



**Convention on the Rights
of the Child**

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**WRITTEN REPLIES BY THE GOVERNMENT OF ITALY TO THE LIST OF ISSUES
(CRC/C/OPSA/ITA/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE INITIAL REPORT OF ITALY (CRC/C/OPSA/ITA/1)
SUBMITTED UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY
(CRC/C/OPSA/ITA/1)***

[Replies received on 11 April 2006]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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Introduction

Further to the examination carried out by the UN Committee on the Rights of the Child of the first Italian Report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, the Inter-ministerial Committee on Human Rights (CIDU), based within the Italian Ministry for Foreign Affairs, set up an *ad hoc* Working Group, made up of the following administrations: the Ministry for Foreign Affairs, the Ministry of Labour and Welfare, the Ministry for Equal Opportunities, the Ministry for Regional Affairs, the Ministry of Defence and Police Forces.

Within this framework, the Inter-ministerial Committee deemed it right also to start a dialogue with the major NGOs operating in the field and belonging to the Working Group on the Convention on the Rights of the Child. With the aim of joint assessment of particularly relevant issues, two meetings of the Working Group and relevant NGOs took place between December 2005 and April 2006.

New legislation on sexual exploitation of children and paedo-pornography, also through the Internet (Act n. 38/2006)

First of all - and before replying to the issues put forward by the UN Committee on the Rights of the Child - the Italian Government deems it useful to provide the Committee with the information regarding a new and important act, recently adopted by the Italian Parliament.

In line with the guidelines of the Council of the European Union, on February 6, 2006, the Parliament passed an act, based on two fundamental principles:

- the raising of the age of the category protected against certain typologies of offence;
- the updating of the existing legislation on unlawful acts, through the inclusion of crimes committed by using data processing systems, thus allowing for anonymous exchanges of materials produced by children exploitation.

As regards the crime of “sexual acts involving minors in exchange for money or other financial profit”, Art. 600 bis § 1 of the Criminal Code, as amended by Act n. 38 - Art. 1, envisages a six-month to three years’ imprisonment plus a pecuniary fine for the person who is found guilty of sexual acts involving a minor aged from 14 to 18.

Furthermore, the same article of the above mentioned Act introduces for this crime an increase of the penalty (from 2 as a minimum to 5 years as a maximum) if the child has not yet turned sixteen. At the same time, the Act does not envisage a pecuniary penalty as an alternative to prison sentence, neither for this crime nor for the crimes of disseminating or possessing child pornographic materials.

As to the dissemination of paedo-pornographic materials - because of a definition of “pornography” as a dynamic phenomenon whose contents cannot be crystallised, Act n. 38 provides for new legal paradigms which adapt the existing regulation to the quick transformation of the phenomenon of pornography: Art. 2 introduces the crime of “inducing a person under the age of 18 to take part in pornographic shows”; for this crime the Act envisages a six to twelve years’ imprisonment plus a pecuniary fine. The same Art. 2 introduces *ex novo* in the Criminal Code the crimes of dissemination and offer - even for free - of paedo-pornographic materials (with a possibility to raise

the penalty up to two thirds in cases of large amounts of such materials). Pursuant to Art. 3, a penalty consisting in imprisonment up to three years plus a pecuniary fine is envisaged in cases of possession of paedo-pornographic materials showing children; this penalty can be increased up to two thirds in case of great amounts of materials.

Besides, with specific regard to the crime of “release” of paedo-pornographic materials, the wording “consciously” has disappeared from the new Act: the purpose of the legislator seems to be that of eliminating any element which could soften the definition of the crime under reference. Art. 4 of the same Act sets up a new criminal paradigm, defined as “virtual pornography” and described as the representation of “virtual images created by using other images of minors under the age of 18 or parts of these images”.

Act n. 38, Art. 10 - in line with the actual legal paradigm on administrative responsibility of juridical persons, societies or associations – introduces the above mentioned administrative responsibility also *vis-à-vis* the new crime of “virtual pornography”.

Another important innovation brought by Act n. 38 concerns the introduction, for the crimes under reference, of a lifelong ban from taking up any post in schools of any level as well as in institutions, public or private, attended mainly by children (arts. 5 and 8). This consequential measure is applicable to all those who are sentenced for sexual violence against minors, sexual acts involving minors, child pornography and exploitation of child prostitution. By doing this, the legislator’s aim is to radically avoid that the person already sentenced could reiterate the crime and, consequently, to make the environments usually attended by children more safe; this measure concerns in particular the school environment, where children run the risk of coming in touch with dangerous persons, who might have already been involved in acts of violence.

As far as these concerned measures, Art. 11 of the new Act, amending the Criminal Code, does away with the possibility for the defendant of a plea bargaining (the so called “*Patteggiamento*”) in case of special proceedings. The new Act, under Art. 19, envisages the creation, within the Ministry of Interior, of a National Centre for the fight against paedo-pornography on line, tasked with collecting notifications by public and private subjects committed to counteracting child pornography. Furthermore, Art. 20 provides for the creation, within the Presidency of the Council of Ministries - Department for Equal Opportunities, of an Observatory for the counter action of paedophilia and child pornography. The Observatory will be tasked with gathering and monitoring data and information related to the activities carried out by public administrations in the field of prevention and repression of paedophilia. Besides, the Observatory will create a data base in order to collect – with the contribution of the data provided by the relevant Administrations - all the useful information for an effective monitoring of the phenomenon.

To further counteract the dissemination of paedo-pornographic materials on the Internet, the web providers are obliged to promptly inform the Ministry of Interior in the event of enterprises or private subjects who use the web to spread or trade in paedo-pornographic materials. The above mentioned providers are also obliged to make use of filtering tools, identified by the Ministry of Communications in accordance with the Ministry for Innovation and Technologies. Amongst the financial

measures designed to combat the trade in this kind of materials, the involvement of banks, of institutes of electronic banking, of the Italian Postal Society as well as of financial brokers is also

envisaged. The cooperation with these subjects will make it possible to track down useful information about the usage of credit cards for illicit transactions and, if necessary, to revoke the authorisation for their usage.

Act n. 38 finally envisages an important measure to counteract the phenomenon of sexual tourism to the detriment of minors: the new law, indeed, reaffirms – and makes it permanent – the obligation for tour operators (already provided for by Art. 16 of Act n. 269/1998) to insert in advertising booklets a notice informing that the Italian law provides for the detention penalty for crimes related to child prostitution and pornography, even if committed abroad (Art. 17, Act n. 38/2006). The new law increases the pecuniary fine envisaged for those tour operators who violate this obligation.

1. With reference to special protection measures, please provide updated statistical data, if available (including by sex, age, region) for the years 2002, 2003, and 2004 on:

a) the number of children trafficked to and from Italy

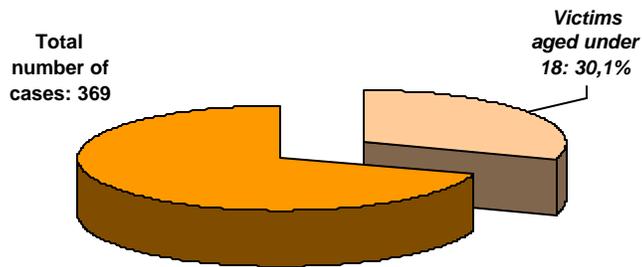
Official data on the typologies of crime introduced by Act n. 228 of August 11, 2003 “Measures against the trafficking in human beings”, which modifies arts. 600, 601, 601 and 416 of the Criminal Code¹.

The quantitative and qualitative description of trafficking to the detriment of children is hampered by the very nature of the phenomenon, whose features vary a lot depending on the changes in the flows. These, in turn, are determined by the conditions of “feasibility” and “financial profit” of the exchanges, according both to the increase or decrease of police checks on the national territory and to the market demand, which is what actually foments the flow of trafficked children (prostitution chain, illegal work, begging).

On the territory of the Italian State, from September 7, 2003 to May 31, 2005, there were 320 penal proceedings for the violation of Art. 600 of the Criminal Code “Offence of reduction to slavery or servitude”; one over ten cases concerns proceedings against unknown person. A total of 320 cases is currently being examined; 947 persons are being investigated and 369 victims, of which 111 minor of age, have been recorded. The percentage of victims under the age of 18 is around 30% of the total. The crimes under Art. 600 of the Criminal Code are mainly dealt with by the *Procura* (State Attorney’s office) of Rome, where 133 procedures are currently under examination, with a total number of 279 investigated persons and 135 victims, 68 of which under the age of 18. According to the available information, in Italy, out of ten cases of minors victims of the crime under Art. 600 of the Criminal Code, six are investigated by the *Procura* of Rome.

Table 1
Victims and victims aged under 18 of the crimes under Art. 600 of the Criminal Code
“Reduction to slavery or servitude” – September 2003 - May 2005

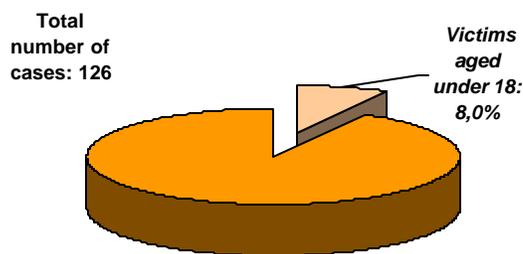
¹ These data are collected and analysed by the “Direzione Nazionale Antimafia” (National Authority for the fight against mafia), having the task to co-ordinate all the investigations concerning the organised crime at national level.



Source: Istat (National Institute for Statistics) – Judicial Criminal Statistics

As regards the typologies of crimes under Art. 601 of the Criminal Code “Trafficking in human being” to date 86 proceedings have been started, of which 9 concern unknown persons. The data regarding these proceedings are the following: 339 persons investigated (an average of 4 persons involved in each proceeding) and 126 victims, of which 10 aged under 18. In this case, the number of children involved is lower, representing about the 8% of the total amount of cases.

Table 2
Victims and victims aged under 18 of crimes under Art. 601 of the Criminal Code, “Trafficking in human beings” September 2003– May 2005

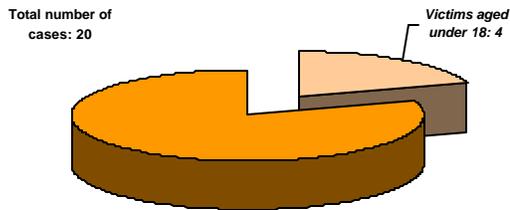


Source: Istat (National Institute for Statistics) – Judicial Criminal Statistics

With regard to the crimes under Art. 602 of the Criminal Code, “Purchase and alienation of slaves”, 35 criminal proceedings have started to date, of which 4 against unknown persons. The data regarding these proceedings are as follows: 151 persons investigated (an average of 4 persons involved in each case), 20 victims, of which 4 aged under 18. Also in this case, the percentage of victims aged under 18 is lower if compared to the percentage recorded for the crime of reduction to slavery or servitude.

Table 3

**Victims and Victims aged under 18 of the crimes under Art. 602 of the Criminal Code
“Purchase and alienation of slaves” - September 2003 - May 2005**



Source: Istat (National Institute for Statistics) – Judicial Criminal Statistics

Besides the above mentioned data, there exist further data about children involved in projects of social protection, pursuant to Art. 18 of the Consolidated Text on Immigration n.286/98. From these data it emerges that out of 6.781 persons taken care of, 318 are under the age of 18, that is about 6,7% of the total.

It is also worth recalling that, pursuant to the same Art. 18 of the cited Text, an action system called *Numero verde antitratta* (Call-Free Number against trafficking in human beings) started in July 2000. This initiative was financed by the Ministry for Equal Opportunities by using national funds, as provided by Art. 18 of the Legislative Decree (DLGS) n. 286/98. The number is working around the clock and consists of one national centre and 14 local centres. The so called *Numero verde* receives requests for information and help directly from users, examines and selects the calls deemed reliable. The operators thus start the envisaged procedure to bring first victims and local centres into contact and, then, victims and local project operators. From July 2000 to March 2003, the *Numero Verde* received 520.936 calls and dealt in depth with 194.350. Calls from victims aged under 14 represented 1% of the total number of contacts held by the *Numero Verde* between January and March 2003. The percentage of victims aged between 14 and 17 is however higher, representing 7% of the total number of cases dealt with.

b) the number of children subject to sale for the purpose of labour, adoption or sexual exploitation

Art. 13 of Act n. 228/2003 provides for the creation of a specific programme for assistance to victims according to Arts. 600 and 601 of Italian criminal code, that guarantees, in a provisional basis, adequate housing, food supply and health services to support their physical and psychological recovery. Within the programme, as defined by Presidential Decree n. 237/2005 and financed by State in conjunction with Regions and local authorities, a sum of 2.5 million euros has been earmarked for special programmes in year 2005.

Foreigner victims of trafficking are under social protection according to Art. 18 of Legislative Decree n. 286/1998 revised: they obtain a special permit of stay for social protection reasons and are involved as beneficiaries in a social protection project. A relevant system-wide action funded through Art. 18 was promoted in 2001 by the

Ministry of the Interior, with the assistance of the International Organisation for Migration (IOM), in order to encourage the voluntary repatriation and re-integration, in their countries of origin, of victims of trafficking, women and children. Within September 2004 this action supported 160 voluntary returns.

With the co-operation of the National Centre for the Documentation and Analysis of Childhood and Adolescence, the Ministry of Labour and Social Policies is working on a research concerning “The interventions of social protection and re-insertion for children victims of trafficking and sexual exploitation” which represents a scientific contribution to study these actions adopted by local entities in regard of children victims of trafficking and/or sexual exploitation.

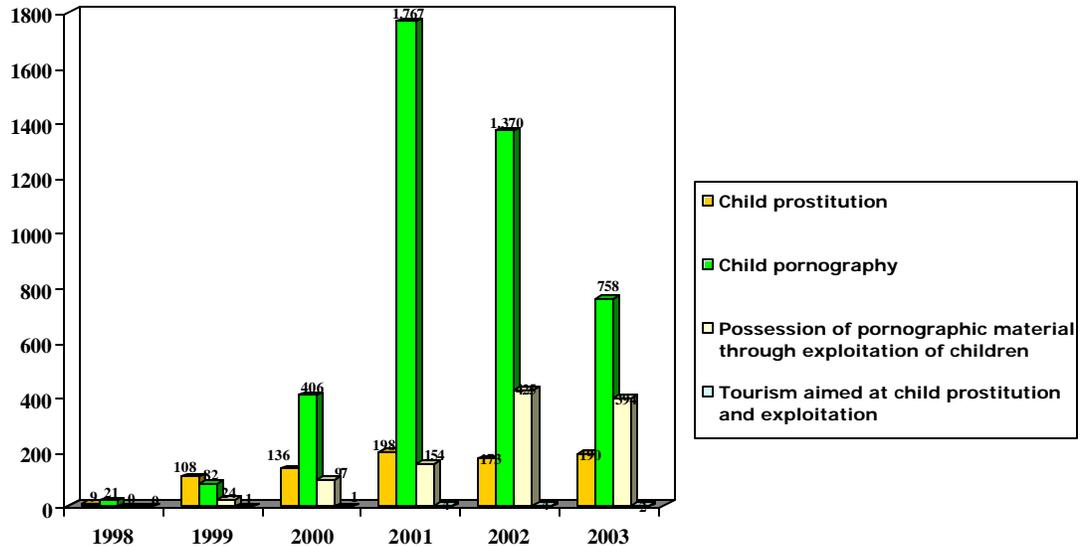
The research has the task to describe the framework of interventions and to give an evaluation on the basis of children needs. All the data and information collected will be useful in implementing policies and programmes for children’s assistance and protection promoted by the Italian Government, Regions and local authorities.

c) the number of reported cases of child prostitution and pornography

As far as the typology of crimes provided for in Act n. 269/1998 – “Provisions against the exploitation of prostitution, pornography, sexual tourism concerning children as new forms of enslavement”, statistics are elaborated by ISTAT (National Institute for Statistics) through a current methodology and not an ad hoc one. Actually available data refer to trends for 1998-2003 and concern the number of reported offences by typology of crimes and of reported persons for whom the judicial authorities have opened criminal proceedings.

Table 4

Reported offences for crimes provided for in Act n. 269/1998 for which criminal proceedings have been opened – Years 1998 - 2003



Source: Istat (National Institute for Statistics) – Judicial Criminal Statistics

Child pornography (Art. 600 ter c.p.) - Data related to 2003

From 1998 to 2003, statistical data have to be read through a distinction between the period 1998-2001, when reported offences increase from 21 to 1.767 cases, and the period 2001-2003 with a decrease of almost 60% of the total.

The same data available for years 1998-1999, just after the entry into force of Act n. 269/1998, when relevant legislative measures were not yet completely adopted, amount respectively to 21 and 82 cases reported to judicial authorities.

From 2000 onwards, the growing relevance of this phenomenon in the public opinion has had a real incidence on the number of reported offences for which judicial authorities have opened criminal proceedings, that has increased up to 406: in detail, if in 2001 1.767 offences were registered, in 2002 they decreased to 1.370 (- 22%) and to 758 in 2003 (- 57% and - 44%, if compared respectively to 2001 and 2002).

Except for 2003, for the crime here considered, the *ratio* between reported cases and reported persons for this offence is very high: in 2002 there were 1.360 cases reported to judicial authorities, 1.370 offences reported and only 230 persons reported for a *ratio* of 6 offences committed for each person reported. This *ratio* was higher in 2000

and 2001, with 9 and 13 offences respectively committed for each person reported. In 2003, in respect of a decrease in the number of reported cases, the number of reported persons was higher (from 230 in 2002 to 278 in 2003). In 2002, in particular, 11 reported cases involved persons aged under 18, with a *ratio* of 11% (decreased in 2003 up to 6,5%).

Possession of pornographic material through children exploitation (Art. 600 quarter c.p.) - Data related to 2003

As it concerns the “possession of pornographic material through children exploitation”, the number of reported cases is constantly growing since 1998.

The phenomenon is under analysis from 1999 when 24 cases were reported, increasing up to 97 in 2000, 154 in 2001, 425 in 2002 and, finally, decreasing up to 394 in 2003. It must be outlined that almost all the cases reported for this crime concern the same offence. Furthermore, the *ratio* of reported cases whose actor is unknown is clearly lower than that one concerning child pornography and in 2003 this *ratio* progressively decreased. On the contrary the number of reported persons increased from 30 in 2001 to 132 in 2002 and to 278 in 2003. In 2002 the *ratio* reported cases to reported persons for this offence was 3 to 2, while in 2003 was 2 to 1 (i.e. 2 person reported for each offence).

Child prostitution (Art. 600 bis c.p.) – Data related to 2003

In 1998 and 1999 offences concerning “child prostitution” were considered as the most relevant according to Act n. 269/1998, with an incidence of, respectively, 9 and 108 cases reported to judicial authorities.

This phenomenon increased in 2000 and 2001 when cases for which criminal proceedings were opened amounted respectively to 136 and 198. Reported cases were 173 in 2002 and 190 in 2003. As it concerns child exploitation through prostitution, more than one person is reported to judicial authorities for each reported case. In 2003 there were 190 offences reported to judicial authorities, 171 cases reported and 314 persons reported for an average *ratio* of 2 person reported for each case/offence reported. In 2001-2003 10 reported cases involved persons aged under 18.

Tourism aimed at the sexual exploitation of children (Art. 600 quinquies of the Criminal Code) – Data related to 2002 Crimes referable to the typology of crime “Tourism aimed at the exploitation of children” were just 12 in the period under reference (1998-2002). Despite the very low number of cases ascertained in these six years, it is worth highlighting that out of 12 complaints and related 12 offences reported to judicial authorities, only one person was reported to judicial authorities in the year 2000.

The monitoring on the web for sexual and paedo-pornography related crimes – Data related to 2005

One of the innovations introduced by Act n. 269/1998 relates to the investigative activity aimed at preventing and combating the sexual and paedo-pornographic exploitation of children on the web. The Postal and Communications Police is the organ in charge of a constant monitoring exercise of the paedo-pornography related activities on the web. From 1998 till the first semester of 2005, the investigative activity made possible the monitoring of about 178.000 web sites and following up to this exercise, 12.282 searchings took place, 3.011 persons were reported, of which 141 (5%) were subjected to restrictive measures.

In the years 1998-2005, the investigative activity underwent a progressive and significant increase. From 1998 to 2000, a total number of 25.847 web sites were monitored, provoking 283 searchings and 399 reported persons (43 of which were subjected to restrictive measures).

The investigative activity significantly increased in 2001; during this year 24.325 web sites have been monitored (an amount corresponding to the usual total of three years of monitoring), 283 searchings have followed and 210 persons have been reported, 25 of which were subjected to restrictive measures. During the year 2002, the number of monitoring operations has remained almost unchanged (23.940), whereas both the number of searchings and of reported persons increased, up to 606 and 552 respectively. Also the total number of restrictive measures slightly grew up to 29.

In 2003 a further significant growth was registered in the number of monitored sites, which - if compared to the two previous years – redoubled (with about 51.000 sites monitored). However, this significant growth does not correspond to a proportional increase of the number of searchings and of reported persons not subjected to restrictive measures: in detail, there were 725 searchings (only an increase of 16%) and 712 reported persons not subjected to restrictive measures (an increase of 16%). As regards the year 2004, the data emerging from the investigative activity resemble those previously recorded, that is 25.446 web sites monitored, 525 searchings and 769 reported persons not subjected to restrictive measures, 21 of which subjected to restrictive measures.

The data concerning the first semester of the year 2005 resemble the trend of 2003, with a strong increase of the monitoring activity. In six months only, 27161 web sites were monitored, 505 searchings took place, 369 reported persons, 14 of which were subjected to restrictive measures.

From 1998 to 2005, the investigative activity by Postal and Communications Police aimed at combating paedo-pornography on the web has been more and more progressive. A total number of 209.566 web sites have been monitored, and 152 Italian web sites have been investigated. All the materials can be left opened for investigative reasons for a certain time and then recorded or be subjected to restrictive measures by the judicial authorities through an *ad hoc* decree. 9.520 were the cases reported to foreign investigating bodies. 3.313 were the persons reported, of which 146 were subjected to restrictive measures.

Besides, from July 2001 to June 2005, according to 2005 Report on the state of security in Italy (Ministry of the Interior, at <http://www.interno.it>), 143.908 web sites have been identified, of which 9.046 proved to be related to pornography. These cases have been reported to foreign investigative organs in order for them to close these sites down, whereas the paedo-pornographic

web sites discovered – and consequently closed – on the Italian territory amounted to 108. As far as the investigative activity is concerned, from July 1, 2001 to June 30, 2005, 85 persons have been arrested and 2.355 have been reported to judicial authorities. Within this framework, during 2.226 searchings, 2.000 personal computers, 100.000 CD-Rom, 60.000 floppy disks have been seized.

d) the number of cases prosecuted in criminal courts

For details on the number of cases prosecuted in criminal courts see Annexes from 2 to 7.

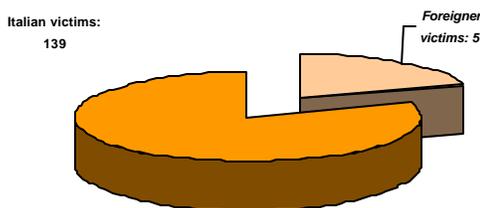
e) the number of children provided assistance and counselling

As it concerns the assistance and counselling to children as victims of abuse, the Ministry of Justice – Department of Juvenile Justice, according to Act n. 66/1996, Art. 11 §§ 2-3-4 (which introduced Art. 609 decies in the Criminal Code), provides for a direct assistance to children by Juvenile Justice Services, also in co-ordination with the judicial authorities and local institutions, in order to prevent the phenomenon and to offer an adequate psychological assistance in each stage of the proceeding.

In particular Juvenile Justice Services assist children during the proceedings. In this context children and their families can be assisted by some professional figures – psychologists and social assistants, who act with their proper means and methods. In other words they work with a view both to prevent and to plan co-ordinated strategies, as well as to assist children as victims of abuse, playing a central role in the network composed by all the bodies involved to counteract this phenomenon.

Juvenile Justice Services, in fact, are more and more active in connection with judicial authorities, local service and the civil society, and take part in co-ordination groups, in multi-disciplinary teams and in clinical and training activities.

Table 5
Reported victims of sexual abuse by nationality and sex– Year 2002



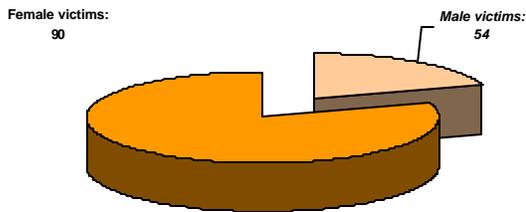
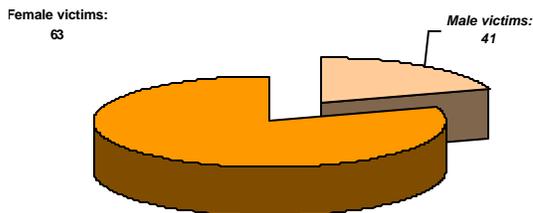
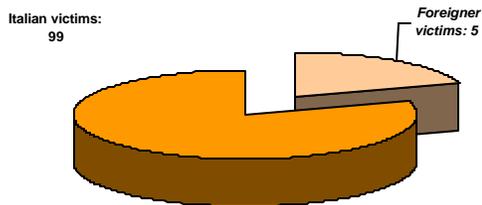


Table 6
Reported victims of sexual abuse by nationality and sex– Year 2003



The contribution ensured by the above mentioned professionals is outlined in Act n. 285/1997 “containing provisions for the promotion of rights and opportunities for children and adolescents”, whose Art. 4§1, lett. h) provides for the prevention and counselling measures as a whole, in case of child abuse or sexual exploitation, child abandonment, child mistreatment and violence as the main task in the implementation of projects devoted to counteract these phenomena.

By this Act Italy had resources and instruments to set in motion services for children and adolescents. The Act aimed in fact to develop a social policy conceived as investment for the development of new generations, through a series of programmes, which will allow local authorities to concretely promote the exercise of citizen rights for children and adolescents. In this way, it has been able to contribute to the return to experimentation and consolidation of children's services of great importance for the development of better living conditions. At local level, there has been an extraordinary mobilization of energies by the regions, provinces, and

individual or associated municipalities, that have, for instance, used the opportunity of application of Act n. 285/1997 to start new programs and initiatives. By this Act 275 projects have been implemented from 2002 to 2004.

Art. 17§1 of Act n. 269/1998 provides for the co-ordination of activities carried out by public administrations, concerning *inter alia* legal assistance for child protection in case of sexual exploitation and abuse. To support this exercise, Act n. 38/2006 provides for the constitution of an Observatory for the counter action of paedophilia and child pornography within the Ministry for Equal Opportunities (see above).

The Observatory will play a central role for the dissemination of information at international and national levels, collecting data for the prevention, fight and assistance to victims of abuse guaranteed both by public administrations and civil society.

In particular monitoring activity will focus on data related to: adults as authors of sexual abuse and exploitation; children as authors of sexual abuse and exploitation; children as victims of sexual abuse and paedo-pornography, also on the web. Data analysis will support the study of the social context of the victim and the social assistance and counselling during and following the proceedings.

With reference also to the data collecting exercise and to the need for a monitoring activity on the phenomena under reference, it is worth pointing out that the Ministry of Labour and Social Policies, jointly with the National Centre of Documentation and Analysis on Children, is working on the two following projects:

- 1) an experimental research for the creation of a national monitoring system on minors victim of negligence, mistreatments and/or sexual abuse taken care of by local services;
- 2)
- 3) the rehabilitation and social protection of prostituted minors through an explorative research in seven areas of Italy (March 2006).

2. Please provide additional information on the coordination mechanisms to ensure the effective implementation of the Optional Protocol.

The Ciclope Committee

With the aim of living up to the commitments taken by Italy at the international level, first of all to the UN Convention on the rights of the child, in spring 2002, the Interministerial Committee of Co-ordination for the Fight against Paedophilia has been set up within the Ministry for Equal Opportunities.

Art. 17 of Act n. 269/1998 entrusts, indeed, to the Presidency of the Council of Ministers "the functions of co-ordinating the activities carried out by all Public Administrations, related to the prevention, assistance – also in legal matters - and protection of minors from exploitation and sexual abuse". Such function has been delegated to the Minister for Equal Opportunities, who presides, therefore, the Committee CICLOPE.

In order to effectively intervene also at the level of communication, the Chairperson of the Italian Radio -Television broadcasting (RAI) is also a member of the Committee. The lines of action identified by the Committee for the fight and the prevention of paedophilia - focused on prevention, protection and assistance actions in favour of the victims as well as on repression – are the following:

- strengthening the measures envisaged for the protection of minors victim of sexual exploitation, by modifying and integrating the existing provisions as provided for by Act n. 269/1998, through the D.L. S3503, then transformed into Act n. 38 of February, 6 2006;
- the creation, envisaged by the Decree of the Minister for Equal Opportunities and institutionalised through Act n. 38/2006, of an Observatory for the monitoring of data on paedophilia and child pornography;
- the promotion of suitable initiatives for facing the spreading of crimes via Internet;
- the activation and widening on the entire national territory of a first aid number against paedophilia (114 - Child Emergency);
- the activation of suitable campaigns of sensibilization targeted to the actors involved.
-

The Observatory on the phenomenon of paedophilia and the policies for its prevention and contrast

The Department for Equal Opportunities, within the Committee CICLOPE, promoted – through a Decree of June, 17 2003 - the creation of an Observatory, tasked with supporting the Committee in the collection of qualitative and quantitative data at the national, European and international level². In particular the Observatory has been chosen as privileged site for the connection of the various sources and information relating to the exploitation and sexual abuse of the minors, as well as for the improvement and the sharing of the survey systems already existing, in order to promote the interaction between the involved Administrations.

The Observatory for the counter action of paedophilia and child pornography

Act n. 38/2006 provides for the constitution of an Observatory for the counter action of paedophilia and child pornography. In order to render this new structure operating, the Technical and the Scientific Committees of the CICLOPE Observatory have worked actively for the adoption of organizational working models of the new Observatory, elaborating possible activities and co-ordination with institutional and other entities, involved in fighting against child abuse. The proposed operating model provides that the activity of the new Observatory is developing through three main working phases:

1. data collecting;
2. data elaboration;
3. confrontation with involved operators and professionals.

² The Observatory that is articulated in three organisms:-

- a Scientific Committee, with the task to characterise the lines guides for the exchange of the information between several the been involved subjects, in an optical of "net";
- a Technical Committee, which operating instrument of the Scientific Committee, than cures surveying and the collection of gives to you according to the plan of job from this predisposed;
- a Consult of the Associations, constituted recently, composed from Associations that operate in the field and that, in quality of advisory organ, will have upon request of the two Committees to express opinions on the undertaken initiatives.

Categories addressed through data elaboration will be: judicial authorities, operators of the Police Law Enforcement and Judiciary Police, social assistants, teachers, health personnel, psychologists, educators, and all those who are involved in the fight and the prevention of child sexual abuse. To this aim, the information should reach:

- **each operator, taking into account his/her specific professionalism;**
- **the institutional subjects, participating in the process;**
- **data sources (juvenile courts, police, etc.);**
- **combined information and data base operators;**
- **the voluntary service associations that collect non-structured but direct information on the field.**

These categories, therefore, both at national and international level, will enter in relation with the Observatory because of their professional interests and their cultural identity, and the Department wishes to promote their interactive participation. In order to be efficient, the communication should aim to a twofold objective:

- **to be sufficiently simple, direct and easy to understand;**
- **to keep a framework in which the institutional actors and users can identify data source and nature.**
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The constitution of networks between information centers constitutes a priority for the data base effectiveness. In particular information flows from the Police, the Carabinieri, and the courts should contain the following elements:

- 1. the profile of subjects who committed violence against children;**
- 2. the circumstances in which the action has taken place;**
- 3. the characteristics of the victim and of his/her life;**
- 4. the activation of assistance and rehabilitation process during and after the proceedings. These information constitute a source that needs to be improved just through a "normalisation" of the surveys, thus allowing an homogenous collection of data.**

3. Please provide information on the independent monitoring where a child victim of an abuse can directly lodge a complaint.

At present in Italy there is not an independent national institution competent for children rights protection. Nevertheless this topic is under relevant consideration within Italian institutions so that several bills were presented in the last two legislatures, followed by a Consolidated Text adopted in 2004.

At the same time, various regional laws entered into force creating Ombudsman, Authorities or Guardians in eight Italian Regions (Veneto, Abruzzo, Piemonte, Friuli Venezia Giulia, Umbria, Puglia, Marche and Lazio).

4. Please provide further information on budget allocations both at national and regional level for the implementation of the rights contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

State, Regions and local authorities' budgets provide for adequate financial instruments to guarantee the implementation of children rights according to the Optional Protocol. Given the difficulty to properly evaluate all the financial resources and in order to ensure a good coverage of the available ones, Art. 47 of Financial Law 2006 disciplines the constitution of the "Fund for international adoptions and to combat child sexual exploitation and abuse". An expense of 2 million euros for each year - from 2006 to 2008 - will finance counter measures against child sexual exploitation and abuse. Furthermore, as it concerns the institution and the activities of Observatory for the counter action of paedophilia and child pornography, including

the creation of its database, an expense of 1.500.000 and 750.000 euros has been authorised for the year 2006 and 2007-2008 respectively.

Actually the national budget provides for a Fund for Social Policies, which finances several categories of actions related to several categories of 'needs'. As a result of the reform of the Title V of the Italian Constitution, Regions are not bound anymore to define objectives in order to use financial resources. So the Ministry of Labour and Social Policies has financed specific policies in implementing the National Plan of Action for the protection of the rights and development of children, devoted to guarantee a uniform protection of children rights on the Italian territory. In particular, the Ministry of Labour and Social Policies, through the National Centre for the Documentation and Analysis of Childhood and Adolescence, has promoted and is realizing an integrated informative system for the monitoring and the development of policies concerning children in Italy and, in collaboration with the Regions that have accepted to co-operate, is creating a Registry of victims of abuse and ill-treatment (see also reply to point c) of the List of issues), with the purpose to build up a data processing system able to collect homogeneous information.