to clarify the principles for the allocation of competencies by using to best advantage the services provided by local bodies with responsibility for the protection of children in social and health matters.
3. 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).
4. 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.

24. An event of great importance underpinning the commitment of the Government, the Parliament and all the institutions against exploitation and the trafficking of human beings was the definitive approval of the government bill presented by the Minister for Equal Opportunities and the Minister of Justice, in the form of Law 228 of 11 August 2003 on Measures against the trafficking of people.

25. The law transposes, well in advance of the required timescale, the recommendations contained in Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, which sets out the minimum requirements for laws and regulations governing this subject in Member States' criminal justice systems.
26. The Council decision is intended to complete and complement the United Nations Convention against Transnational Organized Crime (Palermo, December 2000), one of the additional protocols to which specifically addresses the prevention, suppression and punishment of the trafficking of people, especially women and children.
27. Law 228/2003 incorporates the Council's recommendations to introduce sufficiently severe sanctions against natural or legal persons involved in the complex phenomenon of trafficking in human beings or reducing them to a state of slavery or servitude.
28. The extension of the liability of legal persons for these offences is one of the key features of the Framework Decision and this provision has now been fully integrated in our own legal system as a result of the new law (Art. 5).
29. Law 228/2003 envisages liability to prosecution and punishment for the crime of reduction to slavery or servitude, with imprisonment of eight (minimum term recommended by the Council Decision) to 20 years for anyone exerting powers corresponding to those envisaged under property law on another person or anyone reducing another person to, or holding them in, a state of continuous subjection, forcing them to work or perform sexual services or beg or perform services that involve their exploitation.
30. More specifically, a person is considered to be reduced to or held in a state of servitude when the means used to achieve this end involve violence, threats, deception, abuse of authority or taking advantage of a situation of need or physical or psychological weakness on the part of the victim, or promising or giving sums of money or other advantages to whoever has authority over that person.
31. This law fully revises Art. 600 of the p.c. and provides a more up-to-date definition of the offence of reduction to servitude or slavery, one that is able to grasp all the nuances of the phenomenon as observed in Italy, where there is a strong connection between these offences and those of the abuse and sexual exploitation of women and children within the context of forced prostitution.
32. The law envisages imprisonment of from eight to 20 years for anyone committing the offence of trafficking of persons who are in a state of slavery or servitude or anyone who, in order to reduce the victim to this state of subjection and loss of freedom, induces them through deception or forces them through violence, threats, deception, abuse of authority or taking advantage of a situation of need or physical or psychological weakness on the part of the victim, or by promising or giving sums of money or other advantages to whoever has authority over that person, to enter, stay in or leave Italian territory or travel within it.<sup>1</sup> The law is intended to tackle the entire trafficking "chain", which involves individuals and organisations operating with counterparts in the countries of origin, transit and destination of the victims.

33. The law envisages an increase in the penalty: by one third to a half if the above-mentioned offences (including exploitation of prostitution or subjection of the victim to the removal of organs) are committed against children of under 14 years; and from one half to two-thirds if the offence is committed by an ascendant, parent, spouse or co-habiting partner (Art. 600 *sexies* p.c.).
34. The new provisions also address the crucial issues of prevention and protection. More specifically, Art. 14 on Prevention Measures envisages that to give effect to actions to prevent the offences of reduction to or holding in slavery or servitude and offences linked to the trafficking of persons, the Foreign Ministry should draw up cooperation policies with the countries of origin of the victims and organise, in agreement with the Minister for Equal Opportunities, international meetings and information campaigns. The application of the law depends, however, on the ability of operators to grasp its significance and equip themselves with suitable instruments. The law requires, therefore, that the Ministers of the Interior, Equal Opportunities, Justice, and Labour and Social Policies should where necessary organise, within the constraints of the resources currently available, training courses for their staff and any other initiatives that might be useful to this end.
35. With respect to protection, the law establishes (Art. 12) a **Fund for Anti-Trafficking Measures** in the Prime Minister's Office. The fund is intended for social integration and assistance programmes for the victims of trafficking, as well as the other social protection measures envisaged by Art. 18 of the Consolidated Text on immigration in accordance with Legislative Decree 286 of 25 July 1998.
36. The fund brings together the sums allocated thus far pursuant to Art. 18 and the proceeds of any seizures ordered in the wake of conviction or the application of plea bargaining for any of the offences punished by the new law.
37. Experience has shown that if real help is to be provided then prompt action and an immediate response to the victim's call for help are required. The law is mindful of this aspect and envisages a special emergency programme for assistance to victims (Art. 13) that guarantees, on a provisional basis, adequate board and accommodation and health care.
38. The programme is subject to the adoption of specific regulations by the Minister for Equal Opportunities in conjunction with the Minister of the Interior and the Minister of Justice. The sum of 2.5 million euros per year has been earmarked for the introduction of the special programmes with effect from 2003.
39. The fact that the law has been supplemented by specific prevention and assistance measures means that the Italian legislative framework is actually more comprehensive than that envisaged by the Council's Framework Decision and more closely tailored to the circumstances where it will be applied.
40. The recent law on trafficking sends out a clear message on the need to take the special needs of these women and children into account, by seeking the introduction of adequate measures for the protection, support and recovery of victims alongside the work of prevention and suppression.

41. A number of European legislative provisions have also been transposed to the Italian legislative system in this sector. These include Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography; Council Resolution of 20 October 2000 on initiatives to combat trafficking in human beings, in particular women (2003/C260/03); 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 multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks.

**B. The bill of 7 November 2003 - Provisions on combating the sexual exploitation of children and child pornography**

42. Of great importance is the recent government bill of 7 November 2003 (Provisions on combating the sexual exploitation of children and child pornography), submitted by the Minister of Equal Opportunities and the Minister of Justice, currently being considered by the Justice Committee of the Chamber of Deputies. This bill has been adopted by the sub-Committee 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.

43. The bill<sup>2</sup> drawn up by the Minister for Equal Opportunities and the Minister of Justice and approved by the Council of Ministers on 7 November 2003 envisages a reform of the current legislative framework resulting from the entry into force of Laws 66/1996 and 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.

44. Member States are, of course, required to bring their legislation into line with binding provisions such as framework decisions. The decision under consideration would require Italy to introduce a number of reforms to the existing legislation, including: the extension of the protection of minors until the age of 18 has been attained, thus fully implementing the provisions of the UN Convention on the Rights of the Child; the extension of the notion of child pornography to include realistic images of a non-existent child or a real person appearing to be a child; the identification of features constituting offences concerning sexual exploitation of children and child pornography that are common to all states; the introduction of a new framework of sanctions; specific liabilities of legal persons; common provisions on jurisdiction and prosecution; and common rules at the European Union level for the protection of and assistance to victims.

45. The Italian bill also incorporates the recommendations of the Parliamentary Committee for Childhood, which in 2002 completed its fact-finding enquiry on the abuse and sexual exploitation of children. The enquiry was opened in December 2001 and conducted through

hearings of experts in the sector and representatives of institutions directly involved in suppression and prevention and in assisting victims. The complex enquiry translated into the important document on paedophilia approved on 16 July 2003,<sup>3</sup> which summarises the main conclusions reached by the Committee. The Report puts forward proposals for reforms to the legislative framework that would give greater effect to the strategies and measures to combat and suppress paedophilia. It highlights, for example: the need for greater certainty regarding the penalties applied to those convicted of sexual offences and the exploitation of children, as well as the timeliness of defining new offences to express the various forms taken by this type of crime.

46. The provisions contained in the bill would result not just in stricter penalties, but would also specifically envisage ancillary punishment with a clear preventive function. With a view to avoiding specific recidivism, the bill seeks to eliminate those circumstances that might make repeat offences more likely. It envisages, for example: the loss of parental authority following conviction or plea bargaining, both in cases where the parental relationship is a constituent element of the offence and in those where it is an aggravating circumstance; and the prohibition of persons convicted of paedophilia from holding positions in schools or other structures mainly frequented by children. On the subject of sexual tourism, the bill introduces two important new features: the first concerns the obligatory requirement *sine die* for tourism operators to include a warning in advertising material and travel documents as to the criminal liability in Italy even for offences committed abroad; and the second concerns the extension of criminal liability to anyone taking part in tourism initiatives intended for the exploitation of child prostitution.

47. The bill places a particular emphasis on offences committed through the use of Internet, with the introduction of a mechanism to collect and monitor information on sites disseminating child pornography and to encourage service providers to adopt a responsible and involved approach. To this end, the bill proposes that a National Centre for Combating Child Pornography on the Internet be set up in the Ministry of the Interior, with which service providers should interact in the communication of information that might be used to block offences being committed that involve the dissemination, distribution or commercialisation of child pornography.

48. One particularly innovative aspect is the specific role envisaged for banks and financial intermediaries providing payment services, who would be required to cooperate with the National Centre for Combating Child Pornography on the Internet and adopt specific monitoring measures that would make it impossible to use normal payment circuits to obtain material or to benefit from the proceeds of the sale of child pornography.

49. In conclusion, the progress made thus far marks a very real quality leap in the action being taken forward by the Italian Government: coordination and integration are the two key factors in a policy that places children's well-being at the centre of attention. To combat abuse and sexual exploitation these elements are the necessary prerequisites for any project aiming to have an effective and lasting impact, whether we are dealing with the taking in hand of a child or political actions or projects in the field (training, awareness-raising campaigns, the creation of specialised services, etc).

## II. INSTITUTIONAL BODIES

### A. **Comitato Interministeriale di Coordinamento per la lotta alla pedofilia (Interministerial Committee for the Coordination of the Fight against Paedophilia - CICLOPE)**

50. Although many countries have brought their national legislation into line with the approaches followed at the international level to better reflect the criminal nature of exploitation, assistance and protection measures and mechanisms are rarely subject to proper regulation and monitoring processes.

51. With respect to coordination structures, only eight countries have reported setting up national focal points. These include Italy, with the **Comitato interministeriale di coordinamento per la lotta alla pedofilia (Interministerial Committee for the Coordination of the Fight against Paedophilia – CICLOPE)**; see Stockholm agenda).

52. With the creation of CICLOPE in spring 2002, Italy made an important advance in implementing the undertakings entered into at the international level and optimising its domestic policies to combat the abuse and sexual exploitation of children. The need for central coordination had been under consideration for some time by the Government, with many commentators noting the urgent need to integrate the actions taken by each government department, not least with a view to fully capitalising on the actions adopted and making them as effective as possible.

53. The Committee's remit is to perform the "functions involved in the coordination of the prevention activities carried out by all government departments and to provide assistance, including legal assistance, to children and protect them from sexual exploitation and abuse". These functions had previously been attributed to the Prime Minister's Office by Art. 17 of Law 296/1998 and were delegated through the Prime Minister's Order of 14 February 2002 to the Minister for Equal Opportunities, who chairs the CICLOPE coordination committee. This committee acts as a liaison structure for the intervention strategies put in place by individual government departments, including with the cooperation of the private social sector and civil society as a whole. This makes it a focal point as defined by the Stockholm agenda for Action of 1996. Its remit includes taking part, in conjunction with the MFA, in the work of EU and international bodies tasked with protecting children from sexual exploitation.

54. The CICLOPE Committee includes representatives of the Ministries of Foreign Affairs, the Interior, Justice, Labour and Social Policies, Health, Education, Communications, Technological Innovation, Relations with Parliament, Productive Activities, EU Policies and, naturally, Equal Opportunities. In carrying out its tasks it draws on the cooperation of associations, NGOs and experts in the sector.

55. In its first year of activity the CICLOPE Committee reviewed the activity being taken forward by the different central government departments and worked towards the implementation of a number of important elements of the first National Plan to combat and prevent paedophilia, adopted in September 2002.



## **B. The Observatory on the phenomenon and on prevention and suppression policies**

56. 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.

57. Unfortunately, Italy does not yet have a centralised system for the collection and analysis of the relevant data. In this, our country is in a similar situation to many others, but this does not mean that we should view this lack any less seriously, since it undermines our ability to properly evaluate the impact of policies and identify the practices that are most effective and therefore best suited for dissemination at the national level. 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. The survey of the initiatives being taken forward by the various departments on the issue of paedophilia has shown up gaps and discrepancies or imbalances in the information available, which can obstruct the creation of a common strategy, the exchange of experience and comparisons at both the national and European levels.

58. Within the 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:

- 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;
- 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;
- A Council of associations operating in the field, through which they can make their experience available as an advisory body to the two Committees.

59. 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.

## **III. THE ACTION OF THE ITALIAN GOVERNMENT IN COMBATING PAEDOPHILIA DURING THE ITALIAN PRESIDENCY OF THE EUROPEAN UNION**

60. 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 from any form of exploitation were included in Ministers' policy agendas during the six months of the Presidency, with the Ministry for Equal Opportunities and the Ministry of Labour and Social Policies promoting specific events.

61. The Ministry for Equal Opportunities placed a particular emphasis on combating the trafficking of human beings, paedophilia, and domestic violence.

62. With respect to trafficking, the Ministry organised a national conference to analyse experience of, and identify good practice in, actions to combat the phenomenon and support victims with a view to their social and employment reintegration (national conference on Actions to Foster the Social and Employment Inclusion of Women Victims of Trafficking, Turin, 24-25 October 2003). This event built on the conference held in Siracusa in December 2002, and at the same time provided an opportunity to illustrate the Resolution on the trafficking of human beings, and women in particular, presented by the Italian Presidency to the European Union's Social Affairs Council and approved on 20 October 2003.

63. With 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).

64. 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, 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).

65. With respect to the programme taken forward by the Ministry of Labour and Social Policies, the issue of violence against children was included in the Italian Presidency agenda at the meeting of European ministers with responsibility for children's issues<sup>4</sup> (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).

66. The meeting in Lucca brought together Ministers, Under-Secretaries and representatives of the Ministers of the EU and the 10 accession countries to discuss three issues regarding the affirmation of the rights of children:

- Combating sexual abuse within and outside the family and the sexual exploitation of children in the European Union;

- Combating child labour in the European Union, to initiate a reflection on child labour in industrial societies;
- Promoting children's rights at EU level through guarantee mechanisms at the local, national and European levels.

67. 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:

- A balance sheet and the prospects for the Daphne European programme in the light of the new edition of the programme;
- The concept of good treatment and its recognition in Europe in training policies, the creation of services and professional practices linked to childcare;
- Social assistance phone helplines for reporting cases of maltreatment of children.

68. 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.

#### **IV. AREAS FOR ACTION AND OPERATIONAL INSTRUMENTS**

##### **A. Sexual tourism: the Italian tourism industry's code of conduct and initiatives to raise awareness, combat and prevent the phenomenon**

69. Worthy of note in this sector is the bill approved by the Government on 7 November 2003. This envisages criminal liability for those taking part in tourism initiatives intended for sexual exploitation and places the obligation to provide information on the provisions of Law 269/1998 regarding sexual tourism onto a permanent footing.

70. In the period under consideration Italy continued to take part, mainly in the person of representatives of the Ministry for Productive Activities, in the work of the international bodies coordinating the fight against the sexual exploitation of children in tourism.

71. Of particular note is our membership of the Task Force set up by the World Tourism Organisation (WTO), a working group that holds regular meetings to coordinate and plan activities at the transnational level. The last such meetings took place in London (November 2002) and Berlin (March 2003). The work carried out by the Task Force in recent years culminated in the organisation, with the support of the WTO and the EU, of the European Conference for the Protection of Children against Sexual Exploitation in Tourism, which took

place in Rome in April 2003 and provided an opportunity to draw up a balance sheet of the initiatives being taken forward and to relaunch the *International campaign against sexual exploitation of children in tourism*, which is being run in partnership with ECPAT, Terre des hommes – Germany and the International Federation of Journalists.

72. Between 1997 and 2000, the European Union and the individual Member States, including Italy through the Ministry for Productive Activities and the Foreign Ministry, have supported and encouraged numerous initiatives, again in coordination with ECPAT, Terre des hommes and the International Federation of Journalists. The principal initiatives include:

- The production of in-flight spots;
- The creation and distribution of luggage tags and information booklets;
- Awareness-raising and training of tourism operators and the publication of educational material;
- The opening of an Internet platform for information and reports;<sup>5</sup>
- The drafting and publication of the tourism industry Code of Conduct;
- Information campaigns in the various media.

73. In 2001 action at the European level and the efforts of the individual Member States were stepped up with the direct involvement of the tourism industry in combating the sexual exploitation of children. An agreement was drawn up for cooperation with the WTO, which is promoting the *International Campaign against the sexual exploitation of children in tourism*. The actions taken forward during this campaign include:

- Awareness raising initiatives in some of the key destination countries for this type of tourism and the involvement of local government;
- Follow-up on the application of the code of conduct;
- Awareness-raising initiatives with the support of the media;
- The monitoring of the effectiveness of the Internet platform;
- The dissemination of the WTO guidelines on sexual tourism;
- The promotion and adoption of specific training modules in the curricula of training schools for tourism operators;
- The production of radio and TV adverts;
- Communication on the project at the main national and international tourism fairs.

74. At the end of 2002, the *International campaign against the sexual exploitation of children in tourism* once again received funding from the European Union and began its new round of activities by organising four regional consultations (Europe, Asia, Africa and South America), of which the Rome Conference was the first. The choice to proceed with a series of consultation meetings arose from the need to draw up a balance sheet on the progress made thus far and to provide a new impetus, from a perspective focusing on regional specificities, to cooperation between partners at the supra-national, national and local levels.

75. Thanks to the efforts of NGOs such as Terre des hommes and ECPAT, which for years have campaigned against the sexual exploitation of children, the Italian tourism industry has become more sensitive to this dramatic problem and has considered its own responsibilities and role in combating the form of violence against children that affects it most directly: sexual tourism. This change can be ascribed both to ethical responsibility motives and to quality objectives, which the industry needs to keep constantly in mind on pain of losing part of its market, especially the family segment.

76. The WTO has also taken the initiative in this area by promoting the *Task force to protect children from sexual exploitation in tourism*, an international network of public and private organisations working in the sector. Its aim is to carry out initiatives to prevent, isolate and root out the sexual exploitation of children in tourism.

77. Over the last two years, important Italian associations in the tourism sector have adopted the *Italian Tourism Industry's Code of Conduct*<sup>6</sup> drawn up by ECPAT, a document whose aim is to combat the exploitation of minors in this context. Awareness-raising initiatives to encourage the adoption of the Code have been carried out, including with the support of the Tourism Directorate at the Ministry for Productive Activities and the Ministry of Foreign Affairs, which has funded development cooperation projects on these issues.

78. Tour operator companies, travel agencies, airlines and airports that have adopted the Code have undertaken – in addition to the provisions envisaged by Law 269/1998 – to take specific measures against the sexual exploitation of children in tourism:

- To inform and update tourism industry personnel in Italy and in destination countries on the issue of the sexual exploitation of minors;
- To inform clients – above and beyond the requirements of Law 269/1998 – of the industry's commitment to combating the sexual exploitation of children in tourism, indicating its adoption of this Code of Conduct;
- To insert clauses in contracts with corresponding suppliers in destination countries requiring them not to facilitate, in any way, contact that has sexual relations as an objective between tourists and possible exploiters of children, and/or direct contact with exploiters and/or minors;
- To include in contracts between tour operators and hotels wording to the effect that local children are not to be admitted to customers' hotel rooms, and not to renew the contracts of structures that do not apply this ban;

- To attach as an addendum to all contracts with foreign correspondents and hotels the English translation of the Code of Conduct;
- Not to utilize advertising messages – on printed publications, video or the Internet – that might suggest or allude to behaviour not in line with the ECPAT campaign or the principles inspiring the Code of Conduct;
- To insert in all forms of communication used to promote travel products the phrase: “*Our company has adopted the Code of Conduct against the sexual exploitation of minors in tourism*”;
- To inform industry personnel of this Code of Conduct and include it in all new employment contracts.

79. The Code envisages that airline companies should also seek to raise public awareness of the sexual exploitation of children and the guiding principles of the Code of Conduct using in-flight magazines, ticket jackets, Internet links, post-cards and videos on long-haul flights. Airport Authorities are also required to raise public awareness through specific actions such as "spots" in transit areas, the use of ticket jackets and other informational material at airport ticket counters.

80. With a view to monitoring the dissemination and application of the Code, a Control Body coordinated by ECPAT Italia has been set up,<sup>7</sup> with the task of ascertaining that signatory parties to the Code are actually implementing it. The Italian associations and tour operators that are taking part in the international campaign against the commercial sexual exploitation of children have supported the organisation of training seminars, conferences and awareness-raising campaigns addressed to all those operating in the sector, their customers and public opinion in general. As pointed out by bodies such as FIAVET, Federturismo, ASTOI and Assotravel, the tourism industry's efforts have their legal basis in Law 296/1998, through which Italy has taken forward the awareness-raising process begun with the Stockholm Congress of 1996.

81. Recent Italian initiatives that are worthy of mention include the *European Conference for the Protection of Children from Sexual Exploitation in Tourism* (April 2003), promoted by the WTO, the European Union and the Ministry for Productive Activities. This event provided an opportunity to examine the state of progress of legislation and policies, and to review the cooperation projects set up in various parts of the world and promote the spread of good practice as an instrument for the training of tourism industry operators and users.

82. The Automobile club d'Italia (ACI) has also taken action on these issues. The ACI has supported awareness-raising campaigns through the media and, in cooperation with the MFA, has created a website dedicated to tourism.<sup>8</sup> This provides information to Italians travelling abroad on the security, health and tourism situations in 208 different countries. The site also provides information on the penalties applicable to those responsible for sex offences against children under the legislation currently in force in Italy and other countries. Set up in 1998, the site has developed into a widely known and used information contact point that receives about 50,000 visits a month. The information available on the site is also provided through a

call centre<sup>9</sup> open each day from 8 a.m. to 8 p.m. Italian tourists need to be informed of and “trained” in the different circumstances prevailing in the countries they visit, not least to ensure that they are aware of the content of the various “offers” they receive and their possible consequences.

83. The promotion of the Italian Tourism Industry’s Code of Conduct has now moved on to its next stage, that sees some signatory parties, together with ECPAT Italia, engaged in the application of the Code in the tourism destination countries (especially the Dominican Republic and Thailand). The projects initiated so far have considerably stepped up the fight against sexual tourism.

## **B. The media and the protection of children**

84. 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.

85. 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”.

### **1. The Self-Regulation Code on TV and the Protection of Children**

86. 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.

87. These reports can be followed up immediately as the main new feature of the Code (compared with the 1997 version) is that it envisages powers by the Supervisory Committee to impose sanctions, and close liaison between the Committee and the Regulatory Authority in order to give effect to these powers.

88. 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.

89. The Self-regulation Code on TV and Children aims to address the unhealthiest forms of information through the rules of conduct it sanctions and awareness-raising and training programmes for communications operators.

90. During the debate on Law 39 of 1 March 2002 containing Provisions on meeting the obligations arising from Italy's membership of the European Communities (the "Community Law" for 2001), the Ministry supported the amendment to Law 249 of 31 July 1997 setting up the Communications Authority and rules governing) which resulted in the introduction of a new type of penalty. More specifically, it is now telecommunications and broadcasting systems, with the insertion of a new article (Art. 3 *bis* possible for the Authority to arrange for television broadcasters belonging to EU Member States to provisionally suspend the reception and re-transmission of programmes broadcast abroad in the event of manifest and grave breaches of the ban on broadcasting programmes that could be seriously detrimental to the physical, mental or moral development of children, especially programmes containing gratuitous violence or pornographic scenes.

91. The new Service Agreement between the State and RAI (the Italian public broadcasting network) for 2003-2005, which was signed on 23 January 2003, also places a strong emphasis on the needs of children.

92. The agreement establishes that part of the public broadcasting service's mission is to provide children's programmes that take into account the needs and sensitivities of young and older children and to ensure, in general programming and with regard to the broadcasting schedule, that close attention is paid to their protection.

93. Art. 6 of the agreement expressly addresses the function that the broadcasting service should perform with respect to children and the criteria that it needs to comply with to ensure quality programming that respects children's right to the protection of their dignity and their physical, psychological and moral development.

## **2. The role of the public broadcasting service in the protection of children**

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

95. The RAI's Social Action Department<sup>10</sup> 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:

(a) In-house awareness-raising initiatives. The corporation has circulated information on the CICLOPE<sup>11</sup> 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;



(b) 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)*)<sup>12</sup> 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;<sup>13</sup>

(c) 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. Ample attention has also been paid to the abuse of children in situations of serious social disadvantage.

96. 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.

97. 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).

### **3. The Self-Regulation Code of Conduct “Internet and Children”**

98. A particular emphasis has been laid on the difficult subject of how best to combat 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.

99. The guidelines provided by the National Plan issued by the CICLOPE Committee on this issue concern:

- The adoption of self-regulation instruments by providers and their cooperation in actions to combat paedophilia, with due respect for the provisions currently in force at the national and European levels;

- A reinforcement of international cooperation through bilateral or multilateral agreements that through shared objectives give greater force to common actions to combat transnational IT crime;
- The production and free distribution of IT filter programmes;
- Information campaigns to increase knowledge of the Internet and online paedophilia to enable the benefits offered by the Web to be put to best use and at the same time to incentivise and enhance users' self-defence capacities.

100. 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.

101. 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*).

102. The MIT, including through its Technical Committee for an Informed Use of Internet, is involved in the implementation of an action plan along the following three lines:

(a) Creation of a more controlled environment for Internet surfing by children.

Through the Technical Committee for an Informed Use of the Internet, the Minister for Innovation and Technologies took part, with the working group Internet @ Infanzia (part of the Communications Ministry's Committee for the Review of the broadcasting system), in drafting a self-regulation code for all Italian Internet service providers. A collaborative project was also entered into with Oxford University's *Programme for Comparative Media Law and Policy Self Regulation Information Project*, which within the European Commission's Safer Internet Action Plan assist Member States in drawing up regulatory codes that are compatible with the European framework;

(b) Development of filtering and content classification systems. The MIT has already taken action by making available to users the ICRA (Internet Content Rating Association) filter, as part of the European project funded by the Safer Internet Action Plan. The filter, which is free and available in Italian, acts as a site-labelling and content identification system for the protection of children as they surf the net. In this same sphere of action and following a number of hearings with interested parties, the Technical Committee for an Informed Use of the Internet has noted the need for greater coordination at the European level, especially as regards the monitoring of the usefulness and overall effectiveness of filtering systems;

(c) Raising the awareness of public opinion and operators. In addition to the necessary involvement of all those working in the Information and Communication Technology (ICT) sector, the Ministry also feels that major information campaigns should be mounted to increase awareness of the risks connected with Internet surfing.

103. 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 and honing of skills and an informed use of the new technologies are 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.

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

105. A decisive result in this sphere was achieved through a new initiative, the Children and Internet self-regulation code. The Ministry for Communications had overall responsibility for drawing up and coordinating this code, which was signed on 19 November 2003 by representatives of Internet providers<sup>14</sup> and by the Ministers for Communications and for Innovation and Technologies, after approval by the Committee for the Broadcasting System and the Committee for an Informed Use of the Internet, which is based in the MIT. The Code is the result of the efforts of a working group, Internet and Children,<sup>15</sup> set up specifically for this purpose in the Ministry for Communications. Also contributing to the drafting process were representatives of business associations in the sector, who have subscribed to the Code, as well as members of children's protection, consumers' and users' groups.

106. The Code is intended as an instrument to safeguard the right of children to be protected from unlawful and harmful content disseminated over the web and for general protection in the safe use of the new technologies of the information and electronic communications society.

107. Its aims are as follows:

- To direct adults, children and families towards a correct and attentive use of the Internet;
- To provide appropriate protection against the risk of minors coming into contact with content that is unlawful or harmful for their development;
- To give minors equal opportunities for secure access to the resources of information technology;
- To protect children's right to privacy and ensure the correct processing of their personal data;
- To collaborate fully with the competent authorities in the prevention, restriction and suppression of cyber-crime, especially with regard to crimes against children;

- To facilitate the protection of minors from unsolicited commercial information, or commercial information that exploits the vulnerability of children;
- To propagate the contents of the self-regulation code to operators and families.

108. The adoption of the self-regulation Code responds to the call at the European and national levels for measures to step up the fight against cybercrime, child pornography and the use of the Internet as a means of committing offences involving the sexual exploitation of children.

109. The Code provides definitions of the actors applying it in the sector (from access providers to Internet point operators) and launches an “Internet @ Minori” quality logo testifying that those carrying out business activities on the Internet have subscribed to and are complying with the Code.

110. The Code applies to all adherents that underwrite it. Voluntary adherence to the Code entails a firm commitment to accept in full the contents of the code as well as the supervisory activities and sanctions it envisages; and the adaptation of the contractual conditions of the services provided to its provisions.

111. The Code identifies the main instruments for the protection of minors in this context. These include: information for families and teachers; differentiated navigation services; content classification; the use of age identifiers in accordance with laws concerning the protection of personal data and the dignity of the person; and the management of data useful for the protection of minors and for investigative activities.

112. Responsibility for content quality and the purposes for which the IT media are used lies with the access provider (required to ensure that customers take a responsible approach to the use of connection services), housing/hosting providers, content providers and Internet point managers.

113. The Code also envisages the creation of a Guarantee Committee, made up of experts appointed by a ministerial decree issued by the Minister for Communications. The Committee is responsible for overseeing the correct application of the Code by those subscribing to it and deciding on the disciplinary sanctions it envisages (warning, censure, revocation of the authorization to use the “Internet @ Minori” logo indicating compliance with the Code).

114. Anyone may submit reports of violations using special forms that are available online.

### **C. Children’s SOS Tel. 114 - National free emergency phone helpline for children**

115. In 2002 the Ministry for Communications, in conjunction 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.

116. 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.

117. Following the inter-ministerial decree of 14 October 2002, as adopted by the Ministry for Communications in conjunction 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 is envisaged in three cities, chosen in terms of statistical representativeness and the existence of well-established operational structures.

118. The pilot 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.

119. 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.

120. From the technical-organisational point of view, the 114 helpline was given a call-centre architecture with three response stages:

- Front line – receiving the call for help and analysing the information regarding the situation reported;
- Back line – specialist action and liaison with other structures;
- Back office – specific support actions.

121. 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.

122. 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.

#### **D. The anti-trafficking freephone number**

123. The anti-trafficking freephone number is a system-wide action set up at the end of July 2000. It is funded by the Ministry for Equal Opportunities using national funding pursuant to Art. 18 of Legislative Decree 286/1998. The service is available 24/7 and consists of a

national centre and 14 local centres. The freephone service handles users' requests for information and help directly, assesses and selects the calls judged to be authentic, and initiates the procedures to put the victims in touch with their local centres and then with project operators.

124. From July 2000 to March 2003 the freephone service took 520,936 calls, of which it took action on 194,350, from:

- Victims of trafficking: 21,945 (11.29%);
- Clients: 14,151 (7.28%);
- Relatives: 16,912 (8.70%);
- Members of the public: 119,733 (61.61%);
- Police: 13,664 (7.03%);
- Suspected persons: 2,632 (1.35%);
- Victims of prostitution: 5,313 (2.73%).

125. 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.

126. The Ministry for Equal Opportunities has also funded another two projects as part of the actions pursuant to Art. 18:

- *The national monitoring of the results achieved by the public prosecutors' offices in the investigations arising from complaints regarding traffickers*, coordinated by the Ministry of Justice;
- *System-wide actions to encourage the voluntary return and re-integration of the victims of trafficking in their countries of origin*, coordinated by the Ministry of the Interior, with the assistance of the International Organisation for Migration (IOM).

127. Other system-wide actions include awareness-raising and public information campaigns for the anti-trafficking freephone service, promoted by the inter-ministerial commission and the Ministry. One of the most recent information campaigns was *Operazione via d'uscita (There's a way out)* presented by the Ministry for Equal Opportunities at the conference *Inferno tratta – Il dovere di reprimere, l'impegno per salvare (The Hell of Trafficking – our duty to suppress, our commitment to save)*, which took place in Rome in December 2002. This campaign, which also received funding from the European Union, was implemented in concert with the Ministry of the

Interior and took the form of a television spot shown by the main private and public broadcasters, along with stickers and roadside posters. In 2002 the Ministry for Equal Opportunities also organised or took part in study meetings on trafficking, the most significant of which were:

(a) The first European Conference on the trafficking of women, which was organised by the European Commission and took place in Siracusa on 5-6 December 2003;

(b) The above-mentioned Conference *Inferno tratta – Il dovere di reprimere, l'impegno per salvare*, organised in Rome by the Ministry.

#### **V. THE INTEGRATED SYSTEM OF SERVICES AND ACTIONS TO PREVENT, COUNTER AND COMBAT PAEDOPHILIA AND THE SEXUAL EXPLOITATION OF CHILDREN**

128. As stated in the National Plan to combat Paedophilia, in 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.

129. However, the Regions have sole responsibility, 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*), for planning and coordinating social and health initiatives, while 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. 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.

130. 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).

131. The objectives to be met to consolidate the system of social services provided by the local authorities are therefore:

- Liaison by the various public and private social services organisations making up the multi-centre prevention and protection system;
- Encouraging functional coordination between actions for the promotion of well-being and those for protection from violence;
- Providing more economic resources for the treatment phase;
- Incentivising the training and qualification of operators in the services;

- 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.

132. A decisive contribution in ensuring that the organisational and programming approach to children's issues is addressed and taken forward in a uniform manner throughout the country was Law 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 prevention.

133. 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 285/1997. In 2001 the Centre carried out a research-action involving an in-depth survey of the projects taken forward in this sector.<sup>16</sup>

134. 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 Italy.

135. 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.

136. The next few years will see a partial break with the past, with the full implementation of the recent law reforming the social services (Law 328 of 8 November 2000, the Framework Law for the creation of an integrated system of social services and actions), the social-health integration process and the attribution to the Regions of sole responsibility for social matters.

137. The following sections contain a description of the different instruments and actors playing a part in the creation of an integrated network of services for children, especially as regards the issue of combating paedophilia and the sexual exploitation of children.

#### **A. The National Fund for Social Policies**

138. 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.



139. From the financial point of view, Art. 20 of Law 328/2000, which reformed the system of social-health policies, and Art. 80.17 of Law 388 of 23 December 2000 (the Finance Law for 2001), provided the basis for a single National Fund for Social Policies and confirmed that the Finance Law should determine the amount allocated to it. This means that the Fund is no longer the sum of the allocations made through a number of different laws but an instrument for a more general programming of social policy actions. The fact that the Fund for Social Policies has been allocated without constraints to the Regional authorities was seen as a way of ensuring planning and organisational autonomy in the reform of the social services.

140. The resources allocated to the National Fund for 2003 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 in conjunction with the Ministry for Economic Affairs and Finance.<sup>17</sup> The amount allocated to the Regions increased by about 15%, from 771,461,269 euros in 2002 to 896,823,876 euros in 2003, a difference of about 125 million euros. The aim of the reform envisaged by Law 328/2000 is to create an integrated network of actions with a view to overcoming the fragmentation that has long been a feature of social policies in Italy; and a network of services that will be operated with the participation of diverse public, private and not-for-profit actors. These organisations will be able to bring together diverse actions at different times of citizens' lives as envisaged by Art. 22 of the law, which states that the integrated system of social services and actions should be achieved through coordinated policies and services in the different sectors of the life of society. This is to be done by integrating services to individuals and families with economic measures where appropriate, and drawing up courses of action to optimise the effectiveness of resources and prevent the duplication of competencies and the "sectorialisation" of responses.

141. As stated in the National Social Plan 2001-2003, in accordance with Law 328/2000 the intention is to promote a Responsible Welfare, by which is meant a welfare system that can be defined as plural, since it is constructed and supported by shared responsibilities in an approach based on a wider system of government that capitalises on a solidarity-based federalism 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 union 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;
- 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;
- The aggregation and self-organisation of users, families, and individuals, which are a factor for the enrichment of the network of services;

- The public assistance and charitable institutions taking part in the regional programming of the system;
- 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 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 establishes that actions carried out under the integrated system should be implemented in accordance with the aims of law 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.

### 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
Total	771 461 269	896 823 876	125 362 607

### B. The National Plan of Social Services and Actions 2001-2003

142. 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 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 and support for family responsibilities (Objective 1) and reinforcing children's rights (Objective 2).

143. The aim of Objective 1 is to reinforce the primary context for the development and protection of children by putting in place actions to support family responsibilities and parenthood. In particular, the priorities include the creation of services for children and families, economic support measures and a boost for initiatives that facilitate the sharing of childcare responsibilities by both parents.

144. With Objective 2, 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 that need to be developed at the local level to effectively implement Objective 2 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 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).

#### **C. Law 285 of 28 August 1997 containing provisions for the promotion of rights and opportunities for childhood and adolescence**

145. As mentioned earlier, the provisions of Law 328/2000 on the integrated network of personal services were anticipated by Law 285 of 28 August 1997, which established uniform conditions for action to promote the rights of children and adolescents throughout the country, through the creation of local plans at the municipal level in cities such as Rome, Naples, Palermo, Milan etc and at the provincial level elsewhere.

146. With respect to actions against maltreatment, abuse and sexual exploitation, the survey included a “census” of 95 specific projects carried out over the first three years of implementation of the law. The four main lines of action for the projects were:

- The mobilisation and promotion of institutional and third sector resources;
- An increase in the public’s and expert operators’ awareness of the extent and nature of the phenomenon;
- The promotion of multi-disciplinary and inter-institutional work, with the creation of networks linking the different local institutions;
- The specialisation of the existing social-health services and the creation of specialised teams to collect information, take calls for help, protect, investigate reports of violence, evaluate families’ rehabilitation potential, and provide psycho-social support for children during court proceedings and therapy.

#### **D. The regions**

147. In consideration of the fact that responsibility for the functions involved in the coordination and programming of the social and health services now lies solely by the Regions, it would seem to be of priority importance to evaluate initiatives, including of a decision-making

and legislative nature, carried out by the Regions in promoting the rights of children and adolescents, and especially in combating paedophilia and the sexual exploitation of children.

148. 12 of the 20 Regions have already adopted laws, resolutions or other administrative provisions specifically regarding the issues of maltreatment, abuse and/or the sexual exploitation of children.

149. The Abruzzo Region's pilot scheme for health actions for children at risk and their families<sup>18</sup> and Veneto Region's Regional Pilot Scheme to combat maltreatment and abuse<sup>19</sup> both belong to the last-named type of initiative.

150. Calabria Region has also made specific programming choices on the issue of violence, by adopting Regional Decree 838 of 24 September 2002, concerning criteria and arrangements for the granting of funding for specific prevention, assistance and rehabilitation programmes for child victims of sexual abuse.

151. In the period under consideration Emilia Romagna Region, which in 1999 adopted Guidelines on the sexual abuse of children,<sup>20</sup> further developed sectorial actions through the approval of projects for training in maltreatment and psycho-physical abuse issues<sup>21</sup> and the allocation of funding to the provincial authorities for actions to combat this phenomenon, resulting in projects for the creation of specialist services.<sup>22</sup>

152. Worthy of note are the efforts of Piedmont Region which, following the approval in 2002 of the *Guidelines for the taking in hand by the social assistance and health services of cases of abuse and maltreatment of children*, has promoted a range of policies for action on issues concerning children, maltreatment and sexual abuse in particular. In the period under consideration, the data made available enabled a framework of initiatives to be mapped out, starting with a series of decisions<sup>23</sup> in which a priority role is given to specialist and basic training for all operators involved in protection. The work carried out throughout this Region can be set in an organisational framework of deeply innovative services, with the creation of 22 local multi-disciplinary teams with responsibility for taking in hand cases of abuse and maltreatment of children.

### **1. The drafting of guidelines for action in cases of maltreatment, abuse and/or sexual exploitation of children**

153. 12 of the 20 Regions have drawn up guidelines for action in cases of maltreatment, abuse and/or sexual exploitation of children.

154. The survey confirms the choice made by a number of Regions to adopt resolutions for special instruments to regulate and coordinate procedures for reporting and taking in hand child victims of maltreatment and abuse.

155. The regional guidelines respond to operators' need for clarity during the most sensitive phases of protecting children, when they need to decide how to proceed with respect to reporting, adopting urgent protection measures, involving (or not involving) the family, and opening psychological-social evaluation procedures.

156. The guidelines also include precise recommendations on the division of responsibilities by the social and health services, the juvenile courts, the public prosecutor's office in the juvenile courts and the ordinary prosecutor's office. These instruments are intended to acknowledge the different relations between the judicial and the administrative spheres, by mapping out a uniform course of action for the taking in hand of the children and their families. Of the new initiatives, worthy of note is the approval by Tuscany Region (Decision 313 of 25 March 2002) of the document *Guidance and operational instruments concerning the neglect and maltreatment of children*. This provides recommendations and the appropriate courses of action for reporting such cases (under both civil and criminal justice procedures); refers to a number of principles and useful indicators for identifying cases; and indicates the arrangements for communication and cooperation by the judicial authorities, the social and health services and local authorities. Also worthy of mention are the guidelines drawn up by the Autonomous Province of Trento, Sicily Region and Friuli Venezia Giulia.

## **2. Structures for the coordination of action in cases of maltreatment, abuse and/or sexual exploitation of children**

157. 13 of the 20 Regions have set up structures to coordinate actions in cases of maltreatment, abuse and/or sexual exploitation of children.

158. The work being taken forward by the Regions recognises the importance of the network of inter-institutional and multi-disciplinary cooperation, which might see the involvement, in addition to the Region itself and representatives of municipal and provincial authorities, of:

- (a) The ordinary criminal court;
- (b) The juvenile court;
- (c) The social services;
- (d) The health services provided by the local health agencies;
- (e) The social services of the juvenile courts system.

159. The data collected show that in most cases the coordination structures are at the provincial level, or else are based on social-health assistance districts.

160. In Piedmont, the coordination function at the provincial level is carried out by provincial government committees within the Prefects' offices. However, the region also has specific multi-disciplinary teams to take in hand cases of abuse and maltreatment of children, set up in each LHA and in the Regina Margherita children's hospital.

161. In Tuscany, a multi-disciplinary working group has been set up with the involvement of local operators tasked with studying the phenomenon of abuse and putting in place an operational benchmark project that identifies organisational models for social-health integration on the issue of disadvantage and childhood abuse, to be promoted in each of the main districts at the local level.

162. The project for babies and older children adopted by Friuli Region (DGR 1393/2003) set the key services for the protection of minors suffering abuse or maltreatment within the context of district level social-health service integration: the municipal authorities' social services, the family advice centres and the district service providing psychological or neuro-psychiatric assistance for older children.

### **3. Adoption of a regional guidance plan on childhood and adolescence that includes the issue of violence against children**

163. 17 of the 20 Regions have adopted a regional guidance plan on childhood and adolescence that includes the issue of violence against children.

164. The issue is now fully integrated in the regional guidance programmes for childhood and adolescence, generally linked to regional social and/or health plans. Only four Regions did not give a positive answer to the question put to them on this issue.

165. Molise Region approved the plan for a fund for the promotion of rights and opportunities for childhood and adolescence (pursuant to Law 285/1997), which includes a regional project to combat sexual abuse.

166. Sardinia Region also describes its Plan for the Implementation of Law 285/1997 as the framework within which specific investments have been made on the subject of abuse to encourage the creation of network services in each local social-health district.

167. The programming lines followed by Tuscany Region envisage that the municipal authorities should address their activities to children's needs in the areas of prevention and the support and protection of children in situations of violence, neglect and disadvantage.

## **VI. PREVENTION AND INITIATIVES TO PROMOTE, DISSEMINATE AND RAISE AWARENESS OF THE CONTENT OF THE OPTIONAL PROTOCOL**

### **A. The national prevention and awareness-raising campaigns**

168. Informing, awareness-raising, and providing recommendations on prevention to help people escape from violence and increase public awareness of the extent and gravity of events that are serious violations of fundamental human rights are tasks on which the Italian Government's National Plan to Prevent and Combat Paedophilia and Sexual Exploitation bases the communication strategy supporting the main instruments to counter and prevent the phenomenon.

169. In addition to the initiatives illustrated in Chapter IV of the present Report, others currently being taken forward, in conjunction with the public broadcasting service, include an anti-paedophilia television campaign that is broadcast on the national and regional networks at the scheduling times (and during the programmes) most popular with children. An *ad hoc* campaign that is purely informational (but closely tailored to its audience of children and adolescents) has also been produced to accompany the entry into operation of the children's emergency service linked to the 114 helpline.

170. An example of institutional communication addressed to children is the campaign launched by the MIT to guide children and their families on the correct use of the Internet.

171. The Directorate General for Tourism, which is part of the Ministry for Productive Activities, is working on the subject of sexual tourism and has developed awareness-raising and prevention campaigns in conjunction with the European Union, the World Tourism Organisation and NGOs.

## **B. The preventive approach: the role of schools**

172. Schools are the natural places to begin raising people's awareness of and disseminating the content of the Protocol and, naturally, to adopt initiatives to increase children's own awareness of the problem, by contributing to the development of a proper preventive approach and measures to combat the phenomenon. The Ministry for Education, the Universities and Research, in conjunction not just with the local authorities but also with national non-profit organisations such as Telefono Azzurro, has launched a number of awareness-raising and training initiatives for teachers, school managers, and children and adolescents themselves. Schools have also been conducting projects for some time now, often as part of their health education initiatives, on the prevention of maltreatment and abuse of children. These projects are addressed to teachers, pupils and their families, with the involvement of social and health operators and private sector social organisations.

173. These projects are included in the Training Provision Plans implemented autonomously by schools, and in projects supported by local authorities acting in conjunction with schools.

### **1. Some general features of the programmes taken forward in schools**

174. The various generations of training and awareness-raising programmes in recent years can be divided into three main categories on the basis of their content:

- Generalist: focusing on general issues such as the affirmation of the rights of children, children's well-being, or social, emotional and sex education within the curriculum;
- Specific: focusing almost exclusively on the prevention of paedophilia and sexual abuse within the family;
- Mixed: combining general themes with more specific issues related to violence against children.

175. Some programmes focus only on children, others only on teachers, and others again only on parents. Some are multi-centred, in that they envisage actions addressed to all players acting within the world of education. Other still are multi-systemic, or multi-sectoral, pilot projects in which activity plans hinge not just on schools but also on the other agencies for the promotion and protection of children, first of which the social and health services. In general, the more specific projects directly involving children and adolescents provide immediate instructions to enable the child to learn how to:

- Distinguish between good and bad physical contact and the characteristics of emotional relationships;
- Assert their right to refuse contact and any requests making them feel ill at ease;
- Identify their private parts;
- Identify their own personal help networks both inside and outside the family;
- Not keep certain types of secret;
- Not feel guilty if they become victims of abuse.

176. The actions vary considerably in terms of duration. Some consist of just one meeting, while others last for weeks or even months. The generalist and mixed programmes for children need to last longer as they include sessions dedicated to framework topics, such as sexual differences, social skills and sex education. The duration of the programmes is tailored to suit the age of the children: for the youngest children just a few short, frequent sessions are envisaged, while for adolescents the programmes often include workshops that can continue throughout the school year.

177. A wide range of instruments is used, including: lessons, writing exercises, dramatisations, the showing and production of videos, role play, physical expression activities, creative expression activities (drawing, collages, sculpture), free discussion, and the analysis of stories with the help of colouring and story books.

178. One of the key considerations in drawing up a sexual abuse prevention programme for children is how to present the material so that their understanding of it matches their level of cognitive and emotional development.<sup>24</sup>

179. Some projects also envisage preliminary training for teachers and awareness-raising initiatives with parents.

## **2. The specific contribution of projects involving schools in the fight against abuse and sexual exploitation: *Survey monitoring the most recent initiatives put in place by schools***

180. In its note of 26 November 2002, the Youth Policies Directorate General in the Ministry for Education, Universities and Research sent a circular (Ref. 4915/AD) to the regional education directors requesting information on the actions put in place by schools to counter maltreatment, violence and abuse of children.

181. The following section contains information provided by the Education Ministry, but before reviewing the work carried out at the local level in the period under consideration (January 2002 to the first quarter of 2003) it is worth summarising briefly the overall picture that emerges from the data provided by the Directorates of the following Regions: Lombardy, Veneto, Liguria, Tuscany, Umbria, Sardinia, Lazio, Campania, Basilicata and Puglia.



182. The experience of the schools for which information was provided for the present report can be included in the categories set out earlier and on the basis of their aims can be divided into the following types of initiative:

- Guidance: informational contacts with senior local representatives of central government and representatives of local administrations, provincial and municipal government structures, the LHAs and the judicial authorities;
- Organisational: the setting up of committees, formally recognised working groups or inter-institutional tables; or the creation of operational services;
- Regulatory: the drawing up of protocols and inter-institutional multi-disciplinary agreements for programmes of activities and the definition of procedures;
- Training/information: single-sector and multi-disciplinary training and information pathways, awareness-raising actions for parents, educational actions for children and adolescents.

183. Actions at the local level were in some cases the product of *inter-institutional* agreements and protocols of understanding drawn up at the regional level, as in the case of Puglia, where the regional education office signed a protocol of understanding with bodies and associations to put in place the necessary instruments for the detection of abuse/violence and set up the related databases. In the case of Tuscany, with the creation of the Regional Schools Directorates a regional referent with specific responsibility for the issue of child abuse was appointed. Many local initiatives in the Region are part of the framework agreement between the representatives of the provincial Administrative Service Centres (ASCs) and Tuscany Region; an agreement thanks to which a regional procedural protocol is being studied and initiatives to provide information and distribute documentation to schools in the Region have been planned. Finally, in Lombardy the Regional Schools Directorate and Lombardy Region have agreed on training programmes for teachers and parents, as well as educational initiatives for children and adolescents, with the aim of undertaking a widespread and systematic programme of refresher courses and awareness-raising initiatives, as instruments to combat the various forms of abuse and maltreatment of children.

### **3. Organisational initiatives by liaison structures and services**

184. In Sardinia the ASC in Nuoro is contributing to the observatory for childhood set up by the provincial government of Nuoro, which includes referents from LHAs, Prefect's offices, the Juvenile Court, municipal councils and the Questura (local police headquarters).

185. The ASC in Bari has been involved in setting up a provincial inter-institutional Committee in the Government's local office in Bari for measures to combat paedophilia and a restricted technical Working Group<sup>25</sup> tasked with developing synergies between the various institutions and bodies involved with a view to drawing up operational monitoring and action strategies. The Group has been involved in:

- Putting in place the necessary instruments to detect and study the phenomenon and set up databases;
- Identifying training opportunities and arrangements relating to violence/abuse;
- Coordinating and integrating services at the provincial level.

186. The creation of a helpline (a call centre and Internet contact centre for the prevention of child abuse) is one of the specific objectives of the collaborative project currently under way between the Regional Educational Office in Basilicata, the Juvenile Court, the S. Carlo di Potenza Hospital, the Police and the Paediatricians' Association. As a result of meetings by these institutional actors, a project was set up that led to the opening of a service for the prevention of violence and sexual abuse against children and the activation of telephone and Internet contact centres. This project started in December 2002, with the creation of a project coordination team.

187. In Campania<sup>26</sup> too the educational sector has helped set up local services. The ASC in Caserta, in the form of the technical working group set up in the Prefect's Office, has been cooperating *inter alia* in drawing up an agreement for an inter-institutional programme to launch a local project called *Progetto Azzurro: anti-abuse centre*.

#### 4. Regulatory initiatives

188. In June 2002, the Provincial Inter-Institutional Committee in Bari for Measures to Combat Paedophilia signed a protocol of understanding with all the bodies and institutions making up the Committee. This document is the starting point to foster:

- A knowledge of the causes, circumstances, and contexts of the different occurrences of violence;
- The most appropriate synergies for measures to prevent and combat abuse;
- The promotion of training opportunities for operators and persons interacting with children, with families and with social-educational agencies;
- Support for the network of services and structures entrusted with the protection and socialisation of young children and, if appropriate, the activation of further, more specific services for children and their families.

189. Working with the Provincial government, the Viterbo ASC has taken forward a project on *Assistance and prevention in cases of violence, maltreatment and abuse of children and adolescents*. In November 2002 a Protocol of Understanding was signed by the ASC, the Questura, the Prefect's Office, the LHA, and Viterbo Municipal Council. The Protocol was adopted as an operational platform for the project against maltreatment and abuse, a key feature of which is training for nursery and primary school teachers.

190. Along with Protocols of Understanding, forms of regulatory collaboration between schools and other local bodies also include programme agreements for the drafting and planning of the actions envisaged by local social and educational policies. This is a form of cooperation that became widespread in Italy with the entry into force of Law 285/1997, which for funding purposes required plans to be drawn up for local initiatives by all actors with specific competencies in the promotion of the welfare and protection of children and adolescents.<sup>27</sup> For example, the ASC in Lecce has subscribed to the programme for the adoption of the three-year plan for 2002-2004 pursuant to Law 285/1997. This agreement envisages “the activation of actions for prevention and assistance in cases of abuse or sexual exploitation, neglect, maltreatment and violence against children”.

### **5. Other training and informational initiatives**

191. Training and awareness-raising projects, whether addressed only to teachers or else multi-centred and therefore involving parents, pupils and operators in the local services, have been implemented throughout the country.

192. All the projects reported on can be set within a framework of inter-institutional cooperation and are often the fruit of plans agreed within local Committees or coordination groups.

193. In Taranto, the inter-institutional coordination group in the Prefect’s Office dates from 2001. For the period under examination the group was engaged in the organisation of an inter-institutional training course for teachers and psychological-social workers. The course was proposed by the Prefect’s Office with the involvement of the Provincial government, Taranto Municipal Council, the ASC, the TA/1 LHA, UNICEF, LUMSA (Catholic University), the Juvenile Court and Juvenile Prosecutor’s Office, and the city’s main hospital.

194. School pupils in Taranto took part in an awareness-raising project on *Paedophilia and sex education* (supported by LHA/TA1 health operators), which continued throughout the 2001/2002 school year.

195. In Frosinone and Latina, a number of training initiatives for teachers, parents and pupils were set up, implementing collaborative projects with the Prefect’s Office, the Children’s Centre at the Questura, social workers, LHAs and the University.

196. As mentioned earlier, Lombardy’s regional education office and Lombardy Region have drawn up a wide-ranging training, educational and awareness-raising plan.<sup>28</sup> The main elements of this are: integrated training by researcher-teachers and LHA operators on maltreatment and sexual abuse (definition, evaluation and main characteristics; extent and short-, medium- and long-term consequences of the phenomenon; indicators; observation and network projects, etc), and teaching activities with hundreds of experimental classes. The actions envisaged in the initiative, which has received new funding, started up in January 2003 and are expected to be completed in 2004.

197. The regional education office in Umbria is working on a project called *Let's Help Palinuro*, a research and training programme for the protection of school-age children and adolescents.

## **6. The importance of information and prevention**

198. The solution of problems connected to childhood requires diversified forms of intervention that also have to be integrated and coordinated by educational establishments, actors in the sector, social partners and non-profit organisations. Besides instruments of a repressive nature, information and prevention initiatives are particularly important in social-inclusion policies (combating child exploitation, family support, prevention of school drop-outs). However, there is still much to be done to arouse civil awareness on childhood issues and to promote these policies.

199. 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. And they have to do so in accordance with their own particular situations.

200. In this context, the *Consiglio Nazionale dell'Economia e del Lavoro* (CNEL) can become a centre for monitoring, evaluations and dialogue. In an increasingly fragmented country, 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.

201. Particularly important in this respect is 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 and assertion 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.

202. To combat the exploitation of child labour, discrimination, sexual violence and all those often hidden assaults on children's rights, a firm approach based on vertical and horizontal solidarity must be achieved.

203. 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.

204. There must also be horizontal solidarity between public institutions and civil society, with the consequent enhancement of the tertiary sector and social forces.

205. 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.

206. Initiatives for teaching children about their local areas (more extra-curricular activities, recreational areas, greater use of the urban context) are thus a core part of the strategy for combating social exclusion, and the important work carried out by the social forces should be stressed here. 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 (cooperation with some municipalities for the application of law 285/1997). 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.

207. Finally, there is the “Childhood Plan” – containing the proposals of the Standing Forum of the Tertiary Sector – which highlights the major problems involving minors and possible solutions.

### **Foreign children and adolescents in Italy**

208. The analysis of issues regarding the presence of foreign minors in Italy is very important under various aspects:

1. One of the most delicate aspects concerns unaccompanied foreign minors. This is a very complex situation, the extent of which is difficult to estimate, because many of these minors remain in complete illegality. Unaccompanied foreign children and adolescents receive a residence permit “for minors” which can be converted, on reaching the age of majority, for those minors who have been in Italy for at least three years and who have taken part in an integration project for at least two years. This possibility, while helping to protect the rights of minors, is limited by the requirements (three years of residence or entry before 15): a rule that risks encouraging more entries of under 15-year-olds. The protection of the basic rights of unaccompanied foreign minors should also include real possibilities to plan their reception, assistance, guidance and education. The reception units should not be conceived only for initial assistance but should also have guidance and accompanying tasks linked to psychological, cultural, social, motivational and educational aspects and involving learning and the development of knowledge and know-how.

2. Also important is the integration of the current regulations in support of maternity and paternity, based on the essential values of solidarity and acceptance on which the family institution is based, including adoptive and foster families. The disparities ensuing from the lack of clarity in Legislative Decree 151/2001 (Consolidated Act of provisions regarding the protection and support of maternity and paternity, pursuant to Art. 15 of Law 53 of 8 March 2000) on parental leave must be rectified. The aim is to extend the regulation on compulsory and voluntary leave of absence, already envisaged for natural parents, to adoptive and foster parents or minors, independently of their origin and age when inserted in the family.

3. The insertion and integration of foreign children needs to be based on the consistent support of the educational system. This has the task of eliminating social barriers and helping to achieve equal rights for all minors in Italy, focusing on cooperation and mutual respect and the acceptance of the pupils' different cultural and religious backgrounds.

209. At 2.3% of all schoolchildren, the percentage of non-Italian students in Italy (181,767 in 2001-2002, according to Ministry of Education data), is lower than in other major European countries. However, their numbers are steadily increasing year by year. The geographical origin of foreign students, their distribution throughout the country and their breakdown by educational level are all very diversified. This means that the perception of immigrants in schools and the consequent need for initiatives promoting the knowledge of "other cultures" varies not only from region to region but often from school to school. According to a study promoted by CNEL (by the Coordination Unit for Social Integration Policies for Foreigners), the value attributed to education by foreign families who, often with great sacrifices, keep their children at school, has "transcultural" dimensions. The educational "career" of foreign children is much more erratic than that of their Italian companions and much more exposed to the risk of dropping-out. Linguistic and cultural gaps can often create considerable educational barriers to pupils, and these are more serious the higher the order of school. If we add the problem of inserting the pupil in a class unsuitable for his or her educational standard and age, poor motivation (of the pupil and sometimes of the family) and difficult socio-economic conditions, failure becomes increasingly likely.

210. The Italian educational system is currently undergoing a process of reform, with the result that only some schools have a "policy" of fostering multiculturalism and thus also the respect of other religions. It is important to ask ourselves what parents' expectations are with regard to their religion and to the integration process. An effective intervention policy, aimed at the full integration of the child, needs to cover highly diverse situations because the needs expressed by parents are also extremely varied –because of personal history, country of origin, migratory plan, type of family, presence of a network of fellow-nationals in Italy, presence of emotional links with country of origin, etc.

211. The school is thus required to provide not just suitable teaching tools, but also sufficient motivation where this is lacking, and an environment capable of promoting physical, cognitive and relational well-being. It has to prevent situations of disadvantage for children and adolescents, so that the different categories of pupils have a real possibility of achieving satisfactory results in terms of study and social integration.

*“The school”* - according to CNEL – *“plays a decisive role in the integration pathways of migrant citizens, their families, and especially of their children – the quality of second generation integration is decisive for an orderly and cohesive co-existence – and also for the education of all pupils with regard to the prospect of a new society where different cultures encounter each other, respect each other and are enriched by this experience”* (Three-Year Programme Document 2004/2006 on Immigration Policy. Observations and Proposals, Assembly, 25 March 2004.)

## **C. Information, training and refresher courses for operators in the sector**

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

212. With the cooperation of 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.

213. 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 sessions ample space was provided 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.<sup>29</sup>

214. Since primary prevention also involves actions to sensitise the 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, the 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)*.

215. 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**

216. 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.<sup>30</sup>

217. 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.

218. 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.

219. 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, for which funding and programmes are already in place, will focus on the issues of violence, sexuality and the importance of lending a friendly ear, all in relation to adolescents.

220. The children’s justice department has also promoted a series of seminars on *The sexual abuse of children and unaccompanied foreign children*, in conjunction with Criminalpol:

- In 2002, a national module was organised that was attended by 40 operators from the Ministry of Justice and the Police;
- 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 in all, again 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, so the aim of the course was to encourage the development of an integrated effort through the wider dissemination of information and the discussion of working procedures and practices.

221. The juvenile courts 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.

222. 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.



**VII. THE CRIMINAL ASPECTS OF ACTS OF MALTREATMENT,  
ABUSE AND/OR SEXUAL EXPLOITATION OF CHILDREN**

**A. Sexual assault against children. 2002 and the first half of 2003**

223. With Law 66/1996, the offences of rape and indecent assault were incorporated in the single crime of sexual assault.

224. The law defines the perpetrators of offences under this law 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.

225. 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 <i>bis</i> and <i>ter</i> p.c.)	395	341	389
Sexual acts with children (art. 609 <i>quater</i> p.c.)	80	55	57
Child abuse (art. 609 <i>quinquies</i> p.c.)	18	9	9
Group sexual assault (art. 609 <i>octies</i> p.c.)	18	18	53
Total	511	423	508

*Source:* Ministry of the Interior.

226. First of all, it can be seen that the most common offence 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. While this amounts to over half of the total, it still follows that almost half are still at large. With respect to the other offences envisaged under Law 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.

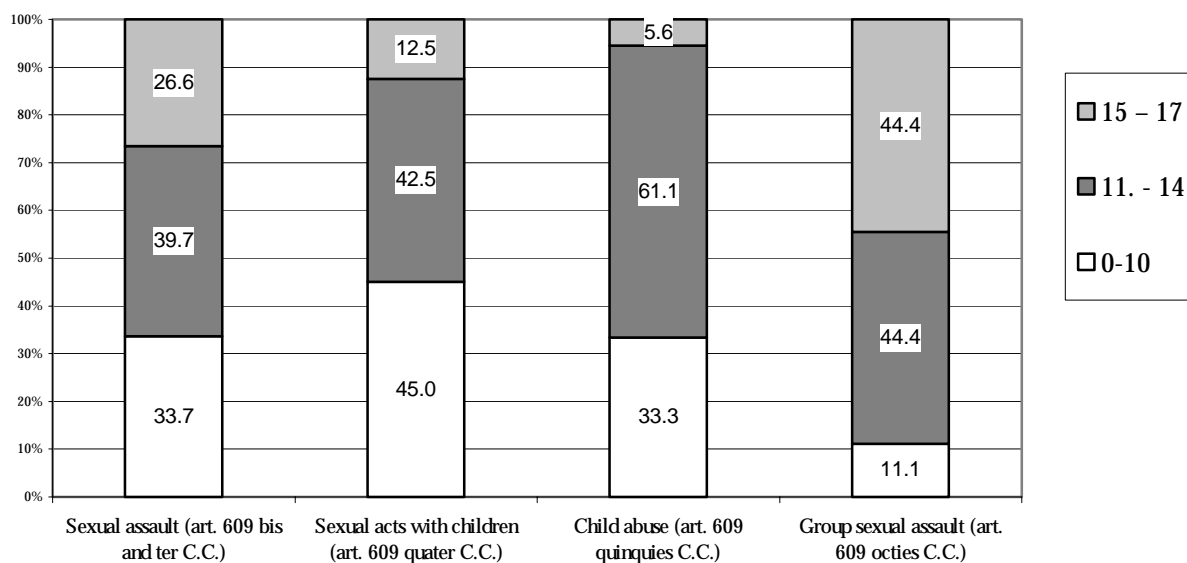
227. In consideration of the age of the victims, the gravity of the phenomenon is also demonstrated through the fact that, of the total of 511 victims, 177 were younger than 10 (34.6%), 210 (about 41%) were aged 11 to 14, while the remaining 24.3% were between 15 and 17 years of age.

**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 <i>bis</i> and <i>ter</i> p.c.)	395	133	157	105
Sexual acts with children (art. 609 <i>quater</i> p.c.)	80	36	34	10
Child abuse (art. 609 <i>quinquies</i> p.c.)	18	6	11	1
Group sexual assault (art. 609 <i>octies</i> p.c.)	18	2	8	8
<b>Total</b>	<b>511</b>	<b>177</b>	<b>210</b>	<b>124</b>
<b>%</b>	<b>100</b>	<b>34.6</b>	<b>41.1</b>	<b>24.3</b>

Source: Ministry of the Interior.

**Figure 1**  
**Sexual assault against minors - age of the victims by type of offence. Italy, 2002 (Percentage figures)**



Source: Ministry of the Interior.

228. 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. 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. 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.

229. 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)**

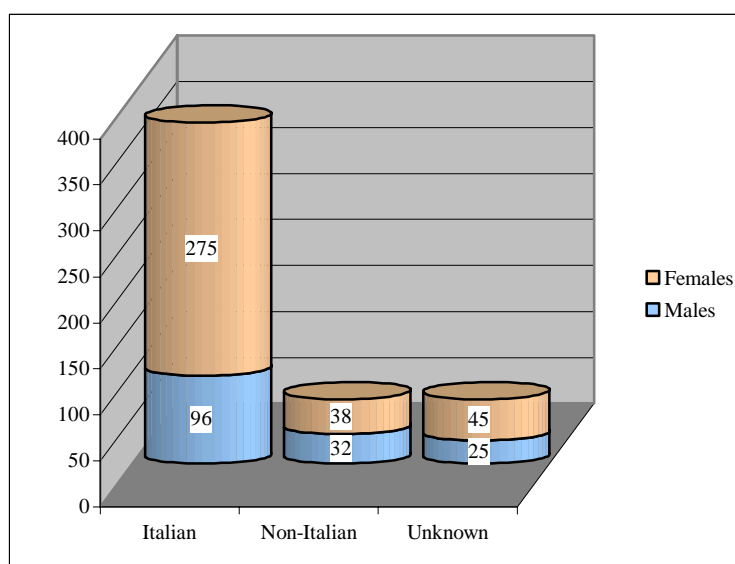
	Total	0-10 years	11-14 years	15-17 years
Girls	358 (70.1%)	116 (65.5%)	141 (67.1%)	101 (81.5%)
Boys	153 (29.9%)	61 (34.5%)	69 (32.9%)	23 (18.5%)
Total	511 (100)	177 (100)	210 (100)	124 (100)

*Source:* Ministry of the Interior.

230. With regard to the nationality of the victims, as can be seen in the following figure the great majority are Italian, as are 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.

**Figure 2**

**Victims by nationality and sex. Italy, 2002**



231. Of the non-Italian victims, the biggest group consists of children from the former Yugoslavia (19), followed by Albanians (9), Moroccans (8) and Rumanians (7). The graph shows clearly that, overall, there is no gender gap in the foreign victims, as there clearly is with the Italian victims. In terms of numbers, amongst the foreign children there is an almost even split between the sexes, with 38 girls and 32 boys.

232. As shown in Table 4, between 2002 and 2003 the number of victims and the numbers of offences and persons reported all increased. While this factor must be taken into account, it should be noted that the Ministry of the Interior data for 2002 and the first half of 2003 are still provisional. This means that any substantial changes that emerge in the analysis need to be read in the proper light.

233. The numbers of offences involving sexual acts with children appear to be slightly down, while there was a strong increase in all the figures for the other three types of sexual abuse.

234. In actual fact, at least as regards the number of victims of group sexual assault, the percentage change of 50% actually translates into only 6 victims in the first half of 2002 and 9 in the first half of 2003. If evaluated in absolute terms, therefore, the rise appears less marked.

235. 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 whole of 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 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 <i>bis</i> and <i>ter</i> p.c.)	77	76	62	141	151	92	83.1	98.7	48.4
Sexual acts with children (art. 609 <i>quater</i> p.c.)	30	22	6	8	18	2	-73.3	-18.2	-66.7
Child abuse (art. 609 <i>quinqüies</i> p.c.)	6	10	1	9	7	1	50.0	-30.0	0.0
Group sexual assault (art. 609 <i>octies</i> 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.

236. With regard to 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.

237. 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.

238. 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.

239. 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.

240. 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**

**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 <i>bis</i> e <i>ter</i> p.c.)	215	189	209	384	297	315	+78.6	+57.1	+50.7
Sexual acts with children (art. 509 <i>quater</i> p.c.)	58	41	44	28	27	29	-51.7	-34.1	-34.1
Child abuse (art. 609 <i>quinqies</i> p.c.)	17	7	7	17	14	15	-	+100.0	+114.3
Group sexual assault (art. 609 <i>octies</i> 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.

## B. Historic analysis of the available data

241. As we have already noted, the fact that more data are available for the offence of sexual assault makes it possible to draw a fuller picture by comparing the data for previous years with those for 2002 and the first half of 2003. This makes it possible to identify trends in the numbers of offences and persons reported. Law 66/1996 includes both rape and indecent assault in the category of sexual assault – a change which means that the more recent data are not fully comparable with those preceding the entry into force of the law in question.

**Table 6**

### **Child victims of sexual assault, offences reported and persons reported to the judicial authorities. Italy, 1999-2002**

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.

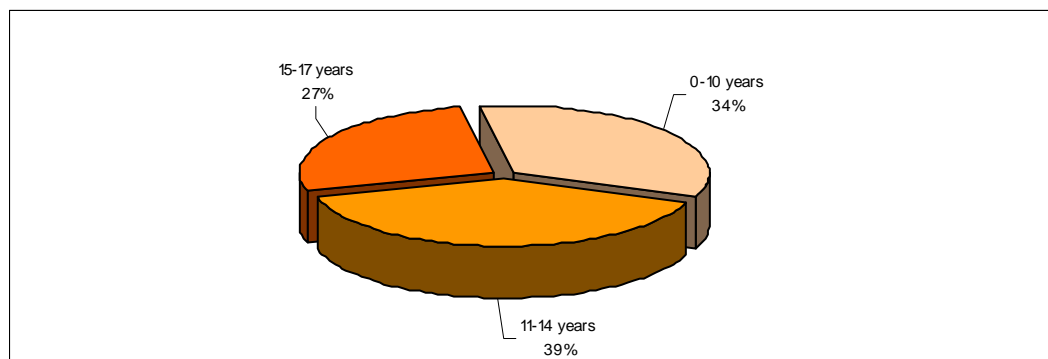
242. The data for 1999-2001 showed a sharp reduction in the phenomenon, after a fairly marked increase in 2000, both in the number of victims and the number of offences reported. The following two years saw a drop in the numbers, with a tendency to stabilisation in 2002.

243. The marked increase in 2000 has been interpreted as the consequence of the entry into force of Law 269/1998, which has certainly played a part 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.

244. 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).

**Figure 3**

**Child victims of sexual assault by age group - Italy, 2002**



245. If we consider children of ten or less, the percentage falls from 43.3% of the total in 2000 to 31.4% in 2001, settling out at just under 34% in 2002. For the 11-14 age group, on the other hand, we see a rise from 32.4% to 37.2% from 2000 to 2001, and to just under 40% for 2002. In the case of 15-17 year-olds, an increase from 24.3% in 2000 to 31.4% in 2001 is followed by a fall to 26.5% in 2002. Overall, just under three-quarters of the victims are under 14 years of age, a fact which, as we noted when presenting the data for the previous section, gives us ample food for thought with regard to the gravity of the problem.

246. Table 7 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.

**Table 7**

**Child victims of sexual assault by age group and region - 2000-2002**

	2000				2001				2002			
	0-10 years	11-14 years	15-17 years	Total	0-10 years	11-14 years	15-17 years	Total	0-10 years	11-14 years	15-17 years	Total
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.

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

248. The decision to present the data for all three years in this case too 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.



**Table 8**  
**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
Italy	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
Italy	100.0	100.0	100.0	100.0	2.2	6.9	5.9	3.9

Source: Ministry of the Interior.

249. A mere comparison of the data for one of the more highly populated areas, such as Lombardy, with those for a smaller region with a lower population, could be misleading and lead us to make general conclusions that might well be incorrect. In Table 8, 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

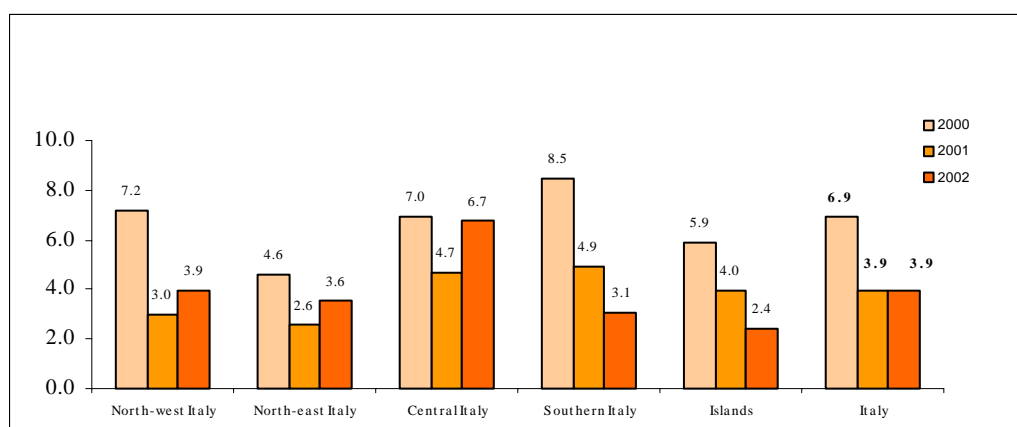
Southern Italy in 2000 and 2001, with 46% and 40% respectively of the total for child victims of sexual assault in that specific age group. Again in Southern Italy, and for the same age group, we see a fall to 21.1% in 2002, a trend that was also confirmed by the number of victims for every 100,000 resident children in the same area, which fell from 8 in 2000 to 1.6 in 2002.

250. 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.

251. It can immediately be seen, including in graph form, how 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.

**Figure 4**

**Geographical breakdown of child victims of sexual assaults for every 100,000 resident children**



252. 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.

253. So, 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.

**Table 9**  
**Child victims of sexual assault, by nationality.**  
**Italy, 1999-2002**

Nationality	1999		2000		2001		2002	
	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
Total	572	100.0	700	100.0	399	100.0	395	100.0

*Source:* Ministry of the Interior.

254. 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 2000-2001.<sup>31</sup> 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.

255. Table 10 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% 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 10**  
**Child victims of sexual assault by nationality, sex and age group.**  
**Italy, 2002**

	0-10 years		11-14 years		15-17 years		Total	
	Males	Females	Males	Females	Males	Females	Males	Females
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.

256. The picture presented thus far refers mainly to victims, but it might also be interesting to examine some features regarding the perpetrators of these offences.

257. 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.

258. 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.

259. Before going on to evaluate the trend on the basis of the initial provisional data for 2003, it might be 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**

**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.

260. Table 12 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.

**Table 12**

**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.

261. To evaluate this distribution correctly, we need to wait for the data for 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.

262. 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% cent of all cases, compared with 76.4% in 2000.

Table 13

**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.

263. 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% 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.

264. 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.

265. 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 14**

**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 environment	1	0.5	10	3.4	900.0
Total	180	100.0	299	100.0	66.1

*Source:* Ministry of the Interior.

266. 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.

267. 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.

268. 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 15**

**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
	Absolute	%	Absolute	%	
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.

269. 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.

270. 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 provisional data for the year as a whole are available.

### C. Forms of sexual exploitation

271. With respect to the offences governed by Law 269/1998, the latest statistics available refer to 2001. For 1999 and 2001, in the case of child prostitution 2 persons were reported on average for each offence. This suggests that this form of offence is associated with small criminal organisations. However, the fact that the data for 2000 do not reflect the same trend, with the number of persons reported actually lower than the number of offences, would advise us to take a cautious approach to this supposition and to wait for the data for subsequent years to confirm or contradict it. For the other offences, the number of persons reported is lower than the number of offences reported, especially in the case of child pornography. In this case, in the presence of a high and growing number of reported offences, the numbers reported, and for which criminal prosecutions have been opened, are extremely low.

272. The ratio of cases reported to persons reported for this offence is increasing. If we exclude 1998, the year the law entered into force, for 1999 the ratio is 1:6.8 (i.e. nearly 7 offences committed for each person reported). For 2000 the ratio is one to just under nine, and for 2001, one to just under 13.

273. For 2002, the provisional data provided by the Ministry of the Interior point to a standstill, probably a result of the provisional nature of the data.

274. In this case the considerations made thus far seem to be contradicted by the data for 2002, when for each offence under study more persons were reported than offences. We should however bear in mind that, in addition to the fact that the period of reference is limited, the data for the two Tables are not directly comparable since in the first case the data refer to offences for which prosecution has been opened, while for 2002 the information only refers to offences and persons reported.

275. The 23 **victims** are mainly children induced into prostitution (11 cases) from Eastern European countries such as Albania (3 cases), Rumania (4) and Bulgaria (1). Five of the children are of unknown nationality and nine are Italian.

276. The highest concentration of victims is found in central Italy, with 12 of the 23 children subjected to the offences in question, a figure that corresponds with our analysis of sexual assaults. The region with most cases is Umbria, with nine of the victims.

277. With respect to the country of origin of the offenders, there is a marked predominance, in the 99 persons reported, of perpetrators of Italian nationality, who number 79. Of the remainder, 13 (all in a state of arrest) are Albanian, 3 Bulgarian and 4 of other nationalities.



**Table 16**

**Offences under Law 269/1998, offences reported and persons reported for whom the judicial authorities have opened criminal proceedings. Italy, 1998-2001**

	1998			1999			2000			2001		
	Offences reported	Persons reported	Of whom males	Offences reported	Persons reported	Of whom males	Offences reported	Persons reported	Of whom males	Offences reported	Persons reported	Of whom males
Child prostitution (art. 600 <i>bis</i> p.c.)	9	3	3	108	211	181	136	117	98	198	409	352
Child pornography (art. 600 <i>ter</i> p.c.)	21	0	0	82	12	12	406	46	42	1 767	138	134
Possession of pornographic material through exploitation of children (art. 600 <i>quater</i> p.c.)	0	0	0	24	7	7	97	8	8	154	30	30
Tourism for child prostitution and exploitation (art. 600 <i>quinqes</i> p.c.)	0	0	0	1	0	0	1	1	1	4	0	0

Source: Istat.

**Table 17****Offences under Law 269/1998, offences reported and persons reported to the judicial authorities. Italy, 2002**

	2002		
	Offences reported	Persons reported	Of whom in state of arrest
Child prostitution (art. 600 <i>bis</i> p.c.)	13	20	16
Child pornography (art. 600 <i>ter</i> p.c.)	16	55	2
Possession of pornographic material through exploitation of children (art. 600 <i>quater</i> p.c.)	14	19	9
Tourism for child prostitution and exploitation (art. 600 <i>quinques</i> p.c.)	0	0	0
Trafficking of children (art. 601 p.c.)	4	5	5
Total	47	99	32

*Source:* Ministry of the Interior.

278. For these data too the Ministry of the Interior has provided values for the first half of 2003. However, the limitations already mentioned concerning the provisional nature of the data for 2002 are again particularly relevant to the first half of 2003. It might nevertheless be interesting to compare the data for this period with those for the same period of 2002, in order to map out, albeit with due caution, the trend for year.

279. The data for the two periods under reference indicate that the phenomenon is increasing, especially as regards the numbers of offences reported, persons reported and arrests linked to the exploitation of child prostitution.

280. On average, we can observe a prompter response in terms of opening criminal proceedings. Compared with a growth of just over 37% in the number of reports, the number of arrests increased by over 280%, from 12 out of 67 persons reported in the first period under consideration to 46 out of 92 (therefore with half the persons reported being arrested) in the second.

281. If we compare the data on the age of the victims, the category showing the biggest increase is the 15-17 age group, with an increase from 6 to 23 child victims of the offences under study, mainly that of child prostitution. With regard to the sex of the victims, the number of girls rose from 6 to 27 (for all offences without distinction by age group).

282. With respect to their nationality, there was a marked increase in the number of victims of Rumanian origin, who do not appear in the data for the first half of 2002 but account for half of the victims in the first half of 2003. The 30 victims are divided evenly between girls and boys.

**Table 18**

**Offences under Law 269/1998, offences reported and persons reported to the judicial authorities. Comparison first half 2002-first half 2003**

	From 1/01/2002 to 30/06/2002			From 1/01/2003 to 30/06/2003			% change		
	Offences reported	Persons reported	Of whom in state of arrest	Offences reported	Persons reported	Of whom in state of arrest	Offences reported	Persons reported	Of whom in state of arrest
Child prostitution (art. 600 <i>bis</i> p.c.)	5	7	6	33	73	43	+560.0	+942.9	+516.7
Child pornography (art. 600 <i>ter</i> p.c.)	9	46	2	6	11	3	-33.3	-76.1	+50.0
Possession of pornographic material through exploitation of children (art. 600 <i>quater</i> p.c.)	12	14	4	4	8	0	-66.7	-42.9	-100.0
Tourism for child prostitution and exploitation (art. 600 <i>quinques</i> p.c.)	0	0	0	0	0	0	-	-	-
Trafficking of children (art. 601 p.c.)	0	0	0	0	0	0	-	-	-
<b>Total</b>	<b>26</b>	<b>67</b>	<b>12</b>	<b>43</b>	<b>92</b>	<b>46</b>	<b>+65.4</b>	<b>+37.3</b>	<b>+283.3</b>

*Source:* Ministry of the Interior.

283. Although in 2002 there was a prevalence of victims in the central regions of the country, and especially in Umbria, the data for the first half of 2003 show a shift towards Northern Italy. Of the 30 victims under consideration, 23 are to be found in northern regions, led by Emilia Romagna and Piedmont.

284. If we examine some of the data regarding the perpetrators, the majority are still Italian (55 out of 92), although the proportion for this second period is lower than in the first, when 61 out of a total of 67 perpetrators were Italian. The number of perpetrators of Rumanian nationality rose sharply, from zero in the first half of 2002 to 24 in the same period of 2003.

**D. The use of the web as an instrument for sexual exploitation and child pornography**

285. Another aspect closely linked to the issues under study is the use of the Internet as an instrument for the sexual exploitation of children. Law 269/1998 led to the introduction of new investigative tools to help prevent and combat the use of the Internet for this purpose, with an intensification in the monitoring of websites by the Postal and Communications Police through the introduction of specific software.

286. The provisions contained in the bill approved by the Council of Ministers on 7 November 2003 should give a new impetus to the investigations. The bill is intended to introduce new instruments to underpin efforts to combat the commercial sexual exploitation of children, with a particular focus on child pornography on the Internet. The bill extends the scope of the offence and establishes the liability of those disseminating virtual images representing children or adults who look like children. Also worthy of note is the plan to set up a national centre in the Ministry of the Interior to combat Internet-based paedophilia, with the task of drawing up a black list of child pornography sites and distribute all necessary information to the banking and financial system.

**Table 19**

**Websites monitored, searches, persons investigated and indicted persons subjected to restrictive measures. Italy, 1998-2003**

	1998	1999	2000	2001	2002	1st half 2003	Total
Indicted persons subjected to restrictive measures	4	3	35	25	29	5	101
Persons investigated	8	136	255	220	562	488	1 669
Searches	8	111	164	222	606	490	1 601
Websites monitored	n.a.	1 470	2 252	24 894	32 972	17 159	78 747

*Source:* Ministry of the Interior.

287. Returning to the data, we find that from 2000 to 2001 there was a considerable increase in monitoring activity, from 2,252 sites monitored to 24,894. In 2002 the figure came to just under 33,000.

288. Actions to combat child pornography on the Internet led to investigations involving 1,669 people, of whom about 100 were subjected to restrictive measures. In terms of “results” the activities were stepped up in 2002, with about 562 persons investigated and 606 searches. These figures are almost triple those of 2001. For 2003, the data for the first half of the year indicate a further growth, with 488 persons investigated and 490 searches.

289. The number of indicted persons subjected to restrictions in 2002 and the first half of 2003 does not show a significant increase, unlike all the other aspects considered. The investigative activity relating to 2002 and the first half of 2003 may still be on-going, which means that to evaluate the number of restrictive provisions we will need to wait until these investigations are complete and the data can be considered definitive.

290. Investigative activities, on the other hand, increased and in the period from January 1998 to June 2003 we find over 78,700 websites monitored and about 1,600 searches. This means that one search was initiated for every 50 sites monitored. Over the same period, about 1,670 people were investigated, about 6% of whom subsequently subjected to restrictive provisions. The intensification in the investigative activity by the Postal and Communications Police is the result of the adoption of very sophisticated technologies that make it possible to carry out increasingly rapid checks and succeed in catching out even those “decoy” sites that are set up and closed down again in the space of a day.

## VIII. THE PROTECTION OF CHILD VICTIMS IN THE TRIAL AND POST-TRIAL STAGES

### A. Instruments for the protection of children during trial proceedings

291. By acknowledging sexual abuse as a felony offence “against the person” and no longer “against public morality”, Act n° 66 of 15 February 1996 (“Provisions against sexual abuse”) introduces a new policy of the statute as a basis for criminal proceedings.

292. Crimes against children shall be prosecuted ex officio and the child victim shall be heard in a protected environment with a psychological support; criminal proceedings become more child sensitive by taking into account the peculiar emotions involved. Particularly, art. n° 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 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.

293. 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 youth.

294. 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.

295. Art. 398, par. 5-*bis* of the Code of Criminal Procedure entrusts to the Judge the possibility to hear the child under sixteen 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 premises (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.

296. When the child is examined under the above protective measures we 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.

297. Finally, Art. 472, par. 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.

298. Act n° 269 of 1998 “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.

299. Acts n° 66 of 1996 and n° 269 of 1998 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.

300. Par. 3 of Art. n° 609-decies of the Italian Penal Code provides for mandatory assistance of children under age by the Youth Welfare Services of the Juvenile Justice Department, while par. 4 empowers Judicial Authorities to avail themselves of the Youth Welfare Services’ support in any stage of proceedings.

301. 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 “interlocutory witness exams” and protected hearings; they organize group-work 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.

302. During this supporting process called “case undertaking” they operate on a specific “segment”, i.e. 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. Networking and cooperation with the various institutions involved allows for a clear outlining of each action.

303. Particularly, the Youth Welfare Services of the Juvenile Justice Department grant the child victim and its family the support of psychologists and social workers with specific approach.

304. In compliance with the law and in order to ensure protection of the child victim during trial and post-trial stages, the activity of our Youth Welfare Services focuses on the following items:

- Dissemination of information and development of a uniform approach involving the social, health and judicial fields from the crime-report to the case undertaking;
- Integrated training programmes for the various professionals and services involved, thus developing also new communication channels among staff at various stages of prevention and rehabilitation;

- Networking which ensures consistency between this complex phenomenon and the different levels of expertise and responsibility;
- Cooperation with the Judicial Authorities, local agencies and the Third Sector.

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

305. With regard to this specific point, in addition to the situation already illustrated in detail in the section on the integrated network of social and health services, it should also be noted that in accordance with the provisions of the second paragraph of Art. 17 of Law 269/1998 of 3 August 1998 (Law 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 paragraph, 600-*ter*, third paragraph, and 600-*quater* of the criminal code who submit the appropriate request.

**C. Projects carried out using the funding made available through Decree 89 of 13 March 2002, containing Regulations governing the fund referred to in Art. 17.2 of Law 269 of 3 August 1998 concerning actions on behalf of child victims of abuse pursuant to Art. 80.15 of Law 388 of 23 December 2000**

306. In accordance with Art. 80.15 of Law 388 of 23 December 2000, the fund set up on the basis of Law 269/1998 received resources amounting to 10,329,000 euros.

307. The Ministry of Labour and Social Policies Decree 89 of 13 March 2002, containing *Regulations governing the fund referred to in Art. 17.2 of Law 269 of 3 August 1998 concerning actions on behalf of child victims of abuse pursuant to Art. 80.15 of Law 388 of 23 December 2000*, defined the arrangements for the funding of projects under specific prevention, assistance and rehabilitation programmes.

308. More specifically, the decree establishes that two-thirds of the resources must be devoted to projects under specific support programmes, including psychological counselling, for child victims of the offences governed by articles 600 *bis* (child prostitution), 600 *ter* (child pornography), 600 *quater* (possession of pornographic material through the sexual exploitation of children) and 600 *quinquies* (sexual tourism) of the criminal code, introduced through Law 269/1998. For the 2001 tax year, but in operational terms that of 2002-2003, the resources distributed to the Regions amounted to 40 billion old Lire. The remainder of the fund is earmarked for rehabilitation programmes for persons found to be responsible for the paedophilia offences noted above, as established by Art. 17 of Law 269/1998 setting up the fund.

309. Art. 2 of the decree provides guidelines for the planning of the actions. In the light of these provisions, the aim of the programmes of action drawn up by the Regions and Autonomous Provinces should be to implement proposals concerning:

- (a) Preventive actions;
- (b) Actions for the taking in hand of victims; and
- (c) Training and informational initiatives, addressed also to the victims and perpetrators of the offences.

310. The programmes should also indicate, albeit in general terms:

- (a) The priority actions to be promoted by the competent departments and the expected outcomes;
- (b) The actors responsible for the initiatives and the implementation of the projects;
- (c) The arrangements for collaboration between public and private bodies and organisations operating in protecting children from abuse, with particular regard to collaboration by municipal councils, local health agencies (LHAs) and the juvenile courts centres;
- (d) The criteria for the distribution of the fund in the area in question and to each priority action;
- (e) The arrangements for the use and if necessary the withdrawal of funding.

311. The decree establishes that the projects should be carried out in geographical areas that enable them to be integrated with the local network of social and health services (Art. 3) and specifies that the activities involved should envisage the coordination and professional involvement of psychologists, educators and social workers as well as medical and nursing personnel as indicated by the needs of the persons being assisted. The decree requires the management of the projects to be entrusted to public and private bodies with direct, proven experience and expertise in the sector.

312. More specifically, the decree establishes that the allocation of funding by the Region to private bodies should be conditional on their demonstrating that they have been carrying out activities providing assistance to minors for at least two years. This experience must be backed up by agreements drawn up with local authorities or LHAs and certification by these authorities or agencies of satisfactory compliance. Finally, the decree requires the Regions and the Autonomous Provinces of Trento and Bolzano to send a report to the Ministry of Labour and Social Policies on the state of implementation and effectiveness of the actions carried out and on the costs incurred.

313. Abruzzo Region approved a two-year programme of initiatives implementing Art. 17.2 (c) of Law 269/1998 and the regulations pursuant to Decree 89/2002. The programme is divided into four projects selected after a call for proposals. We have already illustrated the initiatives being taken forward by Friuli Venezia Giulia Region; it is worth adding that the



regional government has favoured, in keeping with the Project-Objective for very young and older children, financial support for action programmes designed to consolidate the network of integrated social-health services for the taking in hand of children suffering abuse and/or maltreatment.

314. After setting up training courses (DGR 1909/02), Emilia Romagna Region allocated resources to the provincial authorities and also defined the ways they should be used, along with priorities and arrangements (DGR 2608/02) with a view to maintaining continuity with the programming following on from Law 285/1997. The provincial bodies concerned are in the process of putting together specific plans of action, for which approval is expected by December.

315. The Marches Region has allocated the resources available under Art. 80 of Law 388/2000 to the budget for the Guarantor for Childhood and Adolescence, set up through Regional Law 18 of 15 October 2002, since Art. 1.2 entrusts the Guarantor with the promotion, in cooperation with the local authorities, of prevention and treatment projects. Piedmont Region is working to achieve the objectives set by DGR 39-4144 of 15 October 2001 concerning information and training on children's issues, including measures to combat the abuse and maltreatment of children, using funds transferred in accordance with Law 269/1998 and Law 285/1997 (5% of which reserved for training under Art. 2).

**Table 20**

**Projects carried out using financial resources made available through Decree 89 of 13 March 2002**

Forms and types of action	
Training and/or refresher courses	7
Public awareness-raising initiatives	6
Awareness-raising/workshops/social-emotional education initiatives for school children	5
Nursery schools	4
<i>Primary schools</i>	5
<i>Junior secondary schools</i>	4
<i>Senior secondary schools</i>	4
Production of leaflets or informational publications	2
Organisation of conferences, seminars etc.	4
Awareness-raising campaigns through the media (TV, radio, newspapers, etc)	1
Support for the creation and enhancement of specialised local services (e.g. advisory centres, teams)	5
Creation or enhancement of reception centres (e.g. communities, sheltered housing, etc)	3
Creation or stepping-up of actions to combat prostitution	0
European projects	2
International cooperation projects	0
Creation of documentation centres/observatories	0
Setting up of study groups	1
Other	4

**D. Social protection projects in application of Art. 18 of  
Legislative Decree 286/1998**

316. Art. 18 of Legislative Decree 286/1998 (*Consolidated Text containing provisions governing immigration and the status of aliens*) envisages the allocation of financial resources for specific social protection programmes for the victims of trafficking and exploitation in the coercive prostitution racket.

317. Since 1999, the Ministry for Equal Opportunities has been responsible for posting a Call for Proposals for the distribution of the funds made available pursuant to Art. 18. From 1999 to 2003 four Calls were issued, which enabled 224 projects to be funded. The funds support the work of local authorities, associations, social cooperatives, social and health services and the police in the task of helping victims and combating the phenomenon. Those entitled to submit applications are local authorities and private bodies that have entered into agreements with the local authority and are enrolled in a special section of the Register of associations and bodies acting in support of immigrants.

**Notice 1 (1999):** resources initially envisaged 10 billion lire; 49 projects authorised for funding amounting to 16,466 billion lire; number of victims of trafficking benefiting from these projects: 1,755; permits of stay issued for social protection reasons: 833; victims of trafficking contacted by operators: 5,577; victims supported in contacts with social services: 3,381.

**Notice 2 (2000):** resources initially envisaged 7.5 billion lire; 47 projects authorised for funding amounting to 8,849 billion lire; number of victims of trafficking benefiting from these projects: 1,836; permits of stay issued for social protection reasons: 1,062; victims of trafficking contacted by operators: 10,637; victims supported in contacts with social services: 8,801.

**Notice 3 (2001):** resources initially envisaged 7 billion lire; 58 projects authorised for funding amounting to 9,442 billion lire; no data yet available on numbers assisted.

**Notice 4 (2002):** resources initially envisaged 2.84 million euros; 70 projects authorised for funding amounting to 4,538 million euros, to be initiated or in progress.

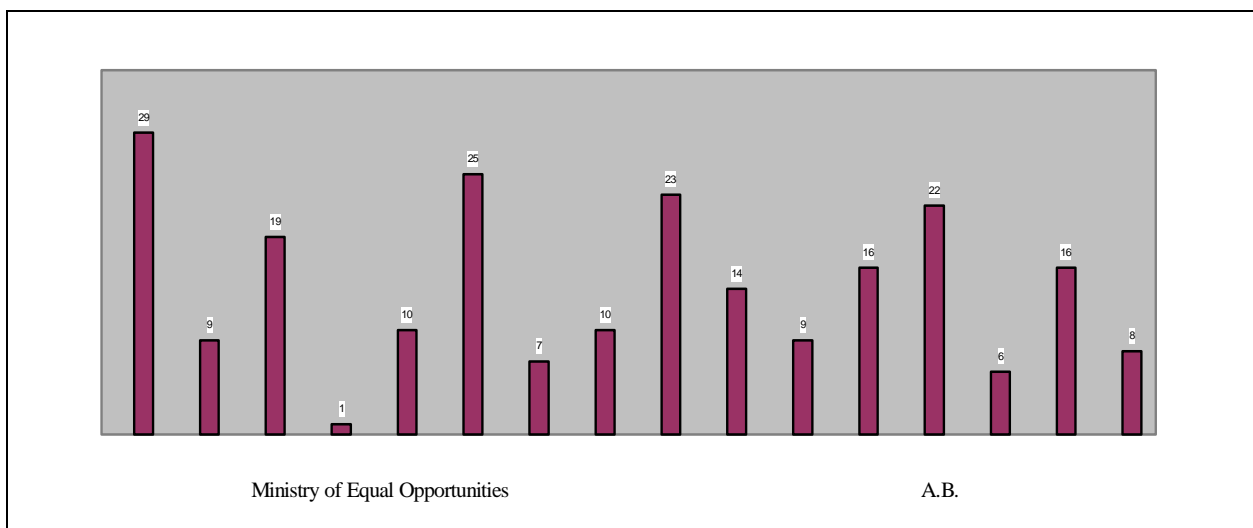
318. From 1999 to 2003 there was an increase of over 40% in the number of projects eligible for funding. The projects in question have a maximum duration of 12 months, but the Interministerial Committee<sup>32</sup> for the implementation of Art. 18 of the Consolidated Text has in some cases authorised funding for “continuity programmes”.

319. The geographical distribution (by Region) of the 224 projects approved since 1999 shows a marked pro-active and project design capacity in certain parts of the country, which correspond to the areas where concern over coercive prostitution and trafficking is highest.

320. Piedmont, Veneto, Tuscany and Puglia are in the lead, having obtained approval for more than 20 projects, while Alto Adige brings up the rear with just one project.

**Graph 1**

**Regional distribution of Social Protection Projects pursuant to Art. 18 of Legislative Decree 286/1998 (Total of 224 projects from the 4 Notices)**



321. The evaluation of the activities at the end of each funding cycle pointed to a growth in the level of professionalism in the actions thanks to the possibility for the proposing bodies to ensure continuity in projects between one Call and another. With the Call for 2000, for example, of 47 projects granted funding, 33 were follow-ups from Call no. 1 of 1999. In effect, the timescale of 24-30 months makes it possible to consolidate experiences, which offers the advantage of increased professionalism and expertise in the personnel involved and the possibility of following up the actions already under way – which is all to the good of the beneficiaries.

322. The 42 social protection projects approved under Call no. 2 were implemented throughout the country, with 26 in the North, 7 in the Centre, and 9 in the South and Islands.

323. The activities in general are carried out in two distinct stages: the first focusing on assistance and damage-limitation, with actions such as the initial “street” contact with victims of trafficking, listening to their needs and accompanying them to the different social services. The second stage aims at social integration, as well as the physical and psychological recovery of the victims. This envisages various types of reception services, including occupational training, help into employment and legal and social advisory services to obtain a residence permit.

324. As a result of the projects, 10,407 people were contacted through on-the-road units, the anti-trafficking freephone number, the police and local services.

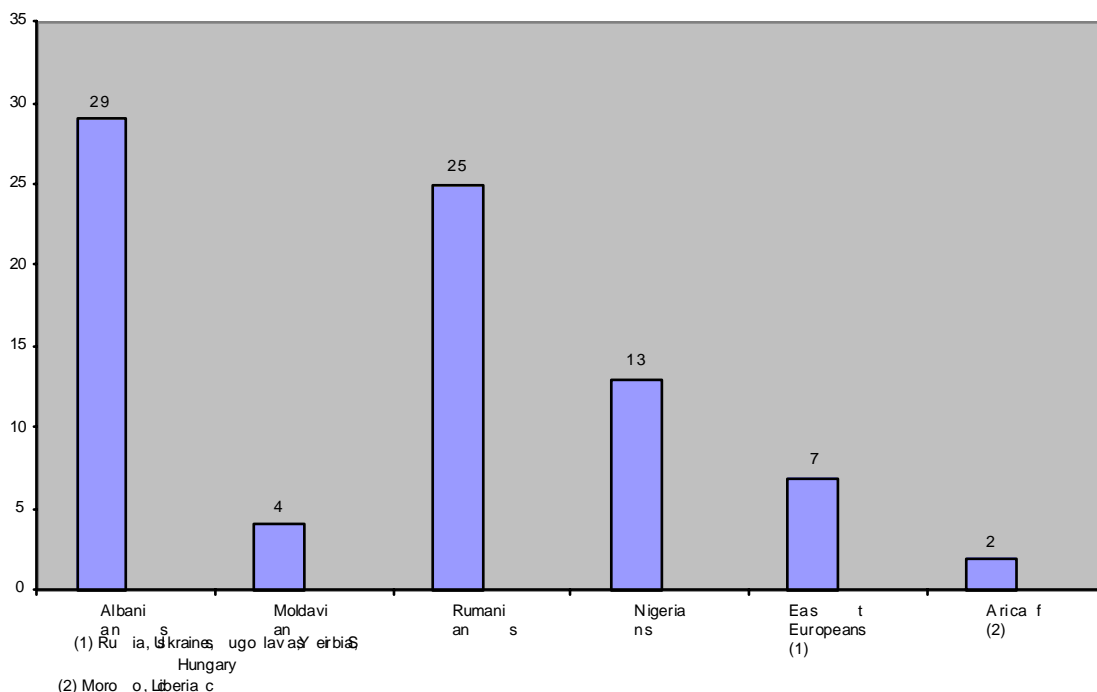
325. A reading of the data shows that the most widespread form of initial contact involves the on-the-road units, which generated 7,809 contacts, followed by the police, with 776, and the freephone number, with 326.

326. About 18% of the contacts developed into inclusion in a social protection project. In the year under consideration, 1,836 people took part in these, of whom 1,756 adults and 80 children (4.3%). When the beneficiaries are children, the operators are required to report the case to the judicial authorities, thus opening a protection procedure for the child that also involves the juvenile courts.

327. An analysis of the data suggests that the age of the girls from the countries of Eastern Europe, especially Albanians and Rumanians, who are entering the programmes is decreasing. The number of under-18s was highest among the Albanians, with 29 out of a total of 80 women and girls entering the social protection programmes.

**Graph 2**

**Nationality of the girls entering the social protection programmes**



328. On the 10,407 people contacted, 20% received initial help only (in the form of information), while the remaining 80%, or 8,801 cases, were accompanied to the local services:

- 6,671 to health structures;
- 1,235 to legal advisory services;
- 865 to psychological counselling;
- 30 to other forms of help.

329. Most of the requests were for help in contacts with health structures, where the women and girls asked for medical check-ups, especially gynaecological. Accompaniment to the services, an important element of the activities envisaged in the first stage of social protection projects, mainly responds to emergency needs.

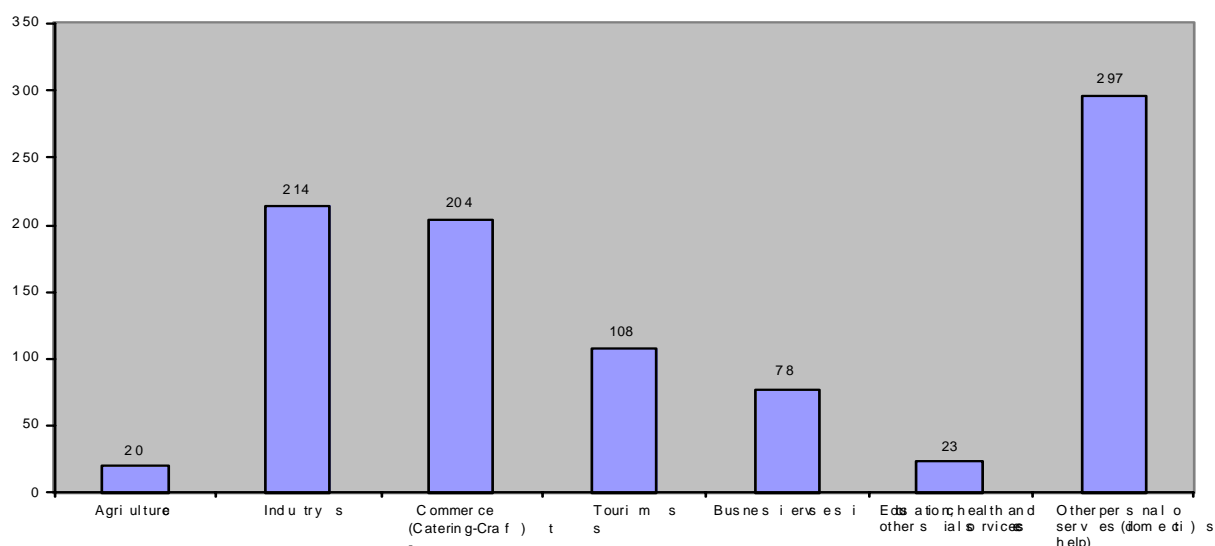
330. The possibility of gaining access to health assistance depends on the legislation in force at any given time. At present, as far as the national legislation is concerned, matters have improved in terms of health assistance for aliens not meeting the legal residence requirements. The STD Code (Straniero temporaneamente presente – Temporary Stay Foreigners) assigned by the LHAs enables foreign nationals to use the health service at no or reduced cost.

331. The first stage of the protection projects is intended to manage the emergency situation and is the most delicate stage, on which depends the insertion of women victims of trafficking in social protection projects. The first step in the process usually involves the victim being given accommodation in sheltered “escape houses”. An analysis of the projects points to a new type of reception service, which tends to emerge once the protection project is under way. This type of “local taking in hand” involved 47 cases. It is similar to the semi-autonomy now being offered by young people’s residential communities to boys and girls who, once they reach the age of majority, cannot return home but are required to leave the reception centre.

332. In terms of social-employment insertion, 1,484 women and girls received some form of education and/or occupational training using study grants, and 994 entered employment. Girls from Eastern Europe generally have an average-to-high level of education (secondary school), while many of the Nigerian girls have only completed their compulsory schooling.

**Graph 3**

**Number of beneficiaries broken down by sector of employment**



## **IX. HEALTH CARE FOR CHILD VICTIMS OF ABUSE**

333. The Government's strategy with respect to the promotion and protection of children's health is set out in the new National Health Plan (NHP) for 2003-2005,<sup>33</sup> the scope of which, however, is necessarily limited to creating the pre-conditions for the adoption of more specific measures to combat abuse and the sexual exploitation of children.

334. The Plan is set against a background of important changes in the political-institutional framework, with an growing "federalist" decentralisation of powers from the state to the Regions. In the assistance system the result of this has been an approach based on subsidiarity between the different institutional and social actors providing services to citizens.<sup>34</sup>

335. The new framework leaves it solely to the state to "determine the essential levels of services concerning civil and social rights that need to be ensured throughout the country", known as Livelli Essenziali di Assistenza (Essential Assistance Levels – LEAs) (Art. 117). The state is responsible for drawing up the fundamental principles underlying assistance policies, but the implementation of the principles and achievement of the objectives is the responsibility of the Regions.

336. As the new NHP shows, in health matters the State has lost its former key role of organising and running services, while it has retained that of guaranteeing equity throughout the country.

337. In other words, the state draws up the fundamental principles but does not intervene in the way these principles and objectives will be implemented, because this has become the sole responsibility of the Regions.

338. The new NHP only sets out the objectives to be achieved in order to ensure the Constitutional guarantee to the right to health, while taking into account the necessary coordination with EU programmes and objectives in health matters.

339. Given the new political-institutional framework, the effectiveness and efficacy of the Plan will depend on the correct implementation of the central government's objectives by the Regions, Provinces and Municipalities, since it is these levels of local government that have the main task of transforming the objectives into specific projects and implementing them.

340. This process, if properly implemented and taken forward, actually has a very real influence on the objectives of prevention and providing protection and assistance for child victims of abuse and sexual exploitation. In this sphere of action, health operators have been given responsibility for the protection of mental health, with specific reference to very young children, and the treatment of the traumatic effects of violence: objectives that are pertinent to primary, secondary and tertiary prevention.

### **A. The priority projects of the NHP 2003-2005**

341. Of the ten priority projects for change set out in the NHP, the Ministry includes two that could have a significant impact in terms of secondary and tertiary policies for the prevention of abuse and sexual exploitation.

#### **1. Implementing, monitoring and updating the agreement on the essential and appropriate levels of assistance and cutting waiting lists**

342. The services included in the LEAs are the “essential” level guaranteed to all citizens, but the Regions can use their own resources to provide other services in addition to these.<sup>35</sup>

343. The definition of levels of assistance has opened up a process of identifying, evaluating and choosing priorities in which children’s rights to health and protection should not be sacrificed, while at the same time balancing the costs and quality of the services provided. The health sector remains crucial, even if many of the services for the social and educational support of child victims of abuse and exploitation actually come under the social services, in which sphere the definition of the future essential levels of social assistance will be decisive, including in the light of the Prime Minister’s Order of 14 February 2001 on Guidance and Coordination in matters concerning social-health services.

344. Social-health integration, as sanctioned also by Framework Law 328/2000, needs to move on from drawing overly rigid borderlines between *Social* and *Health* and thus make it possible to identify the essential social services.

345. In this perspective, it is worth noting that the integration of the social and health spheres is indicated in the Plan as one of the priority objectives: “Attention to the complexity of the relationship between the protection of health and the social sphere”. No health system, however technically advanced, can fully accomplish its mission unless it respects the fundamental principles of social solidarity and social-health integration.

346. Within the agreement on the LEAs the evaluation and treatment work of health sector professionals occupies a prominent position in the protection and recovery process for young victims of violence.

#### **2. Promoting the local level as the primary level for assistance and for governing health and social-health pathways**

347. This is another of the strategic projects set out in the Plan with which the Ministry affirms its intention to reorganise out-patient and hospital services and develop a multi-centre approach to the health service that is closer to citizens’ needs and able to optimise resources, hospital stay times and services.

348. The integration of the social and health aspects is a vital element in tackling and managing cases of child victims of violence and working with their families. In this light the Plan considers as strategic the process of unifying health and social services, continuity

between treatment and rehabilitation actions, the creation of integrated assistance pathways, an inter-sectoral approach to actions and the adoption of innovative organisational and operational solutions.

349. One interesting feature is the reference to the possibility for patients to choose their own paediatrician, who is required “to play a more prominent role than in the past”. The aim is to capitalise on basic assistance, including that provided by the paediatrician, who should be “restored to a key role in the response provided by the health service and in governing health pathways, while liaising with the other local services”, i.e. in a multi-sectoral approach.

350. A constructive approach to the primary, secondary and tertiary prevention of violence against children might be found in the proposal to set up local General Medical Units staffed by general practitioners and paediatricians based in a single clinic or health centre and covering the needs of several thousand people. These Units would be required to provide uninterrupted primary treatment, and to liaise with the local “on-call” doctors and with specialists who would provide additional expertise in the initial diagnosis and in specialist treatment. These structures, which would act as filter channels to the Paediatrics Casualty departments, should therefore become early contact and interception points for problem cases linked to child abuse, sexual abuse and physical maltreatment.

351. Linkages with the social services and schools could be facilitated by a structure of this type, if the duties of operators in the Units included health education and collaboration with multi-disciplinary teams providing advice to operators in the local services on cases of distress and suspected abuse.

## **B. Health objectives and general measures**

352. Drawing on the strategic projects, the Plan sets out a series of objective and priority measures to be pursued at the national and decentralised levels. These include:

### **1. Support programme to combat the new pockets of poverty and marginalisation**

353. Mortality, morbidity and degeneration of pathologies to chronic status are positively correlated, as shown by many international and Italian studies, with increased levels of social disadvantage. The most frequent causes of illness are the various forms of dependency and social disadvantage, particularly difficult life situations and poor quality health treatment. These situations have been identified as risk factors for the maltreatment and abuse of children.

354. The recent *National Plan to Combat Poverty and Social Exclusion in Italy, 2003-2005* noted the presence of a specific risk to children. Therefore, the attention paid by the NHP to the interaction between the well-being and health of the child and the socio-economic conditions of the family and the social-cultural characteristics of carers are key elements. Particular distress is suffered by children in conditions of disadvantage and poverty, whom the



Plan identifies as being amongst the most vulnerable categories and particularly exposed to social marginalisation. The improvement of their socio-economic and personal circumstances would be an appropriate strategic objective to pursue through an alliance between the local health and social services.

## **2. The health of babies, children and adolescents**

355. Given the need to continue pursuing the objectives of the Project-Objective for very young and older children set out in the NHP for 1998-2000, the new Plan focuses on a number of key aspects. These include the problem of teenage pregnancies. It is useful to remember in this context that early pregnancies are, on the one hand, indicators of family problems and, on the other, a weak link in the care relationship that could expose the baby to the risk of child abuse. The aim of promoting the primary prevention of unwanted teenage pregnancies through suitable sex education, which should involve all educators and social-health personnel alongside families, in the context of an education project focusing on responsible procreation and the prevention of sexually transmissible diseases, is therefore of particular interest.

356. Some of the priority objectives to foster the health of babies, children and adolescents can be considered as synergic with the CICLOPE Committee's objectives of combating violence and paedophilia, following the specific approach set out in the Plan to combat paedophilia:

- Health education for young people and their families, with a key input from schools, local Authorities and social services, with particular regard to the prevention of the maltreatment, abuse and exploitation of children;
- The drawing up of clinical-organisational guidelines and diagnostic and treatment pathways agreed at the local level with family doctors and paediatricians;
- Ensuring the presence of a community paediatrician at the district level, with the role of promoting children's health projects, including from the psychological point of view;
- Rationalisation of the network of paediatric services;
- Up-grading of local and hospital out-patient and family planning services during the pre-conception stage to actively promote initiatives to reduce risks during pregnancy and the pre- and post-natal period.

## **3. Mental health**

357. The area of mental health, as covered in the NHP, directly poses the question of the quality of the services provided to those suffering the medium- and long-term consequences of violence suffered during childhood. We know, in fact, that between 30% and 50% of women undergoing psychiatric treatment were subjected to sexual abuse or serious physical maltreatment during childhood or adolescence.

358. This fact is also noted in the Plan which, to improve the assistance provided for patients with mental health problems, sees as indispensable the systematic adoption of actions to ensure early diagnosis in childhood in order to detect symptoms and behaviour that might develop into chronic forms, with medium and long-term consequences.

359. Some of the strategic objectives to be achieved within the general mental health objective have strong connections with the issues discussed in this report. They are part of a tertiary prevention approach focusing in particular on adolescence, through actions for the prevention, early diagnosis and treatment of mental disorders by establishing close functional links between health and other structures.

## **X. THE ROLE OF ITALIAN COOPERATION IN THE PROTECTION OF CHILD VICTIMS OF MALTREATMENT, ABUSE AND/OR EXPLOITATION**

360. The initiatives and programmes undertaken by the international community directly involve Italy in the field of development cooperation also. The very nature of the sexual exploitation of children implies a need to focus on the supra-national level since it includes elements that are typically transnational (child pornography, sexual tourism, etc).

361. 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 plan gives prime position to cooperation initiatives that include measures to combat paedophilia, an area in which the MFA plays a key role, having for many years supported international cooperation projects focusing on the problem of the abuse and sexual exploitation of children.

### **A. The development cooperation programmes of the Ministry of Foreign Affairs**

362. 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 the sexual exploitation of children. The Ministry places a particular emphasis on the prevention of situations of poverty, marginalisation, ignorance, discrimination, conflict and crime that often involve children in their countries of origin.

363. The funds earmarked by the DGDC in 2002-2003 to support projects to combat sexual tourism and the trafficking in and sexual exploitation of children amount to 16,650,000 euros.

364. To distribute these funds the DGDC draws up agreements, protocols of understanding and conventions for each bilateral project to be implemented directly with the governments (direct management) or through NGOs, in partnership with Regions and local authorities (decentralised cooperation) or through UN agencies (multi-bilateral).

**Table 21**

**Outline of international cooperation programmes supported during the period under consideration**

Project	Amount of funding
UNICEF/Italian Cooperation/ECPAT initiative in collaboration with ECPAT Italia, <i>on behalf of child and adolescent victims of trafficking, abuse and commercial sexual exploitation in the East Asia and Pacific Regional Office (EAPRO) area (Cambodia, Vietnam, Laos, Indonesia, Philippines and Thailand).</i>	5 765 000 euros
UNICEF/Italian Cooperation programme in the Dominican Republic, in collaboration with ECPAT, <i>on behalf of child and adolescent victims of trafficking, abuse, sexual exploitation and sexual tourism.</i>	800 000 euros
UNICRI/Nigeria programme on collaboration with ECPAT <i>against the trafficking of women and children from Nigeria to Italy.</i>	840 000 euros
IRC/UNICEF research programme <i>against the trafficking of children and adolescents in Africa (54 countries). 2nd phase of funding. The first phase was completed with the publication of the study by IRC/UNICEF and its presentation at the Special Session (UNGASS) on Children and Adolescents (New York, May 2002).</i>	250 000 euros
ILO/IPEC (International Programme on the Elimination of Child Labour) Regional programme in Central America (Guatemala, Salvador, Honduras) <i>to combat the exploitation of the worst forms of child labour, including sexual exploitation.</i>	2 500 000 euros
IOM programme in Mali-Ivory Coast <i>against the trafficking of children and the exploitation of the worst forms of child labour.</i>	750 000 euros
UNICEF/Central American and Caribbean regional programme <i>to prevent and combat the trafficking of children (Honduras, Guatemala, Salvador, Mexico, Belize, Nicaragua). The programme specifically addresses trafficking for sexual exploitation.</i>	2 680 000 euros
United Nations UNICRI/ECPAT Global Programme <i>to combat the trafficking of people: Action Programme against the trafficking of children and adolescents for sexual purposes. Addition voluntary contribution 20032 to UNICRI – AID 5115.</i>	980 000 euros
Senegal/UNICEF programme <i>to eliminate the worst forms of child labour, including the exploitation of children through sexual tourism.</i>	1 700 000 euros
<b>Total</b>	<b>16 265 000 euros</b>

365. 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.

366. As regards participation in international coordination bodies, the MFA has taken part in the international initiative to define the EU-Africa Action Plan on the trafficking of children. Italy, together with Sweden, as EU lead country for human rights issues within the EU-Africa Dialogue, coordinated the meeting of the International Task Force in Stockholm in September 2002 for the definition of the Plan.

367. The MFA<sup>36</sup> illustrated the Italian Government's position on combating and preventing the trafficking of people at the *European Conference on Preventing and Combating the Trafficking in People: a global challenge for the 21<sup>st</sup> century*, which took place in Brussels on 18-20 September 2002. Italy's contribution included an overview of the key stages in its work in this area, and illustrated its main priorities for action:

- The promotion of respect for children's rights and the fight against all forms of discrimination and exploitation;
- The prevention and elimination of the exploitation of child labour, with particular reference to the worst forms of slavery;
- The prevention and eradication of situations of systematic sexual exploitation of children for commercial purposes and aspects connected with sexual tourism and pornography involving children;

- Support for the physical and psychological well-being of children against all forms of violence, dependency, coercion and torture;
- The prevention and combating of aberrant conduct such as the trafficking of children, ethnic rape, the trade in organs and the use of child soldiers.

368. Drawing on its past experience, Italy has also presented a number of recommendations on how to make cooperation activities more effective. In particular, Italy noted that:

- These activities should also involve the countries of origin of the trafficking, at both the institutional and local community levels;
- Development programmes should aim to remove those social, economic and cultural factors that allow trafficking to flourish;
- The emphasis should be on the “integrated approach”, in the form of programmes that also envisage, alongside the traditional actions for social development and to combat poverty, actions to reinforce the institutional capacities of the local actors required to manage the phenomenon (police officers, magistrates, etc);
- Incentives should be provided for the adoption in the countries of origin of laws and rules that reinforce the legal position of children, by seeking to obstruct practices such as early marriage, the exploitation of child prostitution, etc;
- The traditional bilateral cooperation instruments should be flanked by specific anti-trafficking programmes;
- And finally, as in other sectors, research, data collection and the evaluation of actions undertaken are of vital importance.

369. 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.

#### **B. Participation by local authorities in international projects and initiatives**

370. 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.

371. In other cases, supra-national activities are the result of regional policies in the field of decentralised cooperation.

372. 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 of 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.

373. 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.

### **C. Participation by civil society in international cooperation projects and initiatives**

374. 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 the following projects: *Multidisciplinary and innovative approach to victim identification, rehabilitation of women and children trafficked for sex slavery in Vietnam* and *Prevention against trafficking in children and child sex tourism in Cambodia*.

375. A considerable part of the activities takes the form of initiatives for the creation or reinforcement of actions to combat prostitution. These include the creation of reception centres and local specialised services and the organisation of occupational training courses. In this field the Gruppo Abele has set up a legal advice contact point for the victims of trafficking.

### **D. Italian participation in European projects**

376. European projects also play an important role in this context and the positive responses Italy has received confirm our active participation both in promoting these projects and as a partner. In terms of NGOs, Terre des Hommes is promoting, in collaboration with its International Federation, the *Please Disturb* campaign against sexual tourism, as well as *Stop Child Trafficking*, a project through which a press campaign, a website and an international conference have been set up. Telefono Azzurro has been taking part in Daphne projects to compare the operational arrangements used by the main European helplines and to promote a listening service based on the same principles of quality and efficiency.

377. ECPAT Italia has taken part in projects to promote the Italian Tourism Industry's Code of Conduct for the protection of child victims of sexual exploitation in tourism, and in research activities such as the *Joint East West research project on trafficking for sexual purposes in Europe: the sending countries*, and Internet-based awareness-raising initiatives against child pornography, with the *Stop-It Internet Hotline against Pornography on the Web*. Save the Children is taking part in a number of European projects including *European Network against Child Trafficking* (ENACT), co-funded by the Stop II Programme. This addresses the trafficking of children in Europe and the exploitation of child labour, both of which have strong connections with the sexual exploitation and abuse of children.

### Notes

<sup>1</sup> The section of the penal code relating to the alienation of human beings is also being reformed with a new formulation of Art. 602, according to which anyone purchasing, alienating or selling a person in a condition of servitude or slavery should be punished with imprisonment of eight to twenty years.

<sup>2</sup> For a more detailed analysis, please refer to the text of the bill and the explanatory note contained in the Annex to this Report.

<sup>3</sup> The full text of the report on paedophilia is included in the Annex to the present Report.

<sup>4</sup> The event in Lucca concluded with the approval of a joint Declaration on the exploitation of children for sexual purposes and in employment. The Declaration confirms the commitment of participating governments to effectively implement the *UN Convention on the Rights of the Child*, which is taken as a key reference framework, and to subscribe to the principles and lines of action contained in the Stockholm Declaration and Agenda, the Budapest Declaration and Plan of Action, the Global Commitment approved at Yokohama, and ILO Conventions 138 on the Minimum Age for Admission to Employment and 182 on the Worst Forms of Child Labour.

<sup>5</sup> The URL for this site is: [www.stopchildtrafficking.org](http://www.stopchildtrafficking.org).

<sup>6</sup> In Italy the code has been signed by: AssoViaggi, Assotour, Assotrail, ASTOI, Interline International Club, Adiconsum, Federturismo, Fiavet, CGIL-FILCAMS, CISL-FISASCAT, PATA Italy Charter, SIGMA Travel Group, "Visit USA" Committee – Italy, Virgin Express, Viaggi del Ventaglio, UILTUCS (ECPAT data).

<sup>7</sup> The Body, which meets at least twice a year, is made up of one representative of ECPAT Italia, one from each association subscribing to the Code of Conduct, representatives from trade unions and employers' associations in the sector, two representatives from the institutions and one from Adiconsum (the consumers' association).

<sup>8</sup> [www.viaggiasesicuri.mae.aci.it](http://www.viaggiasesicuri.mae.aci.it).

<sup>9</sup> The call centre number is: +39-06-491115.

<sup>10</sup> 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.

<sup>11</sup> [http://www.sas.rai.it/codici/pedofilia/indice\\_pedofilia.html](http://www.sas.rai.it/codici/pedofilia/indice_pedofilia.html).

<sup>12</sup> [http://www.sas.rai.it/codici/bambini\\_adolesc\\_paure/paure.html](http://www.sas.rai.it/codici/bambini_adolesc_paure/paure.html).

<sup>13</sup> <http://www.sas.rai.it/atelier/forum/pedofilia.html>.

<sup>14</sup> The trade associations subscribing to the code are: AIIP, ANFOV, FEDERCOMIN and ASSOPROVIDER.

<sup>15</sup> The Working Group met for the first time in February 2003 and began a study that follows four thematic strands:

1. Primary prevention (families, schools and children);
2. Technical-IT prevention;
3. Legislative proposals and analyses;
4. Codes and controls.

<sup>16</sup> The results of the survey were presented in Quaderno 26 published by the National Centre for the Documentation and Analysis of Childhood and Adolescence (*Esperienze e buone pratiche con la legge n. 285/97. Dalla ricognizione alle linee guida*, Istituto degli Innocenti, Florence, October 2002) and in the second report to Parliament on the state of implementation of law 269/1998.

<sup>17</sup> The Decree allocated the resources as follows:

- National Institute for Social Insurance (INPS), 678,279,253 euros;
- Autonomous Regions and Autonomous Provinces of Trento and Bolzano, 896,823,876 euros;
- Municipal authorities, 44,466,939 euros;
- Division for Social and Social Insurance Policies, 96,985,863 euros.



<sup>18</sup> Regional Council Resolution 1165 of 17 December 2002.

<sup>19</sup> Progetto Veneto (Regional Decree 4031/02) envisages a series of significant stages/areas of action:

- (a) Awareness-raising – information for parents, young people, educators, teachers and operators;
- (b) Setting up specialist-rehabilitation centres at the local level;
- (c) Training at various levels for local social services and health operators;
- (d) The drafting of guidelines and procedures for inter-institutional actions;
- (e) The creation of a database of maltreated and/or abused children;
- (f) The evaluation, coordination, monitoring and evaluation of the project.

According to the Region, the objectives can be achieved by capitalising on the resources already available locally and at the same time reinforcing the network of services and fostering a shared, agreed approach to the rights of children and adolescents.

<sup>20</sup> DGR 1294 of 12 February 1999.

<sup>21</sup> DGR 1929 of 28 October 2002.

<sup>22</sup> Thanks to funding distributed at the provincial level (DGR 2068 of 23 December 2002), in Bologna it has been possible to open a multi-professional specialised centre called Il Faro, indicated by the Region as an example of best practice. The project began with the decision by Bologna's provincial government to set up a working group of health and social operators, which conceived the organisational model that gave rise to the Centre. The Centre is intended to ensure the correct management of cases through actions of high clinical, diagnostic and legal expertise, to be implemented through a network-based approach with the local services, judicial authorities, hospitals and schools.

<sup>23</sup> Allocation of a grant to Pisa University for the inter-regional *Ad altezza di bambino (Child's Eye View)* project designed to raise the awareness and inform voluntary workers of prevention measures and the early detection of signs of distress in children (DD 171 of 17 July 2002); an information and training day for operators in multi-disciplinary teams for the taking in hand of cases of abuse and maltreatment of children (DD 249 of 9 October 2002); Law 269/1998, on the allocation of training activities for multi-disciplinary teams with responsibility for taking in hand cases of abuse and maltreatment of children, in implementation of the regional information and training campaign on children's issues approved through DGR 39-4144 of 15 October 2001 (DD 380 of 25 November 2002); Law 269/1998, commissioning of Cooperativa Paradigma s.r.l. to print 3000 copies of a special issue of the informational periodical "Il Punto" on the regional information and training programme on the abuse and maltreatment of children (DD 382 of 25 November 2002); Law 269/1998. Commissioning of the Italian Federation of Women in

the Arts, Professions and Business to produce publications illustrating the results of experimental courses for the pupils of secondary schools in Piedmont, previously promoted by the Region in 2001, on the prevention of violence against children (DD 11 of 28 May 2003); European Project Daphne 2000/2003, participation in the *Study and sharing of good practice to prevent the repetition of violence against children once protection measures have ended* (DD 115 of 6 June 2003); Law 269/1998, approval of participation in joint training courses for judges/lawyers/operators from multi-disciplinary teams with responsibility for taking in hand cases of abuse and maltreatment of children (DD 135 of 26 June 2003).

<sup>24</sup> The most widely used training methods, often in a mix that has proved to be more effective than a single-method approach, can be divided into three categories:

- *Group training*, generally based on lessons providing theoretical information (what secrets are, good and bad ways of touching, the help available, what to do if...etc) through group discussion and the use of books for cognitive learning exercises;
- *Behavioural training* using role play and dramatisations, with simulations of situations in which they have to apply problem-solving strategies and self-protection skills;
- *Video-training*, using videos to present typical situations and models and ways of behaving in risk situations.

<sup>25</sup> Prefect's Decree 384/A. Soc. of 27 November 2000.

<sup>26</sup> The information received for Campania Region concerns the Caserta ASC's project.

<sup>27</sup> Quaderno 26 *Esperienze e buone pratiche con la legge n. 285/97*, National Centre for the Documentation and Analysis of Childhood and Adolescence, Istituto degli Innocenti, Florence, October 2002.

<sup>28</sup> The project was called: *Mimì fiore di cactus e il suo porcospino: chi mi stuzzica mi pizzica* (*Mimì the cactus flower and her porcupine: meddle at your peril*).

<sup>29</sup> The topics discussed in the national seminar were taken up and examined in greater depth in a book soon to be published, which brings together theoretical and technical-operational articles and materials (abstracts and conclusions of the parallel sessions) produced during the seminar.

<sup>30</sup> We can add that the representatives of the various departments involved directly in combating paedophilia have also been acting as teachers in training courses for operators in the social, health, legal and educational sector both in Italy and abroad. For example, members of the Carabinieri have been teaching courses organised by UNICEF for the police forces in sexual tourism destination countries, such as Senegal and the Dominican Republic.

<sup>31</sup> 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.

<sup>32</sup> Set up pursuant to Art. 25 of Presidential Decree 394 of 31 August 1999 and made up of representatives of the Ministries of Equal Opportunities, Labour and Social Policies, the Interior and Justice.

<sup>33</sup> Official Gazette 139 of 18 June 2003 – Ordinary Supplement 95: Presidential Decree of 23 May 2003 concerning the Approval of the National Health Plan for 2003-2005.

<sup>34</sup> A crucial step was Constitutional Law no. 3 of 18 October containing Amendments to Title V of Part Two of the Constitution. This introduced the principles of concurrent legislative power for the State and Regions and regulatory power for the Regions in matters concerning health. Other key steps were the State-Regions Agreement of 8 August 2001 and the subsequent Prime Minister’s Order of 29 November 2001 (Official Gazette of 8 February 2002), which set out the essential levels of assistance, divided into three macro-areas: collective health care in living and work environments; district-level assistance, which includes treatment for individuals; and hospital care.

<sup>35</sup> The definition of the LEAs, first through the Agreement of 22 November 2001 and then with their adoption through the Prime Minister’s Order of 29 November 2001, in implementation of Art. 6 of Law 405 of 16 September 2001 on the *Conversion, with amendments, of Decree-Law 347 of 18 September 2001, containing recent urgent measures concerning health expenditure*, sets out the actions to be paid for by the National Health Service (NHS) and distinguishes between:

- (a) “essential” services;
- (b) “non-essential” services, that should no longer be delivered using NHS funding.

<sup>36</sup> The Ministry’s international activity also took the form of participation in a number of seminars and conferences:

- UNICEF/IRC Steering Committee on the Global Programme against the Exploitation of Child Labour, in Florence in February 2002;
- International Conference on Unaccompanied Migrant Children, February 2002;

- European Conference on the protection of children from commercial sexual exploitation in tourism, April 2002;
- In May 2002 the MFA coordinated, together with the World Bank, the conference on young people in the countries of Eastern Europe, as part of the “Balkan Initiative” Regional Programme for the development of policies for the new generation, funded by the DGDC through the World Bank. The fight against trafficking for sexual exploitation purposes is an important part of this Programme;
- In May 2002, the MFA was included in the Italian delegation to the Special Session of the General Assembly of the United Nations (UNGASS) for the tenth anniversary of the UN Declaration on the Rights of the Child; ?? Check wording ??;
- The DGDC took part in the ECPAT International-Thailand annual conference in September 2002;
- Summer 2002 and 20-21 March 2003, Child trafficking research workshop as part of the Action Plan against the trafficking of people in Africa (UNICEF-IRC, Florence).

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