



Support VoC 

SupportVoC National Report Italy

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Authors:
CESIE



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1) Executive summary

This national report focuses on an analysis of existing laws concerning the victims of crime, prior to the transposition of Directive 2012/29/UE establishing minimum standards on the rights, support, and protection of victims of crime, to provide a theoretical and practical study regarding the implementation of the Legislative Decree of 15 December 2015, no. 212, aimed at implementing the Directive in Italy.

The Italian report is based on:

- a desk research outlining the main juridical differences and the amendments made to Italian Code of Criminal Procedure following the implementation of Directive 2012/29/UE. The desk research was carried out with the support of an expert in criminal proceedings;
- a field research including stakeholders' interviews (policymakers, public security organisations, judges, lawyers, NGOs supporting the victims of crime, etc.). These actors were asked to comment on the legislative decree and on the practices prior and following the transposition of the Directive.

The current report outlines the collected data according to the format agreed within the framework of the project.

2) Introduction

This report was developed in the framework of “SupportVoC – Development of a Generic Support Services Model to enhance the Rights of Victims of Crime”, a project co-funded by Justice Programme of the European Union.

Started in November 2017, the project aims to support the practical implementation of Directive 2012/29/EU transposed into Italian Law via the Legislative Decree no. 212 of 15 December 2015. Besides promoting desk researches and interviewing stakeholders concerning the implementation of EU Directive establishing minimum standards on the rights, support, and protection of victims of crime, SupportVoC sets up different activities in partner countries and in Europe, such as:

- Identifying good practices in Spain, where victim support services are provided since 1995;
- Implementing a generic service model for the victims of crime;
- Cooperating with authorities, service providers and stakeholders at local and European level.
- Establishing guidelines and recommendations shared by multidisciplinary teams so as to promote the implementation of minimum standards for victim support services;
- Promoting dissemination events and study visits in Cyprus and Spain targeted at public authorities and stakeholders.

The desk research and the interviews focused on the following topics:

- ✓ Main characteristics of judicial proceedings for victims of crime;
- ✓ Analysis of the Judiciary and change proposals;
- ✓ Role of the victims and family members in judicial proceedings;
- ✓ Victims' needs and existing support services;
- ✓ Implementation of Directive 2012/29 of the European Parliament and the Council and potential amendments to national judicial system;



- ✓ Challenges to achieving the aims set out by Directive 2012/29/EU;
- ✓ Interviewees' recommendations and suggestions on how to achieve such goals.

The aim of this analysis is to identify challenges and existing gaps hindering the actual implementation of Directive 2012/29/EU in the Italian context, as well as good practices connected to its transposition.

Research findings collected in each partner countries will be used to develop a series of recommendation for an effective and efficient implementation of Directive 2012/29/EU. Moreover, in order to take into account local specific needs and stakeholders' perspectives, each partner country promoted a series of focus groups which involved a more diverse group of key actors.

3) Methodology

The report complies with the guidelines set out in the joint-document developed by partners.

The desk research was carried out with the support of a legal expert who analysed Italian judicial systems, existing laws prior to the implementation of Directive 2012/29/EU, the Legislative Decree transposing the aforementioned Directive, main differences and amendments made to Italian Code of Criminal Procedure. The desk research followed a standard methodology for studies in this field and was conducted in line with the Research Protocol shared with the Partnership of the SupportVoC project. As for the interviews, the Italian research group acted according to the following procedure:

1. CESIE agreed on a panel of potential interviewees, selected according to their characteristics and experiences. The panel included 34 organisations, divided according to two stratification methods: their representatives (policy makers, support service providers, civil society organisations), the target groups they work with (minors, women, migrants, victims of organised crime), or a combination of the two. CESIE decided to contact more organisations than those identified in the framework of the project, so as to avoid potential obstacles which might have hindered the implementation of the interviews (previous commitments, lack of availability, impossibility to find contact persons, and so on).
2. Potential interviewees received an email inviting them to collaborate to research activities promoted in the framework of SupportVoC: the email featured a brief description of the project and its main activities, the main goals and contents of the research, a short outline of the contents of the interviews;
3. Following the first email, the organisations were contacted once again (via phone-calls or emails) in order to check their availability and schedule an interview;
4. An interview was scheduled with all the organisations which agreed to participate. Interviewees were also informed about the duration of the interviews (about 30-40 minutes long).

The Italian research team conducted 18 face-to-face interviews and 2 phone interviews.

The roles of the interviewees in the decision-making and judicial field were different: some of them (5) work in the public sector and provide victim support services, some others (7) are lawyers with a long professional experience with victims of crime, two interviewees are police officers who work in sectors relevant to the project framework (women, minors), the others (6) represent organisations and NGOs dealing with the aforementioned targets.

It should be noted that the Italian government had already transposed Directive 2012/29/EU via Legislative Decree no. 212 in 2015, therefore analysing the decision-making process seemed not as useful and interesting as focusing on the changes connected to the implementation process of such Directive, and on the adjustments made to victim support services and relevant practices.



Data collection was not particularly challenging since the interviewees were interested and eager to collaborate, and have provided their availability to participate in the next project activities.

4) Transposition of Directive 2012/29/EU in the Italian Judicial System: Analysis and Review.

4.1 The Italian Judicial System: Structure and Relevant Principles.

The Italian judicial system consists of a series of courts and a body of judges who are called to “*ius dicere*”, i.e. to decide on a controversy by applying the rule of Law. According to their structures and the issues they pass judgement on, we can distinguish constitutional, ordinary and special judiciary.

The ordinary judiciary is disciplined by the ordinary judicial system, while special judiciary deals with special matters.

In order to guarantee a uniform implementation of Italian Law, Article 102 of Italian constitution empowers ordinary magistrates to exercise judicial proceeding, moreover it forbids the establishment of special judges, except those identified under the provision of Article 103 of the Italian Constitution.

Constitutional judiciary is appointed to Constitutional Court, a constitutional body which consists of fifteen judges (chosen amongst outstanding experts in the field), a third nominated by the President, a third nominated by the Parliament in joint sitting, a third by the administrative and ordinary supreme Courts (pursuant to Article 135 of Italian Constitution). The peculiar composition of such body aims at guaranteeing the independence and the impartiality of the judges, and a composition of the Court which reflects a certain plurality of competences, experiences, and political views. The Constitutional Court shall pass judgement on (Art.134 cost.):

- a) controversies on the constitutional legitimacy of laws and enactments having force of law issued by the State and Regions;
- b) conflicts arising from allocation of powers of the State and those powers allocated to State and Regions, and between Regions;
- c) charges brought against the President of the Republic, under the provisions of the Constitution (see Article 9)

The control over the constitutional legitimacy of laws might be demanded mainly by appointed subjects (Italian State, Regions and autonomous Provinces; see articles 37-42 of Constitutional Law no.87 of 11 March 1953) or (in case of the so-called incidental pronouncement) by any judge, who, during a judicial proceeding, doubts of the conformity of the law he/she should enforce in that particular case.

The constitutionality issue shall be grounded and relevant to the judicial proceeding (pursuant to Article 1 Constitutional Law no. 1 of 9 February 1948, and Articles 23-30 of Constitutional Law no. 87 of 11 March 1953). Therefore, a single judicial authority cannot refuse to enforce a supposedly unconstitutional law, as the issue should be raised before the Constitutional court.

Court pronouncements concerning controversies arising from the attribution of powers deal with potential power violations related to organs of the State, as set out by Italian Constitution.

Court pronouncements on the allegations made against the President of the Republic deal with crimes committed by him/her such as high treason and attempt to overthrow the Constitution, following the impeachment procedure initiated by Parliament in joint sitting.



According to the Constitution provisions, the judicial function can be broken down into the following areas: administrative, accounting, and military.

Jurisdiction over administrative matters is exercised by the Council of State (Consiglio di Stato) and regional administrative Courts (Tribunali amministrativi regionali) and deals with controversies concerning legitimate interests.

Ordinary jurisdiction deals with civil or criminal matters according to the object of the proceedings.

Civil jurisdiction aims at solving controversies concerning right protection or the enforcement of laws (i.e. civil judges can pass judgement on controversies concerning properties, Family law, contracts and obligations, human rights).

Jurisdiction over criminal matters aims at deciding on criminal violations of Law, therefore on the legitimacy of the proceeding promoted by the public prosecutor against the offender (taking into account the principle of the presumption of innocence).

Within criminal justice system, one may distinguish between judges who decide on the judicial proceedings and investigating magistrates (Public Prosecutor's Office) who conduct the investigations. At the end of the investigations, the latter exercise the penal action or ask for the dismissal of all charges, support the accusations, and carry out the investigations in the following instances (they have the power to impugn the decision of not to prosecute).

Jurisdiction over civil and criminal matter is exercised by the following courts of first instance: Justice of the Peace; Honorary Monocratic Organ; Ordinary Courts, adjudicating cases in monocratic or collegiate compositions, according to the type of controversies they pass judgement on; Juvenile Courts, trying cases in collegiate compositions along with experts; Surveillance Courts, adjudicating cases in collegiate or monocratic composition related to prison sentences and alternative penalties.

Investigating functions are exercised by the following organs: General Prosecution Offices at Ordinary Courts (crimes within the jurisdiction of the Justice of the Peace), General Prosecution Offices at Juvenile Courts, General Prosecution Offices at Courts of Appeal, for judicial proceeding adjudicated by Surveillance Courts. Jurisdiction over civil and criminal matter is exercised by the following courts of second instance: Courts of appeal, hearing appeals from Ordinary and Juvenile Courts of first instance; Ordinary Courts, hearing appeals from the Justice of the peace (and sentences on personal freedom); Surveillance Courts, hearing appeals from the surveillance magistrate. The investigating function for second instance trials are exercised by the General Prosecution Offices at the Court of Appeal.

The Supreme Court of Cassation decides on the legitimacy of the courts' decisions; in these trials, investigating functions are exercised by the General Prosecution Office at the Court of Cassation.

In the end, amongst the investigating bodies we should mention Direzione Investigativa Antimafia e Antiterrorismo (Anti-Mafia and Anti-Terrorism Investigation Directorate; also known as DIA) coordinating national police operations, pursuant to Legislative Decree no. 160/06.

Under the provisions of Italian Constitution, Italian citizens can serve as jurors in the Courts of Assizes, as its courts are composed of two stipendiary judges and six lay judges.

The Italian Judicial System is based on several principles outlined in the Italian Constitution, e.g. natural justice, i.e. "the duty to act fairly"; the prohibition to appoint special or extraordinary judges; judicial independence; the right to counsel; the right to a fair trial; the right to appeal. The aim of the system is to provide justice for Italian citizens and have them participate in the Judiciary. Moreover, according to the Constitution, all judicial decision shall have a statement of reasons.

The Italian Constitution states that the Judiciary is autonomous and independent: judicial authorities shall be impartial, and their decisions shall not be influenced by extra-legal factors.

In fact, the High Council for the Judiciary (Consiglio Superiore della Magistratura) is a self-governing institution which ensures the autonomy and independence of the judiciary from the other branches of



the state, two third of its members should belong to the judiciary (togate members), and one third must be lay members such as university professors and lawyers.

4.2 The Role and the Rights of Victims of Crime in the Italian Judicial System.

Once “ghosts” of the criminal proceedings, victims of crime have become the object of empiric reflections, different interpretations and legislative efforts aimed at extending the power of the injured person, by offering protective measure enabling them to be actively involved in the judicial proceedings.

Lately, Italian legislation has changed due to the transposition of the provisions under the EU directives and the Conventions of the Council of Europe. As a consequence, Italian government has become more attentive to victims of certain types of crime or with special protections needs, as their vulnerability called for specific legal initiatives, aimed at introducing substantial amendments to standard criminal procedure so as to defend the victims.

For instance, the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opening of the treaty on 25/10/2007, aimed at providing governments with efficient tools so as to protect the children who have been victim of abuses in criminal proceedings and to limit the number of interviews with the child victims.

In order to ratify Lanzarote Convention, Italy passed Law no. 172/2012, which introduced norms aimed at protecting child victims or witnesses of sexual abuses in the investigative procedures by appointing an expert in Child Psychology, and extending to all minors, victims of sexual abuses the opportunity of participating in atypical evidentiary hearing, a prerogative originally given to minors under the age of 16, so as to avoid or minimize the risk of secondary victimization and the number of hearings before the Court.

Secondly, Italian Parliament passed Law no.119/2013 introducing the provisions contained in Istanbul Convention on preventing and combating violence against women and domestic violence, opening of the treaty on May 2011. Following the implementation of Istanbul Convention, from their first contact with competent authorities, victims should receive a specific set of information. They are also offered the possibility to access the granting of legal aid even if their income exceeds the limits fixed by the national legislation. The law envisages the obligation of notification for the victim of violent crimes. Public Prosecutor should also notify the victim of the decision not to proceed with or to end the investigation, since the victims can oppose such decision within 20 days (instead of 10) from receiving the notification. Public Prosecutor should also notify the victims of abuses and persecutory acts of the conclusion of preliminary investigation, pursuant to ex Article 415 bis of the Italian Code of Criminal Procedure.

Another protective measure has been introduced in the Italian Code of Criminal Procedure, enabling victims to participate in the decision-making process concerning the release or probation of the offender. In fact, victims shall receive a notification of the request, and can appeal such a decision by preparing a formal statement.

Law no. 119/2013 gave police agencies the power to order the perpetrator to vacate the victim's residence, when the offender has been caught in the act of menacing, committing domestic violence against family members or the partner, in the light of the European guidelines which call for and are more attentive of danger assessment. Moreover, the opportunity to resort to special evidentiary hearing has been extended not only to victims of sexual violence, but also those subjected to abuses and stalking.

In addition, the Italian Legislator complied with Directive 2011/36/EU on human trafficking, implemented via Legislative Decree no. 24 of 4/3/2014, providing through paragraph 5 ter of Article 398 of the Code of Criminal Procedure, protective measure during interviews and judicial proceedings so as to protect vulnerable victims (i.e. minors, seniors, people with disabilities, people who have been victim of rape, tortures, physical and psychological violence). The same law states that where the age of a



victim is uncertain and there are reasons to believe that the victim is a child, the victim shall be presumed to be a child, anticipating an issue tackled by Directive 2012/29/UE.

4.3 Compensation and Protection Measures for Victims at Risk of Secondary and Repeat Victimisations in the Italian Judicial System.

The Italian Code of Criminal Procedure contains several dispositions concerning victims of crime, as provided for under Decree of the President of Republic no.447/1987 and the principles set out in the enabling act no.81 issued in the same year. According to the Italian law, the victim may start the judicial proceeding by filing a complaint (*denuncia*) or a lawsuit (*querela*). The former consists in reporting the facts, the so-called *notitia criminis*, to the competent authority, who will then start an investigative procedure; the latter contains also a negotiation aspect, as it expresses the victim's request of prosecution. In addition, complaints can be filed by third parties, while a lawsuit shall come from the victim who claims a violation of his/her own rights. Under the Italian Code of Criminal Procedure, there are two types of offences: offences prosecuted *ex officio* are normally serious crimes, tried in order to serve the public interest; offences prosecuted upon complaint rely on the personal initiative of the victim who lodges a complaint. The victims can exercise their rights throughout the criminal proceedings. Besides, they have the right to receive legal aid and representation.

Victims have the right to defend themselves in court, however, they should have a profound understanding of their role and their prerogatives. In addition, the State should also grant legal aid to victims whose incomes do not allow them to afford a legal representative. Victims have also the right to prepare a formal statement, to file requests aimed at soliciting certain acts (i.e. requesting an evidentiary hearing, the review of a decision not to prosecute; asking the Public Prosecutor to impugn a decision, and so on), and providing evidence (except for trials adjudicated by the Court of Cassation).

Victims are also entitled to give impulse and monitor preliminary investigations, through their lawyer. For instance, victims shall also be notified of the selection procedure and the appointment of experts who will take part in the court proceedings to support fact-findings, in addition they may also appoint their own consultants.

Victims might also submit a request for the prosecutor to set up a pre-trial hearing for the acquisition of specific evidence. If the prosecutor does not grant the request, the victim has the right to be notified of the decision made by the Public Prosecutor and provide new elements. Moreover, the victim shall be offered information on the time and the date set for the evidentiary hearing and is entitled to participate in hearings with other witnesses (while, the judge should authorize the victim to participate in the offender's hearing so as to avoid unpleasant incidents). Moreover, if the victim asks for an extension of the investigative procedures, he/she shall be notified, so as to file a formal statement. The victim shall also be informed about the time and the date of the hearing.

Upon request, the victim should be notified of the dismissal of all the charges at the end of the preliminary investigations. It is a fundamental stage, as the victim can ask to access the documents filed by the Public Prosecutor and analyse his statements. Therefore, the victim can oppose his decision and solicit a new investigation, providing new evidence and pinpointing the issues on which further investigation is deemed necessary. Failing to comply with such requirements might lead to a dismissal of the victim's request altogether. It should be noticed that the victim has a limited amount of time to submit his/her request. The latest trends in the criminal procedure have taken in to considerations the victims' perspectives, and jurists have started to acknowledge how difficult is for victims of crime to find new pieces of evidence, as they are called to submit testimonies and evidence since the beginning of investigation. Attempting to produce new evidentiary elements so as to initiate a new investigation is risky, as victims might resort to their own invention and imagination. In fact, a new approach prevails nowadays as victims and their lawyers shall aim to reevaluate and reappraise the results of previous investigations, so as to challenge the determinations of the Public Prosecutor. Albeit, in this light,



victims do not seem to collaborate with the Public Prosecutor but become his/her antagonists as they fight on the same battlefield. Considering the complexity of such procedure, victims need to appoint a lawyer, unless they wish to become experts in criminal procedure in a very short time, so as to defend their own rights.

If the Public Prosecutor decides to continue the proceedings and set up a trial against the offender, the judge shall schedule a hearing and inform the victim. It should be notice that failing to notify such act is considered a violation of the right of the victim who can appeal to the Court of Cassation.

The victim can participate in the court hearing, provide evidence, plead his/her case before the judge. In the end, if the victim is not satisfied with the investigative activity carried out by Public Prosecutor or the latter has exceeded the time set for deciding on the dismissal of the charges, he/she can appeal to a Higher Court so as to appoint a new prosecutor.

Once the Public Prosecutor has ended the investigation, the relevance of the victim in the preliminary hearing becomes less and less important: in fact, as the actual criminal proceeding starts, the injured person “exits the scene”, unless he/she decides to apply to become civil party in order to request a compensation. Such a decision, however, shall not be taken for granted, as the nature of certain crimes should be taken into account. In fact, unless the victim decides to apply to become civil party, he/she remains the object of the judicial proceeding and can only give a limited contribution. Nevertheless, at the end of the preliminary hearing, the judge can decide whether to prosecute the offender or not. In this case, the judge may order the victim to pay the legal fees and, upon request and in particular circumstances, the legal expenses incurred by the indicted. However, as victims shall receive information on the time and date set for the preliminary hearing, we might say that they are indirectly involved in the proceedings.

In the national and European context described above, Directive 2012/29/EU of the European Parliament and of the Council invited Member State to establish minimum standards on the protection of victims of crime. In accordance with its provisions, EU States should set up appropriate measures enabling victims to understand and be understood during the preliminary investigations and during the proceedings, to report, to make a complaint and to be informed of their rights and available support services.

When developing the scheme of Legislative Decree no.212/2015, the Italian Legislator found that national legislation already contained the main provisions of the Directive, therefore only few amendments needed to be drafted so as to comply with the communitarian regulation.

The Legislative Decree no.212 of 15/12/2015 implementing Directive 2012/29/EU came into force on January 20th, 2016, even though the deadline for transposing it expired on November 16th, 2015. The Legislative Decree introduced several procedural changes in order to protect the victims of crime, although fewer amendments were made in order to assess collective and individual protection needs of the victims, i.e. establishing guidelines and requirements for victim support services and promoting measures which would allow victims to access such services, as provided for under Article 8 and 9 of the Directive. Moreover, the Italian Legislator and the right to protection of victims with specific protection needs before, during and after the criminal proceeding, in accordance with Article 23.

It should be noticed that the Italian Code of Criminal Procedure does not provide a clear definition of the notion of “victim”, unlike other European sources. The term “injured party” prevails, as judicial activity focuses on the harm the victim has suffered, on the rights which have been violated though the criminal act or on the economic loss which might be compensated.

According to the definition provided by Article 2 of Directive 2012/29/EU, victim means “a natural person who has suffered harm, including physical, mental or emotional harm, or economic loss which was directly caused by a criminal offence”. Such a definition is wider than the one adopted in the Italian Code of Criminal Procedure, as it introduces the concept of “person who has suffered harm which was caused by criminal offence”, even though the victim is not the holder of the interests protected by the criminal provision that has allegedly been violated.



Directive 2012/29/EU aims to ensure that all the victims of crime receive appropriate information, support and protection, regardless of the location of the judicial proceedings. Differences and impediments, connected to different citizenships, place of residence of the victim or to where the criminal offence was committed, would violate the principle of free movement of people – one of the legal foundation of European initiatives concerning the rights and the protection of victims of crimes prior to the Treaty of Lisbon. In addition, it would hinder the implementation of the Stockholm Programme, aimed at developing an area of freedom, security, and justice within the European Union.

The transposition of the provisions outlined in the EU Directive on rights, support, and protection of victims of crime leads to an important shift in perspective within the Italian judicial model, providing the injured person with more rights and prerogatives, where he/she decides to apply to become civil party.

Legislative Decree no.212/2015 sets out changes to the criminal proceedings, as outlined in the report accompanying the decree stating that “following a close and profound analysis of the Directive and its compliance with national provisions, Italian Code of Criminal Procedure will be slightly modified by the measures introduced by the Decree, as the approach adopted in the Italian Judicial System already ensures that the victim receive appropriate information and support”.

In particular, the decree introduces a set of rights and means for victims, i.e. allowing the judicial authority, where the age of the victim is uncertain and there are reasons to believe the victim is a child, to presume him/her so for the purpose of the criminal procedure, and introducing the concept of indirect victim, as the rights of person whose death has been directly caused by a criminal offence shall be applied to his/her family members, where family members means not only the spouse, but also the partner who is living with the victim in a committed intimate relationship.

Moreover, in accordance with the decree, competent authorities shall provide victims with technical and procedural information, given in a simple and accessible language, so as to guarantee their right to take part in the criminal proceeding and protect them. In addition, victims should receive information about specific services, shelters, or interim accommodations for victims of domestic violence.

In accordance with the purposes of Directive 2012/29/EU, in order to enable victims to participate consciously in the judicial proceedings, the competent authorities shall provide them with detailed information from the time of first contact, as already provided for under Article 90 *bis* and Article 101 second paragraph of the Code of Criminal Procedure and Article 11 of Decree Law no. 11/2009 transposed into Law 38/2009.

Victims shall exercise their rights when making a complaint, during the criminal proceedings, in the event of a decision not to prosecute, when the person remanded in custody, prosecute, or sentenced for criminal offences concerning them is released from or has escaped detention (see Article 90 *ter* of the Code of Criminal Procedure).

The concept of “vulnerability” set out in Directive 2012/29/EU is of utmost importance to assess the protection needs of victims at risk of secondary victimisation and to determine whether and to what extent they would benefit from special measures during the criminal proceedings (see Article 22).

In order to carry out the individual assessment of victims, competent authorities shall take into account the personal characteristics of the victim, the type, the nature and the severity of the crime. Moreover, victims of hate crime or whose relationship to and dependence on the offender shall be given duly attention (see Article 90 *quater* of Code of Criminal Procedure).

Victims with specific protection needs follow a different regime during criminal proceedings, as provided for under Article 190 paragraph 1 *bis*, extending measures already available to child victims under the age of 16, allowing victims to be heard only once during the giving of evidence and to avoid contact with the offenders. In this case, victims should be called to new questioning sessions only if they are aimed at analysing different facts and circumstances, or if requested by the judge or one of the parties involved.



Legislative Decree no.212/2015 extends the right to resort to special evidentiary hearing to victims with special protection needs, as already provided for the victims of crimes under Article 395 paragraph 5 *ter* and Article 498 paragraph 4 *bis* of the Code of Criminal Procedure.

New rules govern questioning and investigative process carried out by special police forces (*Polizia giudiziaria*) and Public Prosecutor, who can resort to an expert in psychology so as to collect information on the victim with special protection needs.

Legislative Decree no.212/2015 shows a certain willingness of the Italian legislator to modify the criminal proceedings, since victims have been playing a minor role thus far, as few measures have been implemented in order to protect victims of certain types of crimes in the light of the European Directive.

Up to now, Italian practitioners answered the protection needs of the victims at risk of secondary victimisation by resorting to judicial interpretation.

However, the Italian Legislator overlooks certain aspects outlined in the Directive. For instance, it fails to introduce the term of “victim of crime”, as another definition “person injured by the crime” still prevails.

As for the Juvenile Justice System and the potential initiatives in favour of child victims, it should be noticed that the Decree of the President of Republic no. 448/1988 on the provisions concerning criminal procedures applicable to juvenile offenders was the product of conflicting theories.

However, the pedagogical and educational approach is at its core, as it outlines criteria and tools aimed at governing and supporting the holistic development of the juvenile offender. Moreover, such measures are intended to help the juvenile offenders avoid traumatic impacts and attach negative connotations to the Judiciary. Victims are granted limited opportunities to participate in the criminal proceedings to the purpose. In fact, juvenile criminal proceedings have a pedagogical intent aimed at the social reintegration of the juvenile offenders, therefore those who participate have to come to terms with such issue, to the detriment of the victims’ right. Adult victims find difficult to accept this kind of approach, but it should be particularly hard for child victims of juvenile offenders whose interests are not deemed as important as those of the latter. This evidence reminds us that in 1988 the Italian Legislator did not take into account the fact that the victims of juvenile crimes are mainly children, as it might easily be observed. In accordance with law no.66/1996 on Norms against Sexual Violence, child victims of sexual abuses should receive special protection, as provided for under Article 11, since the officers investigating on a crime committed against a minor should inform the Juvenile Court, which will have to start a civil case so as to offer adequate psychological and emotional support to the victim throughout the judicial proceeding by guaranteeing, for instance, the presence of parents or other eligible persons. Nevertheless, practitioners shall ensure child victims are assisted by Juvenile Justice Services and Social Services set up by local authorities.

In sum, victims of juvenile crime can participate in judicial proceedings to testify. Moreover, pursuant to ex Article 27, the judge can hear the victims so as to confirm his/her decision to pronounce a sentence of acquittal for criminal irrelevance of the fact (it is possible to adopt such definition where the nature of the offence is not severe and irrelevant). However, the victim might be asked to testify about an occurrence that in his/her opinion might not be unimportant, regardless of its actual relevance. In the end, pursuant to Articles 28 and 29, victims might be heard by judges so as to grant the probation period to offenders and take part in the educational part for the minor. However, even though judicial authorities have some discretionary power concerning the participation of the victim in this phase, it is important to acknowledge the complexity of his/her role. Finally, considering the pedagogical and educational approach to juvenile judicial proceedings, the victim cannot become civil party (Article 10) nor request for a compensation (art. 10), therefore being forced to occupy a marginal position, especially since restorative services are rarely implemented.



4.4 Main Public and Non-Governmental Organisations Providing Victim Support Services

Even though Italy has not established a central coordinating body for victim help centres, such services are provided by a set of different non-governmental organisations, dealing with people with different protection needs.

Family groups representing the interests of family members of victims and survivors of tragic events are even more popular in Italy, as they share and build a common support path. Although organisational structures, aims and methods employed by such groups widely differ, they share several elements which allow a more comprehensive analysis. For instance, all these groups are driven by emotional and affectional bonds which allow family members of victims to claim their rights, remembering their relatives and the traumatic event they were involved in at the same time.

Albeit the issue of the fragmentation of victim support services persists, there are several organisations dealing with specific forms of victimization, such as victim of domestic violence, child victim of sexual violence and abuses. Several organisations against extortion racketeering and organised crime (*AddioPizzo*, *Libera*, *Solidaria*, *Liberio Futuro* and others) have been set up in Southern Italy, so as to offer support to victims of this type of crime, despite that, such areas lack certain support services. It is one of the risks connected to fragmentation, since some regions are home of a strong network of victim support services while some others are deficient. The absence of a coordinating body at regional or national level leads to disparities, which are underlined in social disadvantaged areas.

Moreover, sometimes the presence of a strong network of victim support services in the same area might hinder the quality of the services (i.e. practitioners providing victims with conflicting information, that might lead to confusion), as different organisations might ignore the scope and the activities carried out by other actors on the same territory. Besides, sometimes such organisations might compete one against the other so as to obtain more funds, as they fight to survive as they see their funding been cut by local authorities.

Unfortunately, in Italy there is a lack of victim support services for a “generic” target, dealing with vulnerable people regardless of the personal characteristics of victims (age and sex), or of specific criminological features (nature and type of crimes). However, in the last few years new victim support services have been set up, modelled on European experiences. Here, it is worth mentioning some organisations, such as *Centro Sostegno alle Vittime di Reato di Milano* (Victim Support Centre of Milan, at Victim Psychological Support Services); *Sportello OFF – Offese da reato* (OFF Shop – Criminal Offences), in Turin; *Centro per le Vittime di Reato e Calamità* (Support Centre for Victims of Crime and Natural Disasters), set up in Casalecchio di Reno (Bo); *Servizio Non da soli* (Never Alone Service) in Modena and Foundation for the Victims of Crime of Emilia Romagna. It is important to notice that three out of five organisations are rooted in the cultural, economic, and political context of Emilia Romagna.

4.5 Analysing the implementation of Directive 2012/29/EU in the Italian Judicial System: a) Legislative Process and Main Remarks; b) a Comparison Between National Provisions and EU Directive

The amendments made to the Code of Criminal Procedure mainly concern Article 90 on “the rights and prerogatives of the injured persons”, as Legislative Decree no.212/2015 adds paragraph 2 *bis* on the provisions regarding the age of the victim: in fact, where the age of the victim is uncertain, the judicial authority can request an assessment and if doubts and reservation persist, the victim shall be considered



as a child, for the purpose of the criminal procedure. This norm aims to safeguard the victim, even when such doubts persist following the assessment.

The age assessment of child victims is of outmost importance not only to classify the offence and to determine its severity (i.e. recognition of aggravating factors connected to juvenile offences), but also in order to identify specific protection needs of child victims.

In the light of balancing the rights of the defendant and those of the victim, the presumption of minority should be relevant only if aimed at safeguarding the interests of the victim, and when it is not used in a detrimental sense for the defendants.

The provisions introduced by the Decree are similar to those featured in Article 8 of the Decree of President of Republic no.448/1988 on the age assessment of the offender. Such norm intends to bridge the gap which emerged following the transposition of Directive no. 2011/36/EU on human trafficking. In fact, Legislative Decree no. 24/2014, under Article 4, establishes that a multidisciplinary procedure shall be set up, in order to assess the age of the unaccompanied minor whose minority is doubtful, and he/she is not able to produce documentary evidence. The phases, the competences and the competent authorities involved in such assessment should have been defined in a Decree of the President of the Council of Ministers, which, however, has not been issued. The age assessment was introduced under paragraph 2 *bis* of Article 90 of Code of Criminal Code. This procedure is crucial to provide more guarantee and to safeguard the interest both of the victims and of the defendants.

In order to allow victims of crime to participate consciously in the criminal proceeding, Article 90 *bis* of the Code of Criminal Procedure on the “right to information of injured persons” implements the provision of the Directive aimed at allowing the victim to understand and be understood from the first contact with the competent authority. In accordance with the Article, the victim shall be offered information which enable them to understand better the procedures concerning the preliminary investigations and criminal proceedings.

The norm contains some of the rights already set out under Article 101, paragraph 2 of the Code of Criminal Procedure, following the amendments made in 2013, and Article 11 of Legislative Decree no.11/2009 transposed into Law no. 38/2009.

As for protection and support measures, Italian Judicial System already required police officers, health practitioners and competent authorities to facilitate the referral of victims of certain types of crime such as domestic violence, human trafficking, child sexual exploitations, paedophilia, stalking to victim support services and offer information about shelters and interim accommodations, as provided for under Article 11 of Legislative Decree no.11/2009 transposed into Law no.38/2009 and amended via Legislative Decree no.93/2013.

However, the new Article 90 *bis* of the Code of Criminal Procedure contains generic norms, stating and reaffirming the obligation of providing information, counterbalancing the provisions of Article 369 *bis* of the Code of Criminal Procedure, outlining the right to information of the defendants.

The transposition of Directive 2012/29/EU allowed the Italian Legislator to introduce the right of victims to interpretation and translation, the right to be informed on the time and date of the criminal proceedings and on the nature of the charges against the offender, on the release or on the evasion of the person remanded in custody, prosecuted, or sentenced. Moreover, in accordance with Article 90 *bis* sub-paragraph g) of the Code of Criminal Procedure, victims who are not resident in Italy can exercise the right to make complaint of the offence to the Public Prosecutor, who must transmit it to the competent authority in the country of origin of the victim.

Article 90 *bis* sub-paragraphs b) c) h) and i) of the Code of Criminal Procedure sets out the norms concerning the right of the victims to be informed about their case and the institution of the criminal proceeding as a result of their complaint, as provided under Article 335 paragraphs no. 1 and 2 of the Code of Criminal Procedure, moreover they shall be notified of the decision not to prosecute and be offered information on the procedures to follow for requesting a review where victims’ rights have been violated. However, such provisions are generic and abstract, as they have not been implemented in an



efficient manner, resulting in legitimate doubts concerning the actual implementation of the right to information during the criminal proceedings.

Nevertheless, in order to guarantee the implementation of the aforementioned provisions, officials likely to come into contact with the victims should receive special training so as to offer victim a good service support.

The text of Directive 2012/29/EU focuses on the training of officials likely to come into contact with the victims, such as police officers, court staff, judges, public prosecutors and officers, and recommends that Member States develop 'sole points of access' or 'one-stop shops', that address victims' multiple needs, and encourages them to support private actors in the field.

At the moment, however, official centres providing legal aid and support to victims of crime are not available in Italy.

Article 90 ter of the Code of Criminal Procedure was introduced via the Legislative Decree aimed at implementing Directive 2012/29/EU and amends the provisions set out by Article 299 paragraphs 2 bis, 3 and 4 bis of the Code of Criminal Procedure on early release and probation of offenders. Transposing Article 6 of the Directive, competent authorities shall give victims specific information about the release or the escape of the offender, upon request, at least in cases where there might be a danger or an identified risk of harm to the victims, unless there is an identified risk of harm to the offender which would result from the notification. Such provision appears as one of the serious weaknesses of Directive 2012/29/EU as only the victims who made an explicit request shall receive this kind of information.

Amendments were made to Article 90, third paragraph of Code of Criminal Procedure, as the definition of family members is extended to the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, so as to safeguard also the interests of people in civil unions or registered partnership.

In accordance with Article 143 bis of the Code of Criminal Procedure, the right to interpretation and translation (also using communication technology) in criminal proceedings shall be applied also to victims, who are willing to participate in the proceeding, are to be heard by judicial authorities or are eager to receive more information on their case.

Following our previous considerations, the Directive focuses on the concept of victim's vulnerability, introducing a procedure aimed at assessing his/her personal protection needs and adopting special measure during criminal proceedings, especially when victims are at risk of secondary or repeat victimisation.

According to EU Directive, Member States should take in to account a set of criteria so as to assess individual protection needs: their personal characteristics; the type, the nature, the circumstances, the severity of the crime; the harm suffered by the victim; the type of relationship and dependence on the offender. In this regard, the needs of victims of hate crime or of those vulnerable to secondary or repeat victimization shall be duly considered.

This part of the Directive has been transposed into Article 90 quater of Code of Criminal Procedure, acknowledging the vulnerability of the victim and identifying the criteria generically outlined under the provision of Directive 2012/29/EU.

Recognising the vulnerability of victim's condition produces substantial changes in the questioning and testifying procedures, as it demands the implementation of the provisions under Article 190 bis of Code of Criminal Procedure, which sets out the criteria limiting the right to provide evidence whenever the witness is under the age of 16. In accordance with the aforementioned article, vulnerable victims shall not repeat their deposition during evidentiary hearing or the debate where they should oppose the offender; in fact, judicial authorities can set a new hearing only when new investigative elements emerge, upon request of the judge or of one of the parties involved.



Legislative Decree no.212/2015 amended Article 392 paragraph 1 *bis* of the Code of Criminal Procedure, by extending the possibility of resorting to special evidentiary hearing and giving the Public Prosecutor and the offender to take the victim's deposition in these circumstances.

The implementation of special protective measures depends on the assessment of victims' vulnerability, therefore is not strictly connected to the crimes described under Article 368 paragraph 5 *bis* and quarter of the Code of Criminal Procedure. In this case, during evidentiary hearing or questioning competent authorities shall apply the provision under article 498 paragraph 4 quarter, regardless of the crimes listed under Article 498, paragraph 4 *bis* of the Code of Criminal Procedure.

Competent authorities may also ensure that the victim might be heard in the courtroom through the use of communication technology, before implementing EU Directive, these measures were applicable only to child victims.

The introduction of Article 351, paragraph 1 *ter* of Code of Criminal Procedure makes substantial changes to the investigative process, as police forces can count on experts appointed by public prosecutor so as to interview the victims with special protection needs and avoid them being in contact with the offender or being forced to repeat their testimony, unless strictly necessary. Such provisions apply also to the investigative process conducted by Public Prosecutor, as provided for under Article 362 paragraph 1 *bis* Code of Criminal Procedure, to safeguard the victim from secondary or repeat victimisation.

Article 2 of Legislative Decree 212/2015 amends provisions concerning the implementation and monitoring of certain measure contained the Code of Criminal Procedure.

In particular, Article 107-*ter* on "Presence of an interpreter when filing a complaint or lawsuit" provides that victims who cannot speak Italian might make complaint or file their lawsuit in their own language, if such an act is performed at the Public Prosecutor office in the main Court of that area.

In the same case and upon request, the victim can ask for a translation of his/her statement when lodging a complaint or filing a lawsuit.

Taking into consideration financial and organizational issues, the legislator decided to limit the access to this kind of services, available solely at Public Prosecutor's Offices in the main Court of the area

Article 2 paragraph 1 letter b) of Legislative Decree no.212/2015 introduces Article 108-*ter* ("Complaints and Lawsuit for offences committed in another EU State"). The article provides that the Public Prosecutor shall transmit the complaint made by the victim resident in Italy to the General Prosecutor at the Court of Appeal who shall send such statements to the competent authority of the country in which the crime was committed. This measure implements the provision under Article 17 par. 3 of Directive 2012/29/EU, stating that Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

These arrangements shall be coordinated with the norms concerning the implementation of Italian Criminal Code (Article 6 et seq.), as in order to transmit the complaint, the offence should not have been committed in the same Member State.

As for elements of intertemporal law, the legislative decree did not feature transitory dispositions, as its norms came directly into force on January 20th, 2016.

The Italian Legislator did not identify specific penalties in order to support the new provisions adopted following the implementation of EU Directive. Such limit has a negative impact on criminal proceedings, as, in accordance with the principles of Italian Judicial System, the judge has the faculty of dismissing the case when there has been a violation of criminal procedure rules.

During the criminal proceedings, the decisions aimed at neglecting the rights of the victim can be impugned only when the sentence has been pronounced. This procedure hinders the correct



implementation of the provision set out to protect the rights of victims, and the application of the principles introduced via Directive 2012/29/EU.

During the interviews, some 'practical' changes (brought by the harmonization of Italian laws with the Directive concerning the status of victims and the services provided to them) have been underlined by the interviewed people. Among them, we report:

- a. A sort of standardisation of the welcoming assistance moment.
- b. A clearer offer of the available support services for the woman victim (as now the victims has the right to know all the available services according to the article 90 bis of the Italian L. Decree 212/2015)
- c. A stronger protection for the victim: women now can be protected during the trial (e.g. it is possible to use a protective screen). From now on the „victims have a visibility”.
- d. The guarantee to have an interpreter for foreign victims before and during the trial.
- e. A real integration of art.90 in the Italian Penal Code.
- f. From a legal point of view, the Directive just added some specifications to the Italian previous laws. For example in the Italian law there was already Art.90 regarding people suffering of a crime. To this article it was added an art.90bis-ter-quater intriducing specific topics on how inform the victim, information on what happens to the offender, attention to foreigners regarding the translation service.
- g. The article 90 bis of the Italian Decree which express what kind of information must be given to the victims becomes fundamental.
- h. The condition of particular vulnerability („particolare vulnerabilità”) of the victim, in other words the greater attention to the victim (art.90 quater of the Italian decree). After the Decree for example also an adult can be considered a particularly vulnerable victim.
- i. Finally the article 90 quater c.p.p has the merit of bringing the Magistrate to be focused on the context in which the crime happened. In Palermo, a criminal trial is ongoing in which the victims were more vulnerable compared to the offenders, because of the racial hatred against all immigrants. *“In order to facilitate the rule in question, we should analyse the crime from the perspective of the crime offended people”* [an interviewee].

5) Needs of victims that have been captured via the available services through the interviews

In support of the legislative analysis carried out with the documentary research and described in the previous Chapter, 20 field interviews were carried out in order to gather the opinions of the field operators about the needs expressed by the victims of crime and the services offered to them on the territory.

The opinions collected on needs can be grouped into generic (i.e., regarding the victims of crime in general), referring in particular to the needs expressed by women or referred in particular to the needs expressed by minors.

With reference to the first category we report that:

- a) Victims want first and foremost to understand the possible consequences they may have if they decide to denounce (consequences on him/her, his/her family, his/her business, etc.).



- b) "Victims must have a clear idea of where to go if they suffer violence" [an interviewee]: the expressed opinion therefore concerns the need to have immediate clarity on the subject to turn to in the event that any form of violence is suffered .
- c) Most victims request legal assistance but some of them do not know what they need: legal routes are those immediately understandable but unfortunately the victim very often does not assess with due clarity also other immediate needs that may be a direct consequence of the decision to report.
- d) The victims need a sort of "existential" support, more holistic. A support that does not only include problems connected to the judicial process but which supports the victim in dealing with practical, psychological problems, etc.
- e) Victims need protection, psychological and legal assistance and support regarding aspects related to their economic activity.
- f) "Victims need a network to protect them and increase their self-confidence" [one respondent]. The need for a support network, family, friendship but also support services is particularly important in the case of women victims of domestic violence but it is a need that has also been expressed for other types of victims.
- g) Victims want to get compensation, even symbolic. The need for economic recognition is in fact also the expression of the need to translate into concrete terms a damage that, obviously, is not easily quantifiable under other aspects (practical, psychological, etc.).

With particular reference to women, the interviewed subjects specified that:

- a) Women in particular need professionally qualified staff who are ready to welcome and process their requests. In other words, they feel the first need of someone who listens to them and does not judge them, someone who is empathetic.
- b) An appropriate environment to listen to you and your requests for help, since they are often women who are afraid of not being believed or being perceived as insane.
- c) "They need to express themselves and be heard when they get involved" [an interviewee].
- d) They need clarity. They want to know exactly what will happen, what will be the concrete procedure followed (times for justice, step, etc.).
- e) They need protection: not only physical, but also psychological and legal.
- f) Sometimes they need practical help, for example to have a place to sleep. This is easier in Italy if the woman has a child (as there are laws that include the child in appropriate facilities along with the mother). It is not so easy if the woman has no children.
- g) They must be heard and believed.
- h) They need support for their children who are victims of "secondary violence".
- i) They must clarify to themselves the situation and the context in which they find themselves: this is because most of the time the assailants are members of the family or in any case of the daily environment to which the victim belongs.
- j) Their primary need is to return to their normal life, to be able to get out of such a problematic situation and resume (or start for the first time) a normal life.

Regarding minors:

- a) If the violence occurred within the family, they mainly need PROTECTION. In this sense Italian laws provide the necessary tools through reception in a family home.
- b) If the violence occurred outside the family, it is necessary to check whether the parents managed to provide them with adequate protection. If this did not happen, the victims could also be removed from their family.
- c) They must have the possibility to elaborate their discomfort, their suffering (with specialized operators or even with their peers, like classmates).



6) Strengths and weaknesses of the current victim support services on Italian level

As previously mentioned, in Italy there are no 'generic' assistance services to victims of crime and the resources dedicated to organizations, in various capacities operating in the territory (public or private), are not sufficient to extend the range of action of those who decades, work focusing on specific targets.

The territorial context, both Sicilian and national, appears to be characterized by a fragmentation of the available services and by a certain lack in the dissemination of basic information about the existence of such services.

In addition to what was already explained, during the interviews carried out during the research phase of the SupportVoC project, there were clear views on some of the strengths and weaknesses of the existing service system. These strengths and weaknesses are summarized in this paragraph and can constitute a useful evaluation basis for the drafting of a concrete proposal for the harmonization of the existing service system with the European Directive.

STRENGTHS

- a) The existing welcome system was already very similar to that required by the Directive. This could facilitate the homogenization of services to what is indicated by the directive itself.
- b) The level of cooperation between the police and the judicial system is strong and consolidated.
- c) There is a national law that favors free assistance for victims who face a trial and do not have the financial resources to afford a lawyer (the so-called "Gratuito patrocinio").
- d) The attention given to the contrast and prevention of crime which, especially in recent times, has strengthened.
- e) Professional (high-level) skills of people working in centers offering support services.
- f) The possibility to offer support services even in the absence of a denounce.
- g) The collaboration, although not officially promoted, which has existed in Palermo since 1998 between police and organizations operating in the area and based on exchange, dialogue and responsibility.
- h) The Regional Regulations in force in Sicily establishing a system for monitoring the quality of the services provided and the level of professionalism of the personnel.
- i) With reference to the territorial area of the city of Palermo, the existence of the Criminal Mediation Office for minors that takes charge of all requests relating to criminal proceedings under the jurisdiction of the juvenile court of Palermo whose suspects or defendants have residency or permanent residence in the territory of the City of Palermo. (The service was set up by the Municipality of Palermo and deals with mediation. Mediation is an institution that searches through a communication channel to reconstruct a new relationship between the offender and the offended person, interrupted by the commission of the same).

WEAKNESSES

- a) The social cost of free legal advice: in the sense that the equivalent cost of such free counseling is not sufficiently covered by the public system, in the sense that it is remunerated according to tariffs not adequate to the market.



- b) *"There isn't any law supporting women after the end of the trial and they really should need to be supported in this as most of women don't have a job and keep continuing having need of support in the long period"* [an interviewee].
- c) *" The slowness of judicial practice: the current law asks for quick procedures but, in Italy, we can face with trials of crimes made in 2009 (almost 10 years before)"* [one respondent].
- d) The limited budget at disposal of the Public Authorities for accomplishing the rules foreseen in the Directive.
- e) *"The system should also work on prevention"* [one respondent].
- f) Lack of financial resources.
- g) Lack of places ("reception houses") in which to lodge after they denounce, in cases where the victim is forced as a result of this to move away from the family environment.
- h) Lack of a detailed map of the centres and available services (even if ISTAT is making a quantitative mapping, CNR is doing a qualitative mapping).
- i) Social systems "lose" too many people: many women, frightened by the system, abandon the homestay and go away.
- j) Lack of an adequate offer of intercultural mediation services: this type of service very often depends on the public administration that has not yet made resources to be able to meet all requests.
- k) The low level of cooperation on some important issues: for example, banks do not have sufficient resources to help entrepreneurs who have been extorted or racketeered back into the economic circuit.
- l) The low level of involvement of politicians and part of the associations.
- m) The existing places are very autarkic, they are not available to give hospitality to some of the targets.

7) Recommendations for an Efficient Implementation of Directive 2012/29/EU in the Italian Judicial System, based on Research Findings and Interviews.

This issue has been discussed during the interviews and some interesting considerations were made in terms of conclusions and recommendations for an efficient support service system in Italy. In this chapter, we would first of all like to list some of them:

- a) The directive should be more specific on what the "victims" are and identify the criteria for identifying "particularly vulnerable victims" in a more precise and unambiguous way.
- b) *"Concrete ways should be adopted, based on the internal protocol, on how to implement the European directive in order to provide effective assistance to victims"* [one respondent].
- c) More resources and more staff to devote to the application of the directive and to the integration of services would be desirable.
- d) There is a sometimes very important distance between the written law and the practice that should be filled.



- e) In order to verify which part of the directive is actually applied by ministers or public judges, reliable data should be collected on how many victims were declared "vulnerable", how many probative incidents were granted, etc.
- f) Consideration should be given to a possible fragility problem due to the fact that the Directive aims to offer the same services to all the different types of victims.
- g) Accelerating the time for procedures and trials: the Italian trial system has to conform to the praxis.
- h) The so-called "technical times", which regulate the time needed to support the actions, should also exist with reference to the victim, not only to the offender if minor.
- i) The public administration should take on greater rationalization and coordination of existing private associations / NGOs and the provision of their services.
- j) The associations that currently operate in the territories should have a more important role: they could become the main nodes of the system as they already have the necessary experience and a high level of professionalism.
- k) The intercultural dimension must be taken into consideration. In the case of trafficking in human beings, for the most part, we are talking about African women who perceive their condition as those of people already subjected to themselves because they come from a lower culture.
- l) Projects that genuinely integrate victims of trafficking in society should be pursued: promotion of work and self-employment, repopulation of abandoned villages with migrants, etc.
- m) Protection services need to be improved: there are too few refuge houses. Women with children are transferred to family-houses (which cannot guarantee them sufficient protection), those without children cannot have any protection.
- n) Implement special long-term support programs for the integration of women in social systems (job shadowing, scholarships, job grants, etc.).
- o) To apply an effective and more equal indemnity practice for the victims.
- p) Training for the operators but also lawyers and judges: to sensitize them to the needs of the victims (how to approach them, intercultural issues in the case of migrant victims, etc.).
- q) Set up a European Agency to deal with the peculiar issues related to migrant and refugee victims (including those who have suffered a crime in their country of origin).
- r) It would be necessary to include in the public tenders a rewarding system for the participants that have been victims of the racket: at equal bids, the State should prefer the offer of racketeered entrepreneurs.
- s) *"We should make connections and relationships between the juvenile court and the ordinary court, some municipalities do not even have data on social workers, nor a parenting plan, so there is no reference person. We need to strengthen the social services structures"* [one respondent].
- t) *"The victim is not able to obtain compensation for what he/she suffered, any provisions are paid from the condemn people who does not have often any capital and incomes. For this purpose, we should create a Guarantee fund for the protection of crime victims"*[one respondent].

Further to that it is important to say that the principles set out to protect the rights of the victims of crime have been partially implemented in the Italian Judicial System, as the Legislator mainly worked towards amending the criminal procedure in order to safeguard the victims' interests in the proceedings. However, it did not provide a consistent framework for setting up victim support service, leaving more space to public and private initiatives.

Even though the amendments to criminal procedure managed to strengthen the protective measures for the victims of crime, they do not seem sufficient to achieve the Directive's aims, especially in criminal



proceedings involving child victims, victims of juvenile offenders, or where the judicial authority has been replaced.

Moreover, Italian criminal procedures do not take into account the special conditions of the victims at risk of secondary or repeat victimization, who would need one point of reference within the Public Prosecutor's Office during the investigative procedure and during trials in courts of first and second instance.

A "double track" shall be implemented for criminal proceedings involving victims who have suffered considerable harm, enabling faster preliminary investigations, so as the victim do not have to wait eighteen or twenty-four months to get to know the investigation's outcomes. In this way, it might be possible to schedule preliminary hearing in a reasonable time, allowing faster procedure for the pre-trial hearing and the formulation of the decision not to prosecute. The same procedure should be applicable when the judicial authority has been replaced or the offender has been absolved following a first instance sentence.

Practitioners' training appears of primary importance, as underlined in Directive 2012/29/EU. In particular, it could be possible to develop the skills and the competences of practitioners, by implementing training courses in sociology, psychology, law, criminology and victimology, and emphasizing the role played by social workers and health practitioners at local level.

At the same time, practitioners shall work towards strengthening (sometimes developing) their empathy, by attending special courses or participating in simulations and role play, so as to help them develop active listening skills and learn to be attentive towards victims and their sufferings. Moreover, they should improve their organizational, interpersonal and management skills and teamwork.

Therefore, new beginners' courses should be implemented, as well as ongoing trainings targeted at judicial authorities, public officers, magistrates, lawyers, psychologists and experts.

Secondly, a certain amount of funding shall be allocated so as to ensure the quality of the services provided by victim support service. Whereas coordinating bodies and partner public institutions should carry out dissemination activities, so as to promote and give continuity of such actions.

Moreover, new communication campaigns need to be imagined so as to promote victim support services at local level, invite public authorities to contribute and participate in these initiatives. Awareness raising campaigns should also be implemented in order to reach out victims and civil society, and to bring attention to secondary and repeat victimisations. Unfortunately, victims' sufferings last longer than judicial proceedings or the attention of the media.

The implementation phase calls on an effective, factual cross-sector collaboration amongst different stakeholders in the field: victim support service operators, police officers, judicial authorities, social workers, and NGOs representatives. It is important to notice that a real, serious, and generous synergy between public and private sectors, third sector and volunteer organisations, is needed so as to safeguard and defend the rights of victims of crime.

Finally, it is important to perfect and implement compensation schemes for victims of crime, whenever they made the traumatic and difficult decision to apply to become civil party in the procedures and the offender has been sentenced to reimburse victims.

Unfortunately, most of the times victims do not manage to obtain the compensations provided under definitive sentences pronounced by the Court of Cassation, once the judicial proceedings are over. For this reason, it is necessary to seize offenders' assets once they are found guilty at the end of criminal proceedings, as well as to create solidarity funds for victims of crime, such as those implemented for victims of organized crime and racketeering.



Profile of research participants

A) Policy-makers and members of the national legal committees

No	Gender	Target Group	Kind of service	N° of people benefitting from the service each year	How is the service funded?
1	Female	Migrants	Lobbying and policy making	--	Public funds
2	Female	All	Justice	--	Public funds
3	Female	Minors	Legal Assistance	About 20	Public Funds – Ministry of Justice
4	Female	All	Justice	--	Public
5	Female	All	Justice	--	Public
6	Female	All	Justice	--	Public



B) Criminal Justice Agencies

No	Gender	Target Group	Kind of service	N° of people benefitting from the service each year	How is the service funded?
1	Female	Women, Minors	General	About 100 new cases each year in Palermo and province	Ministry of Interior
2	Male	All	--	n.a.	Public



C) Public officials and representatives of NGOs (victim support service providers)

No	Gender	Target Group	Kind of service	N° of people benefitting from the service each year	How is the service funded?
1	Female	Women	Legal support	About 60 new users (plus the 'old' ones)	National Government
2	Female	Women	Legal, psychological, general support	About 500-650 each year	National, Local funds until 10 years ago. Projects in the last 10 years
3	Male	Minors	Instruction	610 cases just in Palermo city in the last 4 years. About 150 cases each year in the town.	Public Administration
4	Female	LGBT	Legal, psychological, general support	About 10-15 in Palermo	Donations
5	Female	Migrants	Legal support	About 10 each year	Donations / Public funds
6	Male	Victims of mafia	Legal, psychological and 'human' support	About 20 new cases each year. In total about 250 cases since 2008.	5x1000, donations. Legal expenses recognized by the National Government.
7	Male	Minors	Support to minors	100 cases each year	Public funds
8	Male	LGBT	Legal support	About 10 new cases in	Volunteering and



				Palermo each year	donations
9	Female	Minors	Support to minors / Mediation service between offender and victim	100 cases each year	Public funds
10	Female	Women and Adults. Young people requesting assistance	Psychological support	About 120 each year	Public funds
11	Male	Women migrants	Legal, psychological, general support	About 30 women assisted in the last 3 years.	Donations by foreign organizations. Projects.
12	Female	Minors	Support	About 20 cases each year	Public Administration
No	Gender	Target Group	Kind of service	N° of people benefitting from the service each year	How is the service funded?



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