



## The Italian authorities failed to protect a drug-dependent victim of a child prostitution ring

In today's **Chamber judgment**<sup>1</sup> in the case of **V.C. v. Italy** (application no. 54227/14) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life) of the European Convention on Human Rights.**

The case concerned a person who, as a minor suffering from alcohol and drug addiction, had been the victim of a child prostitution ring and gang rape. She complained that the Italian authorities had not taken all the necessary steps to protect her as a minor and the victim of a prostitution ring.

The Court found in particular that the authorities had not acted with the necessary diligence and had not taken all reasonable measures in good time to prevent the abuses suffered by V.C. Although the criminal courts had acted promptly, the Youth Court and the social services had not taken any immediate protective measures, even though they had known that V.C. (aged 15 at the time) was vulnerable and that proceedings concerning her sexual exploitation and an investigation into the gang rape were ongoing.

### Principal facts

In April 2013 the applicant, V.C. – an Italian national who was born in 1997 – was at a party when the police arrived and seized drugs and alcohol. Her parents, when interviewed by the Rome public prosecutor's office, stated that their daughter suffered from drug addiction and psychological disorders and had been contacted via Facebook by a photographer wanting to take pornographic pictures. V.C. was also interviewed by the public prosecutor and refused to be placed in a specialist institution or a foster family.

In June 2013 V.C.'s mother informed the public prosecutor that her daughter had again been contacted to appear in pornographic photographs. The prosecutor reported V.C.'s case to the Youth Court and applied to have urgent proceedings instituted with a view to placing her in a specialist facility. In December 2013 the court ruled that V.C. was to be placed in the care of social services and housed in a specialist institution for 12 months. The social services contacted the V.L. centre, which refused to admit her as it had no places available. In the meantime, during the night of 30 to 31 January 2014, V.C. was the victim of a gang rape. Two individuals are currently being tried for this offence.

In April 2014 the court ruled that V.C. was to be placed immediately in the Karisma centre. Subsequently, the centre asked for her to be transferred to a more appropriate facility, pointing out that its facilities were not suited to tackling drug-addiction problems. V.C. left the centre in September 2015 and returned to live with her parents. In December 2016 the social services reported that she had improved and that their intervention was no longer required. The court terminated the proceedings in January 2017.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

In November 2014 the Rome District Court found two suspects guilty of living on the earnings of prostitution, observing that they had put pressure on V.C. to engage in prostitution even though they were aware of her age. The court found that V.C. had been the victim of sexual exploitation from August to December 2013. The two convicted individuals were also ordered to pay damages to V.C., but she maintains that she has not received the sum awarded.

## Complaints, procedure and composition of the Court

Relying on Articles 3 (prohibition of torture and inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy), V.C. complained that the Italian authorities had not taken all the necessary steps to protect her as a minor and a victim of a prostitution ring, and that she had not had a remedy in domestic law by which to complain of the alleged violations.

The application was lodged with the European Court of Human Rights on 23 July 2014.

Judgment was given by a Chamber of seven judges, composed as follows:

Linos-Alexandre **Sicilianos** (Greece), *President*,  
Guido **Raimondi** (Italy),  
Aleš **Pejchal** (the Czech Republic),  
Krzysztof **Wojtyczek** (Poland),  
Ksenija **Turković** (Croatia),  
Pauliine **Koskelo** (Finland),  
Tim **Eicke** (the United Kingdom),

and also Renata **Degener**, *Deputy Section Registrar*.

## Decision of the Court

### [Articles 3 \(prohibition of torture and inhuman or degrading treatment\) and 8 \(right to respect for private and family life\)](#)

The Court found that the violent treatment suffered by V.C. fell within the scope of Article 3 of the Convention and amounted to interference with her right to respect for her physical integrity, as guaranteed by Article 8. It therefore concluded that the main question arising in this case was whether the authorities had taken all the necessary steps to prevent the violence to which V.C. had been exposed and to protect her physical integrity.

#### **1. Were the authorities aware of V.C.'s vulnerable situation?**

The Court found that the national authorities had been aware of V.C.'s vulnerable situation and the real and immediate risk she faced. From April 2013 they had known of her erratic conduct, since the public prosecutor at the Youth Court had been alerted to the fact that she had been found in possession of alcohol and drugs. Furthermore, in May and June 2013 the girl's parents had informed the authorities of their daughter's state of distress. They had also mentioned the risk, supported by documentary evidence, of her falling into a prostitution ring.

#### **2. Did the authorities take all reasonable steps to protect V.C.?**

The Court noted that the criminal courts had acted promptly, but that the Youth Court and the social services had not taken any immediate protective measures, even though they had been aware that V.C. (then aged 15) was vulnerable and that proceedings concerning her sexual exploitation and an investigation into the gang rape were ongoing. The authorities had therefore not carried out any assessment of the risks faced by V.C., for the following reasons in particular.

Firstly, although the public prosecutor had applied on 2 July 2013 to have urgent proceedings instituted and to have V.C. placed in a specialist facility and in the care of social services, the Youth Court had taken more than four months to reach its decision. During that period, the girl had been the victim of sexual exploitation.

Secondly, following the Youth Court's decision in December 2013, the social services had taken more than four months to implement the order for V.C.'s placement in care, despite the requests to that effect by her parents and two urgent requests from the Youth Court for information. In the meantime, the girl had been the victim of gang rape.

Thirdly, having regard to the conduct of the social services in failing to attend the hearings and the time they had taken to find an institution to house V.C. – despite the urgent nature of the request by the president of the Youth Court – the Court found that there had been a real lack of involvement on the part of those services in implementing the Youth Court's decision. The national authorities had had a duty to take account of V.C.'s situation of particular psychological and physical vulnerability and to assess it accordingly by taking prompt and appropriate protective measures.

Consequently, the authorities had not acted with the necessary diligence and had not taken all reasonable measures in good time to prevent the abuses suffered by V.C. There had therefore been a violation of Articles 3 and 8 of the Convention.

#### Article 41 (just satisfaction)

The Court held that Italy was to pay the applicant 30,000 euros (EUR) in respect of non-pecuniary damage and EUR 10,000 in respect of costs and expenses.

#### Separate opinion

Judge Wojtyczek expressed a concurring opinion, which is annexed to the judgment.

*The judgment is available only in French.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.