

CHILD

Towards a child-friendly justice

IMPLEMENTATION OF DIRECTIVE 2012/29/EU WITH RESPECT TO CHILD VICTIMS NATIONAL REPORT ITALY



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There is a way out of violence!

Implementation of Directive 2012/29/EU in respect to child victims of violence - National Report Italy

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Project Reference: 101160543 — CHILD Project — JUST-2023-JACC-EJUSTICE

Abbreviations

AGIA	Autorità Garante per l'Infanzia e l'Adolescenza – Authority for Children and Adolescents
c.c.	Italian Civil Code
CDENF	Steering Committee for the Rights of the Child
c.p.	Italian Penal Code
c.p.c.	Italian Code of Civil procedure
c.p.p.	Italian Code of Penal procedure
CRC	Convention on the Rights of the Child
D.M.	Ministerial Decree
e.g.	For example,
EU	European Union
FRA	European Union Agency for Fundamental Rights
ISTAT	Istituto Nazionale di Statistica - Italian National Institute of Statistics
p. / pp.	Page/s
R. Decr.	Royal Decree
SINPIA	Italian Society of Child and Adolescent Neuropsychiatry
VRD	Victim's Rights Directive
UNICEF	United Nations International Children's Emergency Fund

1. Introduction

The EU Member States were obliged to transpose the Directive 2012/29/EU by 16 November 2015. Although 10 years have passed since then and formally many victims' rights are encompassed in national legislations, victims still struggle with their proper and effective use.

The CHILD Project is focused on the development of a judicial system adapted to child victims of severe violence, in particular the moment of the forensic interview. It aims to facilitate a stepwise and structured process for a better implementation of the existing legislative frameworks, especially based on the Directive 2012/29/EU in 9 EU countries (Austria, Belgium, Cyprus, Estonia, Greece, Italy, Portugal, Romania, Spain) and to move towards structural changes at national level and in the EU context.

The aim of this report is to disclose the current national context of each participating country regarding child's rights and protection within the criminal process from legal and practical perspectives.

The methodology of this report initially consists of a review of the relevant literature and regulatory framework. It also incorporates conclusions derived from discussions with experts from the Italian Advisory Panel, organized within the CHILD Project, as well as the insights of professionals who participated in Focus Groups and interviews. Participants include lawyers, social workers, educators and representatives from victim support services and organizations.

1.1. General Considerations: a European-level approach

According to article 1 of the Convention on the Rights of the Child (CRC), the term *child* is understood as any person under the age of 18 years, "*the legally defined age at which a person becomes an adult*"¹. In the **Directive 2011/93/EU of the European Parliament and of The Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA** (Directive 2011/93/EU)² and **Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA** (Victims' Rights Directive, VRD) 'child' also "*means any person below the age of 18 years*"³.

¹ Greijer, S. and Doek, J., Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Luxembourg: ECPAT International, (2016).

² OJ L 335, 17.12.2011, p. 1–14. Available at: <https://eur-lex.europa.eu/eli/dir/2011/93/oj/eng>

³ OJ L 315, 14.11.2012, p. 10. Available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng>

The population of children and young people under 18 years old in the EU is close to 80.2 million⁴ and makes 17,8%, almost the fifth part of the whole EU population. Their welfare, including the protection from violence, is a priority matter for European Union. In recent decades, the policies of the European Union have been directed towards the best interests of the child, including the prevention and sanctioning for violence against child. The **EU Strategy on the Rights of the Child**⁵ as well as **EU gender equality Strategy 2020-2025**⁶ confirms this EU compromise.

Despite considerable progress in the protection of children, violence against them frequently remains concealed and insufficiently addressed. The overall limited effectiveness of general measures—such as the Victims’ Rights Directive⁷—has prompted the proposal for an amendment⁸.

As highlighted in the **EU Strategy on the Rights of the Child**, children’s rights are human rights⁹; that is, children are rights-holders under the various legal instruments; nevertheless, many provisions of the VRD fail to produce tangible effects for children in the majority of Member States. The correct interpretation and application of these rights throughout the judicial process—and in pre-procedural phases—by specialized professionals is essential to ensuring child-friendly justice¹⁰, which is one of

⁴ According to Eurostat data, at the end of 2024 there were 80,158,328 children and young people under the age of 18 years in the EU.

https://ec.europa.eu/eurostat/databrowser/view/yth_demo_010/default/table?lang=en&category=chldyth.yth_demo

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy on the rights of the child (COM/2021/142 final). EU strategy on the rights of the child-, available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>

⁶ Available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

⁷ Within the VRD context, “Child victims should be considered and treated as the full bearers of rights set out in this Directive and should be entitled to exercise those rights in a manner that takes into account their capacity to form their own views.” A child is considered vulnerable to secondary and repeat victimization, to intimidation and to retaliation (art. 22.4).

It underpins some rights established in the CRC; such as the right to participation and the promotion of progressive autonomy (Article 12 CRC), linked to the rights to information on children's rights, participation, and support (Articles 6 & 7, 10, and 8 of the Victims’ Rights Directive); the right to protection from abuse and neglect (Article 19 CRC), linked to security and protection (Article 18 of the Victims’ Rights Directive); the right to rehabilitation and reintegration, from the perspective of the right to physical and psychological health (Article 39 CRC), linked to the minimization of stress, mental health, and support from victim support services (Articles 19, 20, 23, 24, 3, and 9 of the Victims’ Rights Directive); and the right to dignity and privacy (Article 16 CRC and Articles 21 and 18 of the Victims’ Rights Directive).

⁸ The proposal from 2023 was suspended due to the EU parliamentary elections, and negotiations resumed thereafter; it remains pending. Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0424>

⁹ EU strategy on the rights of the child, COM/2021/142 final, 24.03.2021, p. 1.

¹⁰ In line with the European judicial training strategy for 2021-2024: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Ensuring justice in the EU — a European judicial training strategy for 2021-2024, available at, and through the European Judicial Training

the key actions of the European Commission in the area of child-friendly justice¹¹. In this regard, the individualized assessment of victims' needs (Article 22 of the VRD) serves as a basis for helping them to exercise their rights; nevertheless, its implementation remains insufficient in most partner countries¹². On the other hand, there is a need for the improvement in identification, reporting and referral mechanisms for children in need of protection.¹³

The goal to combat sexual violence against children has been particularly intense, notably including the **Directive 2011/93/EU** which, however, is facing significant challenges in achieving effective implementation¹⁴, that lead to a proposal to revise this Directive¹⁵.

The **2024 Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child** states that Member States should take effective, appropriate and proportionate measures to further develop and strengthen integrated child protection systems with the objective of protecting children from any form of violence, taking a more integrated approach in accordance with the best interests of the child¹⁶.

1.2. The CHILD project approach

The CHILD project (*Towards a CHILD-friendly Legal Order for Fair Justice Provision*)¹⁷ seeks to promote the development of a justice system adapted to the needs of child victims and witnesses of violence. Its aim is to ensure that all legal proceedings involving child victims have clear guidelines and

Network (EJTN) (<https://ejtn.eu/>), the Justice and CERV programs, as well as the European Training Platform of the EU e-justice portal (<https://european-training-platform.e-justice.europa.eu/about-platform>)

¹¹ COM (2021) 142 final. 24.3.2021, p. 13-15.

¹² European Parliament 'The Victims' Rights Directive 2012/29/EU. European Implementation Assessment' 2017, p. 60. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

¹³ European Union Agency for Fundamental Rights. Identification and reporting procedures for children in need of protection and procedures for placing children. Available at: <https://fra.europa.eu/en/publication/2024/mapping-child-protection-systems-eu-update-2023?page=5#read-online>

¹⁴ The Briefing of the European Parliament of July 2024 referred to 19 infringement proceedings against MS still ongoing. Combating child sexual abuse: Revising Directive (2011/93/EU) – recast, available at [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2024\)762374](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2024)762374)

¹⁵ Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast), Document 52024PC0060, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2024%3A60%3AFIN>

¹⁶ Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child (OJ L, 2024/1238, 14.5.2024). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024H1238>

¹⁷ 101160543 — CHILD Project — JUST-2023-JACC-EJUSTICE

structures in place to improve the implementation of existing legislative frameworks in nine EU countries and to promote structural changes at national and EU level.

The project's scope is grounded in the essential areas of children's rights as they pertain to child victims of crime and their interaction with the justice system, in particular, through the forensic interviews¹⁸. It also considers:

- The factual context and the widespread lack of data across Member States concerning the implementation of these rights.
- Training of forensic interviewers and other actors that have contact with a child victim¹⁹.

This national report presents the conclusions reached at the national level regarding the review of procedural and pre-procedural treatment of child victims of various forms of violence²⁰. This includes violence of a physical, sexual or psychological nature, as well as severe neglect. It relies on the types of violence foreseen in the **Directive (EU) 2024/1385 of the European Parliament and of the Council**

¹⁸ This Report examines the interpretation and application of children's rights, prioritizing their well-being and best interests. From this perspective, it highlights the importance of ensuring access to support measures throughout the entire process, in a manner that is coherent with it. In other words, a holistic response is required to ensure the adequate protection of children's rights. This issue is addressed in **FRA 'Child-friendly justice. Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States', 2017**, p. 93. Available at: <https://fra.europa.eu/en/publication/2017/child-friendly-justice-perspectives-and-experiences-children-involved-judicial>

¹⁹ A comprehensive approach to the response to violence against children is undertaken, analyzing both the procedural response and the involvement of other institutions such as Children's Houses, Barnahus, and analogous entities. In this context, the Barnahus model is regarded as a good practice identified in some MS in the VRD evaluation report, adopted by the Commission on 28 June 2022. **Commission Staff Working Document, (2022) Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012** (SWD/2022/0179 final).

As highlighted by the FRA, "Providing relevant training is another crucial element to ensure that victims' rights are guaranteed and translate into the provision of appropriate victim support. Those officials likely to come into contact with victims, such as police officers and court staff, and those providing victim support and restorative justice services, should receive such training. To be effective, training needs to cover both the need for a sensitive approach to victims, especially regarding particularly vulnerable groups such as child victims, and specialized knowledge, again with an emphasis on certain groups of victims." European Agency for Fundamental Rights. Victims of crime in the EU: the extent and nature of support for victims, 2014, p. 51

²⁰ The CHILD project does not address violence perpetrated by children. However, it draws on several European reports and instruments that focus on the participation of children in judicial proceedings, both as victims and as offenders. In this regard, notable references include **Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings**, as well as the **2024 EU Justice Scoreboard**. Available at:

<https://eurlex.europa.eu/legalcontent/EN/TXT/?uri=CELEX%3A52024DC0950&qid=1718632412750>

of 14 May 2024 on combating violence against women and domestic violence²¹, which in recital 11 states that “(...) violence can take various forms, including physical, sexual, psychological and economic forms, (...)”, as well as the provisions of Directive 2011/36/EU²² - as amended by Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending on preventing and combating trafficking in human beings and protecting its victims²³.

Among the various forms of violence perpetrated against children, sexual violence constitutes one of the most serious violations of fundamental rights. In this regard, **Directive 2011/93/EU**, obliges Member States to establish criminal penalties in their national legislation in accordance with the provisions of Union law concerning the fight against sexual abuse, sexual exploitation of children, and child pornography. Furthermore, it outlines specific measures to ensure effective prosecution²⁴. Acknowledging the challenges that child victims may face when reporting such offences, as well as the complex nature of these crimes—often linked to the use of new technologies—the Directive explicitly emphasizes the necessity of having effective investigative mechanisms in place, regardless of whether a complaint has been filed by the victim or their legal representatives

Throughout this report it's used as a broad term for children and adolescents, acknowledging the variability in the capacity of children. Children should be treated according to their level of maturity,

²¹ The Directive also addresses several critical issues, such as the report (Article 14), the individual assessment to identify victims' protection and support needs (Articles 16 and 17), and the development of guidelines for law enforcement and prosecutorial authorities (Article 21). Particularly relevant is Article 32, titled Safety of Children, which states: “Member States shall ensure that the relevant competent authorities have access to information regarding violence against women or domestic violence involving children, in so far as necessary to allow that that information can be taken into account when assessing the best interests of the child in the framework of civil proceedings concerning such children.”. This provision underscores the importance of having coordinated systems capable of responding consistently across both criminal and civil proceedings, particularly when children are involved. OJ L, 2024/1385, 24.5.2024, p. 1-36.

²² OJ L, 101/1. 15.4.2011.

²³ Directive (EU) 2024/1712 highlights the importance of data collection and statistical analysis (Article 19a), including data related to decisions made throughout judicial proceedings. This contributes to a better understanding of how certain forms of violence are addressed procedurally. Article 17, concerning victim compensation, is also noteworthy. Although it goes beyond the specific scope of this project, it underscores the importance of continuing to advance toward effective forms of reparation—an issue that should not be limited when the victim is a child. OJ L, 2024/1712, 24.6.2024.p. 10-11

²⁴ Particularly noteworthy are the provisions concerning the reporting of suspected sexual abuse (Article 16), which state that: “Member States shall take the necessary measures to ensure that the confidentiality rules imposed by national law on certain professionals whose main duty is to work with children do not constitute an obstacle to the possibility, for those professionals, of their reporting to the services responsible for child protection any situation where they have reasonable grounds for believing that a child is the victim of offences(...)”. Articles 18 to 20 should also be highlighted, as they set out measures for the protection, assistance, and support of victims—provisions that are also found in the 2012 Victims' Rights Directive. OJ, L 335, 17.12.2011, p. 1-14.

with measures adapted to their cognitive and psychological development, rather than relying on generic age-based measures.

1.3. National Legal Framework

Art. 2 of the Italian Civil Code (c.c.)²⁵ defines a child as someone who is under the age of eighteen. The founding elements regarding the protection of children in the Italian legal system are represented mainly by **Law 176/1991**, which ratified the Convention on the Rights of the Children, and **Law 172/2012** which ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse known as the “Lanzarote Convention”.

On the other hand, the primary legislation addressing victims' rights is encapsulated in **Law 77/2013**, which ratified the Istanbul Convention; in **D. Lgs. 212/2015**, which ratified the forementioned Directive 2012/29/EU; and in **Law 69/2019 “Codice Rosso”**, which strengthened the protection of all victims of violence, persecution and ill-treatment.

Crimes and violence against children are mainly regulated by the Italian Penal Code (c.p.) and Criminal Procedure Code (c.p.p.). Although the Italian legislation does not offer an explicit definition of severe violence, several articles of law in the Italian Penal Code underline the vulnerability of children as victims and consequently provide for more stringent penalties. This attentiveness to the issue is also underlined by the prescription periods for crimes committed against children, particularly concerning sexual offenses, which have been extended by various legislative reforms. Indeed, Article 157 of the Italian Penal Code (c.p.) establishes that the statute of limitations must match the maximum penalty provided for the crime and, in any case, it cannot be less than six years. Law 172/2012, which ratified the Lanzarote Convention, regarding the crimes of maltreatment against family and cohabiting partners and of sexual nature, established that the limitation periods are doubled – except for cases of child gravity – and that they are also extendable with interruptive acts, expect for maximum limits laid down by law. The same law provides that for the same offences against children; limitation does not begin until the victim has become of age. This allows the victim more time to report the crime once he reaches 18 years of age.

Regarding the crimes committed by children, the Juvenile Court has exclusive jurisdiction as established by art. 9 of R. Decr.1404/1934 and subsequent modifications. On the other hand, when the perpetrator is of legal age, the ordinary Court of Law has jurisdiction regarding criminal cases.

²⁵ Art. 2 c.c.: “La maggiore età è fissata al compimento del diciottesimo anno. Con la maggiore età si acquista la capacità di compiere tutti gli atti per i quali non sia stabilita un'età diversa [...]”.

1.4. Data available on reporting and child victims

According to art. 120 c.p. and art. 333 c.p.p. **anyone can file a complaint for an offence or report a crime relating to a child to the police or public prosecutor.** The parents or the guardian of a child have also the possibility to file a complaint when the child is over the age of 14, even against his or her will. A child over the age of 14 can personally file a complaint; however, when the child is below the age of 14, a complaint can only be filed by the parents or the guardian (art. 120 c.p.).

Furthermore, according to art. 65 c.p., art. 331 and art. 334 c.p.p., health and social workers, teachers and educators and the police have an obligation in their capacity as public officials to report in writing the offences they learn about during their work.

At a national level, Art. 1 and 2 of D.M. of 6th August 2003 established the **national emergency number 114**, which can be called by anyone who wants to report situations of danger/crimes against children²⁶. Data shows that, in 2020, the national emergency number 114 received 1829 reports²⁷. In addition, **the national number 1522** (instituted in 2006 by the Departments of Equal Opportunities) for victims of gender-based violence and stalking can also be called by child victims of violence²⁸. In 2024 (January – June) 67 children between 10 and 16 called the 1522 national number²⁹; in 2023 a total of 168 children called³⁰. There are also local, regional or national victim referral Protocols or Protocols established by NGOs and associations.

Despite the legal provisions and the means present as a national and local level, **underreporting of violence against children remains a pervasive issue in Italy.** For example, according to a study by Save the Children, regarding cases reported in emergency rooms and hospitals, underreporting is

²⁶ For further information about the service see: <https://www.docdroid.net/kijjXVo/manuale114-web-compressed-pdf#page=7>

²⁷ Telefono Azzurro, Dati del Servizio 114 Emergenza Infanzia: anno 2020, pg. 2. Available at: <https://114.it/wp-content/uploads/2021/05/Dati-del-Servizio-114-Emergenza-.pdf>

²⁸ For further information about the service see: <https://www.pariopportunita.gov.it/it/numeri-utili/1522-numero-antiviolenza-e-antistalking/> and <https://www.1522.eu/>

²⁹ Differenza Donna, Relazione analitica trimestrale circa l'oggetto e i risultati dell'attività del servizio 1522 gennaio, febbraio, marzo 2024 e aprile, maggio, giugno 2024. Available at: <https://www.pariopportunita.gov.it/media/4xhdc1gv/8-relazione-1522-gennaio-febbraio-marzo-2024.pdf> and <https://www.pariopportunita.gov.it/media/sphjtvkr/relazione-1522-aprile-maggio-giugno-2024.pdf>

³⁰ Differenza Donna, Relazione trimestrale sulle attività del servizio 1522 gennaio, febbraio, marzo 2023; aprile, maggio, giugno 2023; luglio, agosto, settembre 2023 e ottobre, novembre, dicembre 2023. Available at: https://www.pariopportunita.gov.it/media/ckabynea/4-relazione-1522_gennaio_-febbraio_marzo-2023.pdf; https://www.pariopportunita.gov.it/media/1cll5cpq/5-relazione-1522_aprile_-maggio_-giugno-2023.pdf; https://www.pariopportunita.gov.it/media/hnunuz1nn/6-relazione-1522_luglio_agosto_settembre_2023.pdf and <https://www.pariopportunita.gov.it/media/dsgcnvqk/7-relazione-1522-ottobre-novembre-dicembre-2023.pdf>

estimated at around 90%³¹. Indeed, as highlighted by FRA, under-reporting of violence against children, in particular of sexual violence, remains one of the major challenges to effectively protect children from violence and guarantee their healthy development.”³² Furthermore, the data available often do not include specific characteristics, such as, among others, ethnicity, religion, disability, parental status and this creates additional issues in the interpretation of the aforementioned data³³.

Regarding the statistical data available, although the number of crimes committed in Italy against children has been increasing steadily in recent years, the lack of a centralized national registry makes it difficult to track and analyze the phenomenon efficiently. However, some data can be found in reports published by European agencies, public institutions, such as the Department of Public Security, the AGIA, Autorità Garante per l’Infanzia e l’Adolescenza (Authority for Children and Adolescents), ISTAT (Italian National Institute of Statistics) as well as private ONGs (e.g. Save the Children, Terre des Hommes).

According to the report published by Terre des Hommes³⁴, the data highlights a **worrying upward trend in crimes against children, especially in sexual and domestic violence**. While some crimes such as prostitution and corruption of children have decreased, overall, the situation worsened in the past decade, with more children affected and continued gender disparity: indeed, girls represent the majority of victims in sexual crimes.

³¹ Save the Children, Indagine sullo stato del maltrattamento e dell’abuso intrafamiliare, 2017, p. 19 <https://retezerosei.savethechildren.it/wp-content/uploads/2017/07/rapporto-violenza-DEF-5-digit-low.pdf>

³² Steering Committee for the Rights of the Child (CDENF) “Implementation review of Recommendation CM/Rec (2009)10 on Council of Europe policy guidelines on integrated national strategies for the protection of children from violence”, p. 32.

³³ See: UNICEF, ‘International Classification of Violence against Children (ICVAC)’, 2023. Available at: <https://data.unicef.org/resources/international-classification-of-violence-against-children>

³⁴ Terre des Hommes, 2023, La condizione delle ragazze e delle bambine nel mondo. Available at: https://terredeshommes.it/pdf/Dossier_indifesa_tdh_2023.pdf

<div>  </div>								
<div> MINORI VITTIME DI REATI IN ITALIA </div>								
Dati consolidati del Servizio Analisi Criminale della Direzione Centrale Polizia Criminale								
	2012		2021		2022		Δ	
	vittime <18		vittime <18		vittime <18		2012 2022	2021 2022
Omicidio volontario consumato*	18	56%	19	42%	12	50%	-33%	-37%
Violazione degli obblighi di assistenza familiare	985	52%	500	45%	551	47%	-44%	10%
Abuso dei mezzi di correzione o di disciplina	207	38%	296	37%	345	39%	67%	17%
Maltrattamenti contro familiari e conviventi	1.246	50%	2.501	54%	2.691	53%	116%	8%
Sottrazione di persone incapaci	263	53%	268	51%	290	46%	10%	8%
Abbandono di persone minori o incapaci	426	40%	488	47%	550	44%	29%	13%
Prostituzione minorile	77	60%	43	67%	37	65%	-52%	-14%
Detenzione di materiale pornografico	24	50%	66	82%	72	71%	200%	9%
Pornografia minorile	108	69%	187	69%	169	70%	56%	-10%
Violenza sessuale	689	85%	714	87%	906	89%	31%	27%
Atti sessuali con minorenne	505	78%	412	83%	430	79%	-15%	4%
Corruzione di minorenne	133	81%	136	76%	107	76%	-20%	-21%
Violenza sessuale aggravata	422	79%	618	88%	697	86%	65%	13%
Totale	5.103	60%	6.248	64%	6.857	63%	+34%	+10%

*Dati operativi - fonte D.C.P.C.

Table 1. Child victims in Italy, Terre des Hommes, 2023.

This is confirmed by the data published by the Department of Public Security: indeed, **most victims are female**, except for what concern the abuse of means of correction and discipline and abandonment of children or incapacitated persons, for whom, instead, the victims are mainly male (61% and 56% respectively). The female victims are clearly prevalent in the crimes related to violence and sexual exploitation with a percentage of 70% for child pornography, 73% for the solicitation of

children, 79% for sexual acts with children and approaching the 90% for various forms of sexual violence³⁵.

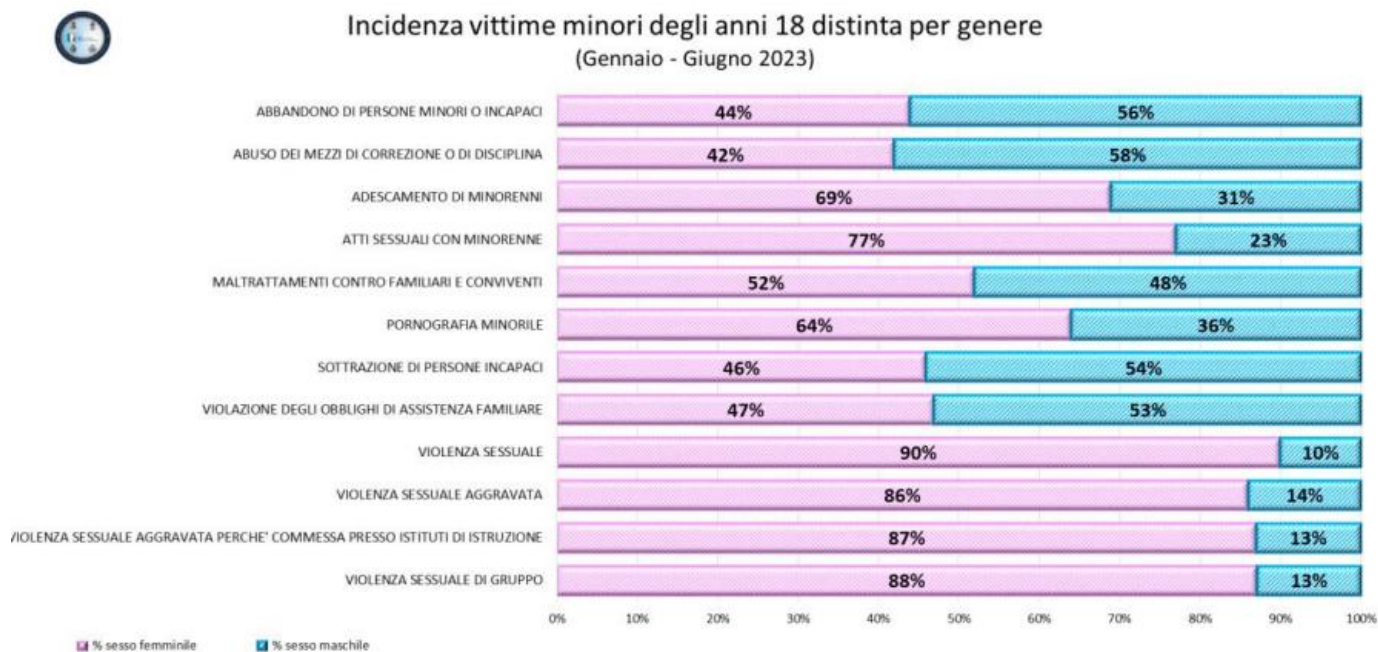


Table 2. Child victims under 18 by gender, January to June 2023. Servizio Analisi Criminale, 2023.

Most crimes involve mainly children between 0-14 years old, except for the crimes concerning sexual violence, in which the victims belong to every age group up to 17 years old³⁶. Regarding, on the other hand, the age of the offenders, 32% of them are between 45-64 years old, 30% are between 35-44 years old, 22% are between 25-34 years old, 9% between 18-24 years old, 5% are over 65 years old and 2% are between 14-17 years old. **With respect to the gender of the offenders, the 88% are male**³⁷.

³⁵ Dipartimento della Pubblica Sicurezza, Direzione Centrale della Polizia Criminale, Servizio Analisi Criminale, 2023, Minorenni vittime di abusi, 2023, pg. 9-10.

Available at: https://www.interno.gov.it/sites/default/files/202312/elaborato_minorenni_vittime_di_abusi_2023.pdf

³⁶ Servizio Analisi Criminale, 2023, p. 11

³⁷ Servizio Analisi Criminale, 2023, p. 13-14

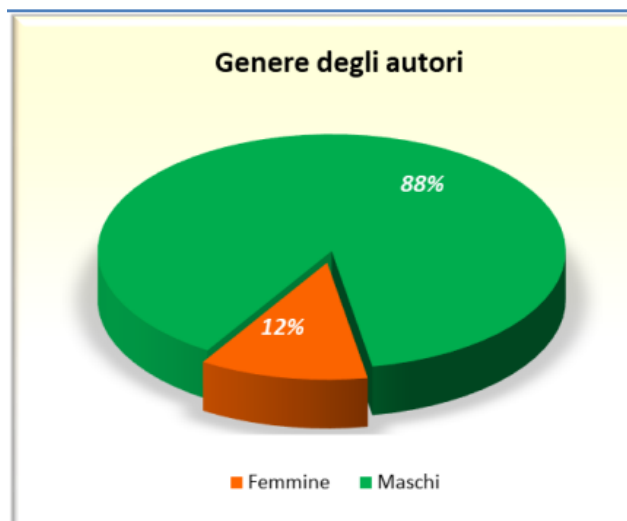


Table 3. Offenders by gender, Servizio Analisi Criminale, 2023

The number of crimes concerning domestic abuse against children has been rising steadily in the last years. Regarding sexual crimes, "information available on in-person sexual abuse by the 1.96.96 helpline in 2022, indicates that 62% of the alleged offenders were adult strangers, while 38% were one of the child's parents. Similarly, in the cases identified by the 114-emergency hotline, 64% involved an adult stranger as the offender while 36% involved one of the child's parents. For both helplines, the offences were reported to have taken place mostly at home. This 2022 data therefore suggests that approximately 40% of the cases reported to helplines concern child sexual abuse in the circle of trust³⁸. Lastly, it is reported that 40.7% of children are victims of multiple forms of aggression³⁹.

For what concerns the **care services**⁴⁰ child victims have access to, 28.4% of children receive economic assistance, 23.9% receive home care, 21.6% is removed from their families and is accommodated into communities; 14.2% is protected through foster care; 12.1% is helped through day care centers; 39.6% is protected by other forms of intervention (including direct interventions of

³⁸ Council of Europe and ECPAT International, Ending Child Sexual Abuse and Exploitation: State-of-Play in light of the Lanzarote Convention, Italy, 2024, p. 13-14. Available at: <https://rm.coe.int/country-overview-italy-ending-child-sexual-abuse-and-exploitation-stat/1680ae8ae7>

³⁹ AGIA, Autorità Garante per l'Infanzia e l'Adolescenza, Il Indagine Nazionale sul Maltrattamento dei bambini e degli adolescenti in Italia, Risultati e prospettive, 2021 pg. 26. Available at: <https://www.garanteinfanzia.org/sites/default/files/2021-07/ii-indagine-nazionale-maltrattamento-2021.pdf>

⁴⁰ For further information regarding these types of special protective measures, please check United Nations Economic Commission for Europe, 'Statistics on Children. Spotlight on children exposed to violence, in alternative care, and with disabilities' (2022), pp. 41-42. <https://unece.org/sites/default/files/2022-10/ECECESSTAT20225.pdf>.

social service professionals or collaborations with other social and health services⁴¹) and 7.3% of children does not receive any kind of help⁴². In 2021, according to UNICEF, 27.111 children were in



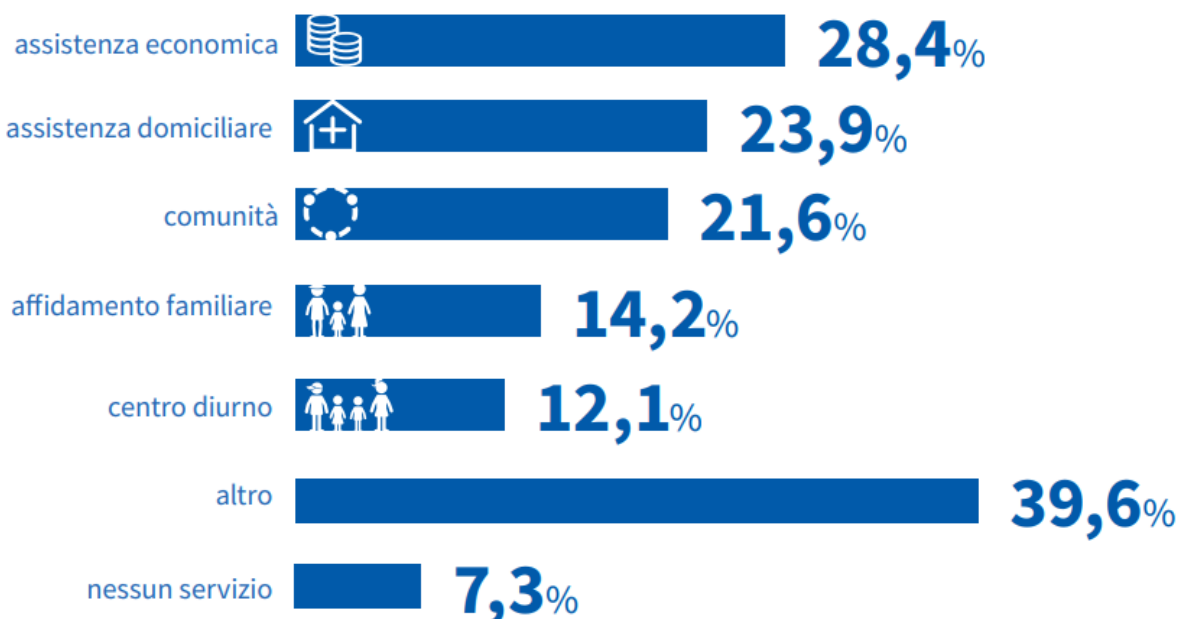
INFOGRAFICA 3.13

TIPOLOGIE DI SERVIZIO CUI HANNO AVUTO ACCESSO I MINORENNI MALTRATTATI

Fonte: Autorità Garante per l'Infanzia e l'Adolescenza - CISMAL - Terre des Hommes

NB-1: 19 Comuni non hanno fornito il dato

NB-2: la somma delle tipologie di servizi è superiore a 100 perché ogni minorenne può aver usufruito di più di una tipologia di servizio



28

Table 4. Types of care services accessed by child victims of crime, AGIA, 2021

alternative care; 12.892 were in residential care and 14.219 were in formal family-based care⁴³.

Regarding **judicial proceedings**, ISTAT states that "In 2018 the sentences of conviction for which the most serious crime was ill-treatment in the family or towards children were 3,462, an increase from

⁴¹ In cases of gender-based violence against women and their children, it is possible for them to access safe housing. According to an EU survey, in Italy there are a total of 431 free of charge women-only shelters, with 3200 beds available for them and their children. See European Institute for Gender Equality, 'Gender Equality Index 2024. Tackling violence against women, tackling gender inequalities' (2024), p. 27. https://eige.europa.eu/publications-resources/publications/gender-equality-index-2024-tackling-violence-against-women-tackling-gender-inequalities?language_content_entity=en

⁴² AGIA, 2021, p. 28.

⁴³ UNICEF & Eurochild, Technical Report 'Better data for better child protection systems in Europe: Mapping how data on children on alternative care are collected, analyzed and published across 28 European countries', 2021, p. 33. Available at: <https://eurochild.org/uploads/2022/02/UNICEF-DataCare-Technical-Report-Final-1.pdf>

2,696 in 2017. The average time interval between the date of the crime and the sentence is 31 months at first instance and 58 on appeal⁴⁴.

No other relevant information about legal proceeding could be found in publicly accessible reports published by ISTAT, government institutions, or private studies. This issue was confirmed by the Regional Commissioner for Human Rights of Regione Veneto and the professionals interviewed during the focus groups, who all confirmed that, even if there exists data concerning child offenders⁴⁵, **there is no data available regarding the legal proceedings involving child victims.**

2. Specialised system for violence against children

2.1. Specialised courts: legal and structural measures and issues

As mentioned in the introduction, **R. Decr. 1404/1934** and its subsequent modifications constituted the ***Tribunale per i minorenni (Juvenile Court)***, which has exclusive jurisdiction regarding the crimes committed by children (art. 9 R. Decr. 1404/1934). The Juvenile Court is an ordinary judicial body formed by professional judges (also called "*giudici togati*") and by honorary judges, who are experts appointed by the Consiglio Superiore della Magistratura⁴⁶ (*Superior Council of the Judiciary*). Honorary judges serve a term of three years and are typically professionals expert in the work with children such as psychologists, children's neuropsychiatrists, social workers, psychotherapists, or educators. The Juvenile Court has jurisdiction over civil, criminal, and administrative matters involving children. In contrast, when the offender is an adult, the Ordinary Court of Law handles criminal cases.

It is important to remember that article 30 of **d. lgs. 149/2022**, which implemented the **Cartabia reform**⁴⁷, by amending the law on the Judicial System, has established the new Court for persons, children and families (*Tribunale per le persone, per i minorenni e per le famiglie*). The Court will merge into a single judicial body the competences in matters of family and personal status, now attributed to the Ordinary Court, and the civil and criminal matters of the Juvenile Court, significantly reducing

⁴⁴ For further information about this topic see: https://www.istat.it/statistiche-per-temi/focus/violenza-sulle-donne/il-percorso-giudiziario/condanne/?utm_source=chatgpt.com

⁴⁵ For further information about this topic see: <https://www.istat.it/statistiche-per-temi/focus/violenza-sulle-donne/il-percorso-giudiziario/procedimenti-definiti-in-procura/>

⁴⁶ The *Consiglio Superiore della Magistratura* (Superior Council of the Judiciary) is the governing body of the judiciary in Italy. It is responsible for overseeing the careers, appointments, transfers, and disciplinary actions of judges and prosecutors, ensuring the independence and proper functioning of the judicial system

⁴⁷ For further information about the Cartabia Reform and its impact on the Italian judicial and social care of children see: Ordine degli Assistenti Sociali, 2023. Riforma Cartabia - Decreto legislativo 149/20221 – l. 206/2021 2 - Sintesi degli articoli di interesse per il servizio sociale professionale e osservazioni sulla norma. Available at: <https://cnoas.org/wp-content/uploads/2024/01/Riforma-Cartabia-02-1.pdf>

the role of honorary judges, which will be mostly excluded from the decisions that will be taken by only professional judges.

Regarding the criminal matters, Italian legislation outlines regulations concerning the structural characteristics required in a court to facilitate a protected hearing of a child, with the aim of safeguarding their needs.

Indeed, **art. 398, comma 5-bis c.p.p.**, regarding the **pre-trial examination (*incidente probatorio*)**, requires that the hearing of a child victim takes place in appropriate locations and, when necessary, with the assistance of child psychology experts and the use of mirror glasses.

Similarly, **art. 498, comma 4-ter, c.p.p.** establishes that, during the legal proceeding, *"in cases involving the specific offenses (related to domestic violence, abuse and sexual offenses) of the Penal Code, the examination of a child who is a victim of the crime, or an adult with mental disabilities who is a victim of the crime, shall be conducted, at the request of the victim or their legal representative, using a one-way mirror along with an intercom system"*.

And more, **art. 498, comma 4 quater c.p.p.** establishes that during the trial, *"when it is necessary to conduct an examination of a victim who is in a condition of particular vulnerability, the judge, if the victim or their legal representative requests it, shall order the use of protective measures during the examination"*⁴⁸.

However, the professionals involved in the CHILD focus groups noted that there are various challenges in ensuring children's comfort and security during these processes. They highlighted how **settings for protected hearings often fail to create a child-friendly environment**. For instance, in the Court of Treviso, hearings are conducted in rooms located in dimly lit basement corridors, which can be intimidating for children.

In relation to legal proceedings involving children, the focus groups conducted as part of the CHILD project highlighted additional crucial aspects concerning the protection of the child throughout the process. Indeed, participants emphasized **the lack of coordination between civil and criminal judicial proceedings**, which often leads to fragmented and inconsistent outcomes for child victims. They pointed out that while criminal courts focus on determining guilt, civil courts frequently disregard the findings of criminal proceedings when making decisions about custody and visitation rights. This disconnect can result in decisions that expose children to further harm, such as being forced to interact with abusive parents.

⁴⁸ Considerable care is also taken in civil proceedings to ensure that the hearing of the child, which is always conducted by the court and may be assisted by experts, takes place in suitable premises appropriate to the age of the child, to guarantee the child's peace of mind and privacy. There is also the possibility of arranging the hearing in protected mode, by using a mirror glass together with an intercom system.

The Cartabia Reform has notably restructured the transfer of information between the civil and criminal systems. Article 7 of Legislative Decree 150/2022 addresses the "digitization and sharing of information between different procedural areas" with the objective of enhancing communication between civil and criminal proceedings via an integrated telematic system. The article also allows for the exchange of information on judgments, acts, and measures that may pertain to both areas of law simultaneously, with the aim of enhancing the efficiency of the judicial system.

It has been observed that the **principle of bi-parentality**, which stresses the importance of maintaining relationships with both parents, may occasionally be given precedence over the child's safety and well-being. For example, in certain cases, judges have encouraged mothers to withdraw criminal complaints against fathers to facilitate custody agreements, affecting both the children and the mothers involved.

Another systemic issue concerns the system's inability to address the needs of particularly vulnerable children, such as those with disabilities or those from migrant backgrounds: children who do not speak Italian or who require specialized support are often excluded from hearings altogether, as courts lack the resources or willingness to provide interpreters and linguistic and cultural mediators.

The Italian legal system includes a clear mechanism for the **allocation of specialized free legal aid**: indeed, a child has access to **free legal aid (*gratuito patrocinio*) according to art. 74 e ss. d.P.R. 115/2002**. The request can be made to the Judge by the child, their parents or guardians, or the lawyer.

In instances where a conflict of interest arises, **the role of the *curatore speciale per il minore*** (special representative for the child) is established by several legal provisions: art. 321 c.c.; arts. 78 and 80 of the Italian Code of Civil Procedure (c.p.c.); art. 121 c.p.; and art. 77 c.p.p.

The *curatore speciale* is the person who performs one or more specific acts (*curator ad acta*) on behalf of and in the interest of the child when these acts cannot be performed by the parents or guardians due to a conflict of interest between these individuals and the child. In other words, the special curator represents and substitutes the child in legal proceedings against the parents (*curator ad processum*). The special curator differs from a guardian because, unlike the latter, they take care of the child's interests in a specific situation.

The *curatore speciale* must be appointed:

- in civil court proceedings, when there is a conflict with the parents (for example: in proceedings for revocation of parental responsibility, in proceedings under art. 403 c.c., in the hetero-family custody of the child) or in cases where there is an express request from the child who has reached the age of fourteen.
- in criminal court proceedings, when the child is *persona offesa di reato* (victim of a crime), has no representative or is in conflict with the forementioned representative.

Typically, a lawyer is appointed as the *curatore speciale*. However, the procedures for this appointment are not regulated by law, allowing the judge considerable discretion in selecting a person deemed reliable and competent for this role.

Certain Bar Association Councils have instituted a register of *curatori speciali* and imposed mandatory criteria for inclusion, such as the completion of training courses. This list of *curatori speciali* is provided to the judge tasked with child protection matters. Nevertheless, the judge is not obligated to select from this list.

For example, the Council of the Bar Association of Bologna has set these requirements:

- Registered with the bar for at least five years.
- Absence of disciplinary sanctions more severe than warnings.
- Regular fulfillment of training obligations.
- Documented experience in family and juvenile law.
- Attendance at specific training courses in family law or juvenile law.

Furthermore, art. 473 bis 2 and 473 bis 8 c.p.c. (Cartabia Reform) have extended the competence and the role of the *curatore speciale*. Cartabia Reform has modified art. 78 and 80 c.p.c. making, in some cases, the appointment of the *curatore speciale* for the child compulsory in the procedures mentioned above.

The professionals entitled to request the appointment of such a figure are, in addition to the Judge, the Public Prosecutor and the parents, anyone who has an interest in it and the child who has reached the age of fourteen. The Justice of the Peace remains competent to appoint the *curatore speciale* before the beginning of the trial, whereas if the appointment is made at the same time or after the beginning of a proceeding, the application shall be made to the judge responsible for the procedure, which shall issue a reasoned order.

The *curatore speciale* has been granted both the power of representation in court by the child and the power of substantive representation. The *curatore speciale* can: appear in court; question the facts alleged by the parents; formulate questions and inquiries regarding specific interest of the child; carry out all procedural duties; receive notifications of all proceeding; be able to appeal; take an active part in resolving serious conflicts that may arise in cases of shared custody and hear the child.

However, although the law seems to be extensive for what concerns the representation and the defense of the child's interests, there are some critical aspects to underline: the professionals interviewed during the focus groups emphasized the confusion surrounding the role of *curatori speciali*.

While legislation intended this role to safeguard the child's interests in judicial processes, in practice, representatives often assume responsibilities akin to those of social workers, including handling

logistical matters like purchasing school supplies. They noted that many *curatori speciali* often lack specific training and that appointments are frequently made without assessing the individual's qualifications.

It emerged from the focus groups' discussion that, even if the law designed the necessary means to prioritize the needs of children, they frequently remain overlooked in family and institutional processes, particularly in cases of domestic violence. The professionals interviewed emphasized how children, despite being the most vulnerable parties, are often overshadowed by adult-centric priorities; their needs are frequently sidelined during legal disputes between parents, where the focus remains on resolving adult conflicts rather than safeguarding the child's well-being. Children often become "invisible" during these disputes, and their voices are rarely solicited or heard.

2.2. Facilities for child protection: legal and structural measures and issues

Art. 2 of Law 184/1983 established the **facilities for the reception of children**. Other definitions of these facilities can be found in *Decreto del Ministro per la solidarietà sociale* n. 308/2001 and Art. 10 d.lgs. 272/1989. The Italian law underlines that the priority for the child is to grow up with their family, therefore, the removal of a child from the family unit should only be carried out if the child is in a situation where their rights are seriously compromised.

Placement in a child protected facility can happen within:

- Application of art. 403 c.c. regarding the intervention of public authority for the benefit of the child, which allows the public authority to place a child in a safe place in case of emergency.
- The execution of a precautionary measure according to art. 22 of D.P.R. 488/1988.
- Participation in a "messa alla prova" project (a form of probation).
- After the issuing of a criminal sentence towards a child, with the application of a substitute sentence.

Unaccompanied Children can also be placed inside the forementioned facilities.

For better harmonization of local and regional practices, in **2017 the National Guidelines for residential services**⁴⁹ were approved by an interdisciplinary committee for the residential services prepared by the *Istituto degli Innocenti* of Florence as part of the activities provided for in the collaboration agreement with the *Ministry of Labour and Social Policies*.

Different forms of facilities for the reception of children have been made operational within the regulatory framework of **Article 2 of Law 184/1983**. There are indeed some pilot projects regarding

⁴⁹ https://www.minori.gov.it/sites/default/files/Linee_%20guida_accoglienza_181203.pdf.

the **Barnahus model**, such as "*Casa dei Bambini*" in Northern and Centre Italy (network of *Montessori* facilities and *SOS Villaggi dei Bambini Onlus Italia*) and a protocol signed in 2023 in Naples, "*Operational protocol on territorial orientation for the taking care and protection of children victims of crime in the territory of Naples*"⁵⁰.

There are also residential care facilities for children, support services for victims, regional and national networks of NGOs and Third Sector associations that offer services for children victims of crimes.

During the focus group, the professionals interviewed underlined the **systemic issues** identified in those facilities: indeed, shelters play a critical role in protecting children, but the current system often fails to provide the stability and continuity that children need to recover from trauma. For instance, there are significant delays in enrolling children in new schools after being placed in shelters, which often result in children missing months of education, further compounding the disruption caused by displacement.

Furthermore, the transient nature of shelter placements was emphasized, noting that frequent moves prevent children from establishing trust with caregivers and peers. This instability undermines their emotional recovery and exacerbates feelings of isolation.

Participants also highlighted the **lack of coordination between shelters and local education and healthcare providers**, which creates additional barriers for children trying to reintegrate into normal routines. They agreed that shelter systems must prioritize stability for children. This includes reducing transitions between placements and expediting processes for school enrollment and healthcare access. Ensuring continuity in education and social connections is essential for fostering a sense of normalcy and aiding recovery.

2.3. Training of professionals involved in the system

Currently, there is **no mandated requirement for specialized training** for professionals involved in the protection system for child victims of violence. However, according to the National Guidelines, the professional "must have specific expertise in the scientific foundations of the disciplines involved as well as criteria for legal references". The professionals involved can attend **specific training courses**. Usually, the subjects studied are:

- Judicial bodies and relations with institutions.

⁵⁰ https://www.defenceforchildren.it/easyUp/file/2906_2023_protocollo_operativo_di_orientament.pdf. For further information, please check Council of Europe, Report 'Barnahus: A European journey. Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states' (2023), p. 46. <https://rm.coe.int/barnahus-a-european-journey-mapping-study-on-multidisciplinary-and-int/1680acc3c3>.

- Ethics, deontology and areas of intervention of the forensic psychologist.
- Sexual abuse and maltreatment: definitions and characteristics.
- Relationship dynamics between victim and offender: psychological and psychopathological aspects.
- Guidelines for listening to the child.
- Methodology and interview protocols.
- Use of forensic tests.
- Assessment, evaluation and sources of error in testimony.
- The drafting of a report for the Judicial Authority.
- Clinical cases - forensic and practical exercise⁵¹

Regulations can be found in documents such as **the Carta di Noto⁵² and the national guidelines on interviewing children by SINPIA (Italian Society of Child and Adolescent Neuropsychiatry)⁵³** which are however complementary documents that provide guidelines for the protection and treatment of children involved in legal proceedings, especially as witnesses or victims of crimes and are not incorporated into the Italian legal system as obligations, but rather as tools⁵⁴.

The lack of training of the professionals involved in the protection of children victims of violence appears to be one of the most critical aspects that emerged from the focus groups.

Indeed, many necessary forms of professional training were underlined by the participants:

- The need for training in trauma-informed practices, as the absence of such training can lead to interventions that may retraumatize children or inadequately address their psychological needs.
- The need for multidisciplinary training which brings together social workers, educators, healthcare providers, and legal professionals. Effective collaboration across sectors is essential for creating a cohesive support system for children.

⁵¹ For reference, see: <https://www.opl.it/corso-master-scheda.php?idp=562>

⁵² <https://ordinepsicologi.piemonte.it/wp-content/uploads/2021/06/cartadinoto.pdf>

⁵³ <https://sinpia.eu/wp-content/uploads/atom/allegato/738.pdf>

⁵⁴ For further information regarding the topic see: FRA, Mapping child protections systems in the EU – Italy, 2023. p. 51-53. This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project 'Towards integrated child protection systems. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/it_-_report_-_mapping_child_protection_systems_-_2023.pdf

- The need to develop standardized training curricula that emphasize trauma-informed care, cultural sensitivity, and child-sensitive communication. Cross-sectoral training opportunities should also be established to foster collaboration and understanding among professionals working in different fields.
- The need for training programs for child representatives (*curatori speciali*), which remain inadequate and inconsistent. While some courses are well-structured, others fail to equip professionals with the necessary skills to handle complex child protection cases effectively.

3. Coordination mechanisms in the justice, social and health systems

3.1. Individual needs assessment and adaptations/mechanisms for participation in the process

Italian law provides **protection mechanisms for vulnerable victims of crime**. The identification of particularly vulnerable individuals under article 90 *quater* c.p.p. considers factors such as age, infirmity, mental deficiency, the nature of the crime, and its circumstances. However, the article does not specify the authority responsible for conducting the assessment or outline the procedures to be followed.

Furthermore, there is no reference to the format that this assessment should take, thereby creating uncertainty regarding the ability to challenge any related decision. In general, any individual interacting with the victim must assess their level of vulnerability. This is crucial because the determination of their vulnerability is a key element to be proven, and the judge's provision of guarantees will depend on this assessment. Most of the time, it is the responsibility of the public prosecutor to assess the circumstances of the specific case and to choose the type of scientific approach that they deem most appropriate.

As mentioned above, Art. 77 and 78 c.p.c. regulate the appointment of child representatives in cases of conflict of interest, while art. 77 c.p.p. ensures urgent representation for children by the public prosecutor until the *curatore speciale* is nominated. During investigations, victims of domestic violence or sexual abuse are protected by **the presence of experts**. Measures are taken to avoid unnecessary repetition of statements, and video or audio recordings are permitted. These safeguards continue into the trial phases to ensure the well-being and protection of the victims. No particular preparation is necessary for the judicial police or public prosecutor. The videorecording is essential to prevent the examination from being repeated in the subsequent stages of the process; however, in practice, this is not always guaranteed, particularly during the preliminary investigation phase.

3.2. Immediate protection mechanisms

Italian law provides several mechanisms to ensure the immediate protection of children who are victims of crimes. For example, according to **art. 274 and 280 c.p.p.**, the courts may order precautionary measures such as house arrest or detention to prevent the offender from contacting or threatening the child. Similarly, **art. 282-bis and 282-ter c.p.p.** allow the court to order the removal of the offender from the family home and to prohibit him or her from approaching places frequented by the child. If the offender is caught in *flagrante delicto*, **art. 380 c.p.p.** allows for immediate arrest.

When the threat comes from the child's own family, **art. 330 and 333 c.c.** allow for the temporary suspension or the termination of parental rights to protect the child. Additionally, **art. 403 c.c.** empowers public authorities, such as police or social services, to intervene directly without prior court or public prosecution approval if a child's well-being is at immediate risk. In such cases, the child can be removed from the harmful environment and placed under protective care or entrusted to a suitable guardian. The Codice Rosso (Law No. 69/2019) further strengthens these protections by requiring judicial authorities to act quickly in cases of violence against children or domestic abuse. This law introduces emergency procedures to ensure the immediate removal of the perpetrator and rapid assistance for the victims, prioritizing their safety and psychological support. These measures reflect the legal system's commitment to acting swiftly and decisively to protect children in situations of danger. **Art. 403 c.c.** has recently been reformed by the Cartabia Reform, which stipulates that any intervention by public authorities must be promptly communicated to the public prosecution of the Juvenile Court. Within 24 hours of the intervention, the authority is required to inform the public prosecution, that, in turn, is required to inform the Juvenile court, which must validate or revoke the emergency measure within 48 hours. This procedure ensures that there is timely judicial oversight over administrative actions.

3.3. Victim services

Italy **lacks a diffused national victim assistance network**⁵⁵. In 2018, the Ministry of Justice established an Interinstitutional Coordination Table to promote victim services and restorative justice, funding 14 regional projects. However, the absence of assistance centers in some regions and a lack of unified guidelines result in disconnected services and operational inefficiencies nationwide. **Art. 90 bis c.p.p.** outlines the information victims must receive about available assistance when they have their first contact with the authorities. Specifically, letter p) mandates providing details about

⁵⁵ The Dafne Italy Network, public and free service for assistance to people victims of crime, is present only in 7 Italian regions www.retedafne.it

local healthcare facilities, including family homes, victim support services, shelters, and services for crime victims.

Legislative Decree No. 150/2022 integrates restorative justice (R.J.) measures into the justice system, allowing access to R.J. programs at any stage of criminal proceedings, during or after sentence execution, or even if proceedings do not move forward due to legal or procedural reasons. Access is also possible before filing a complaint, regardless of whether criminal proceedings are initiated.

The Cartabia Reform, with d. lgs. 150/2022 mandates the establishment of Restorative Justice Centers within local authorities and the creation of a Local Conference for Restorative Justice in each appellate court district, convened annually by the Minister of Justice. Additionally, d. lgs. 150/2022 provides enhanced protection for child victims, requiring that regulations be applied in a way that respects their individual personalities and needs, prioritizing their best interests as outlined in the Convention on the Rights of the Child.

3.4. Child protection services

Art. 609 decies c.p. lists the offenses (mainly related to domestic violence, abuse and sexual offenses) for which emotional and psychological support is provided for child victims, expertise in victim support. Additionally, children receive assistance from juvenile justice services and local authority services. Art. 609 c.p. specifically addresses child victims of certain offenses, not all victims. Italy provides tailored services for specific victim categories like children, women, and trafficking survivors, managed by local authorities, e.g. *Guidelines for the work of the Specialist Equipes in the field of sexual abuse and serious maltreatment of children and adolescents* by Regione Veneto⁵⁶ and third-sector organizations. While these services offer targeted, accessible support with public funding, other victims lack similar attention, as there is no unified national network for victim services⁵⁷. Both general and specialized services involve trained professionals and volunteers, but there is no national framework for these types of services. Prosecutors can request social services to monitor family

⁵⁶ <https://bur.regione.veneto.it/BurVServices/pubblica/DettaglioDecreto.aspx?id=367857>. The creation of these systems align with the strategies implemented by the Council of Europe such as the CM/Rec(2023)8 – Recommendation of the Committee of Ministers to member States on strengthening reporting systems on violence against children, available at <https://search.coe.int/cm?i=0900001680ac62b1>, its explanatory Memorandum, available at <https://search.coe.int/cm?i=0900001680aba84e>, as well as the COE Steering Committee for the Rights of the Child (CDENF) REPORT Implementation review of Recommendation CM/Rec (2009)10 on Council of Europe policy guidelines on integrated national strategies for the protection of children from violence. Available at <https://rm.coe.int/cdenf-2024-22-final-implementation-review-recommendation-on-policy-gui/1680b48f4c>

⁵⁷ See. European Union Agency for Fundamental Rights. Towards integrated child protection systems. Challenges, promising practices and ways forward. 2025, p. 38. Available at <https://fra.europa.eu/en/publication/2025/integrated-child-protection>

situations of children through home visits and psychological assessments, continuing without formal complaints or evidence, and providing psychological support for abuse victims.

During the CHILD focus groups sessions, many challenges were identified. The participants emphasized the fragmented nature of public and private services, which often operate in isolation. A social worker noted that "community staff are frequently left to manage the emotional fallout of traumatic supervised visits without adequate support from judicial authorities". These gaps leave children vulnerable during critical transitional phases, such as moving from emergency shelters to long-term care arrangements.

Participants in focus groups also emphasized **the lack of clearly defined roles and responsibilities among professionals**. This often leads to overlapping duties or even critical tasks being neglected. For example, healthcare providers may be unsure about their obligations regarding forensic reporting, while social workers might lack clear directives on how to support children during judicial processes. During the discussions the delicate role of practitioners in gathering children's testimonies and acting as mediators between parents during supervised meetings also emerged. The importance of being objective and attentive to the needs of the children, maintaining a welcoming and neutral stance throughout the process, was stressed by the professionals involved. It was also underlined that there is a sort of "phases of Invisibility": children become invisible when experiencing family conflict or violence but become highly visible during legal proceedings.

It has been observed that in instances involving female victims of violence who are placed in protective custody with their children, there are significant deficiencies in the assistance programs available for children.

While women have access to both legal advice and psychological support from the outset, children placed in initial reception facilities and subsequently accommodated in shelters often lack structured programs of assistance and support. This oversight poses a risk to their guaranteed necessary safeguards. Children placed in protection programs experience significant disruptions to their routine lives. While educators provide essential support, their presence alone is insufficient to address all the challenges these children encounter in such contexts. The discussion emphasized the need for structured yet flexible programs to support children throughout judicial processes, starting from the *Codice Rosso* procedure. Such programs are crucial for protecting children and preventing the effects of witnessed violence.

Research, focus groups, and interviews carried out during the CHILD project have all identified a coordination issue among different branches of the judicial system, as well as between the judicial system and territorial services involved in child protection cases. This issue appears to stem from a broader systemic and cultural challenge, characterized by the absence of clear guidelines and protocols for collaboration, leading to inconsistent and fragmented outcomes for child victims.

During the focus groups, several key recommendations were identified to address the systemic challenges in child protection:

- Formalize collaboration protocols: Establish nationwide guidelines that clearly define the roles and responsibilities of judicial, social, and healthcare professionals.
- Centralize case management: Implement digital platforms to track cases, share information securely, and monitor outcomes across agencies.
- Enhance training programs: Provide interdisciplinary training to ensure all professionals understand their roles within the broader system of child protection.
- Strengthen local coordination units: Allocate resources for regional units tasked with overseeing collaboration between agencies and addressing systemic gaps in real-time.
- Promote uniform implementation: Ensure that successful regional initiatives, such as referral mechanisms, are adopted nationally to minimize disparities.

4. Process adaptation/protective measures

Under **art. 196 c.p.p.**, everyone is deemed able to testify. However, the court may order an expert evaluation to assess the physical or psychological suitability of a person to provide testimony. In cases involving the collection of preliminary statements regarding specific offenses provided for by law, e.g., those concerning domestic violence or sexual violence, if the judicial police (**art. 351 c.p.c.**), the public prosecutor (**art. 362 c.p.c.**), or the defense counsel (**art. 391 c.p.c.**) need to hear a child, they may only do so with the assistance of an expert in child psychologist or psychiatrist. When the judicial police are responsible for gathering the information, the appointment of the expert is made by the public prosecutor. Conversely, during preliminary investigations, the expert may be directly appointed by the public prosecutor or by the defense attorney. Generally, appointments have to be made by the public prosecutor, who choose between a registry of names present in every court of law.

The Italian legal system includes a special mechanism known as ***incidente probatorio*** (**pre-trial evidentiary hearing, art. 392 c.p.c.**), which constitutes an evidentiary phase during the preliminary investigation that allows evidence to be gathered in an adversarial setting when it cannot be postponed to the trial phase. The *incidente probatorio* is conducted in a closed session without public access before the judge for preliminary investigations, who collects the evidence in the same manner as required during the trial. It may be requested only in narrowly defined cases expressly provided by law.

However, paragraph 1-bis of the same article permits the use of the *incidente probatorio*, even outside the ordinary conditions, in proceedings for specific offenses (such as those against individuals, often of a sexual or violent nature) where the victim is a child or a person in a condition of particular

vulnerability under art. 90-quater c.p.c. Additionally, in favor of children, art. 398, paragraph 5-bis c.p.c. introduces the so-called "audizione protetta" (protected hearing), as an exception to ordinary procedures. Specifically, for certain crimes expressly provided for by law, the judge may ex officio adopt measures to safeguard the child's well-being while ensuring the parties' right to adversarial proceedings in the collection of evidence. The court is also obliged to proceed if the injured person or its lawyer asks to do so.

Regarding the location of the hearing, it may take place outside the courthouse, including at the child's home, if this setting is deemed most suitable for the child. Testimonial statements must be fully documented using phonographic or audiovisual recording equipment, and a summarized written report of the questioning is also drafted. During a trial, when a child is to provide testimony, the presiding judge may pose questions, adjusting them to align with the child's level of maturity and sensitivity.

The presiding judge may also allow the presence of a family member or an expert in child psychology (art. 498 paragraph 4 c.p.c.). However, if the presiding judge believes that direct examination of the child will not harm their well-being, they may order that the testimony proceed in the same manner as for adults. Furthermore, upon the request of the parties, or if deemed necessary by the presiding judge, the same precautions established for the *incidente probatorio* (regarding the location of the hearing and the audiovisual documentation of the testimony) are applied during the proceedings (art. 498, paragraph 4-bis c.p.c.).

A special regime is also provided for the testimony of a child during trial in cases of specific offenses under the Italian penal code. In these instances, the child or their legal counsel may request that the testimony be taken using a one-way mirror and an intercom system (art. 498, paragraph 4-ter c.p.c.). The use of a one-way mirror may also be requested during the *incidente probatorio* if the victim is in a condition of particular vulnerability. Furthermore, a child cannot be subjected to a second examination regarding specific offenses expressly provided by law if they have already provided testimony during the *incidente probatorio* or during the trial in the presence of the defendant, or in other proceedings where the statements have been recorded and admitted into evidence.

Under Italian criminal law, victims involved in forensic interviews are granted certain rights. Article 90-bis c.p.p. establishes the victim's right to receive information. This provision creates a comprehensive "catalog" of information that authorities must provide to victims from their first contact, in a language they can understand. The information encompasses technical procedural details, such as the available protective measures and specific assistance services in the area.

Additionally, victims are informed about opportunities to access restorative justice services, which aim to provide a more holistic approach to addressing the harm caused by the crime. It also strictly

prohibits the publication of personal information, images, or any details that could identify the child. However, the Juvenile Court can allow such publication if it concludes that it serves the best interest of the child (art. 114, paragraph 6 c.p.c.). Art. 143-bis of the c.p.p. and 107-ter of the provisions implementing the Code of Penal Procedure, when considered together, broaden the circumstances in which an interpreter can be appointed. This ensures that language barriers do not hinder a victim's ability to understand and participate fully in the legal process.

Finally, art. 498, paragraph 4, emphasizes the importance of providing emotional and psychological support during a child's testimony. It requires the presiding judge to conduct the examination and allows them to seek the assistance of a family member or a child psychology expert. This support framework aims to minimize the stress and potential trauma associated with the legal process for children.

From an analysis of practice and findings from focus groups, the following discrepancies have emerged:

- Identification and preparation of individuals responsible for listening to the child: art 498 stipulates only the option, and not the obligation, to utilize the assistance of a specialist, which can alternatively be provided by the child's family member. Therefore, this provision somewhat diminishes the significance attached to the role of the specialist. Consequently, this legal provision does not fully align with Articles 351, paragraph 1-ter, and 362, paragraph 1-bis c.p.p., which, essentially obligate the Public Prosecutor and law enforcement to engage the expert's assistance in the gathering of information during investigations.
- Insufficient continuous psychological support: psychological support is provided during the hearing, however, there is often a lack of continuous support for the child throughout the entire criminal proceedings.
- Inconsistencies in the application of safeguards: although the law provides for the assistance of experts (child psychologists or psychiatrists) and audiovisual recording, practical application can vary from one court to another. Some judicial offices lack adequate resources or specialized experts.
- Technical issues with audiovisual recording: audiovisual recording is an essential tool to prevent children from having to repeat their accounts multiple times. However, in some contexts, adequate technical infrastructure is lacking, or the quality of the recordings is insufficient.

- Confrontation with the defendant: although the child's hearing is supposed to take place in a protected environment, in some cases there may be contact (even indirect) with the defendant, especially in proceedings where adequate precautions are not implemented (e.g. the location where the child's hearing takes place may not have separate access points or waiting areas due to various issues).
- Despite the existence of adequate legal provisions, there are inefficiencies in the coordination between civil and criminal court proceedings.

5. Conclusions

The comprehensive literature review and focus group discussions conducted within the CHILD Project reveal **deep-rooted and persistent shortcomings in the effective protection of child victims of violence within the Italian justice and welfare systems**. Despite the formal transposition of Directive 2012/29/EU into national legislation, significant discrepancies remain between the intended normative framework and its practical implementation, particularly regarding child-specific rights and services. Indeed, the current gaps in professional training, coordination mechanisms, and protective measures highlight a lack of consistency in applying existing legal frameworks, ultimately leaving vulnerable children at risk of re-traumatization and inadequate support.

These findings highlight the urgency of **reinforcing institutional mechanisms and promoting a systemic culture of child protection**.

At the **European Union level**, the relevance and necessity of a unified and child-sensitive approach are underscored by demographic data: nearly 80.2 million⁵⁸ children under the age of 18 live in the EU, representing approximately 17.8% of the total population. This substantial demographic cohort reinforces the imperative that Member States — including Italy — effectively implement child protection measures not only as a national priority but also as a contribution to broader European objectives under the **EU Strategy on the Rights of the Child and the Gender Equality Strategy 2020–2025**⁵⁹.

Yet, evidence across Member States, including Italy, suggests that the existing legislative frameworks, such as the Victims' Rights Directive (2012/29/EU), fail to consistently produce tangible effects for children. The individualized needs assessment required under **Article 22 VRD**, which should serve as a cornerstone for victim-specific protection measures, remains largely under-implemented⁶⁰. Moreover, national systems continue to face structural and operational barriers, including insufficient coordination among judicial, social, and healthcare systems, inadequate training of professionals, and a lack of standardized protective infrastructures.

Italian statistical data reinforce these concerns. Reports from Terre des Hommes and the Department of Public Security confirm a persistent and rising trend in sexual and domestic violence against children, with **gender disparities remaining pronounced** — female children accounting for up to 90% of sexual violence cases⁶¹. The data also reveal a **troubling underreporting rate** estimated at 90%,

⁵⁸ At the end of 2024 there were 80,158,328 children and young people under the age of 18 years in the EU. https://ec.europa.eu/eurostat/databrowser/view/yth_demo_010/default/table?lang=en&category=chldyth.yth_demo

⁵⁹ Available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

⁶⁰ For further information see: European Parliament 'The Victims' Rights Directive 2012/29/EU. European Implementation Assessment' 2017.

⁶¹ Servizio Analisi Criminale, 2023, p. 9-10

especially for sexual offences, as indicated by Save the Children⁶². Furthermore, the lack of a centralized national database impedes comprehensive monitoring and policy evaluation, a shortcoming not exclusive to Italy but shared by multiple EU Member States, as noted by the European Union Agency for Fundamental Rights (FRA).

Care provision statistics reflect similar challenges. According to AGIA data from 2021, 27,111 children were in alternative care, with approximately 47.5% placed in residential facilities and 52.5% in formal family-based settings⁶³. However, the fragmentation of services and delays in enrolment into education or access to healthcare frequently exacerbate the vulnerability of these children, particularly when transitioning between emergency and long-term accommodations.

At a national level, there is a **need for the promotion of a culture of protection that prioritizes children**, particularly among judicial authorities, judges, and lawyers involved in such matters. The absence of structural dialogue and interdisciplinary cooperation with local services, along with gaps in professional training on listening to child victims of crime, indicates that immediate reform is necessary.

What appears to be necessary are **robust implementation strategies that consider the unique needs of children**. This includes equipping professionals with the necessary tools and knowledge to adopt trauma-informed practices, ensuring that all Regions have access to child-friendly facilities, and addressing systemic fragmentation that hinders coordination across judicial, social, and healthcare systems. These measures are critical for aligning Italy's practices with the standards established by Directive 2012/29/EU.

Insights from the CHILD project's focus groups demonstrate the **importance of interdisciplinary collaboration and community-driven approaches**. Professionals consistently highlighted the value of shared accountability frameworks, centralized case management systems, and tailored interventions for marginalized groups. These recommendations provide a pathway to strengthening Italy's ability to support child victims effectively and equitably.

The commitment to protecting children must be reflected in tangible actions that address these identified gaps. Local innovations, such as regional protocols for child protection, should be expanded and adapted nationally to ensure that every child can access justice and support in a safe and respectful manner, to overcome the phenomenon of fragmentation of good practices spread at a local level.

Regarding the process of the forensic interview (*incidente probatorio*), **several weaknesses in the listening process emerged**. Those issues highlight the need to enhance infrastructural resources, improve the training of operators, and standardize procedures. Strengthening the protection of

⁶² Save the Children, 2017, p. 19

⁶³ AGIA, 2021, p. 28.

children involves ensuring not only the quality of the evidence gathered but also the **respect for the dignity and rights of the children**, placing at the forefront the principle of the best interests of the child as established by the UN Convention on the Rights of the Child and Adolescents and the UE's directive 212/1992.

Ultimately, the commitment to a child-friendly justice system necessitates effective implementation strategies that prioritize the rights, well-being, and dignity of children. Italy must urgently address these systemic challenges to **achieve a justice system that safeguards and uplifts its youngest and most vulnerable members**, ensuring every child receives the protection, respect, and support they deserve. Aligning Italy's practices with the spirit and letter of Directive 2012/29/EU requires more than legislative compliance: it necessitates an integrated, well-resourced, and child-centered approach to justice. The **ongoing reform efforts at both national and EU levels offer a unique opportunity to build a truly protective environment** in which every child victim can receive the justice, care, and dignity they deserve.

6. References

Carta di Noto, 2017, Linee Guida per l'esame del minore. Available at: https://www.psicoattivita.it/allegati/documenti-materiali/psicologia-giuridica/carta_di_noto_IV_2017.pdf

Di Muzio, 2024, La tutela processuale delle vittime 'vulnerabili'. Available at: https://www.geniusreview.eu/wp-content/uploads/2024/02/DiMuzio_Focus1.pdf

Enclave, 2022, Protocollo di riferimento: Belgio, Estonia, Grecia, Italia e Spagna. Available at: https://enclaveproject.eu/wp-content/uploads/2023/01/Enclave_BenchmarkProtocol_IT.pdf

Enclave, 2022, WP2. Rapporto comparativo e raccomandazioni politiche. Available at: https://enclaveproject.eu/wp-content/uploads/2022/11/ENCLAVE_WP2_Comparative-report_Italy.pdf

E-Protect, 2016, Metodologia per una valutazione individuale e fondata sui diritti e i bisogni dei minorenni vittime di reato. Available at: <http://www.centrostudinisida.it/public/4b54a936-ea43-4379-8d4e-f1296cd30d96.pdf>

Grandi Ciro, 2019, La tutela della riservatezza del minore: profili penalistici. Available at: <https://archiviopenale.it/File/DownloadArticolo?codice=6e60c5ff-485f-49c8-a420-obf58f4ca32c&idarticolo=21725>

Greijer, S. and Doek, J., Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Luxembourg: ECPAT International, (2016).

Gruppo di lavoro per la Convenzione sui diritti dell'Infanzia e dell'Adolescenza, 2023, 13° rapporto di aggiornamento sul monitoraggio della Convenzione sui diritti dell'Infanzia e dell'Adolescenza. Available at: <https://gruppocrc.net/documento/13-rapporto-crc-in-arrivo-il-20-novembre-2023/>

SINPIA, 2010 Linee Guida nazionali, L'ascolto del minore testimone. Available at: <https://www.societadipsicologiagiuridica.org/protocolli-e-linee-guida/lascolto-del-childe-testimone>

Ordine degli Assistenti Sociali, 2023. Riforma Cartabia - Decreto legislativo 149/20221 – l. 206/2021 2 - Sintesi degli articoli di interesse per il servizio sociale professionale e osservazioni sulla norma. Available at: <https://cnoas.org/wp-content/uploads/2024/01/Riforma-Cartabia-02-1.pdf>

Safe Reporting, 2023, L'accesso alla giustizia per le vittime di reato con status migratorio irregolare in Italia: percorsi di denuncia sicura nella città di Milano. Available at: https://www.safereporting.eu/wp-content/uploads/2023/11/SR_Report_MILANO_IT.pdf

Save The Children, 2017, Indagine sullo stato del maltrattamento e dell'abuso intrafamiliare. Available at: <https://retezerosei.savethechildren.it/wp-content/uploads/2017/07/rapporto-violenza-DEF-5-digit-low.pdf>

Terre des Hommes, 2023, La condizione delle ragazze e delle bambine nel mondo. Available at: https://terredeshommes.it/pdf/Dossier_indifesa_tdh_2023.pdf

Institutional references – Italy

Autorità Garante per l'Infanzia e l'Adolescenza, 2020, Il diritto all'ascolto delle persone di minore età in sede giurisdizionale. Available at: https://www.garanteinfanzia.org/sites/default/files/2021-07/ascolto-childenni-procedimenti-giurisdizionali_o.pdf

Autorità Garante per l'Infanzia e l'Adolescenza, 2021, II Indagine Nazionale sul Maltrattamento dei bambini e degli adolescenti in Italia, Risultati e prospettive. (<https://www.garanteinfanzia.org/sites/default/files/2021-07/ii-indagine-nazionale-maltrattamento-2021.pdf>)

Autorità Garante per l'Infanzia e l'Adolescenza, 2022, La Tutela dei Minorenni in Comunità. (https://www.garanteinfanzia.org/sites/default/files/2022-09/La%20tutela%20dei%20childenni%20in%20comunit%C3%A0_WEB.pdf)

Autorità Garante per l'Infanzia e l'Adolescenza, 2023, La giustizia riparativa in ambito penale minorile. Available at: <https://www.garanteinfanzia.org/sites/default/files/2023-10/giustizia-riparativa-indagine-2023.pdf>

Autorità Garante per l'Infanzia e l'Adolescenza, 2023, Relazione al Parlamento. Available at: <https://www.garanteinfanzia.org/sites/default/files/2024-06/relazione-parlamento-2023-web.pdf>

Camera dei deputati, Ufficio Rapporti con l'Unione Europea, 2024, Elementi per la verifica di sussidiarietà – Lotta contro l'abuso e lo sfruttamento sessuale dei minori e il materiale pedopornografico. Available at: <https://documenti.camera.it/leg19/dossier/pdf/ESo66.pdf>

Dipartimento della Pubblica Sicurezza, Direzione Centrale della Polizia Criminale, Servizio Analisi Criminale, 2023, Minorenni vittime di abusi. Available at:

https://www.interno.gov.it/sites/default/files/202312/elaborato_childenni_vittime_di_abusi_2023.pdf

Differenza Donna, Relazione trimestrale sulle attività del servizio 1522 gennaio, febbraio, marzo 2023. Available at: https://www.pariopportunita.gov.it/media/ckabyme/4-relazione-1522_gennaio_-febbraio_marzo-2023.pdf

Differenza Donna, Relazione trimestrale sulle attività del servizio 1522 aprile, maggio, giugno 2023. Available at: https://www.pariopportunita.gov.it/media/1cll5cpq/5-relazione-1522_aprile_-maggio_-giugno-2023.pdf

Differenza Donna, Relazione trimestrale sulle attività del servizio 1522 luglio, agosto, settembre 2023. Available at: https://www.pariopportunita.gov.it/media/hnunuz1nn/6-relazione-1522_luglio_agosto_settembre_2023.pdf

Differenza Donna, Relazione trimestrale sulle attività del servizio 1522 ottobre, novembre, dicembre 2023. Available at: <https://www.pariopportunita.gov.it/media/dsgcnvqk/7-relazione-1522-ottobre-novembre-dicembre-2023.pdf>

Differenza Donna, Relazione analitica trimestrale circa l'oggetto e i risultati dell'attività del servizio 1522 gennaio, febbraio, marzo 2024. Available at: <https://www.pariopportunita.gov.it/media/4xhdc1gv/8-relazione-1522-gennaio-febbraio-marzo-2024.pdf>

Differenza Donna, Relazione analitica trimestrale circa l'oggetto e i risultati dell'attività del servizio 1522 aprile, maggio, giugno 2024. Available at: <https://www.pariopportunita.gov.it/media/sphjtvrk/relazione-1522-aprile-maggio-giugno-2024.pdf>

ISTAT, 2020, Indagine conoscitiva sulle forme di violenza fra i minori e ai danni di bambini e adolescenti. Available at: https://www.istat.it/it/files/2020/06/Istat_Memoria-scritta_Violenza-tra-childi_1-giugno-2020.pdf

Ministero della Giustizia, Dipartimento per la Giustizia Minorile e di comunità, 2024, Ufficio di servizio sociale per i minorenni – anno 2023. Available at: https://www.giustizia.it/giustizia/it/mg_1_14_1.page?contentId=SST1446877

Telefono Azzurro, Dati del Servizio 114 Emergenza Infanzia: anno 2020. Available at: <https://114.it/wp-content/uploads/2021/05/Dati-del-Servizio-114-Emergenza-.pdf>

Telefono Azzurro, Manuale 114 Emergenza Infanzia, 2019. Available at: <https://www.docdroid.net/kjijXVo/manuale114-web-compressed-pdf#page=2>

EU legal and Policy Framework and Institutional references

Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (OJ L, 2024/1712, 24.6.2024). Available at: <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>

Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. Available at: <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>

Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, as well as the 2024 EU Justice Scoreboard. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024DC0950&qid=1718632412750>

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Available at: <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng>

Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011). Available at: <https://eur-lex.europa.eu/eli/dir/2011/93/oj/eng>

Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0424>

Proposal for a Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA (recast), Document 52024PC0060. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2024%3A60%3AFIN>

EU gender equality Strategy 2020-2025. Available at: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en

EU strategy on the rights of the child. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU strategy on the rights of the child (COM/2021/142 final). available at <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52021DC0142>

Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32024H1238>

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Ensuring justice in the EU — a European judicial training strategy for 2021-2024, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0713>)

European Parliament ‘The Victims’ Rights Directive 2012/29/EU. European Implementation Assessment’ 2017. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

Briefing of the European Parliament of July 2024, combating child sexual abuse: Revising Directive (2011/93/EU) – recast. Available at [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2024\)762374](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2024)762374)

VRD evaluation report, adopted by the Commission on 28 June 2022. Commission Staff Working Document, (2022) Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 (SWD/2022/0179 final).

European Commission, 2013. Study on children’s involvement in judicial proceedings. Contextual overview for the criminal justice phase – Italy, <https://data.europa.eu/euodp/repository/ec/dg-justi/criminal-justice/contextual-overviews/Italy.pdf>

European Institute for Gender Equality, ‘Gender Equality Index 2024. Tackling violence against women, tackling gender inequalities’ (2024). Available at: https://eige.europa.eu/publications-resources/publications/gender-equality-index-2024-tackling-violence-against-women-tackling-gender-inequalities?language_content_entity=en

European Judicial Training Network (EJTN) (<https://ejtn.eu/>), the Justice and CERV programmes, as well as the European Training Platform of the EU e-justice portal (<https://european-training-platform-e-justice.europa.eu/about-platform>)

FRA, European Union Agency for Fundamental Rights. Towards integrated child protection systems. Challenges, promising practices, and ways forward. 2025. Available at <https://fra.europa.eu/en/publication/2025/integrated-child-protection>

FRA, 'Child-friendly justice. Perspectives and experiences of children involved in judicial proceedings as victims, witnesses, or parties in nine EU Member States', 2017. Available at: <https://fra.europa.eu/en/publication/2017/child-friendly-justice-perspectives-and-experiences-children-involved-judicial>

FRA, 'Age limit, below which child witnesses are entitled to special support and procedural safeguards,' 2017. Available at: https://fra.europa.eu/en/publications-and-resources/data-and-maps/minag?dataSource=MINAG_en_65940&media=png&width=740&topic=group09&question=MINAG_PS03&plot=MAP&subset=NONE&subsetValue=NONE&answer=MINAG_PS03&year=2017

FRA, Mapping child protections systems in the EU – Italy, 2023. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/it_-_report_-_mapping_child_protection_systems_-_2023.pdf

FRA, Mapping child protection systems, update 2023, 'Identification and reporting procedures for children in need of protection and procedures for placing children'. Available at: <https://fra.europa.eu/en/publication/2024/mapping-child-protection-systems-eu-update-2023?page=5#read-online>

FRA, 'Victims of crime in the EU: the extent and nature of support for victims', 2014. Available at <https://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

Eurostat. Child and youth population. https://ec.europa.eu/eurostat/databrowser/view/yth_demo_010/default/table?lang=en&category=chldyth.yth_demo

International references

Council of Europe and ECPAT International, 2024, Ending Child Sexual Abuse and Exploitation: State-of-Play in light of the Lanzarote Convention, Italy. Available at: <https://rm.coe.int/country-overview-italy-ending-child-sexual-abuse-and-exploitation-stat/1680ae8ae7>.

Council of Europe, CM/Rec (2023)8 – Recommendation of the Committee of Ministers to member States on strengthening reporting systems on violence against children. Available at: <https://search.coe.int/cm?i=0900001680ac62b1>

Council of Europe, Recommendation of the Committee of Ministers to member States on strengthening reporting systems on violence against children Explanatory Memorandum. Available at: <https://search.coe.int/cm?i=0900001680aba84e>.

Council of Europe. Steering Committee for the Rights of the Child (CDENF) REPORT Implementation review of Recommendation CM/Rec (2009)10 on Council of Europe policy guidelines on integrated national strategies for the protection of children from violence. Available at: <https://rm.coe.int/cdenf-2024-22-final-implementation-review-recommendation-on-policy-gui/1680b48f4c>

Council of Europe, Report 'Barnahus: a European journey. Mapping study on multidisciplinary and interagency child-friendly justice models responding to violence against children in Council of Europe member states' (2023).

UNICEF, 'International Classification of Violence against Children (ICVAC)', 2023. Available at: <https://data.unicef.org/resources/international-classification-of-violence-against-children/>

UNICEF & Eurochild, Technical Report 'Better data for better child protection systems in Europe: Mapping how data on children on alternative care are collected, analysed and published across 28 European countries' (2021). Available at: <https://eurochild.org/uploads/2022/02/UNICEF-DataCare-Technical-Report-Final-1.pdf>

United Nations, Convention on the Rights of the Child (CRC), 1989.

United Nations Economic Commission for Europe, 'Statistics on Children. Spotlight on children exposed to violence, in alternative care, and with disabilities' (2022). Available at: <https://unece.org/sites/default/files/2022-10/ECECESSTAT20225.pdf>.

National legislation

Italian Constitution, 1946 (Const.)

Italian Civil Code, 1942 (c.c.)

Italian Code of Civil Procedure, 1942 (c.p.c.)

Italian Penal Code, 1931 (c.p.)

Italian Code of Penal Procedure, 1989 (c.p.p.)

Law 4th May 1983, n. 184 "Right of the child to a family".

Law 27th May 1991, n. 176 "Ratification and implementation of the Convention on the Rights of the Child, signed in New York on 20 November 1989".

Law 12th July 2011, n. 112 "Establishment of the Authority for Children and Adolescents".

Law 1st October 2012, n. 172 "Ratification and implementation of the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse, made in Lanzarote on 25 October 2007, as well as rules for adaptation of domestic law".

Law 27th June 2013, n. 77 "Ratification and implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, made in Istanbul on 11 May 2011"

Law 19th July 2019, n. 69 "Amendments to the Criminal Code, the Code of Criminal Procedure and other provisions on the protection of victims of domestic violence and gender."

Legislative Decree 22nd September 1988, n. 448 "Approval of the provisions on criminal proceedings against children".

Legislative Decree 28th July 1989, n. 271 "Rules for the implementation, coordination and transition of the Code of Criminal Procedure".

Legislative Decree 28th July 1989, n. 272 "Implementing, coordinating and transitional provisions of the Decree of the President of the Republic 22nd September 1988, n. 448, containing provisions on criminal proceedings against children".

Legislative Decree 15th December 2015, n. 212, implementing Directive 2012/29/EU

Legislative Decree 10th October 2022, n. 149 "Implementation of Law 26th November 2021, n. 206, delegating to the Government for the efficiency of the civil process and for the revision of the discipline of the instruments of alternative dispute resolution and urgent measures of rationalization of the procedures in matters of rights of persons and families as well as in matters of forced execution".

Legislative Decree 10th October 2022, n.150 "Implementation of Law 27th September 2021, n. 134, delegating to the Government for the efficiency of the criminal process, as well as in matters of restorative justice and provisions for the rapid definition of judicial proceedings".

Decree of the President of the Republic of 30th May 2002, n. 115 "Consolidated text of the legislative and regulatory provisions on legal expenses. (Text A)".

Royal Decree-Law of 20th July 1934, n. 1404 "Establishment and operation of the juvenile court".

Ministerial Decree 21st May 2001, n. 308 "Regulation concerning "Minimum structural and organizational requirements for the authorization of the operation of services and structures with residential and semi-residential cycle, pursuant to article 11 of Law 8th November 2000, n. 328".

Ministerial Decree 6th August 2003 "Identification of the operator of the telephone service connected to the public emergency code «114»"

7. ANNEXES

ANNEX 1. GLOSSARY

Barnahus - a child-friendly, interdisciplinary and multi-agency model designed for child victims and witnesses, in which an interdisciplinary team of professionals collaborates to determine the most appropriate support for the child.

Child – any person below 18 years of age.

Gender-based violence – violence directed against a person because of their gender or violence that disproportionately affects persons of a particular gender.

Multidisciplinary and interagency - multidisciplinary refers to different professional disciplines such as child protection, social services, medical and health care services, child psychology, specialists in forensic interviewing, and other professions relevant to the case. Interagency refers to various state agencies or private entities.