

# Italy

## 2025

### National Child Protection Legislation

#### National Legislation

- Age of Child: **14 years of age**  
[Italian Penal Code](#)

#### **Art. 609 ter – Aggravating circumstances**

The penalty established by Article 609 bis is increased by one third if the acts described therein are committed:

1) against a person of whom the offender is the ascendant, parent, including adoptive parent, or guardian;

...

5) against a person under the age of eighteen;

...

5 sexes) if the offense is committed with serious violence or if the act causes serious harm to the minor due to the repetition of the conduct;

5 septies) if the act causes danger to the life of the minor.

The penalty established by Article 609 bis is increased by half if the acts referred to therein are committed against a person under the age of fourteen. The penalty is doubled if the acts referred to in Article 609 bis are committed against a person under the age of ten.

#### **Art. 609 quater - Sexual acts with a minor**

Anyone who carries out sexual acts with a person who, at the time of the fact, is subject to the penalty established by article 609-bis, outside the hypotheses provided for in that article:

1) has not completed the age of fourteen;

2) is under the age of sixteen, when the culprit is the ascendant, the parent, even the adoptive one, or his cohabitant, the guardian, or another person whom, for reasons of care, education, instruction, supervision or in custody, the minor is in custody or who has a cohabitation relationship with the latter.

Except as provided for in Article 609-bis, the ascendant, the parent, even adoptive, or his cohabitant, the guardian, or another person whom, for reasons of care, education, instruction, supervision or custody, the minor is in custody, or who has a cohabitation relationship with the latter, who, with the abuse of the powers connected to his

position, carries out sexual acts with a minor person who has reached the age of sixteen, is punished with imprisonment three to six years.

Except as provided for in the preceding paragraphs, anyone who engages in sexual acts with a minor who has reached the age of fourteen, abusing the trust enjoyed by the minor or the authority or influence exercised over the minor by reason of their position, office, or family, domestic, work, cohabitation, or hospitality relationships, is punishable by up to four years of imprisonment.

The penalty referred to in Article 609 ter, second paragraph, shall apply if the victim is under the age of ten.

- Age of Consent: **14 years of age**

[Italian Penal Code](#)

**Art. 609 quater - Sexual acts with a minor**

Anyone who carries out sexual acts with a person who, at the time of the fact, is subject to the penalty established by article 609-bis, outside the hypotheses provided for in that article:

- 1) has not completed the age of fourteen;
- 2) is under the age of sixteen, when the culprit is the ascendant, the parent, even the adoptive one, or his cohabitant, the guardian, or another person whom, for reasons of care, education, instruction, supervision or in custody, the minor is in custody or who has a cohabitation relationship with the latter.

Apart from the cases provided for by article 609-bis, the ascendant, the parent, even adoptive, or his cohabitant, the guardian, or another person whom, for reasons of care, education, instruction, supervision or custody, the minor is in custody, or who has a cohabitation relationship with the latter, who, with the abuse of the powers connected to his position, carries out sexual acts with a minor person who has reached the age of sixteen, is punished with imprisonment three to six years.

A minor who, outside the hypotheses provided for in article 609-bis, carries out sexual acts with a minor who has reached the age of thirteen is not punishable, if the age difference between the subjects is not more than three years. In less serious cases, the penalty is reduced by not more than two thirds.

The penalty referred to in Article 609 ter, second paragraph, shall apply if the victim is under the age of ten.

- Age of Marriage: **18 years of age or 16 years of age with court consent**

[Italian Civil Code](#)

**Art. 84 – Age**

((Minors cannot marry.))

The court, at the request of the interested party, having ascertained their psycho-physical maturity and the validity of the reasons given, heard the public prosecutor,

parents or guardian, can by decree issued in the council chamber to admit for serious reasons to the marriage who has reached the age of sixteen.

The decree is communicated to the public prosecutor, to the spouses, to the parents and guardian.

A complaint can be lodged against the decree, with recourse to the court of appeal, within the peremptory term of ten days from communication.

The appellate court decides with an unchallengeable order, issued in Council chamber. The decree takes effect when the foreseen term has expired in the fourth paragraph, without a complaint being made)).

- Age of Criminal Responsibility: **14 years of age**

#### [Italian Penal Code](#)

##### **Art. 97 – Under the age of fourteen**

A person is not criminally responsible if, at the time the offence was committed, they had not yet reached the age of fourteen

##### **Art. 98 – Under the age of eighteen**

A person is criminally responsible if, at the time the offence was committed, they had reached the age of fourteen but had not yet turned eighteen, provided they had the capacity to understand and to will; however, the penalty shall be reduced.

When the custodial sentence imposed is less than five years, or when a pecuniary penalty is applied, no accessory penalties shall follow the conviction. If a more severe penalty is imposed, the conviction entails only disqualification from holding public office for a period not exceeding five years, and, in cases provided by law, suspension from the exercise of parental responsibility."

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- Extraterritoriality

#### [Italian Penal Code](#)

##### **Art. 6 – Crimes committed in the territory of the State**

Anyone who commits a crime in the territory of the State is punished according to Italian law. The offense is considered to have been committed in the territory of the State, when the action or omission, which constitutes it, took place there in everything or in part, or the event that is there has occurred as a consequence of the action or omission.

##### **Art. 7 – Offenses committed abroad**

The citizen or foreigner who commits any of the following in a foreign territory is punished according to Italian law:

- 1) crimes against the personality of the State;
- 2) crimes of counterfeiting the seal of the State and use of this counterfeit seal;
- 3) crimes of counterfeiting in coins having legal tender in the territory of the State, or in revenue stamps or in public papers of Italian credit;
- 4) crimes committed by public officials in the service of the State, abusing their powers or violating the duties inherent in their functions;

5) any other offense for which special provisions of law or international conventions establish applicability of Italian criminal law.

#### **Art. 8 – Political crime committed abroad**

The citizen or the foreigner who commits a political crime not included among those indicated in number 1 of the previous article, is punished according to the Italian law, a request of the Minister of Justice. In the case of a crime punishable upon complaint by the injured party, in addition to this request, a lawsuit is also required. (158) ((159)) For the purposes of criminal law, any crime is a political crime, which offends a political interest of the state, or a citizen politician. It is also considered a common crime if the crime is determined to be a crime, in whole or in part, for political reasons.

#### **Art. 9 – Common crime of citizens abroad**

The citizen, who, except for the cases indicated in the two articles precedents, commits a crime in foreign territory for which the Italian law establishes the death penalty or life imprisonment, or the imprisonment of not less than three years, is punished according to same law, provided that it is in the territory of the State. (5)

If it is a crime for which a penalty is established restrictive of personal freedom of lesser duration, the guilty party is punished at the request of the Minister of Justice, or upon request or a complaint from the injured party.

In the cases provided for by the previous provisions, if it is of a crime committed to the detriment of the European Communities, of a State foreigner or a foreigner, the guilty party is punished at the request of the Minister of Justice, unless his extradition is has been granted, or has not been accepted by the Government of State in which he committed the crime.

In the cases envisaged by the previous provisions, the request of the Minister of Justice or the petition or complaint of the person offense are not necessary for the offenses provided for in articles 320,321 ((,)) ((...)) 346-bis ((, 648 and 648-ter.1)).

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UPDATE (5)

The [D.Lgs. Lieutenancy August 10, 1944, n. 224](#) has ordered (with art. 1, paragraphs 1 and 2) that "For the crimes provided for in the [Criminal Code](#) the death penalty is abolished. When the penalty of death, the penalty of life imprisonment is applied in place of this ".

#### **Art. 13 Extradition**

Extradition is governed by Italian criminal law, international conventions and customs. Extradition is not allowed, if the fact that it is the subject of the extradition request is not foreseen as a crime by Italian law and by foreign law.

Extradition can be granted or offered, even for crimes not provided for in international conventions, provided they do not expressly prohibit it.

The extradition of the citizen is not allowed, unless it is expressly permitted in the international conventions.

[Italian Constitution](#)

**Art. 26**

Extradition of a citizen can be consented to only in cases expressly provided for in international conventions. In no case can it be admitted for political offenses.

- **Dual Criminality**

[Italian Constitution](#)

**Art. 10**

The Italian legal system conforms to the rules of law generally recognized internationally. The legal status of the foreigner is regulated by the law in compliance with international standards and treaties. The foreigner, who is prevented from membership in his country exercise of the democratic freedoms guaranteed by the Italian Constitution, has the right of asylum in the territory of the Republic, according to the conditions established by law.

Extradition of foreigners for political offenses is not allowed. ((5))

- **Mandatory reporting requirements**

[Italian Penal Code](#)

**Art. 361– Interruption of a public service or public need**

The public official, who fails or delays to report to the judicial authority, or to another authority that has the obligation to report, a crime which he became aware of during the year or because of his functions, he is punished with a fine of three hundred lire to five thousand. The penalty is imprisonment for up to one year if the guilty party is a officer or a police officer, who had it anyway news of a crime which he had to report. The previous provisions do not apply in the case of a crime punishable upon complaint by the injured party.

**Art. 362 – Failure to report by a public service officer**

The person in charge of a public service, who omits or delays reporting a crime to the Authority indicated in the previous article, of which he was informed in the exercise or because of the service, is punished with a fine of up to one thousand lire.

This provision does not apply if it is a punishable offense upon complaint of the injured party ((it does not apply to those responsible for the socio-rehabilitative therapeutic communities for acts committed by drug addicts entrusted to carry out the program defined by a public service)).

**Art. 364 – Failure to report a crime by the citizen**

The citizen, who, having received news of a crime against the personality of the State, for which the law establishes the penalty of death or life imprisonment, does not immediately report it to the Authority indicated in article 361, is punished with imprisonment up to a year or with a fine from one thousand to ten thousand lire.

**Art. 365 – Omission of report**

Anyone, having in the exercise of a health profession, provided their assistance or work in cases that they can present the characteristics of a crime for which one must proceed ex officio, omits or delays to report to the authority indicated in article 361, he is punished with a fine of up to five thousand lire.

This provision does not apply when the report would display the person assisted in criminal proceedings.

▪ **Statute of Limitations**

**[Italian Penal Code](#)**

**Art. 158 –Effective date of the limitation period**

The limitation period runs, for the crime committed, from the day of consumption; for the attempted crime, from day in whose activity of the culprit has ceased; for permanent offense or continued, from the day on which the stay or the continued.

When the law makes the punishment of the crime depend on the occurrence of a condition, the limitation period begins from the day the condition occurred. Nonetheless, in the offenses punishable upon complaint, petition or request, the term of the limitation period starts from the day of the crime.

For the offenses provided for by [article 392, paragraph 1-bis, of the code of criminal procedure](#), if committed against a minor, the term of the statute of limitations runs from the completion of the eighteenth year of age of the injured party, unless the criminal action has been exercised previously. In the latter case, the term of the limitation period starts from the acquisition of the crime report.

**Art. 159 –Suspension of the prescription course**

The course of the prescription remains suspended in any case in which the suspension of the proceeding or criminal trial or of the terms of Pre-trial detention is imposed by a particular provision of law, as well as in cases of:

- 1) authorization to proceed, from the date of the provision with which the public prosecutor presents the request until the day on which the competent authority accepts it
- 2) referral of the matter to another judgment, up to the day in which the question is decided
- 3) suspension of the proceeding or criminal trial for reasons impediment of the parties and defenders or upon request of the accused or his counsel. In case of suspension of the trial for impediment of the parties or the defenders, the hearing does not it may be deferred beyond the sixtieth day following the foreseeable cessation of the impediment, having to have regard in otherwise at the time of the impediment increased by sixty days. Without prejudice to the faculties provided for by [article 71, paragraphs 1 and 5, of the criminal procedure code](#) 3-bis) suspension of the criminal proceedings pursuant to [article 420-querter of the criminal procedure code](#) 3-ter) letters rogatory abroad, from the date of the provision that

orders a letter rogatory until the day on which the requesting authority receives the requested documentation, or in any case six months have elapsed from provision that orders the rogatory.

- **Obligations of Educational Institutions**

- [Code of Criminal Procedure](#)

- **Article 331 - Report by public officials and persons in charge of a public service**

- 1. Without prejudice to the provisions of Article 347, public officials and persons in charge of a public service who receive information about an offence subject to prosecution of the Public Prosecutor's motion, while carrying out or because of their functions or their service, must report it in writing, even if the alleged perpetrator of the offence is not identified.
    - 2. The report shall be submitted or forwarded without delay to the Public Prosecutor or a criminal police official.
    - 3. If several persons are to report the same offence, they may also draft and sign one single document.
    - 4. If, during civil or administrative proceedings, an act emerges which may constitute an offence subject to prosecution of the Public Prosecutor's motion, the proceeding authority shall draft and forward the report to the Public Prosecutor without delay.

- **Article 332 Content of the report**

- 1. The report shall contain the description of the essential elements of the alleged offence, the specification of the day when the *notitia criminis* was acquired as well as the sources of evidence which are already known. Whenever possible, the report shall also contain the personal data, the address for service and anything else that may help identify the alleged perpetrator, the victim and whoever may be able to provide information relevant for the reconstruction of the events.

- [Italian Civil Code](#)

- **Article 2049 - Liability of owners and clients**

- Masters and principals are responsible for damages caused by the unlawful acts of their servants and employees in the performance of the duties for which they are assigned.

- [Italian Law 184/1933](#)

- **Art. 9 comma 2**

- 1. Anyone who has the right to report to the public authority situations of abandonment of minors. The public officials, the in charge of a public service, the operators of a public service must report to the prosecutor as soon as possible of the Republic at the juvenile court of the place where the minor finds himself on the conditions of every minor in the situation of abandonment of which they become aware due to their office.
    - 2. Public or private assistance institutes and communities of family type must transmit every six months to the attorney of the Republic at the juvenile court of the place where

they have sent the list of all minors placed with them with the specific indication, for each of them, of the locality of residence of parents, relations with the family and psychophysical conditions of the minor himself. The attorney of the Republic at the Juvenile Court, once the necessary ones have been hired information, asks the court, with an appeal, to declare the adoptability of those among the minors reported or placed with family-type communities or public assistance institutions either private individuals or with a foster family, resulting in situations of abandonment, specifying the reasons.

3. The public prosecutor at the tribunal for minors, who transmits the documents to the same court with report informative, every six months, carries out or orders inspections in the public or private assistance institutions for the purposes referred to in paragraph 2.

It can carry out extraordinary inspections at any time.

4. Anyone who, is not a relative within the fourth degree, welcomes a minor permanently into their home, if the reception lasts for a period of more than six months, must have elapsed this period, notify the public prosecutor at the Juvenile Court. Omission of reporting it may result in the inability to obtain family custody adoptive parents and the incapacity to the tutelary office.

5. Within the same term referred to in paragraph 4, the same notification must be carried out by the parent who permanently entrusts to anyone who is not a relative within the fourth degree of the minor child for a period not less than six months. Failure to report may result in the forfeiture of (*parental responsibility*) on the child in accordance with the law of [article 330 of the civil code](#) and the opening of the procedure adoptability.

- **Prohibition to hold certain positions**

- [Italian Penal Code](#)

- Art. 609-nonies – Ancillary penalties and other criminal effects**

- The sentence or the application of the penalty at the request of the parties under [Article 444 of the Code of Criminal Procedure](#) for any of the offenses provided for in articles 609-bis, 609-ter, 609-quater, 609-quinquies, 609-octies and 609-undecies involves:

- 1) the loss of (*parental responsibility*)), when the parenthood is a constitutive element or aggravating circumstance of the crime;
    - 2) perpetual disqualification from any office pertaining to the guardianship, curatorship and support administration;
    - 3) loss of the right to alimony and exclusion from succession of the injured party;
    - 4) temporary ban from public office; the interdiction from public offices for a period of five years following the sentence of imprisonment from three to five years, without prejudice to any case, the application of article 29, first paragraph, for a perpetual interdiction.
    - 5) suspension from exercising a profession or an art.

Conviction or application of the penalty at the request of the parties is a rule of [article 444 of the Code of Criminal Procedure](#), for any of the crimes provided for in articles 609-bis, 609-ter, 609-octies e 609-undecies, if committed against a person who does not have at the age of eighteen, 609-quater and 609-quinquies, involved in any case, the perpetual ban from any position in schools of every order and degree as well as from every office or service in institutions or other public or private structures frequented mainly by minors.

The sentence for the crimes provided for by article 600-bis, second paragraph, by article 609-bis, in the aggravated cases referred to Article 609-ter, Articles 609-quater, 609-quinquies e 609-octies, in the aggravated cases referred to in the third paragraph of the same article entails, after the execution of the sentence and for one minimum duration of one year, the application of the following measures personal safety:

- 1) The possible imposition of restrictions on movements and on free circulation, as well as the prohibition to approach places habitually frequented by minors.
- 2) The prohibition of carrying out work involving habitual contact with minors.
- 3) The obligation to keep the police bodies informed of their residence and any travel.

Anyone who violates the provisions of the third paragraph is subject to the penalty of up to three years' imprisonment.

- **Criminal Law - Defamation**  
[Italian Penal Code](#)

**Art. 594 – Insult**

Anyone who offends the honor or decorum of a person present is punished with imprisonment for up to six months or with a fine of up to one million lire.

The same penalty is subject to whoever commits the crime by means of telegraphic or telephone communication, or with written documents or drawings, directed to the injured person.

The penalty is imprisonment of up to one year or a fine of up to two million lire, if the offense consists in the attribution of a specific fact.

The penalties are increased if the offense is committed in the presence of more than one person.

**Art. 595 – Defamation**

Anyone, apart from the cases indicated in the previous article, by communicating with more people, offends others reputation, and is punished with imprisonment of up to one year or a fine of up to two million lire.

If the offense consists in the attribution of a specific fact, the penalty and imprisonment of up to two years, or a fine of up to four million lire.

If the offense is brought by the press or by any other means of advertising, or in actuality public, the penalty and imprisonment from six months to three years or a fine of not less than one million lire.

If the offense is brought to a political, administrative or judicial body, or to one of its representatives, or to an authority constituted in college, the penalties have increased.

- **Employment Law**

- [Italian Criminal Code](#)

- **Art. 32-quarter - (Cases in which the conviction results in the inability to contract with the public administration).**

- Any conviction for the crimes provided for in Articles 314, first paragraph, 316-bis, 316-ter, 317, 318, 319, 319-bis, 319-ter, 319-quater, 320, 321, 322, 322-bis, 346-bis, 353, 355, 356, 416, 416-bis, 437, 452-bis, ((452-bis.1,)) 452-quater, 452-sexies, 452-septies, 452-quaterdecies, 501, 501-bis, 640, second paragraph, number 1, 640-bis and 644, committed to the detriment or advantage of a business activity or in any case in relation to it, entail the inability to contract with the public administration.

- **Art. 32-quinquies - (Cases in which the conviction results in the termination of the employment relationship).**

- Except as provided in Articles 29 and 31, a sentence of imprisonment for a term of not less than **((two))** years for the crimes referred to in Articles 314, first paragraph, 317, 318, 319, 319-ter, 319-quater, first paragraph, and 320 also entails the termination of the work or employment relationship with respect to the employee of public administrations or bodies or of bodies with a predominantly public participation.

- **Art. 35. - (Suspension from the practice of a profession or art)**

- Suspension from the practice of a profession or art deprives the convicted person of the ability to practice, during the suspension, a profession, art, industry, or trade or craft, for which a special permit or special qualification, authorization, or license from the Authority is required.

- Suspension from the practice of a profession or art cannot last for less than **((three months))**, nor superior to **((three years))**. It follows any conviction for a contravention, whether committed through abuse of a profession, art, industry, or trade or craft, or through violation of the duties inherent thereto, when the sentence imposed is not less than one year of imprisonment.

- **Cyber Security/Computer Law**

- [Italian Penal Code](#)

**Art. 615 ter**

Anyone who unlawfully gains access to a computer or telematic system protected by security measures, or remains therein against the expressed or implied will of the person entitled to exclude them, shall be punished with imprisonment for up to three years.

The penalty shall be imprisonment from two to ten years:

1. If the act is committed by a public official or a person entrusted with a public service, through abuse of powers or violation of the duties inherent to the office or service, or by anyone exercising, even abusively, the profession of private investigator, or through abuse of the status of system operator;
2. If the perpetrator uses threats or violence against property or persons to commit the act, or is manifestly armed;
3. If the act causes the destruction or damage, or the removal, including by reproduction or transmission, or the inaccessibility to the system's rightful owner, or the total or partial interruption of its functioning, or the destruction or damage of data, information, or programs contained therein.

Where the acts referred to in the first and second paragraphs concern computer or telematic systems of military interest or related to public order, public security, health, civil protection, or in any case of public interest, the penalty shall be imprisonment from three to ten years and from four to twelve years, respectively.

In the case provided for in the first paragraph, the offense is prosecutable upon complaint by the injured party; in all other cases, prosecution shall proceed ex officio.

**Art. 615 quater**

Anyone who, in order to obtain for themselves or others an advantage, or to cause harm to others, unlawfully procures, possesses, produces, reproduces, disseminates, imports, communicates, delivers, makes available to others in any way, or installs devices, tools, components of devices or tools, codes, passwords, or any other means suitable for accessing a computer or telematic system protected by security measures, or otherwise provides instructions or information suitable for such a purpose, shall be punished with imprisonment for up to two years and with a fine of up to EUR 5,164.

The penalty shall be imprisonment from two to six years when any of the circumstances referred to in Article 615-ter, second paragraph, no. 1) applies.

The penalty shall be imprisonment from three to eight years when the offense concerns the computer or telematic systems referred to in Article 615-ter, third paragraph."

**[Law March 18,2008, n° 48](#)**

**Art.1**

The President of the Republic is hereby authorized to ratify the Council of Europe Convention on Cybercrime, signed in Budapest on 23 November 2001, hereinafter referred to as the 'Convention'

- **Private Fostering**  
[Italian Civil Code](#)

**Art. 297– Consent of the spouse or parents**

For the adoption, the consent of the parents and the adopter is required and the consent of the spouse of the adopter and of the adopter, if married and not legally separated.

When the consent provided for in the first paragraph is denied, the court, having heard the interested parties, at the request of the adopter, it can, where considers the refusal unjustified or contrary to the interest adopting, pronounce the adoption in the same way, except that traits of the consent of the parents exercising the ((responsibility parental)) or of the spouse, if cohabiting, of the adopter or adopting. Likewise, the court can pronounce the adoption when it is impossible to obtain consent due to incapacity or unavailability of people called to express it.

**Art. 300 – Rights and obligations of the adopted person**

The adopted person retains all rights and duties towards his own family of origin, subject to the exceptions established by law.

The adoption does not induce any civil relationship between the adopter and the family of the adopted person neither between the adopted person and the relatives of the adopter, subject to the exceptions established by law.

## Sexual Offenses Against Children

- **Child Pornography**  
[Italian Penal Code](#)

**Article 600-ter – “Child pornography”**

Whoever, through the involvement of persons under the age of eighteen, performs pornographic exhibitions or shows, or produces pornographic material(3)(9), shall be punished with imprisonment from six to twelve years and with a fine ranging from EUR 24,000 to EUR 240,000.

The same penalties shall apply to anyone who recruits or induces persons under the age of eighteen to participate in pornographic exhibitions or shows, or who otherwise derives profit from such performances.

The same punishment shall apply to anyone who engages in the trade of the pornographic material referred to in the first paragraph.

Unless the conduct falls under the circumstances set out in the first or second paragraph, anyone who, by any means, including electronic communication, distributes, disseminates, circulates, or advertises the pornographic material referred to in the first paragraph, or who distributes or disseminates news or information aimed at the solicitation or sexual exploitation of persons under the age of eighteen, shall be

punished with imprisonment from one to five years and with a fine ranging from EUR 2,582 to EUR 51,645.

Unless the conduct falls under the provisions of the first, second, or third paragraphs, whoever offers or delivers to others, including free of charge, the pornographic material referred to in the first paragraph, shall be punished with imprisonment of up to three years and with a fine ranging from EUR 1,549 to EUR 5,164.

In the cases referred to in the third and fourth paragraphs, the penalty shall be increased by up to two-thirds where the material is of considerable quantity.

Unless the act constitutes a more serious offence, anyone who attends pornographic exhibitions or shows involving persons under the age of eighteen shall be punished with imprisonment of up to three years and with a fine ranging from EUR 1,500 to EUR 6,000.

For the purposes of this article, the term 'child pornography' shall mean any representation, by any means, of a person under the age of eighteen engaged in explicit sexual activities, whether real or simulated, or any representation of the sexual organs of a person under the age of eighteen for sexual purposes.

**Art. 600-quater. - *Possession or access to pornographic material***

Anyone who, outside the cases provided for in Article 600-ter, knowingly obtains or possesses pornographic material produced using minors under the age of eighteen is punishable by imprisonment of up to three years and a fine of no less than €1,549.

The penalty is increased by no more than two-thirds if the material possessed is a large quantity.

*((Except in the cases referred to in the first paragraph, anyone who, through the use of the Internet or other networks or means of communication, intentionally and without justified reason accesses pornographic material created using minors under the age of eighteen shall be punished with imprisonment of up to two years and a fine of not less than 1,000 euros)).*

**Art. 600-quater.1 - *Virtual pornography***

*((The provisions of Articles 600-ter and 600-quater also apply when the pornographic material represents virtual images created using images of minors under the age of eighteen or parts thereof, but the penalty is reduced by one-third.*

*Virtual images are images created using graphic processing techniques not associated in whole or in part with real situations, whose quality of representation makes unreal situations appear real.)).*

- **Prostitution**

- [Italian Criminal Code](#)

- **Article 600-bis – “Child prostitution”**

- The provision sanctions with imprisonment from six to twelve years and a fine from 15.493 to 154.937 euros anyone inducing a person under 18 years of age to prostitute him/herself, namely anyone abetting or procuring prostitution involving a minor. Unless the deed constitutes a more serious crime, whoever performs sexual acts with a minor between 14 and 18 years old, in exchange of money or other economic gain, shall be punished with imprisonment of six months to three years and a fine not less than 5.164 euros. If the injured party is younger than 14 years, the offender shall be punished with imprisonment of two to five years. In case the offender is a minor, the punishment shall be decreased between one and two thirds.

- **Trafficking of a minor**

- [Italian Penal Code](#)

- **Art. 601 – Human trafficking**

- Anyone who recruits, introduces into the territory of the State, also transfers outside of it, transports, transfers authority over the person, hosts one or more persons who are in the conditions referred to in Article 600, that is, it carries out the same conduct on one or more people, by means of deception, violence, threats, abuse of authority or the exploitation of a situation of vulnerability, of physical, psychic or inferiority of necessity, or by promise or giving of money or others advantages to the person who has authority over it, in order to induce them or force them to work, sexual or otherwise to beg or in any case to carry out illegal activities that involve their exploitation or undergo organ harvesting.

- The same penalty is subject to anyone, even outside the modality referred to in the first paragraph, carries out the conduct envisaged therein against a person under age.

- ((The penalty for the master or officer of the national ship or foreigner, who commits any of the facts provided for by the first or by second paragraph or concurs, is increased up to a third. The crew member of a domestic or foreign ship destined, before departure or during navigation, to the trafficking is punished, even if no deed has been carried out, provided for in the first or second paragraph or of the slave trade, with imprisonment from three to ten years.))

- **Art. 602 – Purchase and sale of slaves**

- Anyone, except for the cases indicated in article 601, buys or alienates or gives up a person who is in one of the conditions mentioned in Article 600 is punishable with imprisonment from eight to twenty years.

- **Grooming**

- [Italian Penal Code](#)

- **Art. 609-undecies – Solicitation of minors**

Anyone, for the purpose of committing the offenses referred to in the articles 600, 600-bis, 600-ter and 600-quater, even if relating to the material pornographic referred to in article 600-quater.1, 600-quinquies, 609-bis, 609-quater, 609-quinquies and 609-octies, entice a minor of sixteen years, is punished, if the fact no longer constitutes a serious crime, with imprisonment from one to three years. By solicitation we mean any act aimed at gaining the child's trust through artifices, flattery or threats also put in place by means of the use of the internet or other networks or means of communication.

### [Lanzarote Convention](#)

#### **Art. 23 – Solicitation of children for sexual purposes**

Each Party shall take the necessary legislative or other measures to criminalize the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offenses established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

- **Sexual relations with a minor**

#### [Italian Penal Code](#)

#### **Art. 609 ter – Aggravating circumstances**

The penalty established by Article 609 bis is increased by one third if the acts described therein are committed:

1) against a person of whom the offender is the ascendant, parent, including adoptive parent, or guardian; ...

5) against a person under the age of eighteen; ...

5-sexies) if the offense is committed with serious violence or if the act causes serious harm to the minor due to the repetition of the conduct;

5-septies) if the act causes danger to the life of the minor.

The penalty established by Article 609 bis is increased by half if the acts referred to therein are committed against a person under the age of fourteen. The penalty is doubled if the acts referred to in Article 609 bis are committed against a person under the age of ten.

#### **Art. 609 quater - Sexual acts with a minor**

Anyone who carries out sexual acts with a person who, at the time of the fact, is subject to the penalty established by article 609-bis, outside the hypotheses provided for in that article:

1) has not completed the age of fourteen;

2) is under the age of sixteen, when the culprit is the ascendant, the parent, even the adoptive one, or his cohabitant, the guardian, or another person whom, for reasons of care, education, instruction, supervision or in custody, the minor is in custody or who has a cohabitation relationship with the latter.

(1) Apart from the cases provided for by article 609-bis, the ascendant, the parent, even adoptive, or his cohabitant, the guardian, or another person

whom, for reasons of care, education, instruction, supervision or custody, the minor is in custody, or who has a cohabitation relationship with the latter, who, with the abuse of the powers connected to his position, carries out sexual acts with a minor person who has reached the age of sixteen, is punished with imprisonment three to six years.

(2) A minor who, outside the hypotheses provided for in article 609-bis, carries out sexual acts with a minor who has reached the age of thirteen is not punishable, if the age difference between the subjects is not more than three years. In less serious cases, the penalty is reduced by not more than two thirds.

The penalty referred to in Article 609 ter, second paragraph, shall apply if the victim is under the age of ten.

- **Rape**  
**[Italian Penal Code](#)**

**Art. 609 bis**

Anyone who, through violence, threats, or abuse of authority, compels another person to engage in or undergo sexual acts shall be punished with imprisonment from six to twelve years.

The same penalty shall apply to anyone who induces another person to engage in or undergo sexual acts:

1. by taking advantage of the victim's physical or mental inferiority at the time of the act;
2. by deceiving the victim through impersonation of another person.  
In cases of lesser gravity, the penalty shall be reduced by up to two-thirds

- **Corruption of a minor**  
**[Italian Penal Code](#)**

**Art. 609 quinquies – Minor Corruption**

Anyone who engages in sexual acts in the presence of a person under the age of fourteen, with the intent of causing the minor to witness such acts, shall be punished with imprisonment from one to five years.

Unless the act constitutes a more serious offence, the same penalty shall apply to anyone who causes a person under the age of fourteen to witness the commission of sexual acts, or who shows pornographic material to said person with the intent of inducing them to engage in or undergo sexual acts.

The penalty shall be increased:

- (a) if the offence is committed by multiple persons acting together;
- (b) if the offence is committed by a person who is part of a criminal association and with the intent of facilitating its activity;
- (c) if the offence is committed with serious violence, or if, as a result of repeated conduct, the minor suffers serious harm;

(c-bis) if the act results in a danger to the life of the minor.

The penalty shall be increased by up to one half if the offender is an ascendant, a parent (including adoptive), their cohabiting partner, a guardian, or any other person to whom the minor has been entrusted for care, education, instruction, supervision, or custody, or who maintains a stable cohabitation relationship with the minor.

## ▪ **Female Genital Mutilation (FGM)/ Female Genital Circumcision**

### **Italian Penal Code**

#### **Art. 583-bis – Female genital mutilation practices**

Anyone, in the absence of therapeutic needs, causes one female genital mutilation is punishable by the imprisonment from four to twelve years. For the purposes of this article, are understood as genital organ mutilation practices, female clitoridectomy, excision and infibulation any other practice that causes effects of the same type.

Anyone who, in the absence of therapeutic needs, provokes in order to impair sexual functions, injury to female genital organs other than those indicated in the first paragraph, from which a disease derives in body or mind, is punished with imprisonment from three to seven years. The penalty is reduced by up to two thirds if the injury is minor.

The penalty is increased by one third when the practices referred to in the first and in the second paragraph are committed to the detriment of a minor or committed for profit.

The sentence or the application of the penalty at the request of the parties pursuant to [article 444 of the criminal procedure code](#) for the crime referred to in this article involves, if the fact is committed by the parent or guardian, respectively:

- 1) the forfeiture of the exercise of parental responsibility
- 2) perpetual disqualification from any office pertaining to the guardianship, curatorship and support administration.

The provisions of this article also apply when the offense is committed abroad by an Italian citizen or a foreigner resident in Italy, or to the detriment of an Italian citizen or foreigner residing in Italy. In this case, the guilty party is punished at the request of the Minister of Justice.

#### **Art. 583-ter – Ancillary penalty**

The sentence against the health professional for some of the crimes envisaged by article 583-bis implies the penalty ancillary interdiction from profession from three to ten years.

The conviction is communicated to the Order of surgeons and dentists.

- **Child/Early/Forced Marriage**

Civil Code

**Art. 84 – Age**

((Minors cannot marry.))

The court, at the request of the interested party, having ascertained their psycho-physical maturity and the validity of the reasons given, heard the public prosecutor, parents or guardian, can by decree issued in the council chamber to admit for serious reasons to the marriage who has reached the age of sixteen.

The decree is communicated to the public prosecutor, to the spouses, to the parents and guardian.

A complaint can be lodged against the decree, with recourse to the court of appeal, within the peremptory term of ten days from communication.

The appellate court decides with an unchallengeable order, issued in Council chamber. The decree takes effect when the foreseen term has expired in the fourth paragraph, without a complaint being made.

Italian Penal Code

**Art. 558 bis**

Whoever, by means of violence or threat, compels a person to enter into marriage or a civil union shall be punished by imprisonment from one to five years.

The same penalty shall apply to anyone who, taking advantage of the vulnerability or mental inferiority or necessity of a person, and abusing familial, domestic, occupational relationships, or the authority derived from the custody of the person for reasons of care, education, instruction, supervision, or guardianship, induces that person to enter into marriage or a civil union.

The penalty shall be increased if the acts are committed against a minor under the age of eighteen.

Imprisonment from two to seven years shall be imposed if the acts are committed against a minor under the age of fourteen.

The provisions of this article shall also apply when the acts are committed abroad by an Italian citizen or a foreigner residing in Italy, or against an Italian citizen or a foreigner residing in Italy.