



ASSOCIAZIONE ARTEMISIA

The child institutional abuse: current knowledge and practices Italy Report

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Contents

1 The issue of institutionalization of children and child abuse in Italy

- 1.1 The dimension of the phenomenon of children removed from home at national level: brief history , statistics, characteristics of the children, causes for removal, average length of the time spent out of families
- 1.2 Data on the phenomenon of child abuse in the country (prevalence, incidence, typology, ecc..) , availability of specific data on child institutional abuse
- 1.3 Characteristics of the residential facilities for children removed from home (typology, diffusion, nature of institution responsible for them, ecc.)

2 Child institutional abuse

- 2.1 Knowledge and awareness in relation to the problem of child institutional abuse at national [and/or] Community level
- 2.2 Description of researches on the issues
- 2.3 Events disclosed in the public opinion: reactions, lessons learned

3 Legal framework

- 3.1 Brief description of legislation, policies, procedures and services involved in the removal of children from home (when services intervene, who does what, ecc..)
- 3.2 Brief description of legislation, policies, procedures and mandates for reporting CAN cases in different professional fields. The roles of the victims in the judicial procedures.
- 3.3 Which kind of compensation for children victims of child abuse, what type of compensation for adults who suffered child abuse when they were children. The restorative justice.
- 3.4 Critical issues concerning the legal support to survivors of child abuse in residential settings. Potential gaps and opportunities.

4 Brief overview of child protection system and the local network for supporting the project

- 4.1 Organization of the system: actors, roles and responsibilities
- 4.2 Description of the local **steering** Committee: members, rationale for the inclusion of each of them, points of strength in relation to the project, foreseen difficulties and solution for handling them

5 Advocating towards the national and an European recognition of institutional abuse

- 5.1 Recent and on-going developments in Italy

6 Bibliographies and online resources [suggested]

6.1 A brief description

7 Annexes

The issue of institutionalization of children and child abuse in Italy

- 1.1 *The dimension of the phenomenon of children removed from home at national level: brief history, statistics, characteristics of the children, causes for removal, average length of the time spent out of families*

History of institutionalisation in Italy

In Italy there has been a strong tradition of using residential care by means of large institutions, mostly run by catholic religious organizations. Unlike what is happened elsewhere, Italy is a country where the legal system of child protection has preceded the establishment of a social system of protection of children, the innovation in the legal system stimulated the improvement in the social response to the needs of the children. The same debate on social protection's interventions for decades was guided by the analysis of juvenile judges, who contributed decisively to the increase in the levels of care for children. In the early Sixties there were about 250.000 Italian children housed in large residential structures as the institutes, colleges, orphanages and children's homes.

On the 31 December 1960, the statistical year-book of welfare and social security (Istat data, [2]) showed that institutionalized children were:

- 112.956 in orphanages;
 - 87.594 in "institutes for poor and abandoned children";
 - 61.402 in permanent colonies, that is "institutes that accommodate lymphatic, anaemic and TBC prone children etc.".
- In reality children were almost always hospitalized for social/economic reasons;
- 18.464 in institutes for "other categories of patients";
 - 10.081 in institutes for "mentally disabled people";
 - 8.699 in the new orphanages for "internal upbringing", 3.768 of these children weren't acknowledged by their parents;
 - 7.624 in institutes for "sensory impaired";
 - 3.506 in institutes for "physically impaired".

This meant that, on 31 December 1960, there were 310.326 under-aged patients hospitalized in isolation institutes. The first reasons for institutionalization were poverty and abandon, but there was also a very strong trend towards the isolation of the disabled, sensory or intellectual; in fact institutionalization was the basic model for rehabilitation and recovery from any disability.

Half of the educational-care facilities surveyed in an investigation of 1958, had a capacity up to 50 children, a third from 50 to 100, and the rest housed more than 100 children. Today the situation is quite different and is the result of a long process of social, economic and family changes. The progressive reduction in the size of the residential care was one of the aspects that characterized the Italian process of deinstitutionalization.

In 1970 the Law 81/1970 established the Regions: progressively they assumed competences in legislation and in the organization of services for children and families. At the local level, the Provinces were in charge of illegitimate children, blind and deaf children, and children with psychological problems.

In the following decade (1971-80) further changes were introduced, namely, the overcoming of the national bodies, the transfer of responsibilities from the state to local authorities, the overcoming of special schools, or the transition from institution to the community level. The decrees for implementing the regions were approved in 1972, the Presidential Decree 616/1977 transferred to local municipalities the functions and the responsibilities of delivering social services (before, the state was in charge of this function). The regional departments were given overall control and administrative responsibility, legislative powers, and responsibility for programme planning, whilst the local authorities became responsible for service delivery at local level.

This led to the creation of new social and health care departments, which contributed to the development of services for children, adolescents and their families, including residential and family foster care for children removed from home.

The conditions of institutionalization in Italy have been characterised by profound changes in the laws, institutional conditions, organization of services and improvement in the professional knowledge and skills in order to respond to new needs. In this sector, there has been the recognition of the importance of integration among public services, associations and organizations according to principles of subsidiarity and empowerment.

The reform of the sector began with the adoption of the Law 184/83 that contained two important provisions. The first dealt with the conflict between the birth parents' right to look after their child and the child's right to live in a family which is able to respond to his/her needs. Law 184 made it possible to limit the parental power in situations where children are at risk and need to be placed with a foster family or in a community home or in a residential institution. As per the second provision, the law recognised that children, as well as adults, have human rights and stated that the family and the wider community are responsible for ensuring that children's developmental needs are met. The law stated that foster care is provided as a short-term measure when birth families are temporarily unable to care for their children. Applications to place a child in foster care are made to the court by the local social care department in agreement with the child's parents or guardians.

With law No. 149 of 28 March 2001, "Amendments to Law No. 184 of 4 May 1983 Concerning "Rules Governing Child Adoption and Fostering", and with Title VIII of Book 1 of the Italian Civil Code" that fixed December 31st, 2006 as closure date for the big institutions for children and adolescents (art. 4), the reform did a further, important step.

In the "White Paper on Welfare - Proposals for a dynamic and cohesive society" (published in February 2003 by the Ministry of Labor and Social Policy), the Italian Government acknowledged that: "... at the end of 2003 a programme will be prepared - after a careful monitoring and coordination with the Regions and representatives of third sector and family associations - for the de-institutionalization of children, the promotion of foster care and children's relocation in an environment suitable for a healthy mental and physical development." The resources for the implementation of the first phase of the Plan were defined within the National Fund for Social Policies.

The path of closure of the institutes, as provided for by Law 149/01, has been completed and the Juvenile Court has the responsibility to control the living conditions of children in the residential care for children and, each six months, the responsible of the residential care where the children live, must send to the Juvenile – court a report describing the conditions of the child.

The law 149/01 integrated significantly the previous Law 184/1983, with a wider regulation of fostering. Law 149/2001 affirms (art. 1, para. 1) the right of the child to be raised and educated in its family and stresses explicitly (art. 1, para. 2) that the poverty of the parents cannot constitute an obstacle to the right of the child to live with his/her family, by providing support and aid to the parents. Furthermore, it foresees that recourse to alternatives is necessary only when a professional finds a child, even if only temporarily, "without a suitable family environment, despite the support and help available" (art. 2, para. 1), giving priority to the custody of a family, preferably with children, or to a single person, able to afford maintenance, instruction, education and the affective relationships which he/she needs (art. 2, para. 1). In the case in which this is not possible, it agrees to the placement of the child in a family community or, failing that, in an institute of assistance with headquarters, preferably, in a place as close as possible to that in which the family of origin is (art. 2, para. 2). This solution is available only in the case in which the child is older than 6 years, while, for those who are younger than six years, the law — in line with international provisions — provides as preferably the placement in the family community, except in emergency cases (art.

2, para. 3). Law 149/2001 represents a regulatory reform and a consistent social development, which seeks to promote placement with families, family type communities and the promotion of foster care as a viable alternative to an institute, but not as the only way.

Data and information on the phenomenon

The data and information on the phenomenon of children removed from home are derived from the Regions through the monitoring of the Italian National Childhood and Adolescence Documentation and Analysis Centre. However, the quality of information provided is very diverse according to each Region because only in 2018 Italy will introduce a common system of registration of children out of home.

At December 31st, 2014 there were an estimated 30.026 children removed from family and living in residential facilities or foster families, that is almost 3 children out of 1.000. At the same date there were an estimated 15.427 living in residential facilities for children, about 1,5 children every 1.000 children in Italy.

Figura 1 – Children 0-17 years old living in residential facilities for children – Years 1998 - 2014

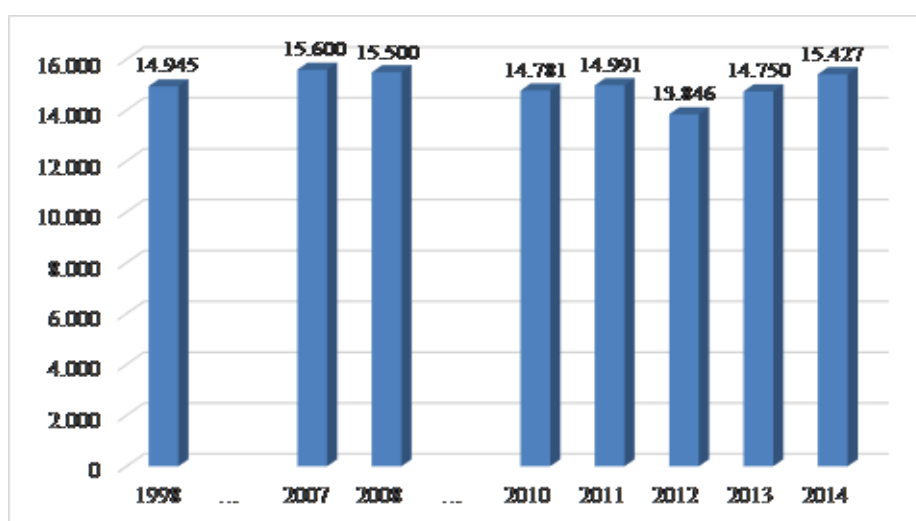
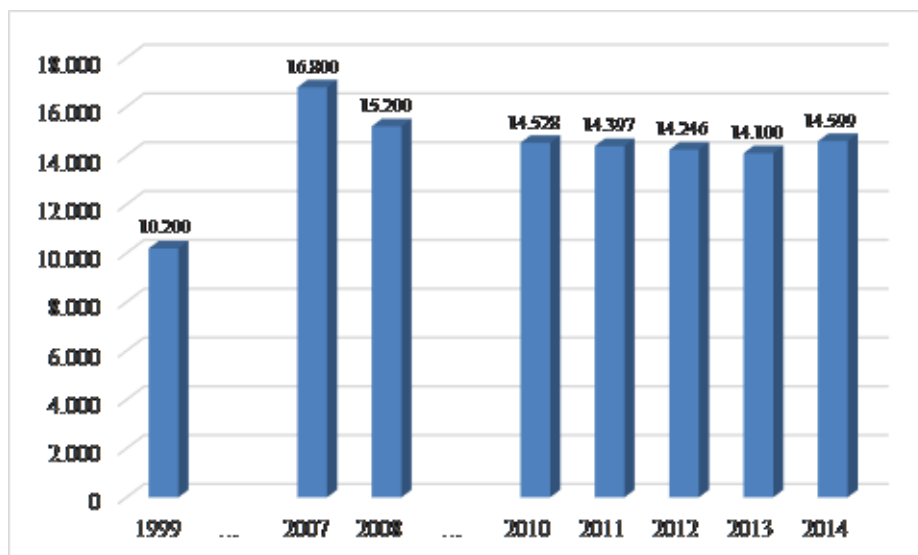
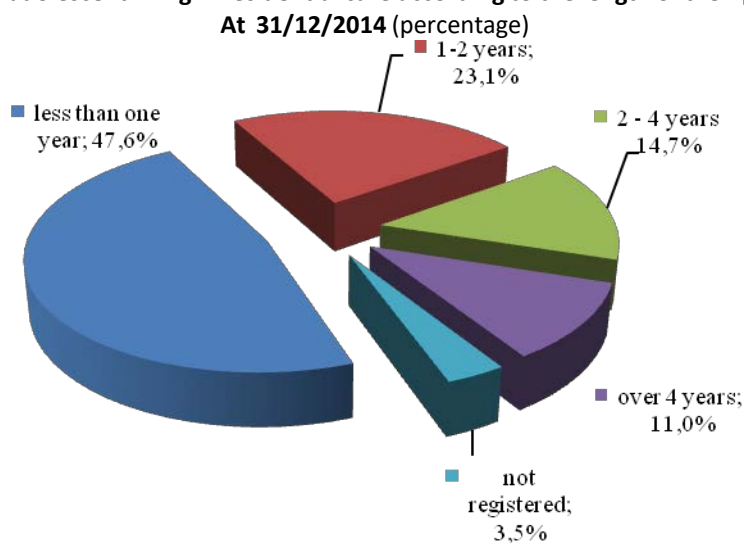


Figura 2 – Children 0-17 years old living in foster families – Years 1999 - 2014



The majority of children (51%) living in residential facilities are adolescents (15-17 years of age), immediately after there are the children belonging to the class of 11-14 years; then the ones aged 6-10 years that are almost 13%, then there is a 6% of children between three and five years of age, and also between 0-3 years. One children out of three is not Italian. The average length of presence in the residential care is less than one year due to the presence of minor refugees and not accompanied minors. In foster families there is a slight prevalence of children between 10 and 14 years of age, and only one child out of five is not Italian. The average length of fostering is more than two years (the limit posed by law).

Figura 3 – Children and adolescent living in residential care according to the length of their presence (19 Regions)



According to the last sample survey run by the National Documentation Centre, the main reasons of removal are for the 37% of children parental inadequacy; 9% for addiction problems of one or both parents; for 8% are assessed problems or relationship in the family; 12% for ill-treatment, sexual abuse, witnessing violence or severe neglect; 6% for health problems of one or both parents.

1.2 *Data on the phenomenon of child abuse in the country (prevalence, incidence, typology, etc...), availability of specific data on child institutional abuse.*

The principles guiding what Italy has done in the field of prevention and protection of children from violence can be summarized as follows:

- a. Effective policies for children cannot be adopted without more general policies aimed at improving the social and political conditions of the entire Italian community. This includes: policies against social exclusion and poverty; efforts to reduce unemployment, to improve the health and well-being of individuals, to guarantee integration and social support for minorities, and to assure security and protection against crimes.
- b. Adequate policies for children and for the prevention of violence cannot be developed only when the problems reach the crisis stage, but they require a general set of strategies which can be adopted gradually, allowing for coordination at all levels;
- c. Effective policies for children cannot depend entirely on laws since legislation should be accompanied by administrative action that takes into account children's needs and respects their personalities and interests.

Some of the measures taken by Italy in the last decade to prevent and fight against child abuse and to assist victims include:

- the reform of the legislative framework – including following the ratification of CRC – and the adoption of specific programmes at local and at regional level;
- the establishment of centralized coordination structures, as the **Observatory for the fight against paedophilia and child pornography**;
- the development of projects for the creation of specialist services, counselling centres (for example, the 114 Childhood Emergency number) and instruments of multi-sector, inter-institutional coordination at local level;
- initiatives to raise public awareness and specialist training courses for workers in the educational, social, healthcare, media and judicial sectors;
- surveys and research to learn more about the phenomenon as well as to gain information about the nature of the phenomenon and the response across the country.

Nevertheless there are no national statistics on minors reported to and assisted by the local healthcare and social services. Unfortunately Italy has not a national surveillance system of child abuse, however, some information can be drawn from the judicial statistics and the recent national sample survey on the abuse of children and adolescents in Italy, which has been promoted by the National Ombudsman for Children in collaboration with ISTAT-CISMAI and Terre des hommes (2015).

Data on crimes regarding minors and reported to law enforcement, have recorded an increase in the last decade. There are several reasons for that, certainly it is due to a greater attention to the issue and a larger propensity to the report, anyway the great part of the violence against children, especially intra-family child abuse, remains still in the shadows: the available data underestimates greatly the reality. In the recent years the victims of crimes related to sexual abuse, remain stable around 1.200 cases reported yearly to the police.

The sample survey promoted by the Ombudsman for children with Istat, TDH and CISMAI, estimated a total of 457.453 children and adolescents in care to the local social services, that is 47,7 of minors out of 1.000 resident minors. Of these, 91.272 (9,5 minors every 1.000 resident minors) were taken in charge for a form of child abuse, in particular 47,1 % for neglect (material and / or affective), 19,4 % for witnessing violence, 13,7% for emotional abuse, 8,4 % for pathologies of care (i.e. dyscuria), 6,9% for physical abuse and 4,2% for sexual violence.

Beside the prevalence study, the research intended also to analyze the main types of intervention of the Social Services in favor of minors victim of violence, the analysis highlights the relevance of the access in residential facilities, that concerned one child victim of violence out of five (multiple variable): 27,9% receive economic assistance for the familiar; 19,3% of abused children is removed away from the family and has access in a residential facilities; 17,9% continues to live in the family but under a project of home visiting or educational support; 14,4% is protected through a foster care; 10,2% is supported in educational centre for children and adolescents; 38,4% of cases is supported through the Professional Social Service; 7,6% do not receive any type of intervention.

The 114 Child emergency telephone number, in the time period 2003-2013 received and handled 12.809 cases of emergency concerning children. In its cases we can find information on child abuse situations happened in institutional contexts.

The main number of situations are related to condition of abuse and violence (34,3%) including both forms of violence of which the child is the direct victim (11,9% physical abuse; psychological abuse, 7,4%; sexual abuse, 3,9%; pathology of care 5,5%) and situations of violence / conflict among family members whose child / teenager is witness (5,6%). It is relevant also the percentage of situations characterized by the presence of family risk factor (19,5%) due to problems of the parents. Most of the reported situations happen in the family environment that is within the home (67,7% of cases) where the child lives with both parents, with the mother, with the father or with one parent and his/her new partner. Part of the situation of violence or severe risk happened outside of the family, in the road (18,3%), at school (6,6%), in the house of some family member (4,1%), in the public garden (1,7%) and other places (8%) .

There is a wide range of possible authors for the situations reported to the 114, the data of the period, it includes the following:

Mother 50,5 %	Other Relative 1,5 %
Father 37,1%	Neighbour 1,4%
Stranger 3,1%	Brother / Sister 1,1%
Partner Mother / Father 3,0 %	New Spouse of Mother / Father 0,5%
Grandparents 2,7%	Adoptive Parents 0,2 %
Teacher / Educator 2,6%	Foster Parents 0,1%
Another Child 2,1%	Priest 0,1 %
Friend / Acquaintance 1,6%	Other %

1.3 Characteristics of the residential facilities for children removed from home (typology, diffusion, nature of institution responsible for them, etc.)

At December 31st, 2010, at the last census, in Italy there were 2.766 structures of which about half (53%) are youth communities for children (comunità socioeducativa per minori); 22% are a family community for minors (comunità familiare per minori). Other types are: 4% the so called "high autonomy accommodation"; 10% protected houses for child and parent; 3% the emergency reception facilities; 6% Multi-user communities and 2% educational-psychological communities. Moreover in Italy there are almost 100 health residential facilities where we find children and adolescent with severe pathologies or problems of addiction.

The residential services have in average a reception capacity of 6 -9 children, with significant differences between the various types.

Concerning the age of the children living in such residential facilities, in the family-type communities there is the greatest mix of different age groups, with a tendency to accept children from 6 to 14 years old. In the group of "other" types of structures there is a bias towards the extreme age groups: the 0-2 range clearly increased by the child-parent structure (where the mother considered in the survey is a minor) and at the opposite pole the 14-17 age group living preferably in emergency reception facilities and in apartment for autonomy where there are only teenagers.

The greater part of the sector is run by associations and other subjects of the third sector, which are under contract with local administration for the management of critical situation. Among the entities belonging to the so called third sector there are religious organizations or associations and cooperatives close to religious sector.

Responsibilities for funding and system management are shared between local (municipalities) and regional authorities that have a high degree of autonomy in decision making and organization. As a result, institutional frameworks basing child residential care delivery vary widely between geographical contexts and among Regions.

3. Child institutional abuse

3.1 Knowledge and awareness in relation to the problem of child institutional abuse at national [and/or] Community level

The phenomenon of institutional abuse, in particular in residential care, is widely under-evaluated in Italy. It has never been a focus for research and policies even if, in Italy, there has been a strong movement for the process of deinstitutionalization. The main perspectives from which the issue has been dealt are:

- the institutional abuse as secondary effect of mistakes and difficulties in dealing with the protection and assistance of children victim of violence (e.g. delays in the intervention, the pressure and mistakes in judicial proceedings, etc.);
- the institutional abused linked with scandals in the Catholic church concerning pedophile priests.

Only in recent years, some cases of violence in residential care, have drawn the attention also on this aspect.

The lack of data concerning the type of relationships between the perpetrators of violence, in particular sexual violence, and the child victim, contributes to the lack of attention of this problem. Then the knowledge of institutional abuse is thin, even on its extent and nature. This means that policy and practice may not be as well informed as they should be, leading to questions about the efficacy of the measures which have been implemented.

3.2 Description of researches on the issues

There are not specific researches on this issue in Italy, some information derives from the interventions of taking care of children or survivors of violence happened in institutional settings. The main element of knowledge are the results of disclosure of adults.

As it is mentioned in the next paragraph, the book "IL PAESE DEI CELESTINI – Istituti di assistenza sotto processo" edited by Bianca Guidetti Serra and Francesco Santanera, published in 1974, remains one of the few books related to an investigation on the living conditions of children in Institutes, and one of the few publications concerning institutional abuse.

In Italy the issue is discussed mainly from three perspectives:

- As causes and effects of different forms of child abuse happening in "institutional settings", that is

associations, churches, services, hospitals, etc.

- As dysfunctions related to the procedures for protection of children victims of violence or in charge to public services in social, judicial or health sectors
- As violence happening specifically in residential care

3.3 Events disclosed to the public opinion: reactions, lessons learned

As we have already written, there are not statistics or specific evidence based information on the scope of the phenomenon. If we consider the cases of abuse committed by representatives of institutional settings, there are three main areas of interest in Italy:

- events happened in the context of child protection, mainly in residential care
- sexual abuse in the church.

In the following there is a description of the most recent cases that had been disclosed to the public opinion.

- Institutional ill-treatment at school

Institutional abuse in the context of protection.

According to the available data on the activities of the emergency number for children, 114, in the period 2005-2013 in almost 3% of the reported cases, the suspect authors were teachers, educators or other professionals.

At the end of the Sixties a new approach for dealing with social exclusion and mental and physical disabilities favoured the disclosure of the dramatic situation of neglect and violence that there was inside places that were thought to be protective for children, adolescents and young mothers.

The turning point toward a change can be identified as (Nardocci, 2009):

- the first interventions towards the deinstitutionalization of children and school marginalization processes for children with disabilities;
- school integration policies for children in need and with disabilities, for the last, in particular, the adoption of Law 104 for the inclusion of children with disability in ordinary schools;
- development of child and adolescent psychopathology and the creation of child and adolescent neuropsychiatry services;
- approaching strategies for the protection of mental health in childhood and adolescence;
- state services. Various service organization nets and their configuration in regional plans.

Since the Seventies (and in some ways since nowadays) children with disabilities, not only intellectual, but also motor and sensory, including those labelled as “bad behaviour” were sent to mental homes, and children from poorer social classes were more likely to be institutionalized.

But in the history of this kind of institution the presence of children disappeared. “The silence that enfolds them is louder than their screaming. Victims of institution and sometimes of real tragedy, they don’t seem to exist, they’re often not even mentioned and they appear even more isolated than adult crazy people. They are the ones who won’t be rehabilitated, they will die in a mental home in a few years or end up being chronic patients and moved to the adult wards, or transferred to other mental homes or institutes” [Sartori E. *Bambini dentro. I minori in ospedale psichiatrico nel XX secolo: il caso del S. Maria della Pietà di Roma*. Trento: Uni Service Editrice; 2006. pag. 15].

In the Sixties two very dramatic stories (of violence, physical and psychical abuse, poor food and a lack of basic hygienic conditions), emblematic of the level of violence that the institutional system had reached in those years, had a deep impact on the public opinion at that time:

“Support to Adult Survivors of Child Abuse in institutional settings -SASCA”
[JUST/2015/JACC/AG/VICT/9292]

- the Maria Vergine Assunta in Cielo Institute in Prato, known as “Celestini’s Institute”, some of its executives and “educators” were sentenced, for serious acts of abuse on the hospitalized children, by the Florence Court on December 3rd, 1968. From the official records of the trial: “S. is ten years old, at the time of the events only seven. Testifying in front of the judge he had told of abuse, harassment by ... who had beaten him and hit him with a stick, had bathed him in cold water holding his head underwater and sometimes had made him lick dirt off the floor and other boy's urine...”;
- the Santa Rita Institute in Grottaferrata headed by Maria Diletta Pagliuca, sentenced by the Corte d’Assise in Roma on December 21st, 1971 also for “continual ill-treatment, and even worse, by the fact of having caused serious damage to 4 under-aged children and the death of 13 children in her care; with the further aggravation of having acted with purpose of profit”.

It took 32 years to close the Celestini’s Institute and 18 for the Santa Rita in Grottaferrata, from the first reports of serious educational and structural deficiencies and for the violence which these children suffered, to the closure of these places, rightly defined “lager”.

“Another remarkable thing about these episodes is that the great majority of charges and accusations were made by private citizens, not by public, private or ecclesiastic authorities, which were directly responsible for the control and management of these institutes. The corrupt system had more than just an economical interest; we won’t go into how the official scientific bodies (medical, psychological or pedagogical) allowed institutionalization with continuous scientific alibis, passing off institutes as the main method for rehabilitation in cases of disability and mental illness in children. (Nardocci, p.)

The book “IL PAESE DEI CELESTINI – Istituti di assistenza sotto processo” describes several events that were reported to public opinion during the Seventies due to the intervention of police and the opening of judicial procedures that, in many cases, ended without any recognition of guilty for the people involved despite many evidence from the victims and the witnesses of the violence reported.

Again in 2002 at Cenacolo a Ugento, in the South of Italy, new, dramatic events came to the attention of public opinion, as it was written in Il Giornale of October 17th, 2002 *«Il centro di accoglienza era un centro di torture, dove l’orrore era coperto da una cappa di silenzio e omertà; quelle quattro mura che dovevano ridare una speranza erano, invece, un lager per bambini e ragazzini, dove tante storie diverse finivano inesorabilmente in un unico, drammatico destino segnato da violenze, pestaggi, maltrattamenti. Alla fine, i titolari del centro Il Cenacolo a Ugento, in riva allo Ionio che bagna il Salento, sono stati arrestati dai carabinieri: sono padre, madre e figlia, quelli che gestivano una struttura dalla facciata rassicurante dove venivano ospitati bambini e ragazzini tra i 2 e 15 anni, approdati laggiù su disposizione del Tribunale per i minorenni di Lecce. Ma nessuno sapeva che cosa ci fosse oltre la porta del centro: lo hanno scoperto i carabinieri al termine di indagini scattate dopo la denuncia di un’assistente sociale, che ha raccontato tutto. La donna ha detto di avere subito violenza sessuale e ha parlato delle violenze subite dai bambini, ha spiegato come andavano le cose in quella specie di prigione dove l’orrore rimbalzava sul muro di gomma dell’omertà (...)*». I ragazzi erano *«lasciati a lungo senza cibo e senza acqua, maltrattati, picchiati e violentati, seviziati in quel lager»*.

The events happened to children home Il Forteto have a particular relevance in this framework. In June 2015 Rodolfo Fiesoli, who founded in the 1970s a cooperative farm that has hosted from the beginning troubled kids in the Tuscan valley of Mugello called Il Forteto, had been sentenced to 17 and a half years in prison for child sexual abuse, cruelty to children and group violence. Also, another Forteto ideologue, Luigi Goffredi, was sentenced to eight years on the same charges in a trial of first instance. In their motivation for those verdicts, the judges wrote that the convicts “imposed cruel and arbitrary rules on the minors placed in their care”. Others 16 defendants got sentences ranging from three to seven years, while seven others were acquitted. The guilty were also sentenced to pay 1,26 million euros in damages to victims.

In September 2015 a Florence judge sent Rodolfo Fiesoli to trial on new charges of child sexual abuse. The new trial was ordered based on testimony by one of the witnesses at the trial of first instance, who was placed in care at Il Forteto in 2003. Prosecutors say Fiesoli repeatedly sexually abused the witness ever since his arrival there, at the age of 11.

The cooperative *Il Forteto* was founded in 1977 by Rodolfo Fiesoli and Luigi Goffredi and a group of 33 people, with the aim to work in a path of community growth, of social common life and hosting minors with physical and mental handicap or a past of family hardships or sexual abused. As it is written on the web site of the cooperative Il Forteto "The farmers cooperative Il Forteto didn't yet exist back in 1975, but there was a group of young people, around 19-20 years old, who would meet in the rooms of a parish in Prato. They were students, young workers who gathered together to talk about their problems and to engage in some social activities: after-school and recreational activities for children and disabled support activities. The group felt the need for a common future, the prospect of a life together. Farming seemed then the best environment to put into effect their idea of a life together. The cooperative was chosen because this kind of association doesn't aim at piling up profits, but at offering adequate life conditions to the workers."

The cooperative in Mugello today is a flourishing firm called *Il Forteto*, whose products are appreciated by the refined palates of Tuscany and beyond.

Over the years Il Forteto cooperative became a reality of a great entrepreneurial level. In addition to livestock breeding and the organic cultivation, the cooperative own stables, a cheese factory that export in many foreign countries, a bakery, a supermarket, a plant nursery. In the last years a farm holiday was also opened.

The community members are those who grew this "empire", they worked 82 hours a week to realize what then became a company with 15 million euros of turnover a year; they were, children and adults, those who worked uninterruptedly. The cooperative also hires tenth of external employees.

Forteto, as clearly shown in an investigation by the Commission of Inquiry of Tuscany, was considered as a real abusing cult. Fiesoli, "the Prophet", was able to act undisturbed for over forty years, despite the fact that in 1976 he had been arrested at the request of judge Carlo Casini, who opened proceedings for sexual abuse occurred in the community.

Before the sentence of 2015, in 1985 the Court of Appeal of Florence sentenced Fiesoli - judgement confirmed by the Court of Cassation - to two years of imprisonment for abuse, violent acts and corruption of minor. Also Goffredi was sentenced, both were convicted for having abused physically a disabled 18-year-old girl. They had beaten her several times a day, offended her also at the presence of other people. They isolated the girl who could not communicate with the people outside, humiliated her because of her physical characteristics. Fiesoli was convicted also for having sexually abused two disabled male in the presence of a 13-year-old boy.

Again, on July 13th, 2000, the European Court of Human Rights condemned Italy to pay a fine of 200 million Liras as compensation for moral damages after entrusting two children to the Forteto community. In the judgement (case Scozzari and Giunta against Italy - appeal No. 39221/98 et 41963/98), the Court deemed appropriate to comment that the fact that people convicted for maltreatment and abuse could still play an active role in the community raised serious doubts. But only in December 2011, Rodolfo Fiesoli was finally arrested again for maltreatment and abuse of children entrusted to Forteto community and on October 4th, 2013 the trial against the leader of this "community-cult" and other 22 suspected people started in Florence, after the denunciation of a young victim and others victims' denunciations following.

Case: [Scozzari and Giunta v. Italy](#) (Application nos 39221/98 & 41963/98)

Date of judgment: 13.07.2000 (Grand Chamber)

Violation: Article 8 - Right to respect for private and family life

Overview: In September 1997, the applicants' two sons/grandsons, born in 1987 and 1994, were placed by court order in "Il Forteto" children's home, where – as the national court was aware – two of the principal leaders and co-founders had been convicted of sexual abuse of three handicapped people in their care. Prior to his placement in the home, the eldest boy had been a victim of sexual abuse by a pedophile social worker.

Decision: The Court found that the two leaders played a "very active role" in the care of the two children and that there had been a violation of Article 8 of the Convention, concerning, among other things, the uninterrupted placement of the boys in "Il Forteto".

There are hundreds of victims of every kind of abuse, involved directly or indirectly in this long period of time: more than 90 children and teenagers placed at Forteto by the Juvenile Court of Florence and Social Services; about 60 adults with physical or mental disabilities placed by mental health services. But, only a few of these people have been recognized as victims.

The children were sent to the community through a misapplication of the existing laws because at the Forteto there were not proper families. Fictitious families were created to get the youngest in enthusiasm, any contact between boys and girls was forbidden to "purify them", the children were encouraged to physical aggression against their family members and pushed to make false accusations of sexual abuse to their origin's families: from those accusations arise various sentences and long imprisonments served by natural parents. For those who lived in Forteto there was nothing more to exist outside of a hostile and unknown world. **The Children were abused sexually, ill – treated physically and psychologically and after school, sent to work in Forteto dairy instead of being allowed to study and play,** Thus the boys are "emotionally, spiritually and psychologically regenerated" in a context of work, school, **abuse** and fear. Day after day **are essentially plagued** and become the "Prophet's soldiers", as Rodolfo Fiesoli is used to be called.

On an inspection of a European Court delegation to verify the living conditions of minors, a dwelling had been arranged to show that the caretakers slept together in a double bedroom. And a room with photos and games demonstrating that the brothers shared the same room next to the entrusted one. The same ceremony was held during the rare and announced visits of social workers. Relationships with social workers were managed directly by Rodolfo Fiesoli and Luigi Goffredi, as evidenced by numerous testimonies of the acts. The agricultural cooperative and the foundation received about **1.3 million euros between 1997 and 2001** from the regional government of Tuscany. The community then could refuse the reimbursement that the municipalities paid to families to keep the children. A gesture that seems to be socially responsible, but which has opened up more than one question. As noted in the acts of the Social Services and Local Authorities Committee, it is advantageous to place the minors in the zero-cost facility and, as it has happened, to zero controls.

Fiesoli, was a patient and accurate **weaver of a network of excellent relationships and knowledge** each of which competed consciously or not with a double result: on one hand, to confer greater credit on the structure of Forteto as a whole in its productive, social and economic reality; on the other hand, open up new horizons and new contacts that will further the same network."

During the decades the main absent was the control over the structure. How is it possible? To answer, once again, is the commission of inquiry. Over the years Forteto has been at least two different things at the same time. First of all, the **community**, which in **1998** with the stated purpose of spreading its social and educational experience, is supported by the **Fondazione Il Forteto**. Then he transformed it into the **Fondazione Il Forteto Onlus** whose leader has been named Luigi Goffredi.

The position, they recognize social services, is **legally abnormal**. Thus, it was not the "control function" exercised within the Multidisciplinary Supervision and Control Committee of the Health Service, since it was

not a residential structure nor any other type of community provided by the regional regulations as the reception facilities for minors.

In 2013 the Regional Council's Inquiry Committee submitted a report describing the results of a long work of investigation. Seven sessions, 20 witnesses heard, many victims of abuse. All seven sessions were devoted to listening to people who presented themselves as victims of what happened in that community, starting with the Victim Association of Forteto.

Today Forteto is still a sect, there are still people there. Including those children (now adults) with Down Syndrome entrusted to Fiesoli and Goffredi: they have been there for so many years, they can stay up to the rest of their lives, right? If the institutions will continue ignoring the past, this reality will continue for another 30 years. Some social services are pointing those situations so that the judicial authority would take care of their tutelage. Answers are still uncurtains and slows.

The survivors describe a true "parallel world".

It is a story that has seen the collapse of the entire system of protection through serious negligence and some possible collusions as a result of what has been termed a "suspension of state laws".

The disclosure of violence inside the Forteto was obstructed by the prestige of the Forteto, which grew together with the profit of the cooperative, thanks to the relevance attributed to this experience in books and on newspapers.

In 2015, the Tuscany Region with an explicit and dual purpose of repair and support opens a call to third sector subjects to carry out support activities for the Victims of Il Forteto.

Sent to trial in 2015, in January 2016 a new judicial proceeding started against Rodolfo Fiesoli for the new facts of violence against a child that were revealed during the proceedings ended in 2015.

At the Forteto there are three generations of victims/abusers: the founding members; the children placed in Forteto by the Juvenile Court and services, who grew up there and decided to go away when they became parents and then wanted to protect their children; and the young who run away, were thrown out and finally denounced what happened there. In different ways, in detachment from such an experience, all find themselves exposed to the pain and humiliation of the systematic aggression suffered. For the first two generations in particular there is also the oppression of the feeling of having been collusive.

Institutional abuse at school

In Italy, a number of cases of violence by teachers against children in state-run nursery schools has occurred. We described two of the most recent ones. In 2016, in Pistoia, a nursery school teacher has been arrested on charges of abusing children under her care; the children were aged between one and three years old. CCTV cameras and hidden microphones show the female teacher, aged 58, inflicting moral and physical abuse, including slaps and even hitting one child with a plate. Concerns were raised at the school in November over alleged signs of abuse were brought to attention, but investigations were unable to proceed due to lack of proof. Confirmation was provided recently by "determining" video of the teacher inflicting acts of abuse such as slapping on the head and face, smacking, and forcing a child to eat until he cried. Two of her colleagues from the same school were suspected of similar abuse.

Still in 2016, a nursery school teacher has been accused of beating and psychologically torturing pupils. Secret CCTV shows the 58-year-old woman slapping and pulling the young children's hair at her school in Irpinia, near the southern Italian city of Naples.

It is also claimed that the woman locked up children in a dark room, leaving them alone for long periods of time.

Suspicious were apparently first raised when parents noticed their children coming home with bruises on their bodies. Some children even suffered nightmares, bed-wetting, mood swings and have aggressive behaviours. A hidden camera apparently recorded the woman shouting "I'll kill you" and "Shut up, I don't want to hear you talk". The teacher has now been arrested and charged with physical and psychological violence towards children.

February 2017, primary school "Paolo Roseti" of Biccari. Four teachers were arrested by the Carabinieri because they were accused, in various ways, of child abuse. Investigations have developed in two phases: the first, characterized by the acquisition of testimonial information (15 people between teachers and other parents); The second with the help of cameras placed inside a classroom where the lessons were held. There were several episodes documented and psychological violence was added to physical violence: the children were actually blamed for their physical characteristics, constantly mortified (have been used expressions like "Suck me! Close that mouthpiece that just come out ugly things out there!", "You have the bad heart!") and threatened.

May 2017, an investigation involved a kindergarten in Milan, where according to the investigation the children would be heavily abused with slaps, screaming in their ears, pushes and even footprints by two teachers and the schoolmaster of the kindergarten was aware of it. One teacher is still working at the kindergarten, another one was suspended for one year, pending the trial, while the manager was transferred to another school. He is accused of having known abuses and trying not to leak anything, inviting, for example, two school employees to report nothing to the outside.

These events and many others in the past have highlighted the lack, in the school system, of a proper internal policy for the prevention of child abuse at school and for dealing with the disclosure of cases. Since now it happens that teachers suspected of abuses were already known also in the past but the facts were not reported to the police, but the person was only transferred from a school to another.

The school should have measures to protect pupils, such as:

- procedures for checking on staff (teachers and other personnel) before they are allowed to work in the school e and then monitoring and ongoing training.
- training to identify signs of abuse and to know what to do
- a teacher responsible for dealing with child protection's measures
- a child protection policy which includes procedures to be followed if a teacher or another member of the staff is accused of harming a child

Child abuses in the Catholic Church

Since Francis' election in 2013, he has adopted a hard line on pedophilia in the Catholic Church and urged bishops around the world to adopt a zero-tolerance approach to clerical sex abuse. But victims' groups have often argued he has not done enough to hold perpetrators to account or the bishops who tolerated their

behavior. The issue has been more openly addressed in Italy by state and church institutions. The President of the Italian Episcopal Conference, Cardinal Angelo Bagnasco, acknowledged that it was “possible” that bishops in Italy had covered up abuse, whilst his deputy said that in the past decade 100 Italian priests had faced church trials in connection with the sexual abuse of minors. The Vatican’s own internal prosecutor, Msgr Charles J. Scicluna, who oversees abuse cases for the Vatican’s Congregation for the Doctrine of the Faith, said he was worried about “a certain culture of silence” in Italy, but at the same time, had an ambiguous behaviour, so to justify the silence in the church he put the responsibility on the legal situation in Italy, he stated wrongly that “the Italian law do not require mandatory reporting of sexual abuse, so bishops are not necessarily required to notify the civil authorities”, a false statement because in Italy there is a mandatory report in case of sexual abuse. Assuming that erroneous interpretation of the Italian law, the Catholic Church in Italy, therefore, does not force bishops to denounce their own priests, but encourages them to contact the victims and invite them to denounce the priests by whom they have been abused.

Even if in 2013 Pope Francis established a commission to advise him on protecting children from pedophile priests and on how to counsel victims, there is a strong reluctance among the Roman Catholic Church’s hierarchy to implement the commission’s recommendations — even those approved by the pope, as said Marie Collins, an Irish survivor of clergy sexual abuse who quit Francis’s commission in March because she was frustrated that few reforms were taking hold.

Sergio Cavaliere, an Italian lawyer, has documented 130 cases of clerical paedophilia. The cases he found are just the tip of the iceberg given the reluctance of many victims to come forward until now, and as Cavaliere said "in no single case did the local bishop alert the police of the suspected abuse".



An Italian organization seeking to bring paedophile Catholic priests, in Italy, to justice has developed a detailed map showing all reported cases from the last 10 years. [L'Abuso](#), an Italian association for the victims of paedophilia by priests, collected the figures from court data. In the last decade alone, there have been 120 definitive convictions, marked on the map by red pins, against child abusers among the clergy. Yellow pins mark instances of abuse that have been confirmed by a court, but the perpetrator has not been sentenced, most commonly due to court cases expiring under the statute of limitations.

Black pins mark cases in which foreign priests in Italy, who are under investigation abroad, are being protected by the Vatican.

The statute of limitation intervenes for example in the case of Lelio Cantini, the former parish priest of the church Regina della Pace in Florence. His sexual abuses on 10 to 17 years old girls and boys until early 90's throughout almost 20 years, are proved but non-prosecutable because statute barred. In 2004 various parishioners denounce the events to Catholic's authorities and in 2007 after the case appears on the press, the Church condemns the priest by forbidden him to say public mass and ordain him to pray for penitence. Then in 2011 after the accuses and blames about this case transmitted on a TV talk show, the Church unfrock the priest and condemn him to mandatory residence. In May 2011 the trial of the Italian justice ended with statute of limitation of the crimes.

In February 2010, the Vatican opened an investigation into allegations by 67 former pupils at a school for the deaf in Verona that 24 priests, brothers and lay religious men of the Congregation for the Company of Mary abused pupils from the 1950s to the 1980s. The Company of Mary is dedicated to care for and educate deaf-mute children in a system of boarding schools, a noble work of charity. This religious congregation, which has priests and sisters, was founded in 1841 by Fr. Antonio Provolo in Verona, Italy. After his death, the Verona motherhouse named its boarding schools after him: the Antonio Provolo Institute. This congregation also has houses in Argentina in the cities of Mendoza, Province of Mendoza, and La Plata, Province of Buenos Aires.

In 2009, breaking the silence, the 67 former students from Verona's Antonio Provolo institute for the deaf signed a statement alleging that sexual abuse, pedophilia and corporal punishment occurred at the school at the hands of priests and brothers of the Congregation for the Company of Mary.

While not all acknowledged being victims themselves, 14 of the 67 wrote sworn statements and videotaped testimony, detailing the abuse they say they suffered, some for years, at the school's two campuses in Verona. In December 2013, a group of the deaf and mute students from the Italian Provolo Institute who were sex abused victims of Fr. Nicola Corradi wrote directly to Pope Francis notifying him that Corradi had sexually abused them and informed the Pope that Fr. Corradi was still in ministry with deaf and mute children in Francis' native Argentina. The letter to Pope Francis details the heartbreakingly brutal treatment of abuse victims by the Vatican:

We are a group of former students of the Antonio Provolo Institute for the Deaf and Dumb of Verona (Italy) who told the press about the abuses committed by paedophile priests at the Institute. This was done only after three years of fruitless contacts with the Curia of Verona and in order to prevent what happened to us from happening to other children. The Bishop of Verona, who had been aware of what was going on, immediately accused us of being slanderers.

On May 9th, 2014, the eight Provolo victims of Italy sent Pope Francis a video message pleading for justice. They asked the Pope for safety measures to protect children.

After repeated pleas and requests to the Vatican, in February 2016, the Vatican informed the victims that the Pope had referred the matter to the Italian Bishops' Conference, refusing their request for an independent investigation. For three years, Fr. Corradi remained at the school, after Pope Francis was informed that an active child predator priest was teaching deaf and mute children in Argentina.

In late November 2016, Argentine Police arrested the 82-year old Rev. Corradi, 55-year-old priest Horacio Corbacho, and three other men. They are accused of sexual and physical child abuse at the Antonio Provolo

Institute in northwestern Mendoza province in Argentina. When the police raided the school in Argentina's Mendoza province, they found pornography and about \$34,000 in Fr. Corradi's room.

Now at least [60 students of the Provolo Institute in Argentina](#) have come forward seeking justice for the abuse they say they suffered at the hands of the accused men.

According to the Vatican's U.N. ambassador in Geneva, Archbishop Silvano Tomasi, 3,400 sexual abuse cases had been referred to the Vatican from 2004 to 2014. In the same period 2,572 priests sentenced to a lifetime of penance. Another 848 over the last decade had been defrocked. The others were sentenced to penance and other mild religious sentences. Pope Benedict XVI defrocked 384 priests in 2 years.

Majority of priests' victims were male. American Catholic priests were shown to have a [distinct pattern of sexual abuse](#), with 64 percent of all allegations of abuse made against a priest by a male only, according to a [detailed report](#) by the John Jay Institute investigating child abuse in the Catholic Church from 1950 to 2002. Those males were young: more than 85 percent of them were 8 to 10 years old.

Reactions

Since now we do not observe any particular assumption of responsibilities by the public institution involved in the events of institutional abuse that, during the decades, were discovered, the only exception, it the action of the regional government of Tuscany in relation to the events of Il Forteto.

Recently, in August 2017, a group of Forteto's victims was received by the Pope who asks forgiveness even for those who doesn't ask. The attention of the Pope on the Forteto event is considered an important step forward, after years of public inattention. Moreover, a seminar organized by Associazione Artemisia Onlus on Forteto events in October 2017 counted with the active participation and commitment of the main local institutions.

In the year 2012, the regional government of Tuscany established a commission of inquiry on "The activity of residential care for children in consideration of the events concerning Il Forteto". It aimed at knowing the congruity of the residential care system with the objectives pursued by the regional legislation on the Protection of minors. The final report illustrated the testimonies concerning the local system and the facts happened at Il Forteto against children (sexual abuse, physical and psychological ill-treatment, exploitation and plagiarisms).

In the year 2015, the Tuscany Region instituted another inquiry commission to identify and analyze the political and institutional responsibilities related to the case of Il Forteto (resolution of the Regional Council of Tuscany No 48 of 28 July 2015). The final report highlights how the institutions responsible for child custody and control have failed their institutional tasks. In particular, the Juvenile Court continued to send children to the community, despite the fact that Il Forteto was unreliable and the person who were responsible had been investigated and later on condemned for specific offenses against minors. For decades the Tuscany Region as well as other territorial authorities have granted public funding to the cooperative and association Il Forteto, even though the leaders (Fiesoli and Goffredi) have already been condemned for specific offenses. The local health and social services played a wrongful and inadequate role, failing to fulfill their duty of protection and control in order to guarantee the well being of the children they should have protected.

In 2015, the Regional government of Tuscany promoted also a first action of compensation towards the victims, funded a project for offering them psychological support and social help (the project Oltre). Moreover, in November 2016, the second Regional Inquiry Commission on Forteto had a meeting with parliamentarians and the Ministry of Economic Development as final act for completing the mandate received by the Regional Council of Tuscany.

The meeting in Rome had two goals: asking for the establishment of a parliamentary inquiry commission and intervening on the situation of the co-operative Il Forteto which has maintained the same structure of responsibilities despite the fact that the Court had recognised collusive behaviours and complicities. The Commission's president and other member of the commission were received by the Senate President, Piero Grasso and representatives of Members of Senato, moreover they met also the Vice President of the bicameral Commission for Childhood and Adolescence, Sandra Zampa, and the Deputy Chief of Cabinet of the Minister of Economic Development. "Forteto continues to be a subject with so many contradictions and abnormalities that we have repeatedly denounced: national institutions have a moral duty to take seriously everyone, for once, who takes away the political affiliation and goes to work to prevent that the horrible events happened are not repeated, at Forteto as in any other reality".

In May 2017, the Commission of Justice of the Senate of the Republic authorised the establishment of an enquiry commission on Il Forteto case in order to investigate on the institutional responsibilities and the role of the cooperative which is the economic component of Il Forteto system. To be established the commission need the Chamber of Deputies endorsement, that still wait to be approved.

In the recent years the establishment of association of victims of institutional abuse, such as the Association of the victims of Il Forteto, which is a supporting partner of the SASCA project, have played an important role in counteracting process of negation and minimisation. They favourite also the dissemination of knowledge on the events through publications and actions to inform public opinion.

Lessons learned

Instances of child abuse in institutional setting must be a call to surveillance that goes beyond individual responsibilities, and take on collective and system's responsibilities. It is necessary to have the capability to nurture the memory, to assume responsibility and to have awareness about the pain of those who find suffering instead of protection in the places where they were placed.

Those instances teach us that when we work on tutelage issues, we can't simplify and we haven't to do ideological choices. Rigour is needed. There must be done rigorous revealing, rigorous protections, rigorous and full of significance evaluations. Our agreement, our approval, especially when we have responsibilities on people we take care of, should never rely on others agreement for mandate, trust or superficiality. We should work on professional capabilities, always wonder and compare/ exchange point of view (=confrontarci??). We shall invest on the quality of the pathways, and never quit critical mind. We shall investigate on those organisational models that isolates operators and facilitate outbreak of mistreatments and prevent protection.

On the side of victims' support and treatment, we can see that such damages can't be elaborated by victims in individual paths. Institutions, services and all the community shall share a common narration of the event. The answer of the social and institutional context is important and necessary within the path of victims'

compensation to stimulate useful reflections to prevent institutional mistreatments.

We can't look beyond if we don't look back and if all of us, professional operators, institutions and citizens, feel part of the problem, because we didn't see, we didn't understand, we underestimated, we slipped away to awareness. The assumption of responsibility mustn't be crippling and overwhelming, but shall be an incentive to compensation and solidarity, to recognize the pain of survivors and to have a clear position on the issue.

3. Legal framework

3.1 Brief description of legislation, policies, procedures and services involved in the removal of children from home (when services intervene, who does what, etc...)

The Juvenile Court, established by Royal Decree no. 1404 of 1934 and the Tutelary Judge, established in every Court, are responsible for the surveillance, control and assistance of minors in difficult situations.

The law 1983 No. 184 states the child's right to a family: when children can not count on their own family they are entitled to be entrusted to another family or to a single person, or rather they can be placed in a family-type community. In case the placement of a child in a family is not possible, the law allows the insertion of the minor in a public or private children's home, preferably located closer to the place where the family of origin resides permanently. For children under six years of age the placement can only occur in a family-type community.

The foster care and the access in a residential facilities is generally arranged by local social services, subject to the consent of the parents or to the consent of the one exercising parental responsibility or also of the one of the legal guardian, and after the listening of the child who has attained the age of twelve and even of children under the age, in view of their ability of discernment.

The tutelary judge of the place where the child lives, enforces the measure by Executive Decree.

Where the consent of parents exercising parental responsibility or the one of the legal guardian is missing, it is the juvenile court that must provide. Articles 330 and subsequent of the Civil Code, which provide for restrictive and ablative measures of parental responsibility (such as suspension or revocation, in severe cases), apply in such occurrences.

In each case where a child placed in foster care or in a residential facilities it is necessary to:

- specifically indicate the care reasons;
- identify times and means of the powers conferred upon the foster or the access to a residential unit ;
- indicate the estimated care duration period;
- disclosure of the local social service to which it is assigned the responsibility of the assistance program, as well as the supervision during the child custody with the obligation to keep constantly informed the tutelary judge or the juvenile court.

Since law No. 184 does not permit neither that situations of abandonment prolong nor that de facto adoptions stabilize, article 9 of the above mentioned law imposes a half-yearly transmission of the lists of children living in public or private structures to the tutelary judge.

The regions, within their own powers and on the basis of criteria established by the Permanent Conference for relations between State, regions and autonomous provinces of Trento and Bolzano, define the minimum standards of the services and of the assistance that should be provided by family-type communities and by institutions. The regions shall periodically monitor compliance with these standards.

The Social Service can intervene with measures of protection and care of the child even on its own initiative but, in any case, it must report to the juvenile court or it must receive a specific intervention mandate.

3.2 Brief description of legislation, policies, procedures and mandates for reporting CAN cases in different professional fields.

The institutional mistreatment does not fall into an autonomous criminal figure but can be framed in different offenses:

Mistreatment against family and household members To the person/s responsible of the Communities to which children are entrusted or whose authority they are submitted to for reasons of care, education,

upbringing, supervision and custody may be contested Article 572 of the Penal Code to have inflicted to children physical suffering, psychological constraints, blaming and imposing strict rules of behavior, which could inhibit their ability to self-determination.

Article 572 punishes those who mistreat a family member or person entrusted to him for reasons of care, housing, education and supervision, with behaviors of physical, psychological and economic violence perpetrated systematically and regularly, in order to inflict prolonged suffering over time.

Forms of maltreatment may be the most disparate; next to physical violence there may be forms of compression and distortion of the will (plagiarism) such as forms of psychological subjection also due to the emotional fragility of the victims.

Sexual Offenses 609 bis "Sexual Violence" when entrusted children undergo sexual acts (kissing, touchings, masturbation, penetration etc..., anal and oral coitus)

609 octies gang rape

609 quinquie corruption of minors

Private violence

Kidnapping

In all these cases it can be applied the aggravating circumstance of committing the fact/s with abuse of power or violation of the duties inherent a public function or a public service or as a minister of religion. Art. 61 No. 9.

In this regard it should be noted that the head of a public community has to be considered a public official and the head of a private community, which benefits from public money or pursues objectives similar to those pursued by the public authority or otherwise carried out in the public interest, has to be considered in charge of public service.

PRESCRIPTION OF CRIMES

Following the entry into force of Law of No. 172/2012 (Ratification of the Lanzarote Convention) the statute of limitations for crimes of mistreatment have doubled (art. 572 P.C.), sexual violence, sexual acts with minors (609 quater), corruption of minors (art. 609 quinquies "Any person performing sexual acts in the presence of minors under the age of fourteen in order to make them witness), gang rape.

Therefore, following the reforms, the mistreatment offense shall expire in fifteen years and sexual crimes in twenty years (a term which increases up to half in the event of failure).

In any case, the rule contained in Art. 157 P.C. is that crimes are prescribed in a time corresponding to the maximum sentence and in any case this term can never be less than four years for offenses (in the present case there is no contravention offenses, less serious) and six years for crimes (eg stalking, crime punishable by a maximum penalty of five years for which, by the way, the time needed to prescribe is still six years).

(These doubled terms, however, does not apply to acts committed before the entry into force of Law 172/2012, for which the statute of limitations are reduced)

1. Obligation to Report

The obligation to report applies to public officials and to public service staff who, in the exercise or because of their duties or of their service, having news of a criminal offense prosecutable ex officio must submit a written complaint.

The omission of complaint is a crime punishable by imprisonment

2. Legislative Decree n. 212/15 Application of the 2012/29/EU Directive on the protection of victims of crime to prevent secondary victimization.

The Legislative Decree, for the first time in the Italian regulatory system, introduces the concept of "vulnerable victim" and the related guarantees (psychological assistance at every stage of the proceedings, the right on information on the state of the criminal proceedings, the right to translation of documents in a language they understand).

The **new Article 90-quater of the Criminal Procedure Code**, provides a sort of general criteria to determine the existence of a condition of particular vulnerability of the victim: it can be inferred from the type of offense and from the manner and circumstances of the case for which we proceed, as well as from the age and the possible state of illness or psychic deficiency of the offended. Furthermore the norm establishes that to evaluate the condition it is necessary to evaluate if the offense is committed with violence against the person or with racial hatred, whether it is attributable to the areas of organized crime, terrorism or human trafficking, if it is characterized for purposes of discrimination and if the victim is emotionally, psychologically or financially dependent from the offender.

Vulnerable victims (women and children) are entitled to be heard through the institution of a Pre-trial hearing in the investigation stage, which allows the interviewing of the witness in a protected environment, physically separate from the place where the suspect is located with his lawyer and other parties of the proceedings (the prosecutor and the victim's lawyer).

During the proceedings (trial stage after the closing of the preliminary investigation) the vulnerable victim can request to be heard with these same methods, although the debate is public.

3.3 Which kind of compensation for children victims of child abuse, what type of compensation for adults who suffered child abuse when they were children. The restorative justice.

As defined in the 2012/29/EU Directive, restorative justice is "any process that allows the victim and the author of the crime, given their freely consent, to actively participate to the resolution of issues arising from the offense, with the help of an impartial third party".

Therefore all forms of mediation and convictions with alternative methods of punishment such as probation which provides, where possible, among the conditions for granting it, the compensation for the damage caused, fall within the concept of restorative justice.

The positive outcome of the probation extinguishes the offense.

However the suspension of the process with probation may be granted only for those offenses punishable by imprisonment not exceeding four years, therefore it does not apply in relation to the offenses that interest us because punished with higher prison sentences.

A reflection can be made on the potential existence of a measure of this kind in cases of mistreatment, including institutional ones, but there are many uncertainties, especially on the effectiveness of a "mediation" in events in which there is a state of awe and subjection by the victim against the offender.

The right to compensation

Every crime that has caused a pecuniary or non-pecuniary damage forces the responsible for compensation. There can be no doubt that the victims of institutional mistreatment have suffered a damage and are entitled to claim compensation for this damage that may be a biological, susceptible to immediate medical evaluation, but it may also be moral or non-pecuniary, for the suffering (worry of mind, short and long-term psychological damage).

Quantification varies with the severity of damage and the duration of mistreatment and abuse.

In order to exercise their right to compensation victims may act within the established criminal trial, with the instrument of a civil action that can only be done through a lawyer.

The right to compensation is linked to the prescription times of the offense. This may be a particularly critical aspect especially for crimes dating (also quite a lot) back in time, for which it is highly likely that the prescription terms mature before the judgment.

However, if the sentence of first instance comes before that the prescription terms mature, the right to compensation is guaranteed even if during the appeal the offense is declared prescribed.

In contrast, if the prescription terms mature before conviction, automatically the entitlement to compensation is lost.

In Italian civil law, protection is ensured to minors who are victims of physical, psychological or sexual abuse by means of a coordinated system of rules that envisage **severe sanctions for parents in the event of behaviours that are detrimental against children**. There is envisaged the possibility to take appropriate actions, including the precautionary separation of the minor from the family residence (art. 333 of the Italian Civil Code). If the parent infringes or overlooks the duties inherent to his/her authority or abuses his/her powers to the serious detriment of the child, the disqualification from guardianship can be sentenced against him/her. In the case of urgent need, the court can adopt, also automatically (ex officio), temporary actions for the benefit of the child (art. 336, last clause, of the Italian Civil Code).

Law no. 149/2001 makes «Amendments to Law no. 184 of 4 May 1983, on «Regulation of the adoption and foster care of minors», as well as to title VIII of volume one of the Civil Code» which applied the right for each minor to live and grow in the family, as is recognized by CRC.

As to amendments to the Civil Code implemented by Law no. 149/2001, the regulation above envisaged a significant form of protection of the minor from harmful behaviours of the parent, establishing that the Juvenile Court, when adopting a decision of disqualification of the parental authority (art. 330 of the Italian Civil Code) or another appropriate decision (art. 333 of the Italian Civil Code), in the event there is “serious harm to the child”, can let not only the minor leave the family home, as was the original provision of the regulation, but also the violent parent or partner in cohabitation. In articles 330-333 of the Italian Civil Code the separation from the family home is a decision that is strictly ancillary to that regarding the disqualification or limitation of parental authority and, therefore, it always requires the taking of a main decision which affects it. Jurisprudence, however, appears to establish that art. 330 of the Italian Civil Code can be applied not only to abuse or maltreatment directly committed on the minor, but also to indirect ones, perpetrated against close relatives dear to him, such as seeing repeated physical aggressions to the mother by the father . In July 2007 Law no. 149/2001 came into force, relating to the obligation to appoint a defending attorney for parents and minors in adoptability proceedings and in proceedings for the limitation and loss of parental authority.

In some cities local authorities encouraged the creation of networking among professionals working with children or, as in the case of intervention adopted by the Prefectures, representatives of all the institutions involved in the judicial proceeding.

In many cities of Italy the coordination among local services, judicial authorities and police led to the adoption of protocols. Some of them address the problem without giving any technical advice, while others are more operative, distinguishing the various roles, functions and duties of each actor.

The protocols regarding cooperation among various Justice offices focus mainly on the following points:

- Acknowledgement of the need for mutual submission of the “*notitia criminis*” in order to ensure the co-ordination of investigation activities with possible institution of civil proceedings for the protection of the child abused; such practice is specifically established by Act no. 66 of 15 February 1966, “*Rules against sexual harassment*”, and today incorporated by Act no. 296 of 3 August 1998, ruling against pandering, pornography, sex tourism to the detriment of children as new forms of enslavement.

- The removal of the child from the family (in the case of abuse within the family) and the adoption of custodial measures against the offender, should take place after consultation between the authorities involved, in order to avoid both possible pressures on the children
- The hearing of the child victim of sexual abuse, especially a very young child, shall take place through qualified staff for psychological support and in the form of “protected examination of the victims”, i.e. in a different place from the Court and with the use of a one-way mirror. This procedure, specifically established by Law no. 66/1996, is incorporated today also by Law no. 269/1998.
- The psychological investigations, legal medical tests as well as assessment of the abused child’s competency to testify shall be agreed upon by judicial authorities with a view to limiting overlapping investigations as far as possible, which would at any rate be shocking for the children involved in order to avoid secondary victimization.
- The Judicial authorities involved should avoid that trial events related to child’ abuse or sexual harassment may allow the victim’s identification through their publication.

In Italy the Juvenile Courts were established in 1934 (RDL 20/7/1934 n.1404) so that minors who had committed offences would be judged by a specialised, mixed body, comprising professional judges (stipendiary magistrates) and citizens expert in human sciences (honorary judges). Subsequently these tribunals were given civil responsibilities which have been extended over the years to cover almost all jurisdictional proceedings, including safeguard and support, where the interests of minors are involved. The Juvenile Court has jurisdiction in criminal, civil and administrative cases in the spirit of acting in the best interest of the minor according to what was laid down by the 1989 New York Convention, ratified by Italy with Law 176 of 1991, which declared: “In all sentences regarding children, under the responsibility both of the public or private welfare institutions, of the courts, the administrative authorities or legislative bodies, the best interest of the child must be given priority” (Art. 3, paragraph 1). In criminal law the court has exclusive jurisdiction: it judges all crimes committed by an underage individual, even if they were committed with adults. The Juvenile Court is not the only body in charge of minors, since there are other judges who pass judgements regarding them, such as the ordinary court and the tutelary judge (who is part of the ordinary court). However there are some matters which are its exclusive preserve and which are crucial for the protection of children and adolescents and for preventing maltreatment. The court may decide to limit the parents’ authority calling on the community health and social services to supervise the family’s living conditions and to support it (Art. 33 of the Civil Code). Other measures consist in removing the minor from his/her family home (Articles 330, 333 and 336 of the Civil Code) and placing him/her with another foster family or institute or individual (Articles 2 and 4 of Law n. 184/83). In the most serious cases, the Juvenile Court may declare that parents have lost their parental authority over their children (Art. 330 of the Civil Code) and, according to Articles 8 and foll. of Law n. 184/83, if the child or adolescent is reported to be in a situation of moral and material neglect, the court may declare the state of adoptability and place the minor definitively with another family, ordering the cessation of relations between the minor and his/her family of origin.

1 Brief overview of child protection system and the local network for supporting the project

1.1 Organization of the system: actors, roles and responsibilities

As established in the Prime Ministerial Decree of 14 February 2001 (“Guidelines for the coordination of social and health care services”), the Municipalities are in charge of providing services which are typically the ones needed by child victims of abuse and sexual exploitation. The Decree formally defines them as “social services relevant to health”, i.e. activities by the social services which provide support to persons who have health problems due to the fact that they are in need, marginalized or disabled. The Municipalities are free

to decide whether the citizens should contribute to the expenses borne for such initiatives or not. This kind of service includes support to children and adolescents, the promotion of family responsibilities, and initiatives against poverty for citizens who have no earning capacity because of personal or social limitations. In particular, the latter are crucial to protect children who live in situations of serious marginalization and social decay.

The Municipalities bear the entire cost of:

- support initiatives for families of troubled, maladjusted or deviant minors: in particular, social and economic support to families, educational support to minors (also at home) and social survey on the family;
- initiatives for minors having received criminal, civil or administrative sanctions: in particular, the Municipalities have to bear the cost of their placement in educational or family-like communities.

The Decree also identifies another two categories of services which include important support and care activities for child victims of violence, whose cost is entirely borne by the National Health Care System. These are:

- initiatives for the prevention of abuse and the psychological and therapeutic treatment of children who suffered abuse;
- counselling to families, mothers and children by doctors, social workers, psychologists and rehabilitators;
- protection of abandoned minors and of their growth, also through foster care and adoption (specialist medical, psychological, therapeutic, diagnostic services for minors and for foster and adoptive families);
- protection of persons with mental disorders through the provision of treatment and rehabilitation in outpatient departments, at home or in specialized centres and communities.

1.2 Description of the local steering Committee: members, reasons for the inclusion of each of them, points of strength in relation to the project, foreseen difficulties and solution for handling them

The Local Steering Committees have a valuable function of support to the project: for the construction, in the first phase, of investigation and awareness (by facilitating the involvement of people to interview) and then for the promotion of the growth of **consciousness in time institutions for the final drafting** of a proposal, for the drafting of the EU recommendations, for the prevention of violence in institutions and to recognize the trauma of the victims.

Since the project objectives that the Local Committee has the aim of supporting place themselves at the crossroads of health issues, social issues and judicial issues, and involve the technical level and the political level, the composition of the Local Committee is really "mixed"/ heterogenous. It will be necessary a precise structuring of five meetings in two years.

The main focus of Sasca, in particular for WS2, in Italy will be the story of Forteto. Therefore the composition of the Local Committee must take into account the experience gained during last two years in supporting victims and in networking.

On the one hand there is a well-established synergy between the partners of the two projects (Artemisia, Tuscany Region and Society of Health), on the other hand there is a good level of awareness of the critical issues that will emerge during the activities of Sasca project.

Critical points

- Need to mix in the Local Committee of the political and technical level: so far on the issue of Forteto we have moved on a technical level, without a clear and explicit political mandate.
- Speaking of Forteto still generate mistrust, cautions and warnings. Some argue that it is necessary to have a neutral position.
- It is still not fully recognized what happened. They have not recognized the responsibility of the actions and omissions of the institutions and professionals involved. It is not yet separate the management of the Association Il Forteto and of the Agricultural Cooperative, very important productive reality in Tuscany.
- Still there is not enough awareness of the complexity of the court case, of the severity of abuse, of the long terms effects and of the special needs of survivors.
- The justice instances, claimed by the victims and the Chairmen of the two Commissions of Inquiry.
- Institutions such as the TM that have very little publicly confronted today on the affair Forteto.

2 **Advocating towards a national and an European recognition of institutional abuse**

2.1 Recent and on-going developments in Italy

Public health approach highlights the importance of prevention and discerns three levels of prevention which are relevant conceptualisation also in regards of institutional abuse. According to WHO (2008) these levels are defined as follows:

- Primary prevention – aims to prevent violence before it occurs, through interventions directed at the general population. These may be universal interventions or may focus on a particular group.
- Secondary prevention – aims to prevent violence before it occurs through selected interventions targeting those individuals, families, organisations and communities where there is a keen risk of violence.
- Tertiary prevention – takes place after violence has occurred and aims to minimise future harm and to prevent its recurrence.

In recent years, in Italy public opinion was shocked by the disclosures of several events on institutional abuse in different settings, but from they did not bring to the adoption of specific measures concerning the prevention of institutional abuse. The institutions, including Catholic Church, are reluctant to identify such events as the results of distortions inside the system instead of the mistakes of single individuals.

The main critical effects are:

- minimization of the scope and impact of the events at a social level
- minimization of the effects on the victims

“Support to Adult Survivors of Child Abuse in institutional settings -SASCA”
[JUST/2015/JACC/AG/VICT/9292]

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- denial of assuming the responsibility of the events as institution
 - lack of preventive measures
 - unavailability towards cultural changes which might lead to reduction of the risks

In our opinion, and according to our experience advocating towards a recognition of the reality of institutional abuse should mean the adoption of a strategy finalized to politicians and policy makers, professionals, the victims and public opinion, as it is recommended in case of all the other type of violence against children (WHO, Ipscan, 2006; Smallbone, S., Marshall, M., Wortley, R (2008). Preventing Child Sexual Abuse: Evidence, Policy and Practice. Willan: Devon.).

In particular:

- Institutional abuse of children should be considered as a key public concern and as such should become a priority for politicians and those who are responsible for developing law and policies for the prevention of violence against children at national and local levels.
- As for all the other types of violence against children, the institutional abuse produces individual and social costs that are a severe burden for victims and society, and this is a strong reason for investment in prevention.
- Strategy against institutional abuse and the support to the victims in the brief and long period of time should be part a the political agenda concerning children’s rights. The support of politicians and other policy makers for prevention programmes at every level is essential.
- The victims of institutional abuse tend to disclosure late in their life because they have fear to be blamed, have difficulties to recognize what happened to them, suffer the long term effects of the trauma. This facts should lead changes in the norms concerning prescription of crimes, and professionals to keep seriously late disclosure.
- Institutional abuse has no single cause, and it is not the responsible of the direct author, it is often the results of entire system which colludes, covers, justifies and sometimes motivates violence against children. A multi-layered strategy is therefore required, which includes, on one hand, primary, secondary and tertiary prevention, and on the other actions addressed to multiple actors.
- Although our understanding of the scale and effect of violence against children has developed within the past decade, the magnitude of violence against children in institutions remains less clear.
- The deficiency of national data collection system concerning child abuse facilitates the undervaluation of the phenomenon, and reduces the capacity to identify also the associated risk and protective factors.
- Reliable estimates of the extent of the problem are essential for the development of effective population level public health programmes to prevent children from becoming victims of violence, and improve their health and quality of life.
- As it is recognized for child sexual abuse prevention strategies, also in case of institutional abuse the actions concerning the three levels of prevention should be aligned with other violence prevention activities, because the different forms of child abuse have common root causes.
- Although children in institutions are vulnerable to different types of violence, the focus in most studies was on child maltreatment—ie, physical and sexual violence, neglect, and emotional abuse in the family, then it is necessary to extend further research studies in order to understand better the peculiarities of the effects in these target of victims.
- On the judicial side of the intervention, the certainty of the penalty should be granted as a response to the victims and as deterrent tool. Anyway, the imprisonment of offenders is not enough, there is also the need of treating them.

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