



OBLIGATIONS OF STATES REGARDING CHILD SEXUAL ABUSE AND MARGIN OF APPRECIATION: CASE OF D.K. V. ITALY

In this judgment, the European Court on Human Rights was called upon to decide whether the exclusion of the *ex officio* prosecution of child sexual abuse constituted a violation of the positive, substantive and procedural obligations deriving from art. 3 of the European Convention on Human Rights. The applicant also asked the Court to ascertain whether the non-retroactivity of Law No. 66 /1996 constituted an infringement of art. 3. The ruling is very interesting because it deepens the obligations arising from the European Convention on Human Rights on a very topical issue such as child abuse. A further noteworthy aspect is the use of the margin of appreciation in a case in which the obligation has an absolute character such as the prohibition of torture.