



# Support VoC

**Work Package 2:** “Review and analysis of the national legal frameworks regarding the rights and protection of victims of crime and its application”

Activity 2.2

*Report*  
*FOCUS GROUPS*  
**Palermo**



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## 1) Research objectives

The primary objective of the second part of the research for the project “Support VoC – Support Services Model to enhance the rights of Victims of Crime”, co-funded by the European program Justice 2014-2020, is to reconsider those relevant elements emerged throughout the interview phase, and to determine possible pitfalls hindering the effective implementation of the 2012/29 / EU directive in the Italian national context. Based on the discussion, focus-group participants have developed a whole set of recommendations and propositions both on the legislative framework related to the implementation of the 2012/29 / EU directive in the Italian juridical framework (focusing particularly on Art. 8), and on possible improvements of the service system available to victims of crime.

The main objective of Support VoC, launched in November 2017, is to endorse the effective implementation of measures in support of victims of crime already included in the 2012/29/EU directive, and notified in Italy through the legislative decree n. 212 of December 2015. To this end, apart from documentary research, interviews with key actors and stakeholders on the realization of minimum standards set by the abovementioned legislation on rights of victims of crime, arrangement of focus groups with the aim of formulating recommendations, the project envisages a whole set of activities in partner countries, among which:

- Identification of good practices within the Spanish context, where services are available since 1995;
- Creation of a generic service model for victims of crime;
- Local and European level exchange and cooperation among authorities, service providers and stakeholders;
- Formulation of guidelines and recommendations by a multidisciplinary working group to implement service minimum standards;
- Arrangement of information days locally and study visits intended for authorities and other stakeholders.

Focus group discussions, involving some of the key stakeholders as well as new interlocutors, have been arranged with the aim of enhancing the formulation of recommendations, and meeting local needs and stakeholders’ demands.

Regarding Italy, the focus group discussion was held on 29<sup>th</sup> and 30<sup>th</sup> of May 2018 with the participation of 10 representatives of public and private local actors. Discussion was focused on laws on victims of crime prior to the implementation of the 2012/29/EU directive and scrutinized the effect of the approval of the Legislative Decree n. 212 of December 2015, in the implementation of directive providing for minimum standards on matters such as rights, assistance and protection of victims of crime in Italy.

The present report summarizes information gathered according to the project methodology.



## 2) Practical and methodological features

Focus group methodology entails collecting qualitative data by collectively interviewing several people gathered in the same place. Through focus groups it is possible to let participants' individual behaviors and opinions emerge in their own social and relational dimension to be analyzed, thereby allowing the formulation of an individual evaluation, which however results from a social process.

It is in fact an observation; the chosen subject group debates on a topic previously agreed upon, around which opinions and points of view emerge spontaneously from the examined subjects. The employed vocabulary should be clear and understandable by all.

Group homogeneity is important to let participants feel at ease while discussing on given topics, since they are among peers. In general, focus group participants should not know each other before, as they may feel uncomfortable talking about themselves in front of others they know, and conflicts could emerge within the group. The moderator should evaluate the risk given by previously knowing anyone that could in turn lead to conflict and ultimately hinder the discussion flow.

It should be kept in mind that the quality of intervention can be influenced by the following factors:

- clarity of objectives;
- suitable environment;
- representative group participants;
- compelling questions.

According to the planned methodology for the Support VoC project, key actors should have been involved in the project through participation in the focus group so to highlight needs and discuss possible improvements to implement in both legislative and practical approaches in supporting victims of crime. Feedback on policies and laws implementation from different perspectives emerged from the interaction during the discussion. The interaction among focus group participants (including non-verbal communication) can help participants in linking various concepts through the discussion, which would not otherwise have been possible during interviews.

In theory, the ideal group composition of each focus group should be blended, including in each one of them: security forces representatives, lawyers, judges, prosecutors, public administration representatives, social workers, NGO representatives, etc.

Each focus consisted of a 2-hour discussion. If the discussion was taking longer, it was necessary to call for a break.

According to the methodology, focus groups realized for the project entailed interviews to a homogeneous group of 5-6 people for each group. By previously determining the expected goal as well as the public, individuating the moderator and the structure of the interview guide, the interview focused on a precise topic, for which few minutes of discussion were allowed. The average duration of focus groups was 2 hours.

Each focus group began with a brief presentation of the directive's objectives and contents in relation to support services intended for victims of crime and to the contents of the desk research conducted by the moderator. The discussion was opened by an 'opening question'



followed by answers and interactions among the participants. The moderator has eventually gauged the participants' opinions in relation to specific propositions included in the directive as well as in the orientating document provided by DG Justice, and proposals advanced by the participants.

The guiding text that steers the discussion is generally composed of few rather unstructured key questions (a dozen at most) so to avoid evoking potential answers. Two principles regulate the discussion: (a) to start from rather generic questions to then proceed with more in-depth ones; (b) to structure them based on the importance according to the research scopes.

Support VoC focus groups were mainly developed following the abovementioned methodology, and can be summarized through the questions below:

- a) Based on your personal experience, what are your thoughts on the position and the role of victims in criminal justice proceedings?
- b) If a man/woman/child victimized by a violent offence, how easy would it be for him/her to receive information in relations to their rights as a victim during the criminal justice proceedings?
- c) If a man/woman/child victimized by a violent offence, how easy would it be for him/her to identify and access available support services to them?
- d) What are the main challenges / gabs that should be addressed in practice for the achievement of the goals posed by the Directive?
- e) Do you have any proposals on the achievement of the goals posed by the Directive?
- f) What are your thoughts on the following suggestions outlined in DG Justice Guidance Document related to the transposition and implementation of Directive 2012/29/EU?
- g) Please, provide your proposals in terms of:
  - g.1) Amending the existing general Criminal Code of Procedure;
  - g.2) Creating a single criminal law Victims' Statute;
  - g.3) Establishment of generic and specialized victim support services mechanism as a sub-system of the wider criminal justice system;
  - g.4) Implementation of restorative justice practices;
  - g.5) Proposals outlined by the research teams and the participants in the frame of the Activity 2.1.

Following the methodology, the moderator piloted the discussion, balanced the dialogue and kept the group leadership. An external observer attended the meetings without interacting directly with the group or the moderator; the observer was in charge of analyzing verbal and non-verbal reactions of participants, as well as of recording the meeting, upon informing the participants about it.

The analysis of collected data was based on evaluations made by the moderator and the observer.



### 3) Summary report on the focus group discussion

The focus group discussion in Italy focused on attempting to understand what works, what does not work and what can be proposed to the EU, so that principles and directives, among which the directive 29/2012, can be best applied, besides analyzing the previous legislation around effective protection for victims of crime with the same approach.

As advanced by the moderator, the outcome of interviews paints a rather bleak picture. In the introductory phase of the first focus group, the moderator reiterated that, as many principles are strongly affirmed in the Directive, the Italian judicial system has integrated them in a very formal and concise manner, merely looking at some limited procedural aspects. Furthermore, regarding the procedural aspects, the amendments introduced by the legislative decree to the Italian Code of Criminal Procedure, appear inadequate to implement the principles of protection of the victim that the directive aimed to implement, *"not to mention that other highly important aspects of the directive, ranging from support during and after the process, activation of assistance and support services, activation of adequate reception facilities, information, effective knowledge and understanding of victims of crime, to everything that happens before, during and after the trial, are in my opinion still only partially implemented, if at all"* [a focus group participant].

Important steps have been taken in Italy with regard to victims of mafia crimes, victims of extortion crimes, victims of domestic violence, sexual violence, pedo-pornography crimes, but in practice gaps persist and it turns out that a corpus iuris of the victim is needed, one that does not look at the type of crime but rather considers any type of crime, regardless of the kind of crime he/she suffered: this, to date, in the Italian legal system does not find specific application.

Until now, in Italy, the victims of those crimes that appeared to be of particular social alarm in that particular historical moment of the country (and then particularly serious in relation to the spread of crime phenomena historically anchored to the social texture or, also because of the consequences on the economic-social situation, as mafia association, racket of extortion, usury) were protected. This aspect regarded therefore those criminal typologies realized in damage of the so-called "vulnerable groups" - minors, women, incapacitated - or within family contexts (sexual abuse, mistreatment, pedo-pornography, sex tourism to the detriment of minors).

In light of the principles enumerated by the Directive, however, the victim should be at the center of the State's need to protect those who suffer a crime regardless of the State's interest in punishing certain behaviors deemed particularly serious or alarming for the community and public order.

The emerging opinion, with regard to the Italian Legislative Decree implementing the Directive, is that in Italy the legislation, rather than protecting the victim, aims more at ensuring the formality, those minimal morals, that would make our legislation conform to the supranational one.

Italy has implemented the European Directive, **almost believing that all the principles dictated by the Directive itself were already part of the national legislation**, even if "fragmented" in the different rules introduced over the years to protect the different "categories" of victims of crime, without really worrying about ensuring that those who suffer a wrongful offense are not to suffer further injuries arising from contact with the judicial system,



on the other hand, to receive instead and at the same time concrete and effective support from the social welfare and social system.

There is certainly a considerable network of support structures working in the area of assistance, but unfortunately there is no proportion between the actual need of victims and family members, from the perspective of risks, secondary victimization, danger of retaliation, but also in terms of effective psychological support. For example, the moment of the denunciation, which is considered by all the victims almost as the final stage, is actually the initial stage of a very long, difficult and complex process, which should be adequately supported by people able to do so, also in terms of information and training.

The Italian context must therefore be analyzed by making a distinction between the aspects of support and protection of the victim, from a psychological perspective but also pre- and post-procedural, from one that regards procedural stage. Obviously these two aspects go hand in hand

The victim **has to be protected first of all during the trial**: if the victim, as often happens, is left to face certain highlights of the trial at the mercy of police officers, magistrates, lawyers, without adequate training, skills or sensitivity, any other form of psychological and / or social support will be insufficient to adequately protect the interests of those who suffer a crime and seek justice and protection first.

If this does not happen through a synergic process that involves all the stakeholders, it threatens to plunge the victim into even worse conditions than those before the complaint.

Today in Italy victims often, at the end of the judicial process, regret having had the strength and courage to report the crime and the offender, due to the inefficiencies of the judicial system, the total inadequacy of the rules to actually protect his/her reasons, and the general inability of the "legal operators" to give adequate answers regarding the punitive need of the guilty party and the reparation of the moral and material damage suffered by the victim.

From this perspective, little can be done by the European Commission and, in some respects, there is not much to do even at the level of national legislation: it would be sufficient to apply the existing laws in a serious and concrete way.

There is of course **a first fundamental problem**: what we understand by "victim". From a strictly bureaucratic perspective, the victim is defined as a person who suffered a crime: therefore the crime should be ascertained, while the possibility to provide support to someone who suffered violence but do not want denounce it is still lacking. *"How do you define a victim? If I come to you and tell you "I have suffered violence at the hands of my partner" and you believe me, then I must help and support you. On the other hand, I put myself in the legislator's shoes and I wonder how we could give a definition of the victim if we consider also this point"* [a focus group participant].

The Italian law then speaks of "offended person" from the crime, providing for the protection of the victim in the event that this is the bearer of the interests protected by the criminal law, owner of the legal asset protected by the criminal law violated following the commission of a crime, "leaving out" all other victims and in many cases even the subject "damaged by the crime" who may eventually become a civil party in the criminal proceedings if he/she can prove to have suffered an economically assessable damage, but can not claim the same rights and faculty of the offended person.

In addition to the problem of definition of "victim", there is also a very sensitive question of **secondary victimization**, which plays a key role among all the services. *"We often talk*





*about secondary victimization linked to law enforcement: I have been saying that the worst secondary victimization is the one of the social workers, which work within the structures, because the one of law enforcement you feel it instantly: it is the judgment. While the one of the social workers is more subtle, it is the accompaniment, the understanding of the world he or she is talking about, and not of the life project the woman is pursuing. It is more subtle because it is to take her through of a world of values, which may not belong to that woman: judging her as a mother, judging her capacity or incapacity to take care of her children without taking into account the effects of the trauma is extremely serious” [a focus group participant].*

As for the **services to support victims**, what has been built over the years by organizations working in the area must certainly be valued: the strength of the network activities experienced over the years, the effectiveness of their interventions on the victims is not lost as a result of the application of the Directive. Like any other network and integration activity, the work carried out must be valued, but also the work to be done must be studied in detail: *"a long-term work that deals with the conditions of the different public and private services working on this theme must be pursued. Results are not immediately visible, but they are only in the medium and on the long term"* [a focus group participant]. The network has certainly worked in Sicily in recent years, but the network, like any network, is made up of people and over the years people change and every new person must be properly trained to continue the work in the best way.

What emerges from the analysis of the territorial public services in Italy is instead a chronic slowness that causes people to be treated as if they were practices, as practices for the issue of building permits or any other bureaucratic practice. The victims, on the other hand, need timely intervention with respect to certain specific problems: *"the practices in this case are victims, victims of abuse, violence, but also victims of the mafia, and in their case the lack of timely intervention is equivalent to an absence of intervention"* [a focus group participant]. They also need an effective specialized service: general support services should be able to best respond to the victim as quickly as possible.

In order to follow the lines of the Directive, the possibility to **reorganize the support services implies two fundamental requirements**: the first entails stakeholders' accountability, each one for its own role, the other entails the decision of those who coordinate this process: certainly a public administration, perhaps the municipality. In any case, accountability is not a concept as trivial as it seems: some lawyers, magistrates, security forces, social services, collide with the bureaucracy, with an insensitivity and treatment of these issues as if they were any themes. At that point a sanction is needed, linked to control mechanisms - national and supranational - on the correct and timely application of the national legislation introduced as a transposition of the European directives dictated in terms of protection of victims of crime.

Unfortunately, in Italy we are still witnessing the violation by all the "legal operators" of the legislation aimed at protecting the victims, an application often entrusted to the competence, preparation and sensitivity of some.

For example, the Lanzarote Convention, the Istanbul Convention, the European Directive 20102/29, the Legislative Decree of 2015, widen the hypothesis of probation (today you can ask for the so-called vulnerable victim even in adult age), originally provided for by art. 392 par.p.p, paragraph 1 bis, but when the Public Minister - also at the request of the injured party



- or the Defendant of the accused, do not ask the judge to dispose the probationary incident for the assumption of the testimony of the injured person underage or under age in the hypothesis of the crimes referred to in Articles. 572, 600, 600 bis, 600 ter, 600 quater, 600 quinquies, 601, 602, 609bis, 609quater, 609quinquies, 609octies, 609undecies, 612 bis, cp, and then the victim of the crime should be heard directly during the trial, in a public debate, in the presence of the accused, and after years of denunciation and even more so by the commission of the crime, with evident enormous trauma further to the victim, there is no consequence from the personal perspective of responsibility. *"We are faced with a social service that says 'ah no, we could not see that woman because she is a minor, or she forwarded papers with delay, or we did not find her, or the notification was not successful: they are all abstract justifications for the non-application of the probative incident. The fact remains that it is ultimately not applied"* [a focus group participant].

This is just one of the cases in which, although the Italian law provides for rules that actually aim to protect the victim during the process, to reduce as far as possible the inevitable traumas deriving from the same, the failure in implementing it concretely frustrates the mechanisms of protection of the victim in the absence of sanctions that, in addition to "striking" the process and the victim itself, make effectively responsible those who have not applied the rules and violated the EU principles to protect the victims themselves.

In addition to the failure in applying the rules already included in the Italian system, there is a very serious problem related to slow timing of court proceedings. The problem could be solved only by applying the so-called "double track" also to other crimes than only those related to the mafia.

In Italy the proceedings concerning **the crimes related to the so-called organized crime** (mafia) have a "privileged path" in terms of timing of the trial, of "precedence" in relation to the so-called "ordinary" crimes, balancing the rights to protect the defensive guarantees of the offender with those linked to the need of the State to faster and more effectively punish those responsible for the most serious crimes. The same "privileged channel" should be provided in the context of proceedings that have a victim who deserves justice and compensation, with precedence over crimes without a victim.

In the case of mafia crimes, for example, the change of the physical person of the judge does not imply the need for the accused to consent to the use of all the deeds and evidence already taken by a different judge for the purposes of the final decision, because the interest of the State to the most rapid punishment of the guilty of certain types of crimes prevails. In the case of a procedure for a so-called "ordinary" crime with a victim even for a serious crime, the change of the natural person of the judge implies the necessity of having to reassume all the tests already taken - and therefore also the testimony of the injured person - in the absence of the consent of the accused person.

The **very long waiting times of justice** are in fact an incalculable damage to the victim, sometimes called to testify even 10 years after suffering the crime, when she became adult, she changed her life, she moved elsewhere and far away from her headman. In addition to the moral damage suffered by the victim, the slowness of proceedings also entails considerable practical and financial damage, while the State does not allocates adequate resources to try to compensate the victim at least for what is possible to return in the absence, in many cases, of effective reparation.



In any case, the slow pace causes a lack of effectiveness in the protection and support provided by the justice system, which results in general distrust of the victim. *"The lack of trust derives from the fact that all the promises are not met in terms of time, fairness, protection, even of reintegration into social and working life"* [a focus group participant].

The case of **victims of trafficking** is a peculiar one, representing a different context from the European one, both from a social and cultural perspective: a case in which we must move in a different anthropological view. It is a decidedly neglected case both on the legal aspect and from one of services. From a legal point of view, however, a sentence has recently been issued related to the Nigerian criminal organization Black Ax born in Benin City that deals with trafficking of drugs and women destined to prostitution, for which this organization was convicted in the first degree with the article 416bis c.p., being a crime similar to mafia association. The phenomenon is particularly interesting from a legal and historical angle: it is the first time that a mafia organization in a district like Ballarò leaves room to and makes an agreement with - at least according to the data coming from the DIA - a 'foreign' criminal organization to handle both drug trafficking and prostitution. In other words, victims of prostitution become victims of mafia and can benefit of the available Italian laws and also of the protection provided for those who collaborate with Justice according to the laws of the Italian legal system.

Besides, this type of victims faces additional problems related to different language and culture. *"The most interesting aspect also from a legal point of view is that we had to go deep into a social and cultural dimension that is alien to our own culture: we have to study their symbology, understand the language, the semantics, the values and the psychological pressures linked to these values"* [a focus group participant]. In their case, the function of the mediator (almost always a former prostitute, an older woman coming from the same country) becomes more important than the social worker or the psychologist foreseen by the Italian Criminal Code, because she is the only who can immediately gain the trust of the girls victims of trafficking.

In other words, the support to this specific target of victims includes aspects that are not always taken into account: the two most important ones are the cultural diversity and the difficulty to express him/herself in the language of the host country. Solidarity between peers, such as the support given by women who have lived this same kind of experience, is fundamental, especially if we take into account the African familial structure in which the oldest and most experienced woman becomes the reference point for the youngest. *"If the mamans are around and support the victim, she does not feel alone, while victims who feel alone, give up"* [a focus group participant].

On this point the problem linked to the difficulties of languages was highlighted and to find interpreters who actually know the language used by the victims, and who are also reliable in terms of the absence of pressures or mechanisms of revenge by the perpetrators. .

The focus groups also examined issues concerning the application of the Directive with reference to the target of "minors" victims of a crime by another minor.

The D.P.R. 448/1988 in force in Italy, regarding the juvenile process, does not provide for the possibility of a minor victim becoming a civil party and taking part in the process, which instead focuses exclusively on the offender who must be adequately recovered.

For minors victims of crimes made by other minors, it is absolutely necessary above all to strengthen the only service supporting victims currently existing: the mediation service offered



by the municipality of Palermo. This service allows, upon request and with the necessary agreement of both the victim and the person who has committed the crime, to organize one or more mediation sessions between both subjects. The experience in recent years has shown, in some ways, that this service was not used in its full potential. However, the service cannot be used, but on the input and initiative of some Magistrates, and not for all types of crime and when the perpetrator of the crime does not admit the fact committed. Criminal mediation allows, for some types of crime, to give space to the victim who so feels welcome, understood and even in some cases heard by the offender, in an attempt to find a reason in relation to the crime suffered.

The need for **effective information** of the victim in relation to his/her rights arose with reference to the initiative to establish a service for the victims help desk, which had been done in the Municipality of Palermo, and in particular in the Mediation Office.

However the group taking part in the discussion underlined that is maybe not the best and most efficient location for a support office, and that it would be more efficient to locate the support office for the victim in the court, in order to address him/her even before the decision to make the complaint in view of the path to be faced, the rights and duties, the inconvenience, the concrete possibilities of protection in order to guide his/her possibilities of choice. *“Each victim wanting to denounce a fact, either s/he chooses the way to do so, be it the public prosecutor or to the policeman, or can s/he access beforehand the support office for victims which would give him/her all the necessary information regarding the service”* [a focus group participant].

Alternatively, there should be a neutral place where the “victims’ desk” can be placed, a desk dedicated to everyone without any distinction between adult and minor victim. A lot of juridical doctrine criticizes the reporting obligation included in the directive, obligations that have been transposed by the legislative decree 212 in 2015. The obligations consist in delivering two papers to the person in which all the basic information is written, probably in a small font with a language that is not easy to understand. *“If the subject has cultural issues (in understanding), s/he will put the paper on her/his pocket and then will throw it away. This constitutes a failure to provide information, and then what was supposed to be a sound principle of information to the victim on her/his rights and possibilities, becomes finally only a formal protection”* [a focus group participant].

Besides greater attention to services, an approach providing for measures of restorative justice in Italy has been more generally discussed. The probation can be beneficial if it is dealing with a crime without a victim: it has an intrinsic value when concerning someone not having criminal records, for example. But if it deals with a case in which the injured party suffered a crime, be it moral or financial, on what terms does the protection of the victim fall within the positive outcome of the evidence? *“When there is a crime with a victim, the case cannot be considered as if there were no victim”*. For example, the Italian legislator took no account of the victim in relation to the institution of suspension of the trial, which can be followed, if the test is successful, by the extinction of the crime, and this without the victim has had any compensation or reparation, or has even been able to express his/her dissent.

If we would instead take into account the victim’s perspective, any given practice, even for instance the possibility of compensation, should be envisaged. *“We do not deal with the damage compensation, because the path is always deliberate, however the defendant is informed about the mediation path not being informal during the probation, which it is fundamental, otherwise the model we have been fighting for during the past few years will be*



*tarnished, following the juvenile penal model. Also, in the case of probation of a minor, the mediation cannot be between the institutions of the program”* [a focus group participant].

Among the recommendation to integrate, there should be one to provide for all alternative rights, a plea deal, a probation, an agreement on appeal, the access should be subordinate to the victim protection, if not complete, a minimum should at least be done in terms of compensation. *“Finally, there should be at least some attention to the victim”* [a focus group participant].

*“Otherwise all these principles, all the forms of protection against the fact that a defendant can negotiate almost any type of crime, without paying even legal fees to the victim who made a complaint, calls a lawyer, goes to court, a civil party is established...”* [a focus group participant].

*“For example an accused who legitimately asks to be admitted to an alternative rite for the application of the penalty at the request of the parties, that is the plea bargaining, they apply the penalty of one year with the conditional, so eventually the accused goes home, while the victim remains totally out of the whole mechanism, so he continues to suffer the damage”* [a focus group participant].

The joke is time, economic resources, etc. personal and family consequences. We know well that society sometimes isolates even the victim who rebels, and the accused with the conditional suspension of the penalty goes home happy, while the victim loses trust in the justice system. So much that when instead - in the rare times - the judge subordinates the suspension of the execution of the sentence to compensation for damages or the payment of provisional in favor of the victim, the defendants and their lawyers immediately call - if I defend the victim, I'll do that myself, saying we want to pay, so that the defendant does not go to jail.

Unfortunately, still today in the face of a thousand difficulties the defendant certainly has, the deterrent effect of having to compensate the damage to the victim could be an important element to prevent the commission of the crime, and to balance the interests and guarantees for the defendant with the rights of protection of the victim.



## 4) Recommendations based on findings of the research team and focus group participants

The discussion described above led participants to formulate a series of recommendations that can be summarized as follows:

### A) CONCLUSIONS / RECOMMENDATIONS ON LEGAL AND LEGISLATIVE THEMES

- An actual harmonization in legislative terms with the Istanbul Convention (for women victims of violence) is needed. In practice it is disregarded primarily by judges, lawyers, member of the Law Enforcement etc. The Directive is interlinked with the application of the Istanbul Convention: the two legislative references constitute two new matrices in which all the interventions to protect and support women who are victims of violence are placed. In Italy these regulatory frameworks must be implemented, and national laws must be harmonized with international law.
- To the already existing laws that must be applied, a penalty must be added, to be applied if any type of subject (judge, lawyer, member of the Law Enforcement, social assistant, etc.) uses expedients to avoid applying the law or does not apply it for superficial ignorance or other kind of convenience: a typical example is the failure to apply probative incident also for the so called vulnerable victims in all those cases that are already provided for by Italian law.
- To minimize the court time, incompatible with the immediacy of the action needed to support the victim, we must establish the so-called “double track” for crimes where there are victims, and especially where there are victims who become part of the process, they are offended or they denounces or even when they declared themselves “civil party”. The double track, created for mafia trials and trials involving convicts, must also be applied to this type of trials. This means giving priority over other processes, managing them as if they were trials with prisoners, not applying the formalisms of ordinary processes.
- Precise expiration times should be provided for investigations relating to trials where there is a victim, with precise sanctions that not only provide for the uselessness of the tests taken beyond the scheduled time - because in this case again only the victim would be damaged - but precise sanctions against those who do not respect them.
- In the absence of a law, protocols should be applied which, one way or another, already work in practice.
- We need to define the term "victim" more clearly, as well as those included in this definition: first of all you should also consider victims those who go to a support structure without wanting to file a complaint; you should fully support adult women without children who have suffered violence and are currently not sufficiently protected; we should consider the disabled victims, who are not mentioned in the Directive, and for which in general there is not much attention, except for the disability of the offended victim of the crime in terms of its unreliability, which becomes a double violence.



- In Italy there is the problem of the attention that should be given to the "minor" victim, especially in the case in which s/he has suffered a crime by another minor. The juvenile process in Italy looks only to the minor offender but not to the child victim of this crime, and this remains a fundamental gap in the protection of the victims that today our country should fill. It is necessary to redefine the support of the minor victim during the denunciation, during the trial phase (in which the minor is not currently present when the offender is another minor) and post-trial.
- It is necessary, from a legislative perspective, to modify the definition of "precautionary measures".
- In the proceeding involving 'minor' victims, greater attention should be paid to the victim. The system currently focuses only on the child who committed a crime, worrying about his repentance and his reintegration, but leaving out every parallel aspect of the victim of the crime.
- Creation of economic-moral compensation practices against the offender or the family of the offender.
- For all alternative rites, whether they are a plea bargaining, providing for a trial, a agreement on appeal, the abbreviated trial, that access have to be subordinated to the protection of the victim, at least a minimum in terms of reparation.
- To shorten the court time, during the preliminary investigation phase, one could think of a suspension of the duration of the investigations, to a lengthening of the limitation periods of the crimes where there is a victim, at a starting point starting from the moment in which the victim complains, at shorter investigation times foreseen for these types of crimes involving damages to the victims.

## B) CONCLUSIONS / RECOMMENDATIONS ON INSTITUTIONAL THEMES

- Defining and distributing responsibilities in a precise manner: every subject, whether institutional or not, must take responsibility for the part of the process that s/he manages. This implies, for example, a careful work on the training of its internal staff. The concept of responsibility also implies the concept of sanction, as well as a great cultural change.
- In Italy there is an widespread problem between the ordinary court and the juvenile court: in particular it concerns the transfer of powers from the ordinary court, which is creating great confusion. On this subject, the Italian group recommends a greater connection between the two courts in this passage.
- The EU should push more on the implementation of the Directive, not only on paper in terms of transposition into the legislative system, but also in practice. It is possible to get a real transposition of the Directive, only if a monitoring process is activated in various countries. The proposal is therefore of creating a Control Body to implement the Directive, or the appointment of a Guarantor for the protection of the victims to which the citizen can apply when all the guarantees to which s/he would be entitled are disregarded.
- The EU should force Member States to devote more resources to the organizations participating in the victim's support system during the judicial process and after the



process for social and labor inclusion (through, for example, a State or Regional Solidarity Fund).

- Memoranda of understanding between public and private entities should be activated for the activation of the system of services envisaged by the Directive.

#### C) CONCLUSIONS / RECOMMENDATIONS ON CAPACITY-BUILDING THEMES

- Training in Italy is still far from the requirements of the Directive: the problem is left to the initiatives of individual structures, which may be those belonging to the Public Prosecutor's Office, or the judicial police, or to volunteering or NGOs. In fact, if we look at the criteria indicated by the directive as necessary for the sector operators to be able to effectively support the victim, in Italy we can speak of adequate training. On this theme the recommendations are as follows:
  - It is necessary to organize an integrated training system for lawyers, magistrates, psychologists and police forces.
  - Awareness and training actions should also be activated for the other subjects dealing with the victims (for example the Heads of the schools for minors) on the procedure to follow and on the consequences of the crimes (e.g. bullying awareness activities in all schools).
  - It is necessary to spread more widely and extend the knowledge of existing laws. The Italian legislative system provides for a series of rules, even prior to the issuing of the Directive that should be disseminated for the benefit of the possible victim.

#### D) CONCLUSION/RECOMMENDATIONS ON THEMES AROUND THE ORGANIZATION OF SERVICES TO SUPPORT VICTIMS

In Italy, there is a network of structures to support the victim, but it is incomplete and fragmented on the territory. Furthermore, the existing structures do not have sufficient financial and personal resources to respond to requests and needs expressed by the victims. On this theme the recommendations are as follows:

- A distinction should be made between the specialized services that take care of the victims of various types of crime, because they have the skills, and the general services (especially public ones). The latter could in fact constitute a great bank, if they were adequately prepared (and trained personnel): this refers to social services, health services of the ASL, etc.
- It is necessary to improve the integration between subjects operating in the territory: the networking should be further strengthened and the network of collaboration extended to more subjects on the territory, possibly splitting the territory to make networking more effective.
- In the case of service in support of women victims of domestic violence, it is necessary to get rid of the equivalence between the possibility of being hosted and the denunciation. Support services should also be granted in the absence of a complaint: the victim who can benefit from the services can be defined through a series of interviews.





- In the case of the brokerage service, the methods and standards for the provision of the service should be established in advance.
- In the case of psychological support for minors, a service should be organized in a structured manner, for example through the school observatory. The network practice already implemented by the Regional Scholastic Office can become a concrete proposal of work in terms of synergy between institutions and schools. The education to protect the victim thus becomes prevention.
- In light of the fact that we live in an increasingly multicultural society, we need to pay more attention to interpreting services, even with the creation of a list of interpreters.
- Supporting organizations should receive more financial resources and personnel to be dedicated to mediation and other services to support children.



## 5) Frame of the participants to the focus group

No	Target Group	Kind of service	N° of people benefitting from the service each year	How is the service funded?
1	Women	Legal, psychological, general support	About 500-650 each year	National, Local funds until 10 years ago. Projects in the last 10 years
2	All	General	About 100 new cases each year in Palermo and province	Ministry of Interior
3	Women Migrants	Legal, psychological, general support	About 30 women assisted in the last 3 years.	Donations by foreign organizations. Projects.
4	All	General support	N.a.	Projects
5	All (mainly women)	Psychological support	20 each year	Private funding
6	Minors	Legal Assistance	About 20	Public Funds – Ministry of Justice
7	Migrants	Lobbying and policy making	N.a.	Public funds
8	All	Legal Assistance	About 30	Private funding
9	Minors	Psychological, general support	About 15	Public administration
10	Minors	Psychological, general support	About 10	Public administration

