



Study on children's involvement in judicial proceedings – contextual overview for the criminal justice phase – Italy

June 2013

This National Report has been prepared by Emanuela Canetta in collaboration with Marilena Verbari for Milieu Ltd in partnership with ICF GHK under Contract No JUST/2011/CHIL/PR/0147/A4 with the European Commission, DG Justice.

The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of the European Union. Neither the European Union institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

© European Union, 2013

Reproduction is authorised provided the source is acknowledged. The reproduction of the third-party textual or artistic material included is prohibited.

Contents

Executive summary	i
Abbreviations	iii
1 Overview of Member State’s approach to children in criminal proceedings and specialised services dealing with such children	1
2 Child-friendly justice before and during criminal judicial proceedings	5
2.1 The child as a victim	5
2.1.1 Reporting a crime.....	5
2.1.2 Provision of information.....	5
2.1.3 Protection from harm and protection of private and family life.....	6
2.1.4 Protection from secondary victimisation and ensuring a child friendly environment	6
2.1.5 Protecting the child during interviews and when giving testimony.....	7
2.1.6 Right to be heard and to participate in criminal proceedings.....	8
2.1.7 Right to legal counsel, legal assistance and representation.....	9
2.1.8 Remedies or compensation exist for violation of rights and failure to act.....	10
2.2 The child as a witness	10
2.2.1 Reporting a crime.....	10
2.2.2 Provision of information.....	10
2.2.3 Protection from harm and protection of private and family life.....	10
2.2.4 Minimising the burden of proceedings and ensuring a child friendly environment	10
2.2.5 Protecting the child during interviews and when giving testimony.....	10
2.2.6 Right to be heard and to participate in criminal proceedings.....	11
2.2.7 Right to legal counsel, legal assistance and representation.....	11
2.2.8 Remedies or compensation for violation of rights and failure to act	11
2.3 The child as a suspect/defendant	11
2.3.1 Age of criminal responsibility	11
2.3.2 Provision of information.....	12
2.3.3 Immediate actions following first contact with police or other relevant authority	13
2.3.4 Conditions for pre-trial detention/ custody	13
2.3.5 Protection of private and family life	15
2.3.6 Alternatives to judicial proceedings.....	15
2.3.7 Minimising the burden of proceedings and ensuring a child friendly environment	15
2.3.8 Protecting the child during interviews and when giving testimony.....	15
2.3.9 Right to be heard and to participate in criminal proceedings.....	16
2.3.10 Right to legal counsel, legal assistance and representation.....	17
2.3.11 Remedies or compensation for violation of rights and failure to act	17
3 Child-friendly justice after judicial proceedings	18
3.1 The child as a victim or offender	18
3.1.1 Provision of information.....	18
3.1.2 Sentencing	18
3.1.3 Deprivation of liberty	20
3.1.4 Criminal records	20
4 Strengths and potential gaps	21
Conclusions	23
Annex – Legislation reviewed during the writing of this report	24

Executive summary

Overview of the general elements of child-friendly justice in criminal proceedings

The main source of the juvenile justice procedure is Presidential Decree n. 448 of 1988 which created a Juvenile Criminal Procedure Code complemented by the Code of Criminal Procedure. The new juvenile criminal justice system is designed on principles that are aimed at protecting a child's rights and interests. The structure of the criminal justice proceedings balances the re-education of the child offender and the interest of the state in punishing his or her behaviour.

The competent juvenile justice authorities are: the Public Prosecutor at the Juvenile Court; the Judge for preliminary investigations at the Juvenile Court; the Juvenile Court itself; the Attorney General at the Court of Appeal; the Youth Division in the Court of Appeal; and the Juvenile Supervising Judge.

The Juvenile Court has jurisdiction for the crimes committed by children who have attained the age of 14 and not yet the age of 18; the Juvenile Court's jurisdiction concerning the enforcement of a conviction ceases when the person reaches 25 years of age. It is composed of professional judges and lay judges chosen among experts in fields relevant to the protection of children's rights. The judicial authorities work together with the judicial police specialised in juvenile justice and the juvenile justice services. The legal counsels working for children are specifically trained on children-related issues.

The juvenile justice services are: the social services of the juvenile justice administration; the reception centres; the penal institutes for children; and the educational communities.

Overview of children's involvement before, during and after judicial proceedings

The legislative framework focuses mainly on the child victim and on the defendant. No specific rules apply to child witnesses. However, the same rules applying to victims also apply to witnesses when the victim also plays the role of witness.

As to children, either under investigation or defendants, they are entitled to be assisted by their parents or guardian during the whole course of criminal proceedings. In the case of child victims of an offence committed by adults, children are entitled to sue the adult offender, through their own attorney, and claim for damages. Official information on the proceedings is provided to the children, the parents, and the guardian through information on guarantees and notices. The specific juvenile social services also have the task of providing the information which the child defendant may need. The child victim mainly receives information concerning their defence.

The privacy of the child and protection from secondary victimisation is guaranteed by measures limiting the diffusion of data and images during proceedings; through the possibility to take the child's testimony in protected hearings during pre-trial phases; and from hearing the child behind closed doors during trials.

Specific rules are laid down to assess the criminal responsibility of the child defendant in relation to his/her ability to understand and take action.

As the justice system acts on the basis of the fundamental right to education, the provisions governing sentencing are aimed at allowing the child to leave the criminal proceedings circuit as soon as possible and are based on the promotion of education and on the development of the child's sense of responsibility.

Concerning deprivation of liberty, in the field of juvenile justice, the Italian legislation considers detention as a measure of last resort and only when the child poses a threat to society.

Promotion and monitoring of a child-friendly approach to criminal justice, with an overview of strengths and potential gaps

The current system has incorporated most of the international standards on juvenile justice. The Italian legislation provides that deprivation of liberty is applied to children as a last resort. The composition of the Juvenile Court (professional Judges and experts in children's related fields) respects the balance between satisfying the need to assess the gravity of the crime and its consequences, and the need to

understand the personality of the child and his/her educational needs. Public prosecutors working at the Juvenile Court are also specialised in child related issues. The provisions concerning the appointment of a special legal representative are to promote the best interests of the child. Social services, NGOs and other organisations protecting children's rights play an important role in assisting communities and re-educational centres, and in providing mediation.

However, there are no specific guidelines on how the child should be heard by the police. Likewise, the presence of a psychologist is not mandatory during hearings. The language used in official documents is not provided in a child-friendly manner. No specific training is provided for the special legal representatives appointed by the judge.

There are no legislative measures guaranteeing a maximum time limit. There are, however, measures such as the suspension of the trial with probation aimed at allowing the child to exit the criminal proceedings circuit as soon as possible. When prosecuting non-national children, the assistance of a court-appointed interpreter is ensured for the child; if the parents of the child cannot be found, a special legal representative is appointed by the Judge for the whole course of the proceedings.

Penal mediation can be ordered by the judge, on a case-by-case basis, when the trial is suspended and the probation period starts. Social services have used mediation - when the offender is a child - as a way to remove the child from the proceeding as soon as possible and as a restorative justice measure to help reintegrate the offender in the community.



Abbreviations

CA	Competent Authority
CoE	Council of Europe
DPR	Decree of the President of Republic
EC	European Commission
EU	European Union
IPM	Penal Institute for Children (<i>Istituto Penale per Minori</i>)

1 Overview of Member State's approach to children in criminal proceedings and specialised services dealing with such children

The main national legal instrument related to juvenile justice is the Presidential Decree n. 448 of 1988, which created a Juvenile Criminal Procedure Code that must, however, be integrated with the provisions of the Penal Code and the Code of Criminal Procedure¹. The Presidential Decree is based on the 'United Nations Standard Minimum Rules for the Administration of Juvenile Justice' ("The Beijing Rules") adopted in November 1985. This Presidential Decree² is aimed at the protection of the rights of the children involved in judicial proceedings³.

The juvenile criminal justice system is based on principles which differ from those of the general criminal justice system.

- **The principle of proportionality:** the criminal proceedings must be proportionate to the evolving capacities of the children and to his/her educational needs. The juvenile criminal proceeding aims at promoting the social reintegration of the child. The social services, judicial authorities and psychologists interact and work together⁴.
- **The principle of least harm:** the authorities must take into account the fact that the child runs the risk of entering the criminal justice system. It is necessary therefore to protect him/her to ensure the correct development of his /her personality, social relations and educational process⁵.
- **The principle of de-stigmatisation:** Being part of judicial proceedings may have a negative impact on the social image of the child. Anonymity and confidentiality are important in order to avoid stigmatization. To that aim, it is necessary to prohibit the diffusion of any kind of information on the identity of the child, to use the system of trials behind closed doors and to allow the deletion of crimes from judicial records when the child becomes adult⁶.
- **The principle of detention used as a measure of last resort:** detention has to be considered only after all other measures have been exhausted and only when justified to reduce a relevant threat which the child poses to society. Alternative measures to detention are provided for in the law with a view to promoting the education of the child⁷.
- **The principle of selection of the criminal proceedings:** if the crime is of minor importance, the Judge may order acquittal for irrelevance of the fact. The legal requirements to be met in this case are the occasional nature of the offence and its criminal irrelevance. In taking the decision the Judge will take into account the information gathered on the personality, the family and the environment of the child⁸. The Judge can also suspend the trial, ordering a period of probation for the child defendant in order to understand the personality of the child and his or her ability to adjust his/her behaviour. If the child receives a positive evaluation of his or her behaviour during the

¹ [Article 1 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

² Nothing on child victims and witnesses is provided for in this Presidential Decree. It is aimed at the protection of the rights of children between the ages of 14 and 18 years involved in criminal judicial proceedings for having allegedly committed a crime.

³ [L'altro diritto, 'The D.P.R. 448/88 and its implementation' \(last accessed on 13 November 2012\)](#).

⁴ *ibid.*

⁵ *ibid.*

⁶ *ibid.*

⁷ *ibid.*

⁸ [Article 28 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

probation period, the charge can then be dropped by a court decision declaring that the offence is extinguished⁹.

The Italian legal framework recognises the special requirements of children. The structure of the criminal justice proceedings balances the re-education of the child offender and the interest of the state in punishing his or her behaviour. The system is aimed at promoting the best interests of the child through procedures that are proportionate to his or her evolving capacities and that would help the child to reintegrate into society¹⁰. The criminal proceedings can play a negative role in the life of the child and therefore it must be adapted to the evolving personality of the child¹¹. Contact with the parents and their psychological and emotional support is ensured at every stage of the proceedings¹².

The judicial authorities competent for juvenile justice are¹³:

- The Public Prosecutor at the Juvenile Court who is competent to prosecute the crimes committed by children;
- The judge for preliminary investigations at the Juvenile Court who is competent to decide on the correctness of the investigations and on the measures adopted during the investigative phase;
- The Juvenile Court which is the court competent to decide on crimes committed by children;
- The Attorney General at the Court of Appeal who is the public prosecutor at the Court of Appeal;
- The Youth Division of the Court of Appeal which is the competent Court to decide in second instance on crimes committed by children;
- The Juvenile Supervising Judge who is competent to supervise measures imposed on children other than detention.

The Juvenile Court is composed of professional judges with specialised knowledge in children-related fields, as well as of lay judges chosen among psychologists, psychiatrists and other experts in fields relevant to the juvenile criminal justice¹⁴. Within the court, the decisions of lay judges have the same value as the decision of professional judges¹⁵. The work of specialised judges in the Juvenile Court is aimed at respecting the personality of the child and at guaranteeing the development of the personality of the child and his or her educational needs¹⁶. The Juvenile Court is competent for the crimes committed by persons between 14 and 18 years of age. The Juvenile Court's jurisdiction concerning the enforcement of conviction ceases when the person becomes 25 years old¹⁷. The Juvenile Supervising Judge is competent for implementing alternative measures to detention (see

⁹ [Article 28 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁰ [Della Rocca A., 'The conviction sentence and alternative sanctions'](#) (last accessed on 13 November 2012).

¹¹ [L'altro diritto, 'The D.P.R. 448/88 and his implementation'](#) (last accessed on 13 November 2012).

¹² [Article 12 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹³ [Article 2 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴ Manna, A., Infante, E., *Criminal Justice Systems in Europe and North America, Italy* (EUNI, Helsinki, 2000).

¹⁵ Information gathered through interviews with stakeholders.

¹⁶ [UNCRC 'Consideration of reports submitted by states parties under Article 44 of the convention. Periodic reports of States parties due in 1998. Italy'](#) (last accessed on 13 November 2012).

¹⁷ [Article 3 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

section [3.1.2](#)) imposed on child offenders. His/her competence will also cease when the person becomes 25 years old¹⁸.

The Juvenile Court works together with the judicial police specialised in juvenile justice. Such specialised divisions of the police carry out the investigation following the orders of the public prosecutor¹⁹ and are formed by professionals adequately trained to deal with the issues of children²⁰. The judicial authorities and the police work also together with specific services of the judicial administration, specialised in issues concerning children, and with social services under the responsibility of the local authorities²¹. Refresher courses for staff working within the juvenile justice administration and the judicial police are organised according to the needs and resources of those bodies²². Moreover, protocol agreements are concluded at central and local level in order to facilitate inter-service cooperation for professionals working with children²³.

The legal counsels working for children are registered on a list if they follow training courses organised at local level²⁴. The bar associations organise refresher courses for legal counsels, while the Higher Council of Judges organises refresher courses for judges and public prosecutors. All training and refresher courses are based on the Convention on the Rights of the Child and other relevant international instruments²⁵.

The services of the juvenile justice system are the social services for children, the penal institutes for children, reception centres, and educational communities²⁶.

Within the juvenile justice administration, the social service for children supports the child offender throughout the entire proceedings. The social service has the task of establishing educational programmes, it supervises the child involved in educational and working projects during the suspension of the trial and the probation period (for further details see section [3.1.2](#)) and follows the behaviour of the children involved in pre-trial measures²⁷ (see section [2.3.4](#)) and the alternative measures to detention (for further details see section [3.1.2](#)). It provides support for the judicial authorities at every stage of the proceedings and collects all relevant information on the personality of the child²⁸.

The reception centres host the children arrested for a maximum of 96 hours until the judge decides on the arrest. Reception centres are houses where social workers and educators help the child in the first hours of the proceedings, supporting and providing information to him or her²⁹.

Children are detained in penal institutions during the pre-trial phase when they are subject to pre-trial detention, and after proceedings, when they are convicted to detention upon a final court decision. These institutions must guarantee the protection of the rights of the child³⁰

¹⁸ [Article 40 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁹ Information collected in writing by Italian authorities.

²⁰ [Article 5 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

²¹ [Article 6 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

²² [Ministry of Justice, 'Vocational training for the staff of the penitentiary administration'](#) (last accessed on 16 April 2013).

²³ Information collected in writing by Italian authorities.

²⁴ Information gathered through interviews with stakeholders.

²⁵ [UNCRC, 'Consideration of reports submitted by States parties under Article 44 of the Convention. Third periodic report of States parties due in 1998, Italy'](#) (last accessed on 4 December 2012).

²⁶ [Centre for Juvenile justice, Ministry of Justice](#) (last accessed on 4 December 2012).

²⁷ [Article 19 Decree of the President of Republic n. 448/1988 approval of provisions on the criminal procedures applicable to juvenile offenders.](#)

²⁸ [Social Services for children, Ministry of Justice](#) (last accessed on 4 December 2012).

²⁹ [Reception Centers, Ministry of Justice](#) (last accessed on 4 December 2012).

³⁰ Information gathered through interview with stakeholders.

such as the right to health, the right to education, the right to physical and psychological development and the right to maintain ties with their parents and family. The promotion and protection of these rights is implemented in practice through school activities, cultural, sport, and recreational activities, and vocational training through the work of teachers, psychologists, specialised police, doctors and social assistants. The aim of these projects is to promote the maturity and personal development of the detained children helping them to become more responsible and reliable. A child serving a sentence in a criminal institute for children will stay there until he or she reaches 21 years of age³¹. The transfer from the juvenile criminal system to the adult criminal system follows specific rules established in law³².

Particular attention is given to the consequences which leaving the family can have on the child. Measures are in place to allow the parents to maintain a good relationship with their children, especially when they are under the age of 18, to prepare the family and the child for a return to their community. To this end, children are granted by the public prosecutor or by the Supervising Judge³³ specific permission to meet their parents. However, when, in the pre-trial phase, the child's contacts with the family and the community risks to jeopardise the evidence collection, the judge may impose further restrictions³⁴. The director of the institute can allow the child to meet his or her parents frequently and can also authorise the child to spend part of the day with the parents in special rooms or places reserved for them³⁵.

The educational communities, that are specific residential educational facilities where the child can live, can be public or private. Public communities are directly managed by the juvenile justice administration. Private communities are selected among accredited bodies at regional level. They manage socio-educational programmes and provide psychological and personal support to the child. They assess and control the behaviour of the child and provide counselling to help prevent future offences³⁶.

In the juvenile justice system, mediation for victim and offenders can be used during the suspension of the trial and the probation period³⁷. Mediation has been used by social services of the juvenile justice administration and by organisations supporting children, that are managed by private individuals, when the offender is a child, during the preliminary pre-trial phase and in the context of acquittal for irrelevance of the fact and probation order (acquittal for irrelevance of the fact and probation order will be described in section [3.1.2](#))³⁸.

³¹ [Penal institute for children, Ministry of Justice](#) (last accessed on 4 December 2012).

³² [Article 69 Law n. 354/75 and Article 5 Decree of the President of Republic n. 230/00 'on penitentiary system and on the execution of measures depriving or limiting liberty'](#).

³³ Information collected in writing by Italian authorities.

³⁴ *ibid.*

³⁵ [Article 61 Decree of the President of Republic n. 230/00 on penitentiary system and on the execution of measures depriving or limiting liberty.](#)

³⁶ [Educational Communities, Ministry of Justice](#) (last accessed on 4 December 2012).

³⁷ [Article 28 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

³⁸ [Save the Children 'Report on legislation and practices identified in Italy using the transnational framework of analysis' \(last accessed on 7 December 2012\).](#)

2 Child-friendly justice before and during criminal judicial proceedings

2.1 The child as a victim

2.1.1 Reporting a crime

Anyone can file a complaint for an offence or report a crime to the police or public prosecutor³⁹.

A child over the age of 14 can personally file a complaint. When the child is below the age of 14, the complaint can only be filed by the parents or the person holding parental responsibility (the guardian). The parents or the guardian have also the possibility to file a complaint when the child is over the age of 14, even against his or her will⁴⁰.

As part of the general mandate for supporting children involved in criminal proceedings, the social services of the juvenile justice administration can assist children in reporting a crime⁴¹. Children can also be assisted by private organisations and NGOs in reporting crimes and making complaints. These organisations can only support a child (for example with writing a complaint, accompanying the child to the right office, etc.) but they cannot act on behalf of the child⁴².

2.1.2 Provision of information

The public prosecutor sends the victim written information (information on guarantees) concerning the investigation and the person investigated, when he/she will need to perform an act to which the legal counsel of the party must be present, such as for instance questioning a child witness⁴³. The information on guarantees includes the description of the law that has potentially been violated. It also includes the date and place of the crime⁴⁴. The presence of the child's legal counsel during investigatory activities is allowed only when the child victim is a civil party to the criminal proceedings⁴⁵. Victims must be informed of their right to choose a legal counsel⁴⁶.

The social services of the juvenile justice administration support the child involved in the criminal proceedings by providing the information he/she needs and by explaining the reasons and the meaning of the acts performed and the decision taken⁴⁷.

In the absence of parents or guardians or when a conflict of interests arises, a special legal representative is appointed by the judge to represent the child during the proceedings⁴⁸. This representative also provides the child with the necessary information on the procedures and the decisions adopted, tailored according to the child's level of maturity⁴⁹.

³⁹ [Article 120 Italian Penal Code](#) and [Article 333 Code of Criminal Procedure](#).

⁴⁰ [Article 120 Italian Penal Code](#).

⁴¹ Information gathered through interview with stakeholders.

⁴² *ibid.*

⁴³ [Article 369 Code of Criminal Procedure](#).

⁴⁴ *ibid.*

⁴⁵ Information gathered through interview with stakeholders.

⁴⁶ [Article 369 Code of Criminal Procedure](#).

⁴⁷ Information gathered through interview with stakeholders.

⁴⁸ *ibid.*

⁴⁹ [National Juvenile Chambers 'Guidelines on the special legal representative in the proceedings of adoptability'](#) (last accessed on 12 December 2012).

However, there are no official guidelines about the language that should be used by competent authorities, legal counsel or legal representatives when communicating or explaining judicial decisions to a child⁵⁰.

2.1.3 Protection from harm and protection of private and family life

When the child is a victim of child prostitution, child pornography and sexual violence, the trial is always held behind closed doors and no questions are allowed regarding the private life or sexuality of the victim if they are not necessary for the reconstruction of the facts⁵¹.

The publication of names and photos or other information that could directly or indirectly lead to the identification of the child as witness, victim or damaged party is forbidden until they are 18 years old. However, the Juvenile Court can allow for the publication of such information in the interests of the child⁵².

In order to ensure the safety of the child victim of a crime, the judge, through a restraining order, can require the defendant to avoid places usually frequented by the victim or to maintain a certain distance from those places and from the victim⁵³.

When the alleged perpetrator is a parent, a family member or a care giver, the judge can order the defendant to leave the family home and not to go back to it without the authorisation of the judge. To ensure the victim's safety, the judge may also prohibit the defendant from visiting places habitually attended by the victim⁵⁴. To support the victim, the judge can also order the intervention of the competent social services, family mediation centres or victims associations⁵⁵.

Information provided about children in the media is also strictly regulated. Although the fundamental right to information is always guaranteed, the child's anonymity in the media is protected. In fact, the identity and images of children as well as all the elements that could lead to the identification of the child such as names of the parents, address or school, cannot be published⁵⁶.

2.1.4 Protection from secondary victimisation and ensuring a child friendly environment

To ensure a child-friendly environment, during preliminary investigations and trials, the child's testimony in relation to sexual abuse, exploitation, slavery and trafficking can be taken in the form of a protected hearing, described in section [2.1.5](#).

In these cases, the public prosecutor gives immediate notice to the Juvenile Court who activate support for the child from the social services for children of the juvenile justice administration (see [section 1](#)), together with the local authorities' social services. Furthermore, emotional and psychological support is guaranteed through the presence of the parents or other persons indicated by the child at every step of the proceedings⁵⁷.

No specific provisions allow for victims-offender penal mediation in every situation⁵⁸ (for further details see section [3.1.2](#)). However, in cases of suspension of the trial with a probation period, the judge can, on a case by case basis, order mediation measures to help reconcile the child offender with the victim. In practice, private organisations supporting

⁵⁰ Information gathered through interviews with stakeholders.

⁵¹ [Article 472 Code of Criminal Procedure](#).

⁵² [Article 114 Code of Criminal Procedure](#).

⁵³ [Article 282 *ter* Code of Criminal Procedure](#).

⁵⁴ [Article 282 *bis* Code of Criminal Procedure](#).

⁵⁵ [Article 342 *ter* Italian Civil Code](#).

⁵⁶ [Article 2 and Article 3 Treviso Chart of 5 October 1990 as it was amended by the Regulation of 30 March 2006 of the National Roll of Journalists](#).

⁵⁷ [Article 609 *decies* Italian Penal Code](#).

⁵⁸ Information collected in writing by Italian authorities.

children and social services use mediation, when the offender is a child, to support the social reintegration of the child offender⁵⁹.

Special prevention programmes and programmes providing psychological support to child victims of abuse have been established. They are two-thirds funded from fines issued, sums confiscated and sums deriving from the sale of confiscated goods relating to the crime committed. Furthermore, rehabilitation programmes for the offender in the case are funded through the same system, if resources are still available⁶⁰.

There are no measures guaranteeing maximum time limits for judicial proceedings⁶¹.

2.1.5 Protecting the child during interviews and when giving testimony

The child can be heard during the pre-trial and trial phase.

During the preliminary investigation, the child can be heard by an expert appointed either by the police, the public prosecutor or by the judge for preliminary investigations during the interlocutory witness examination⁶².

The police can ask for the help of experts when, at the beginning of the proceedings, information is being collected in order to complete a charge⁶³, including the help of a psychologist to assist at the hearing of a child⁶⁴. The presence of an expert during this phase is not mandatory; it is decided by the police itself on its own judgment⁶⁵. However, the presence of an interpreter is guaranteed and is free of charge⁶⁶.

In this first phase, no audio video recording is used and the declaration of the child can be taken at the police station or in other places familiar to the child, such as schools, his/her house or, if necessary, a child protection centre⁶⁷.

In addition, the public prosecutor can hear the child after he or she has been heard by the police.

The public prosecutor, if uncertain of the psychological condition of the child and his or her capability to testify, can appoint a technical consultant that hears the child and testifies on his or her psychological condition during the trial⁶⁸.

As general rule, the evidences must be presented during the trial and any statements given before the police or the public prosecutor must be repeated before the judge⁶⁹. However,

⁵⁹ [Save the Children, 'Report on Legislation and Practices Identified in Italy Using the Transnational Framework of Analysis' \(last accessed on 13 December 2012\).](#)

⁶⁰ [Article 17 Law n. 269/1998 'on exploitation of prostitution, pornography, sexual tourism as new forms of slavery'.](#)

⁶¹ [Save the children, 'Report on Legislation and Practices Identified in Italy Using the Transnational Framework of Analysis' \(last accessed on 11 December 2012\).](#)

⁶² CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁶³ [Article 348 Code of Criminal Procedure.](#)

⁶⁴ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁶⁵ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁶⁶ [Save the children, 'Report on Legislation and Practices Identified in Italy Using the Transnational Framework of Analysis' \(last accessed on 11 December 2012\).](#)

⁶⁷ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁶⁸ *ibid.*

⁶⁹ Information collected in writing by Italian authorities.

during preliminary investigations, the interlocutory witness examination can be used to take the testimony of a child relating to crimes such as sexual abuse, exploitation, slavery and trafficking⁷⁰. This allows the child to give evidence when he or she has a fresh recollection of the facts, to give him or her adequate psychological support and to avoid the child-victim testifying again during the trial⁷¹.

Through the interlocutory witness examination, the judge for preliminary investigations has options on how to hear a child that has been a victim of sexual abuse, exploitation, slavery and trafficking, deciding on the place, time and other procedures meeting the needs of the child, such as holding a protected hearing in the child's home or in specialised institutes. The statements must be voice recorded or videoed⁷². When recording equipment or technical personnel are not available, the judge for preliminary investigations must make use of expert reports or technical advice⁷³.

During the trial, the judge leads the cross-examination of a child upon a request submitted by the parties. A relative or an expert in child psychology can be present to support the child. If the judge believes that a direct cross-examination is not detrimental to the child, and after hearing the parties, he or she can allow cross-examination of the child to be carried out in a same manner as an adult. In addition, during the debate the cross-examination can be carried out as a protected hearing following the procedure described above⁷⁴.

Also during the trial, the cross-examination can be carried out as a protected hearing following the procedure described above and, for a victim of sexual abuse, exploitation, slavery and trafficking, a mirror and an interphone system can be used⁷⁵.

The child under the age of 14 is exempted from declaring at the beginning of the proceedings that he or she will tell the truth and the judge does not need to remind the child of the penal consequences for not telling the truth⁷⁶.

In answering the questions of the judge, the child victim may add remarks that go beyond the contents of the questions, without, however, giving his/her opinion⁷⁷. In fact, as a general rule no one can express his/her own opinion and make spontaneous statements during criminal proceedings⁷⁸.

The public prosecutor must assess, on a case by case basis, the child's declaration in order to understand whether it is credible compared to the other evidence collected⁷⁹.

2.1.6 Right to be heard and to participate in criminal proceedings

The child has the legal capacity to sue and be sued in judicial proceedings. However, children under the age of 14 do not have the capacity to act on their own right but through a legal representative such as the parents, the guardian or special legal representative (*curatore speciale*) appointed by the judges⁸⁰ in order to represent him or her during the proceedings, in the absence of parents or guardians, or when a conflict with them arises, in the context of a judicial proceeding⁸¹.

⁷⁰ [Article 392 Code of Criminal Procedure.](#)

⁷¹ [UNCRC 'Consideration of reports submitted by States parties under Article 44 of the Convention. Third periodic report of States parties due in 2003 Italy'](#) (last accessed on 3 December 2012).

⁷² [Article 398 Code of Criminal Procedure.](#)

⁷³ *ibid.*

⁷⁴ [Article 498 Code of Criminal Procedure.](#)

⁷⁵ *ibid.*

⁷⁶ [Article 497 Code of Criminal Procedure.](#)

⁷⁷ Information collected in writing by Italian authorities

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ [Article 78 Code of Civil Procedure](#) and [Article 321 Italian Civil Code.](#)

⁸¹ Information gathered through interviews with stakeholders.

As a general rule, the victim of a crime has the right to participate in the proceedings, with written pleadings and evidences⁸².

The child can act as civil party during the trial. If the parents or the guardian or the special legal representative decide to sue for damages⁸³, the child has the right, through his/her private legal counsel⁸⁴, to have access to the documents, to ask questions to the legal counsel of the witnesses and to name witnesses⁸⁵.

However, when the offender is also a child, one cannot sue for damages in the juvenile criminal proceedings and no compensation for the damage caused by the crime can be sought⁸⁶.

2.1.7 Right to legal counsel, legal assistance and representation

When children are victims of a crime, and have no legal representative (parents or guardian), the judge must appoint a special legal representative⁸⁷ to act on his or her behalf in that specific proceeding⁸⁸. The special legal representative can choose a legal counsel⁸⁹, can file complaints and can be a civil party in the proceedings in the interest of the child⁹⁰. The special legal representative protects the interests of the child when they are in conflict with the interests of the parents⁹¹.

The decisions of the special legal representative must follow the principle of causing least harm to the child. The special legal representative collaborates with the social services of the juvenile justice administration and attends the hearings guaranteeing that the principle of the child-friendly environment is respected. He/she also provides the child with all the necessary information, as explained in section 2.1.2⁹². The aim of the special legal representative is, therefore, to guarantee the protection and promotion of the best interests of the child⁹³.

Legal aid is free for the accused, the victim and the damaged party who cannot afford it because of their limited means⁹⁴. Legal aid is granted only to children who fulfil certain economic criteria according to their family's economic means and financial situation⁹⁵.

Through his/her legal counsel, the child is entitled to challenge the court's decision before the Youth Division in the Court of Appeal and even before the Court of Cassation⁹⁶. No specialised support is laid down to help the child to access a judicial review mechanism.

⁸² [Article 90 Code of Criminal Procedure.](#)

⁸³ [Article 77 Code of Criminal procedure.](#)

⁸⁴ Information collected in writing by Italian authorities.

⁸⁵ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁸⁶ [Article 10 Decree of the President of Republic n.448/1988 approval of provisions on the criminal procedures applicable to juvenile offenders.](#)

⁸⁷ Information collected in writing by Italian authorities.

⁸⁸ [Article 78 Code of Civil Procedure.](#)

⁸⁹ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

⁹⁰ [Article 338 Code of Criminal Procedure.](#)

⁹¹ Cendon P., Baldassarri A., *Annotation to the Civil Code and Jurisprudence*, (UTET, Torino, 2005) 471.

⁹² [National Juvenile Chambers 'Guidelines on the special legal representative on the proceedings of adoptability'](#) (last accessed on 12 December 2012).

⁹³ [Save the Children 'Access to justice for children at risk of social exclusion in Greece, Italy and Spain'](#) (last accessed 11 December 2012).

⁹⁴ [Article 98 Code of Criminal Procedure.](#)

⁹⁵ Information collected in writing by Italian authorities.

⁹⁶ *ibid.*

However, private organisations and NGOs are active in supporting children involved in judicial proceedings and in helping them access judicial system mechanisms⁹⁷.

2.1.8 Remedies or compensation exist for violation of rights and failure to act

As explained in section [2.1.6](#), the child can act as civil party during trial. However, there is no law or policy protecting children where there is a failure to prosecute⁹⁸.

When the parents fail to perform certain acts in the interest of the child, the judge can nominate a special legal representative that will perform these acts on behalf of the child⁹⁹.

2.2 The child as a witness

2.2.1 Reporting a crime

According to the stakeholders interviewed, the provisions described in section [2.1.1](#) above which are applicable to child victims are also applicable in principle to child witnesses.

2.2.2 Provision of information

According to the stakeholders interviewed there are no specific provisions guaranteeing the right of witnesses to be informed¹⁰⁰.

2.2.3 Protection from harm and protection of private and family life

According to the stakeholders interviewed, the provisions described in section [2.1.3](#) above – concerning the hearing of the child and the limitation of the diffusion of images and data of the child victims, the restraining orders aimed at protecting children’s safety and the information provided about children in the media – apply also to child witnesses.

2.2.4 Minimising the burden of proceedings and ensuring a child friendly environment

According to the stakeholders interviewed, the provisions described in section [2.1.4](#) above – concerning guaranteeing a child friendly environment when taking testimony in relation to sexual abuse and exploitation – apply to both victims and witnesses.

2.2.5 Protecting the child during interviews and when giving testimony

The child victim is considered as a witness during the hearing in criminal proceedings¹⁰¹ and according to the stakeholders interviewed, the provisions on hearing the child and taking his/her testimony described in section [2.1.5](#) apply, according to the discretion of the judge, to both child victims and witnesses¹⁰². However, a child under the age of 14 cannot take an oath to tell the truth¹⁰³.

General rules provide that the judge can order all necessary checks aimed at assessing the mental and physical suitability of a witness to testify¹⁰⁴, and the witness cannot be compelled to give self-incriminating evidence¹⁰⁵.

⁹⁷ *ibid.*

⁹⁸ *ibid.*

⁹⁹ [Article 321 Italian Civil Code.](#)

¹⁰⁰ Information gathered through interview with stakeholders.

¹⁰¹ CRC, ‘Day of General Discussion 15 September 2006: To Speak, Participate and Decide - The Child’s Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence – Italy’ (Istituto degli Innocenti, Florence, 2006).

¹⁰² Information collected in writing by Italian authorities.

¹⁰³ [Article 120 Code of Criminal Procedure.](#)

¹⁰⁴ [Article 196 Code of Criminal Procedure.](#)

¹⁰⁵ [Article 198 Code of Criminal Procedure.](#)

2.2.6 Right to be heard and to participate in criminal proceedings

According to the stakeholders interviewed no specific provisions apply to children witnesses¹⁰⁶.

As said in section 2.1.5, no one can express their own opinion and make spontaneous statements during criminal proceedings. However, anyone has the duty to testify when invited to do so by the public prosecutor or the defendant's legal counsel¹⁰⁷.

Before testifying, any witness aged more than 14 must take an oath to tell the whole truth. Witnesses under the age of than 14 can be heard but they are not obliged to take an oath¹⁰⁸.

2.2.7 Right to legal counsel, legal assistance and representation

According to the stakeholders interviewed, no specific rules apply to a child witness regarding legal counsel, legal assistance and representation.

However, if the witness is also the victim of the offence, the parent(s) or guardian(s) or special legal representative(s) (see section 2.1.6) of the child acts as a civil party in the proceedings on behalf of the child and have therefore the right to submit evidence¹⁰⁹.

2.2.8 Remedies or compensation for violation of rights and failure to act

No specific provisions apply to child witnesses. However, when the child witness is also victim of the offence the rules described in section 2.1.8 apply.

2.3 The child as a suspect/defendant

2.3.1 Age of criminal responsibility

In Italy, the defendant has the right to be presumed innocent until final judgment¹¹⁰. The defendant can be convicted only if proven guilty beyond any reasonable doubt for the offence¹¹¹.

Moreover, one cannot be punished for a crime for which one was not criminally responsible at the time it was committed. Persons under the age of 14¹¹² are considered as not being criminally-responsible¹¹³. At any stage of the proceedings, as soon as the judge ascertains that the child is under the age of 14, he or she must pronounce a sentence of acquittal because the defendant is not criminally responsible¹¹⁴.

A child over the age of 14 years can be considered criminally-responsible if he/she is able to understand and take action. The penalty, in this case, is diminished¹¹⁵.

To ascertain whether the child is fully aware of his or her criminal behaviour and therefore can be considered criminally responsible for the crime committed¹¹⁶, the public prosecutor

¹⁰⁶ Information collected in writing by Italian authorities.

¹⁰⁷ *ibid.*

¹⁰⁸ Information collected in writing by Italian authorities.

¹⁰⁹ [Article 77 Code of Criminal Procedure.](#)

¹¹⁰ [Article 27 Constitution of the Italian Republic.](#)

¹¹¹ [Article 533 Code of Criminal Procedure.](#)

¹¹² Where a child under the minimum age of criminal responsibility commits an act that would otherwise be considered a criminal offence, the matter is not dealt with in criminal proceedings. Further information on how such children are dealt with in any other judicial proceedings is provided in the Civil and Administrative reports as appropriate.

¹¹³ [Article 97 and Article 98 Italian Penal Code.](#)

¹¹⁴ [Article 26 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹¹⁵ [Article 85 and Article 98 Italian Penal Code.](#)

and the judge gather the relevant information about his or her personal and familiar conditions and the social environment where he or she lives¹¹⁷. In their assessment, the public prosecutor and the judges also take into account any mental and physical disability¹¹⁸.

When over the age of 14, the child's ability to understand and take action is assessed by the judge on a case-by-case base and always bearing in mind the social relevance¹¹⁹ of the crime committed¹²⁰.

No deprivation of liberty measures can be imposed on children under the age of 14¹²¹.

2.3.2 Provision of information

As a key principle of the juvenile justice system the judge has to verbally describe the meaning of the trial to the child defendant¹²².

The date of the preliminary hearing will be communicated to the child defendant through a decree¹²³.

The information on guarantee and the decree must also be notified to the parents or to the guardian¹²⁴. If this provision is not respected, all acts performed during and after the proceedings will be considered invalid¹²⁵.

The judge has to verbally describe the meaning of the trial to the child defendant¹²⁶. The National Observatory for Childhood and Adolescents, in charge of drawing up official documents concerning childhood and adolescence, has recommended that the police, the legal counsel and the public prosecutor, and not only the judge, should provide sufficient information to the child defendant on the meaning of the proceedings¹²⁷ taking into account the child's maturity¹²⁸.

The social services of the juvenile justice administration support the child, providing the information he or she needs in a manner that the child, especially the foreign child, can easily understand¹²⁹. Moreover as mentioned in section [2.1.5](#), the presence of an interpreter for children that do not speak and understand Italian is guaranteed during the proceedings and it is free of charge.

¹¹⁶ [Ministry of Education 'Criminal responsibility and children: the role of the school director'](#) (last accessed on 13 December 2012).

¹¹⁷ [Article 9 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹¹⁸ Information gathered through interview with stakeholders.

¹¹⁹ [Article 9 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹²⁰ [Viale S., 'Juvenile Justice in Italy'](#) (last accessed on 13 December 2012).

¹²¹ Information gathered through interview with stakeholders.

¹²² [Article 1 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹²³ [Article 31 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹²⁴ [Article 7 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹²⁵ [Article 179 Code of Criminal Procedure](#).

¹²⁶ [Article 1 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹²⁷ [Save the Children 'Report on legislation and practices identified in Italy using the transnational framework of analysis'](#) (last accessed on 7 December 2012).

¹²⁸ Information collected in writing by Italian authorities.

¹²⁹ Information gathered through interview with stakeholders.

2.3.3 Immediate actions following first contact with police or other relevant authority

Immediately following the arrest, the police inform the public prosecutor, the parents or guardian and the social service for children of the juvenile justice administration. The public prosecutor sees then that the child is immediately taken to a reception centre (described in [section 1](#))¹³⁰. The public prosecutor, taking into account the age and family situation of the child, can also order that the child is taken to his or her parents' home. The parents will then be in charge of supervising him or her. He or she will have to remain there at the disposal of the public prosecutor¹³¹. However, Italian legislation¹³² does not give the arrested child or the child in police custody the right themselves to directly contact the parents or the guardian¹³³.

For very serious crimes, where the child is caught in the act of an intentional crime for which the law prescribes life imprisonment or imprisonment of not less than five years, the police may accompany the child to their offices and hold him/her for the time strictly necessary before the parents or the guardian are identified. Once the parents are identified, the child is consigned to the parents or the guardian. Nonetheless, he or she has to remain at the disposal of the public prosecutor. In any case, the child cannot be kept by the police for more than twelve hours¹³⁴. In addition, in this case, if the police fail to inform the parents of the child or the guardian, actions performed during and after the proceedings can be declared invalid¹³⁵. When the police cannot identify the parents (as in the case of foreign unaccompanied children) or they are not able to take care of the child, the judge can order that the child is placed in an educational community¹³⁶.

The child is immediately informed of his or her rights to legal representation and assistance by the police. However, the police are not entitled to interview the arrested child¹³⁷. No question about the commission of the offence is asked before the parents or the legal representative arrive¹³⁸.

2.3.4 Conditions for pre-trial detention/ custody

A detention measure during the pre-trial phase can be applied only to the child that has committed a serious crime carrying a sentence of life imprisonment or imprisonment for more than nine years¹³⁹.

The judge can decide to detain when there is a risk to the collection of evidence for the investigation, when the child has already tried to escape, when there is a concrete risk that he/she will try to escape as well as when there is a concrete risk that the child will commit the same type of crime again or another serious crime¹⁴⁰.

The duration of detention during the pre-trial phase laid down by the Code of Criminal Procedure are, however, reduced by half for the crimes committed by a person aged

¹³⁰ [Article 18 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹³¹ [Article 18 bis Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹³² *ibid.*

¹³³ Information collected in writing by Italian authorities.

¹³⁴ [Article 18 bis Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹³⁵ Information gathered through interviews with stakeholders.

¹³⁶ [Article 18 bis Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹³⁷ Information collected in writing by Italian authorities.

¹³⁸ Information gathered through interview with stakeholders.

¹³⁹ [Article 23 and Article 36 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴⁰ *ibid.*

between 16 and 18 and by two third for the crimes committed by a child aged between 14 and 16¹⁴¹.

During the investigation phase, suspects aged between 14 and 21 years may be detained in penal institutes for children (see [section 1](#) for further details on penal institutes for children).

When a young offender detained in penal institutes for children reaches 21 years of age, he/she is transferred to a detention centre for adults. As a general rule, in detention centres for adults, a separation between prisoners aged between 21 and 25 and prisoners over the age of 25 is guaranteed¹⁴².

In taking the decision to order any pre-trial measure against a child offender, the judge must take into account the educational needs of the child¹⁴³ and must assesses whether the measure is adequate to the circumstances and the seriousness of the offence¹⁴⁴.

When imposing a pre-trial measure, the judge must entrust the child to the Juvenile Justice Services which will provide support and supervision in cooperation with the local welfare offices¹⁴⁵.

The judge can also order the following pre-trial measures as an alternative to detention:

- **Prescriptions.** After hearing the person holding parental responsibility, the judge may impose on the child specific prescriptions relating to education or work or other activities useful for the child's education. The judge may decide to place the child under home confinement if the prescriptions are repeatedly violated¹⁴⁶;
- **Home confinement.** The court can confine the child to his or her family residence or other private residence. The court may also impose limits or restrictions on the right of the child to communicate with persons other than those who cohabit with him/her. However, the court can allow the child to leave the residence for study and work reasons or for any other activity useful to his or her education. The parents are the child's supervisors and they should actively cooperate with the children's social services within the juvenile justice administration. The parents are required not to impede the checks and controls carried out by the Juvenile Court. In the case of serious and repeated violations of the obligations imposed or in the event of unjustified leave from home, the court may order the measure of placement in an educational community (see [section 1](#) for further details on educational communities)¹⁴⁷;
- **Placement in an educational community.** The court can order that the child be placed in a specialised educational community and follow specific school and educational activities. In the case of serious and repeated violations of the obligations imposed on the child or if he or she leaves the community without justification, the judge can order a detention measure (for further details see section [3.1.3](#))¹⁴⁸.

¹⁴¹ [ibid.](#)

¹⁴² [Article 14 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'](#).

¹⁴³ [Article 19 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴⁴ [Article 275 Code of Criminal Procedure.](#)

¹⁴⁵ [Article 19 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴⁶ [Article 20 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴⁷ [Article 21 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁴⁸ [Article 22 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

2.3.5 Protection of private and family life

The publication of the name and images or other information that could directly or indirectly lead to the identification of a child involved in criminal proceedings is forbidden for child victims and witnesses. However, if the judge allows the public to attend the hearings, images of the child defendant can be disseminated during trial¹⁴⁹.

Hearings involving children in the trial phase are held behind closed doors. However, the defendant aged at least 16 years of age is entitled to request a public hearing. The Juvenile Court must decide after assessing the legitimacy of such request, in the sole best interests of the defendant. Such a request must not be granted when one or more defendants are aged below 16 years of age or disagree¹⁵⁰.

The rules concerning information given by the media about children described in section [2.1.3](#) also apply to the child offender unless the hearing is a public one.

2.3.6 Alternatives to judicial proceedings

No alternatives to judicial proceedings are laid down¹⁵¹. However, after the opening of the judicial proceedings the possibility of alternative measures exists aimed at allowing the child to leave the proceedings as soon as possible (for further details see section [3.1.2](#)).

During the preliminary investigation, the public prosecutor can ask the judge to pronounce a sentence of acquittal for criminal irrelevance of the fact if the child has not committed a serious offence, if his/her behaviour is occasional and if the criminal proceedings may jeopardise his/her education¹⁵².

2.3.7 Minimising the burden of proceedings and ensuring a child friendly environment

The child defendant is continually supported by his or her parents and by the services of the juvenile justice administration as described in section [2.1.4](#).

As a general rule, respect for the dignity of any individual is ensured during the proceedings. In addition, the use of handcuffs is forbidden for children¹⁵³.

The child must be heard in the presence of the parents or guardian. However, the child's parents are not obliged to attend the hearing. The judge might prohibit the parents from attending the hearing in the child's best interests¹⁵⁴.

Moreover as explained in section [2.1.6](#), one cannot sue for damages in the juvenile criminal proceedings and no compensation for the damage resulting from the crime can be sought¹⁵⁵.

2.3.8 Protecting the child during interviews and when giving testimony

During the preliminary investigations, the public prosecutor who interviews the child may ask the help of a psychologist in assessing the child's maturity¹⁵⁶.

When a child under pre-trial detention (see section [2.3.4](#)) is interviewed by the judge for preliminary investigations, video-recording is provided. In that case, the child's statements have the value of evidence¹⁵⁷.

¹⁴⁹ [Article 13 Decree of the President of Republic n.448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁵⁰ Information collected in writing by Italian authorities.

¹⁵¹ Information gathered through interviews with stakeholders.

¹⁵² [Article 27 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁵³ Information collected in writing by Italian authorities

¹⁵⁴ *ibid.*

¹⁵⁵ [Article 10 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁵⁶ Information collected in writing by Italian authorities.

During the trial phase, if the defendant is a child, the court hearings are held behind closed doors. A defendant who is over the age of 16 years may request a public hearing. The court decides whether to proceed with a public hearing in the interest of the child. However, the request cannot be accepted if there are child co-defendants under the age of 16 or if one or more co-defendants does not agree to a public hearing. The examination of the defendant is carried out by the President of the Court. The other judges, the public prosecutor and the legal counsels can put questions to the President to ask to the child defendant¹⁵⁸.

2.3.9 Right to be heard and to participate in criminal proceedings

A decree establishing the date of the preliminary hearing will be sent to the child defendant as well as to the parents or the guardian¹⁵⁹. The social services of the juvenile justice administration will support and provide information to the child in every phase of the proceedings¹⁶⁰.

During pre-trial phase, the alleged child offender can be officially interviewed by the public prosecutor or by the judge for preliminary investigations or by police delegated for that purpose by the public prosecutor¹⁶¹. The child can also ask to be heard by the public prosecutor after having received the notice that preliminary investigations are concluded¹⁶². In this case, the public prosecutor must hear the child¹⁶³.

During the trial phase, the public prosecutor has the option to hear the child, but is not obliged to do so. However, the child defendant cannot be considered as a witness and therefore he/she can also choose to remain silent or can refuse to be interviewed¹⁶⁴. Also in the case of a child defendant the public prosecutor should assess the declaration of the child as it is described in section 2.1.5¹⁶⁵. The child offender can submit any requests through legal counsel¹⁶⁶. The child defendant must attend any stage of criminal proceedings personally or through his/her legal counsel. When the child does not understand the language of the proceedings, the police or the public prosecutor, during preliminary investigations, or the judge during the trial, appoints a Court interpreter¹⁶⁷.

An appeal can be lodged by the child defendant, and by the person holding parental rights, against the decision of the Juvenile Court¹⁶⁸. The child, the parents or the guardian can also seek an appeal against the decision of the Supervising Judge on security measures applied to the child such as prescription, home confinement and detention during pre-trial phase (for further details see section 3.1.2 and section 3.1.3)¹⁶⁹.

¹⁵⁷ *ibid.*

¹⁵⁸ [Article 33 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁵⁹ [Article 31 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁶⁰ [Article 6 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁶¹ Information collected in writing by Italian authorities.

¹⁶² [Article 415 bis Code of Criminal Procedure](#).

¹⁶³ Information collected in writing by Italian authorities.

¹⁶⁴ *ibid.*

¹⁶⁵ *ibid.*

¹⁶⁶ *ibid.*

¹⁶⁷ *ibid.*

¹⁶⁸ [Article 34 Decree of the President of Republic n.448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

¹⁶⁹ [Article 41 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'](#).

2.3.10 Right to legal counsel, legal assistance and representation

The child has the right to nominate a legal counsel¹⁷⁰ through his/her parents or guardian¹⁷¹.

In the case where he or she does not have one, he or she has the right to have a public legal counsel chosen by the Juvenile Court who is specifically trained on issues concerning juvenile criminal justice¹⁷². As described in section [2.1.7](#) legal aid is free for the accused, the victim, and the damaged party that have limited means¹⁷³.

2.3.11 Remedies or compensation for violation of rights and failure to act

The mechanism of reviewing sanctions imposed on children or adults is ensured through appeal to the Court of Appeal and the Court of Cassation¹⁷⁴.

Compensation for damages can be requested by acting as civil party in criminal proceedings where the defendant is an adult. This is not possible when the defendant is a child. However, in this case the injured party can claim damages before the Civil Court¹⁷⁵.

¹⁷⁰ [Article 96 Code of Criminal Procedure.](#)

¹⁷¹ Information gathered through interviews with stakeholders.

¹⁷² [Article 11 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁷³ [Article 98 Code of Criminal Procedure.](#)

¹⁷⁴ Information collected in writing by Italian authorities.

¹⁷⁵ *ibid.*

3 Child-friendly justice after judicial proceedings

3.1 The child as a victim or offender

The enforcement of a conviction (supervising stage) applies only to children and young offenders convicted by a final and enforceable decision. Therefore, most of the information following concern exclusively children and young offenders. Rules on victims, especially concerning provisions of information, will be dealt with in the relevant paragraph below.

3.1.1 Provision of information

Please see section [2.1.2](#) concerning the information provided to victims by the competent authorities, legal counsel or legal representatives (parents, guardians or special legal representatives) as the same rules apply also after judicial proceedings.

Moreover, at the end of the proceedings, especially in case of conviction of a child offender, the judge must explain the reasons which led to his/her decision. This aims at allowing the child to think about his/her own conduct and to avoid recidivism¹⁷⁶. However, in case of the child victim, the judge is not obliged to justify the reasons of his/her decisions¹⁷⁷.

In case of victim-offender mediation (see section [2.1.4](#)), all relevant information can be provided to the victim by the services of the juvenile justice system (see [section 1](#)) or the local social services¹⁷⁸.

No specific rules concerning explanation to child victims of available legal remedies were identified.

3.1.2 Sentencing

The justice system acts on the basis of the fundamental right to education. The principles governing criminal proceedings are the promotion of education and the development of the sense of responsibility of the child. To that aim, educational projects for each and every child-offender focusing on behavioural requirements, schooling commitments and training activities are created. Such projects also aim at rendering the child responsible for their implementation¹⁷⁹.

The following are considered specific alternative sentences to detention:

- placement under the supervision of social services¹⁸⁰;
- home detention¹⁸¹;
- semi-custody¹⁸²;
- early release¹⁸³;
- conditional release¹⁸⁴.

¹⁷⁶ Information collected in writing by Italian authorities.

¹⁷⁷ *ibid.*

¹⁷⁸ *ibid.*

¹⁷⁹ [UNCRC 'Consideration of reports submitted by States parties under Article 44 of the Convention, Third periodic report of States parties due in 2003' Italy \(last accessed on 2 October 2012\).](#)

¹⁸⁰ [Article 47 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

¹⁸¹ [Article 47 *ter* Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

¹⁸² [Article 50 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

¹⁸³ [Article 54 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

¹⁸⁴ [Article 176 Criminal Code.](#)

Specific measures are applied to allow the child to leave criminal proceedings as soon as possible¹⁸⁵ and ensure the child's quick rehabilitation and re-integration into the community¹⁸⁶:

- **Immediate declaration of absence of criminal responsibility.** At every stage of the proceedings, when the judge ascertains that the defendant is under the age of 14, he or she must pronounce a sentence of acquittal because the defendant is not criminally responsible¹⁸⁷.
- **Acquittal for criminal irrelevance of the fact.** During the preliminary investigation, the public prosecutor can ask the judge to pronounce a sentence of acquittal for criminal irrelevance of the fact if the child has not committed a serious offence, his/her behaviour is occasional and the criminal proceeding could jeopardise his/her education¹⁸⁸.
- **Suspension of the trial with probation.** The judge can suspend the proceedings for no longer than three years and entrust the child to the social service for children of the juvenile justice administration for a probationary period. During this, the child undertakes educational and work projects that are aimed at supporting him/her while his/her behaviour is assessed. The suspension is revoked in case of repeated violations of the rules imposed by the social service for children of the juvenile justice administration¹⁸⁹. At the end of the probationary period, the judge can revoke the offence if deemed that the probation period has given a positive result and the child has become more responsible and mature¹⁹⁰. This measure can be considered as a diversionary measure when applied during trial or as a probationary measure when applied before sentencing the child alleged offender¹⁹¹.
- **The judicial pardon.** It occurs when, taking into account the nature and gravity of the offence committed, the judge decides not to continue with the trial, considering that the child will not commit any further offence. The judicial pardon can be granted only once¹⁹².
- **Conditional suspended sentence.** The court may order that the carrying out of the sentence imposed on the child be suspended for five years, if the sentence involved deprivation of liberty for up to three years¹⁹³.

Social or psychological support is provided to a child sentenced to alternative measures to detention¹⁹⁴.

The Italian legal system does not lay down the possibility of immediately enforcing provisional decisions. In fact, the abovementioned measures, allowing the child offender to leave criminal proceedings, must be a final judgement in order to be carried out¹⁹⁵.

The death penalty is forbidden in Italy and children cannot be sentenced to life imprisonment¹⁹⁶.

¹⁸⁵ [Save the Children 'Report on legislation and practices identified in Italy using the transnational framework of analysis' \(last accessed on 7 December 2012\).](#)

¹⁸⁶ Information collected in writing by Italian authorities.

¹⁸⁷ [Article 26 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁸⁸ [Article 27 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁸⁹ [Article 28 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁹⁰ [Article 29 Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁹¹ Giostra, G., *Criminal Juvenile Justice Proceedings. Comment to the Decree of the President of Republic 488/1988* (Giuffrè Editore, Torino, 2001) 290.

¹⁹² [Article 169 Italian Penal Code.](#)

¹⁹³ [Article 163 Italian Penal Code.](#)

¹⁹⁴ Information collected in writing by Italian authorities.

¹⁹⁵ *ibid.*

See section [2.3.11](#) regarding the possibility for the child to appeal against a decision of the Juvenile Court.

3.1.3 Deprivation of liberty

The deprivation of liberty is considered only as a measure of last resort. It can be imposed only when the child poses a relevant threat to society¹⁹⁷.

Concerning the provisions covering detention during the pre-trial phase, see section [2.3.4](#).

Detention as a sentence can be applied only to the child that committed a serious crime for which the penalty of life imprisonment or imprisonment for more than 9 years is laid down¹⁹⁸.

The detention imposed on persons aged between 14 and 21 years of age is implemented in penal institutes for children. The penal institutes for children function in cooperation with the other services of the juvenile justice, to ensure that the educational aim of the penalty is guaranteed, as explained in [section 1](#)¹⁹⁹.

When they become 21, young detainees in penal institutes for children are transferred to detention centres for adults²⁰⁰. However, a separation between persons aged between 21 and 25 and other prisoners is guaranteed²⁰¹.

As a general rule, all detainees have the right to file a written or oral complaint to the director of the detention centre or to the Supervising Judge²⁰².

3.1.4 Criminal records

The record of judicial proceedings of children is deleted from the criminal record when they reach 18 years of age. Children's records can only be exchanged between judicial authorities²⁰³. The record relating to legal pardons are deleted at the age of 21 and the record related to the measures of custodial sentence - even if conditionally suspended - are not deleted from the criminal records²⁰⁴.

¹⁹⁶ [UNCRC 'Consideration of reports submitted by States parties under Article 44 of the Convention, Third periodic report of States parties due in 2003' Italy \(last accessed on 2 October 2012\).](#)

¹⁹⁷ [L'altro diritto, 'The D.P.R. 448/88 and its implementation' \(last accessed on 13 November 2012\).](#)

¹⁹⁸ [Article 23 and Article 36 of Decree of the President of Republic n. 448/1988 'Approval of provisions on the criminal procedures applicable to juvenile offenders'.](#)

¹⁹⁹ [Penal institute for children, Ministry of Justice \(last accessed on 4 December 2012\).](#)

²⁰⁰ [Article 14 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

²⁰¹ [Article 14 Law n. 354/1975 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

²⁰² [Article 75 Decree of the President of Republic n. 230/00 'on penitentiary system and on the execution of measures depriving or limiting liberty'.](#)

²⁰³ Information collected in writing by Italian authorities.

²⁰⁴ [Article 5 Decree of the President of Republic n. 313/2002 'Single Act of laws and regulations on criminal records, the register of administrative sanctions resulting from crime and related pending proceedings'.](#)

4 Strengths and potential gaps

Strengths

The current system has incorporated most of the international standards and norms related to juvenile justice. This is also proved by the fact that the Italian legislation provides that the deprivation of liberty is applied to children only as a last resort.

The Juvenile Court is composed of professional judges with specialised knowledge in child-related fields and lay judges chosen among psychologists, psychiatrists and other experts in fields relevant to the juvenile criminal justice²⁰⁵. Public prosecutors working at the Juvenile Court are also specialised in children related issues. This aspect of the juvenile justice system guarantees a balance between satisfying the need to assess the seriousness of the crime and its consequences and understanding the personality of the child and his/her educational needs²⁰⁶. The Juvenile Court is supported in its activity by specialised police officers.

The provisions covering the appointment of a special legal representative play an important role in the protection of children's rights and interests²⁰⁷.

Social services of the juvenile justice administration and of the local authorities play an important role in supporting children involved in criminal judicial proceedings. Moreover, voluntary sector bodies, such as NGOs and human rights protection organisations, are active in the Italian juvenile justice system²⁰⁸. They support the child by providing help in making complaints and reporting crimes to the competent authorities²⁰⁹; by managing communities and post-release structures aimed at the reintegration of the child and by organising employment training and providing assistance in the reintegration of the child into the labour market²¹⁰.

Gaps

During the pre-trial phase, the child can be heard by the police who can ask for the support of experts and psychologists during the hearing. However, the presence of a psychologist is not mandatory; indeed, there are no official guidelines describing how the child should be questioned²¹¹. The police can question the child under investigation only if authorised by the public prosecutor; hence the child's hearing is not entirely a police responsibility. The child's parents or guardian must be present. The public prosecutor is entitled to appoint an expert in children's issues²¹².

During the trial phase, the judge can decide to hear the child but there are no official guidelines describing how a child should be questioned. The provisions establishing a more favourable treatment to the child are not mandatory and they can be applied by the judge on a case-by-case basis depending on the personality, age or maturity of the child. Moreover,

²⁰⁵ Manna A., Infante E., *Criminal Justice Systems in Europe and North America, Italy*, (EUNI, Helsinki, 2000)

²⁰⁶ Information gathered through interviews with stakeholders.

²⁰⁷ [Save the Children, 'Access to Justice for Children at risk of social exclusion in Greece Italy and Spain'](#) (last accessed 11 December 2012).

²⁰⁸ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

²⁰⁹ Information gathered through interview with stakeholders.

²¹⁰ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy' (Istituto degli Innocenti, Florence, 2006).

²¹¹ *ibid.*

²¹² Information collected in writing by Italian authorities.

the interlocutory witness exam cannot be asked by the child victim of the offence but only by the judge, the public prosecutor and the person accused of the offence²¹³.

The special legal representative of the child plays an important role during judicial proceedings in promoting and protecting the best interests of the child²¹⁴. Although there is no official list of children's special legal representatives when appointing the child's special legal representative, the judge generally refers to experts in juvenile rights.

It is not obligatory to provide official information such as notices and decrees in a child-friendly manner²¹⁵. However, the judge must ascertain that the child has actually understood any aspects of the proceedings involving him/her²¹⁶.

Although the juvenile criminal system is based on respect for the educational needs of the child, and on the necessity for the child to leave criminal proceedings as soon as possible so as to avoid interrupting his or her development, one of the main problems in Italy is the length of proceedings. This is often due to a lack of financial and human resources. There are no legislative measures to guarantee a maximum time limit for proceedings²¹⁷.

The juvenile justice system does not differentiate between Italian and non-national children. The authorities might encounter difficulties in notifying information on guarantees or other notices to non-national children and their parents²¹⁸. This can happen when the parents are not present in the national territory (as in case of unaccompanied children) or when it is difficult to identify and locate them (as in the case of certain Roma children)²¹⁹. However, non-national child offenders are informed of any activities in the proceedings by means of a court-appointed interpreter. When the parents or at least adult relatives assisting the non-national child cannot be found, the judge may appoint a legal representative.

Non-national children who have no parents or families present on the national territory might have difficulties in enjoying alternative measures to detention for which the presence of the family and, often, of parents in the role of supervisors, is required²²⁰. To overcome such difficulties, the judge (in the stage before its final decision) and the Supervising Judge (in the stage after judicial proceedings) may order alternative measures to detention placing the non-national child in appropriate community settings.

²¹³ CRC, 'Day of General Discussion 15 September 2006: To Speak, Participate and Decide – The Child's Right to Be Heard. Analysis of the practice in the field of the hearing of child victims of violence- Italy (Istituto degli Innocenti, Florence, 2006).

²¹⁴ [Save the Children, 'Access to Justice for Children at risk of social exclusion in Greece Italy and Spain'](#) (last accessed 11 December 2012).

²¹⁵ Information gathered through interview with stakeholders.

²¹⁶ Information collected in writing by Italian authorities.

²¹⁷ [Save the Children, 'Report on Legislation and Practices Identified in Italy Using the Transnational Framework of Analysis'](#) (last accessed on 11 December 2012).

²¹⁸ Padovani A., Brutto S., 'Qualifying elements of a good practice: some intervention praxis of inclusion and treatment with young offenders in Italy', IJJO, Juvenile justice System in Europe: Current Situation, Trends in applicable models and good practices.

²¹⁹ Information gathered through interview with stakeholders.

²²⁰ Padovani, A., Brutto, S., 'Qualifying elements of a good practice: some intervention praxis of inclusion and treatment with young offenders in Italy', IJJO, Juvenile justice System in Europe: Current Situation, Trends in applicable models and good practices.

Conclusions

The main national legal instrument related to juvenile justice is Presidential Decree n.448 of 1988 complemented by the Penal Code and the Code of Criminal Procedure. The juvenile justice system is based on principles that are aimed at protecting children's interests and their right to education. The structure of the criminal justice proceedings balances the re-education of the child offender and the interest of the State in punishing his or her behaviour. The Juvenile Court is competent for the crimes committed by children. The police, the juvenile judicial authorities and the services of the juvenile justice as well as the legal counsels working with children are specialised in issues concerning children and follow specific training. The Penal Code and the Code of Criminal Procedure foresees safeguards for child victims and witnesses.

The following strengths of the Italian juvenile criminal system have been identified:

- The current system has incorporated most of the international standards and norms related to juvenile justice and this is also proved by the fact that the Italian legislation provides that deprivation of liberty is applied to children as a last resort measure.
- The composition of the Juvenile Court (professional judges and experts in children's related fields) as well as the public prosecutor specialised in children issues respect the balance between satisfying the need to assess the seriousness of the crime and its consequences, and the need to understand the personality of the child and his/her educational needs;
- The provisions concerning the appointment of a special legal representative for criminal proceedings promote the best interests of the child;
- Social services of the juvenile justice administration and of the local authorities as well as NGOs and other organisations are active in protecting children's rights managing communities and re-educational centres and in providing mediation.
- The following gaps in the Italian juvenile criminal system have been identified.
- To date, there are no specific guidelines covering how the child should be interviewed by the police and-by judicial authorities;
- It is not obligatory to provide information in official documents in a child-friendly manner;
- No specific training or experience is required for the special legal representatives for the child during proceedings;
- There are no legislative measures to guarantee a maximum time limit of proceedings and ensure that children exit the criminal justice circuit as soon as possible:
- The authorities might encounter difficulties in notifying information on guarantees or other notices to non-national children and their parents. However, non-national child offenders are informed of any activities in the proceedings by means of a court-appointed interpreter and when there are no parents or adults assisting the child, the judge may appoint a special representative. While no specific measures exist to ensure that non-national children enjoy alternative measures to detention when the presence of the family is not possible, the judge may order alternative measures to detention, placing the child in suitable community settings.

In conclusion, the following measures would contribute to strengthen the rights of children in criminal judicial proceedings in Italy: adoption of guidelines on how the relevant authorities should question and inform children using a child friendly language; provision of mandatory training for special legal representatives; protection of the right of foreign children in receiving adequate information and in enjoying alternative measure to detention.

Annex – Legislation reviewed during the writing of this report

- Regulation of 30 March 2006 of the National Roll of Journalists
- Decree of the President of Republic n. 313 14 November 2002 ‘Single Act of laws and regulations on criminal records, the register of administrative sanctions resulting from crime and related pending proceedings’.
- Decree of the President of Republic n. 230 of 30 June 2000 ‘on penitentiary system and on the execution of measures depriving or limiting liberty’
- Law n. 269 of 3 August 1998 ‘on exploitation of prostitution, pornography, sexual tourism as new forms of slavery’.
- Treviso Chart of 5 October 1990
- Code of Criminal Procedure of 22 September 1988
- Decree of the President of Republic n. 448 of 22 September 1988 ‘Approval of provisions on the criminal procedures applicable to juvenile offenders’
- Law n. 354 of 26 July 1975 ‘on penitentiary system and on the execution of measures depriving or limiting liberty’
- Italia Civil Code of 16 March 1942
- Code of Civil Procedure of 28 October 1940
- Italian Penal Code of 19 October 1930