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REFERRAL, ASSESSMENT AND INFORMATION PROVISION TO VICTIMS OF CRIMES

NATIONAL REPORT FOR ITALY



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Executive Summary

This paper aims to outline how Directive 2012/29/EU has been transposed into Italian Law, specifically in the referral of victims, risk assessment and information provision to victims. Reviewing the current practical application of victims' rights in Italy will be key to promoting and disseminating best practices in Italy, or other EU Member States.

In *chapter 1* there is a general introduction to victim support in Italy, with a brief history and general legal considerations. *Chapter 2* looks at the referral of victims from competent authorities to victim support services, and between the services themselves. *Chapter 3* addresses victims' needs assessment, highlighting the professionals involved, the criteria applied and how it is seen in Italian Law. The provision of information to victims is addressed in *chapter 4*, which highlights the information communicated to victims, with special focus on the skills and training required to convey this information. Lastly, *chapter 5* outlines existing good practices in Italian victim support services.

The common trait emerging from research of the current situation in Italy, on the topics identified above, is the lack of regulation in many of the themes set out by Directive 2012/29/EU, which have either not been, or only partially been, transposed. However, this limited transposition has led to a very weak reformation of the Italian rules and, as a result, there are very few "good practices" that work in the direction foreseen by the Directive. All depend on the self-organization of local Institutions, associations and other stakeholders, thus causing much disparity in victims' rights in Italy.

At the end of each paragraph there is a summary of the answers given in interviews with national stakeholders. Our sample composed of 16 interviewees, of which 15 operate locally and one at national level; of these, 7 are authorities and 9 are services.

To conclude, a final remark: some parts of this paper derive from the VOciare Project – in particular, from the Italian National Report – because of the similar topics addressed by VOciare and VICToRIIA and because both papers were written by the same authors. However, when working on this paper, the authors have tried to focus specifically on points that were skimmed over in VOciare, such as the origin of the critical issues arising from the incomplete transposition of the Directive. Any reference or quote from VOciare is indicated in the footnotes.

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Chapter 1 – Introduction

To address the situation of victim support in Italy, we will consider two lines of inquiry. The first concerns the development of the rules that conceptualise the term victim. The second deals with the victims' compensation system.

The Italian Penal Code (1930) defines (victim as) a person, who has been effected by a crime (articles 120 et al), in relation to the right of criminal complaint. It must be highlighted that the filing of a criminal complaint, by the victim of certain crimes (particularly those involving the most intimate sphere of the victim, for example defamation or sexual violence) represents a condition for prosecution.

The Code of Criminal Procedure (1930-1989) defined a victim narrowly, and limited to the Civil Part¹. Thus, the old Code of Criminal Procedure envisaged a strictly patrimonial concept of the victim, that is identified as a person claiming damages.

The current Code of Criminal Procedure² (1989) provides for a broader description of victim and 'a person effected by a crime' is introduced from a procedural point of view. Art. 90 of the CCP (prior to the provisions of Legislative Decree 212/2015³) provides that the victim can exercise certain rights vis-a-vis the Magistrate of the Public Prosecutor, who is responsible for preliminary investigations. These rights are to:

- a) Submit briefs and require the inclusion of evidence;
- b) Formulate legal and factual arguments to clarify the circumstances of the case.

1 In the Italian judicial system, the Civil Part is that litigation that, in the trial, exercises the civil action to obtain the return or the compensation for damages deriving from the crime.

2 Hereinafter, CCP.

3 Hereinafter, D.Lsg. 212/2015 (as it is referred to in Italian).

The D. Lsg. 212/2015 (which partially⁴ implements the European Directive 2012/29/EU⁵) amended the CCP and reinforced the role of the victim during investigations and the judicial process. In short, the current status of victim provides for:

- a) the obligation of authorities to provide the victim with information regarding the investigations and the procedures that will involve him/her;
- b) the obligation of authorities to provide the victim with information regarding the escape and/or release of the offender;
- c) defining a vulnerable victim;
- d) the adoption of measures for vulnerable victims to give testimony and statements.

The second topic, of compensation for the victim, is in two parts: the first one looks at the damage suffered by the victim; the second concerns the practical application of articles 8 and 9 of the Directive. The damage suffered by a victim can be a material damage related to property, a damage to physical integrity, or a moral damage. Law 122/2016⁶ allows the victim of violent crimes to claim compensation from the Italian State if the offender is unknown or does not have any assets.

In Italy, the experience of generalist support centres for victims of crime is still quite limited in relation to the number of organizations in the territory. It was only in 2018, that “*Rete Dafne Italia*”⁷, an Association that brings together Italian victims’ centres, was established and is to be responsible for the coordination of national and international activities:

4 The Italian transposition Law of the European Directive 2012/29/EU has several limitations, as we shall see in the following chapters of this paper.

5 Hereinafter, Victims Directive or simply Directive.

6 Unfortunately Law 122/2016 has implemented in a minimal way European Directive 80/2004.

7 The complete Italian name is “Associazione Rete Dafne Italia – Rete Nazionale dei Servizi per l’Assistenza alle Vittime di Reato”. The Daphne Network was established in 2018 and collects and coordinates the assistance centers for victims in Italy.

- a) drafting common protocols and formulating good practices for better reception and user treatment by victims' centres;
- b) implementing and developing a victimological culture and sensitisation, through projects of collaboration with other public bodies and institutions;
- c) cultivating relations with national and European universities and research centres.

Chapter 2 – Referral of victims

One of the main objectives of the Directive was to foster, in the Member States, the creation of a national, organic and multidisciplinary network that would better address the multifaceted experience of victims of crime. The starting assumption is that the needs of the victim are different, in form and in substance: only a coordinated service network, with each component activating its skills in synergy with the other components, can take charge of the victim as a human being passing through an extremely delicate phase of its life.

When analysing the Italian Decree D.Lgs. 212/2015, it is possible to see that Articles 8 and 9 of the Directive have been implemented in a very narrow way, as will be outlined below.

Article 8 was implemented in art. 90-bis(1)(p) CCP (as amended by D. Lgs. 212/2015): “Information to the victim”. At the first contact with the competent authority, a victim is provided, in a language that is comprehensible to him/her, information on [...] health-care facilities in the area, foster homes, or anti-violence centres for abused women and shelters.

This duty to inform, for which the competent authority is responsible, does not relate to generalist VSCs, nor to referrals between different centres. Moreover, the duty to inform does not refer to any requirement to operate within a multilevel network of stakeholders; nor does the relevant article of the CCP mention the need for this referral to be facilitated in any way, as required by the Directive (“Member States shall facilitate the referral of victims”⁸). Therefore, it can be concluded that Article 8 has been transposed only in a limited way: this regarding the referral modalities, which are not specified; and the types of services for which the referral is envisaged.

8 Art. 7 paragraph 3 of the Victims Directive.

As regards Article 9, previous studies⁹ have illustrated how this has not been implemented in D.Lgs. 212/2015. The analysis must focus not only on the legislative dynamics of implementation of the Directive in Italy (a top-down process) but also to processes generated by associations, which seek to coordinate services at an intermediate territorial level (bottom-up processes), most of the time without State directions, or economic funds that can give a long-term perspective to the services. In fact, in Italy, articulated referral mechanisms involving victims are created, often, within bottom-up initiatives.

These local *social start-ups*, which among other things aim to establish protocols between the main local Institutions active in victim protection¹⁰, often operate without continuous financing, and must rely on public grants, or on private donations. Lack of financing impacts the performance and professionalism of support services nationwide, and affects the rights of the victims, which can only be guaranteed in some regions in Italy. A good support service may deteriorate, or even completely fail, if the funding ends or is disbursed at non-homogeneous time intervals.

From local examples of referrals of victims to specific organizations: an initial Protocol, in Tivoli¹¹ in 2016, was established between the Public Prosecutor of Tivoli, the Order of Psychologists of Lazio¹², the local public healthcare facility¹³ and the Council of the Bar Association of Tivoli; and, in 2018, the Lazio Region invested in the dissemination of this good practice ('the Tivoli Protocol') to other provinces of the Region to create a regional network facilitating the provision of support to victims, in a multidisciplinary and systemic manner. The Protocol was signed, as well as by Lazio Region, by the Attorney General at the Court of Appeal, Rome.

9 To cite just an example, the VOCIARE Project, financed by EU in 2016 and realized between 2017 and 2018. It involved 26 EU Member States in the study and the analysis of the implementation of the Victims Directive.

10 To give an example, the Public Prosecutor's Office, Police Headquarters, generalist and specialists VSCs, Bar Associations, etc.

11 Tivoli is a city located in Lazio region, near Roma.

12 Lazio is an Italian administrative region, located in central Italy. Region's capital is Roma.

13 In Italian it is referred to as ASL.

This signature has been important, as the Attorney General's Office coordinates the local Public Prosecutors. The purpose of this regional network is to reduce and eliminate the risk of secondary victimization.

Art. 90-bis(1)(p) of the CCP provides for some specific services to victims of certain categories of crimes. As a result, victims of many other types of crime are excluded from the mechanism of referrals. The reference, as reported above, is only to health facilities, foster homes, anti-violence centres and shelters¹⁴:

a) **health facilities** can meet the needs of victims of violent crimes, who have suffered physical harm;

b) **foster homes** are intended for the reception of minors, disabled, elderly, adults with psycho-socio-economic disadvantages, people with AIDS; in wider terms, people who have few resources to deal with a victimizing event. They are concerned with precise objectives and are aimed at specific categories of victims. These types of facilities often lack specialists to appropriately meet all the needs of the victim;

c) **anti-violence centres** are structures for women who suffer (or have suffered) violence from a partner. They offer various services to female victims: telephone help, face-to-face support, shelters, assistance in violent familial situations. These centres possess certain competences of a victim centre, however they are limited in their range of actions, as they are exclusively aimed at victims of gender-based violence;

d) **shelters** are set up to provide women with safe place to escape from violence and threats from a partner, which often increases when a woman tries to leave the family home. It is a place where women can find an emotional and material distancing from their violent relationships and reconstruct their autonomy. Here too, the shelter is an excellent support structure, however, it fails to deal comprehensively with many of the victims' challenges (legal, health, emotional, patrimonial).

14 This list is the same reported in the VOciare Italian National Report, page 39.

e) Ultimately, **victims support centres** exist in Italy and they give direction and general support to those in need, but not in a systematic way. Moreover, effective referral of the victim by the competent authority to specialized centres does not exist. Specialised centres are not widespread in Italy and all-encompassing networks of existing centres are missing.

It is possible to understand from the above analysis that only victims of certain crimes are placed with these services: prevalently, victims of violent crimes, gender-related offenses, and other categories that present high risk of secondary victimization: minors, disabled, elderly. In the absence of a national protocol, and after receiving the consent from a victim, local actors take it upon themselves to guarantee the protection of personal data during referrals from authorities to specialist services.

However, it should be noted that, even before the transposition of the Directive, the protection of personal data is guaranteed by Italian Law – for the duration of the judicial proceedings. Sanctions for those, who disclose personal information and/or images of a victim of sexual violence, or of his/her family members, are provided by the Penal Code¹⁵. Furthermore, the judicial authorities may take special precautionary measures to prevent the dissemination of personal information or images of the victim, especially when he/she is a minor.

Finally, because of a lack of national coordination, homogeneous training of juridical actors on victim referral, is unavailable. When local service providers invest in multidisciplinary training that involves all stakeholders – such as those by Rete Dafne Italia members in Florence, Turin, Cagliari, Sassari (starting from 2017) and other victims support centres in Mantua, Verona, Casalecchio di Reno (starting from 2012) – the results are appreciable.

15 Art. 734-bis.

To better understand how stakeholders view referral mechanisms, we interviewed them. The stakeholders are a fragment of the Italian panorama, where organizations are staffed by professionals, who volunteer in response to the needs of the region with entities often being unknown to both official institutions and possible end-users. Answers revealed an agreement on the victim's right of access to general support services, but highlighted the absence of common procedures, as well as the lack of appropriate widespread training for professional staff. Most interviewees identified a lack of available funding for training and the management of services, which limits development and growth.

The newly founded Dafne Italia Network aims to expand the network of services throughout the country and respondents highlighted the positive work offered by *Centro Aiuto alla Vita (CAV)*¹⁶, women's aid refugees dealing with gender-based violence, and its protocols for sexual violence implemented by hospitals and anti-violence centres¹⁷.

According to responses, a discreet operational quality emerges from services for victims at territorial level: the dialogue between the service providers and the law enforcements seems to be simpler. Where agreements between institutions and services were concluded, they are effective both in referrals and in support provided to victims; in addition, access to support and assistance is better and guaranteed in a timely manner. However, the need for specific training and sensitization of relevant stakeholders is further emphasized, in order to develop a common language and procedures.

16 Centres specialized in helping (also with accommodation) women and children victims of abuse or maltreatment.

17 These services are effective in providing the necessary support, both in terms of emotional support and in terms of counselling and legal support and have facilities equipped to accommodate women and children if they need to be removed from the partner. Sharing clear referral protocols helps law enforcement agencies and operators to interface with potential victims in knowing how to activate the service, thus gives clear guidance to women and avoids the risk of second victimization.

Chapter 3 – Assessment

The assessment of a victim's specific needs is, per art. 22 of the Directive, linked to the necessity to identify, in a timely manner, the need to avoid secondary and repeated victimization, threats and retaliation.

For this reason, the Directive requires that Member States take action to ensure that professionals with specific skills conduct the assessment of all victims; that they do it promptly; and that the risk assessment is carried out on an individual basis, taking into account the personal characteristics of the victim, the type of crime suffered and the material and relational context in which it occurred.

The D. Lgs. 212/2015 introduced art. 90-quater of the CCP, the “condition of particular vulnerability” of the victim, which entitles him/her to a series of additional protective measures.

The criteria used during the evaluation, in relation to *personal characteristics*, are the following¹⁸:

- a. age;
- b. mental condition¹⁹.

Regarding the crime committed, the condition of a victim with special protection needs is assessed by considering whether the detrimental act was committed²⁰:

- a) with violence;
- b) with racial hatred;
- c) with discriminatory motivation;

18 Art. 90-quater paragraph 1 of the CCP.

19 Article. 90 quater makes exclusive reference to the psychic condition, and an analogical or evolutionary interpretation is not permitted - to the state.

20 Art. 90-quater paragraph 1 of the CCP.

- d) in the field of organised criminal activity;
- e) in the field of organised terrorist activity;
- f) in the field of activity of organisations involved in human trafficking.

Moreover, from a relational perspective, it evaluates whether the victim is dependent on the perpetrator from the following points of view²¹:

- a) emotional;
- b) psychological;
- c) financial.

Therefore, the evaluation criteria have been substantially transposed in art. 90-quater (1), though with some parts missing on the disability front²²: However, it is not clear who has the responsibility to conduct the needs assessment. This legislative vacuum risks causing conflicts between the opposing parties²³ in the judicial process, or at least to increase them.

In practice, the condition of particular vulnerability is assessed by a Judge or by the judicial authority, which may request professional advice to evaluate psychological, legal or social issues, strictly linked to the vulnerability under consideration in victim's needs assessment.

Previous research²⁴ has shown that in most cases, this assessment is conducted on an individual basis as required by the Directive with both the expectations and wishes of the victim taken into account. However, the central issue remains: this practice is left to the discretion of the individual Public Prosecutor's Offices, and to the individual judges or judicial police officers²⁵.

21 Art. 90-quater paragraph 1 of the CCP.

22 In art. 90-quater of the CCP, only psychical disabilities are mentioned.

23 The opposing parties are the defendant and the victim.

24 VOIARE Italian National Report, page 68.

25 The assessment of the particularly vulnerable condition leads to procedural consequences: especially in relation to the taking of testimonies.

As Chapter 2 of this paper, demonstrates there is no clear directive on how referrals between competent authorities and support services must proceed, Chapter 3 shows there are no clearly defined methods for requesting an assessment.

Individual Public Prosecutor's Offices are responsible for providing judiciary staff with training courses and ensuring they have appropriate skills to implement assessments²⁶. Names of locally based external professionals who can be contacted in case of need, are listed.

Answers vary on how the assessment of victim's individual risk should be carried out. Some authorities use internal evaluation protocols during an interview with the victim, others rely solely on officers' skills in listening to the victim. In any event, it is believed that the assessment of the victim's individual risks must comply with common shared guidelines. It is important to highlight the training of police officers on the use of the S.A.R.A. (Spousal Assault Risk Assessment) for assessment of the risk of recidivism, in cases of gender-based violence. Most of the interviewees think that such evaluations 'belong to' support services as well as to the authorities, and must be carried out immediately, even in the absence of a complaint and it is thought that the victim support services are more skilled in evaluating a victim's personal risk than the police. However, while there are no approved interview checklists used at the national level for victims of non-violent crimes, some professionals, especially psychologists, use their 'own' assessment tool.

Respondents believe that the level of preparation and experience of the competent authorities²⁷ in assessing the victims' individual support needs is good and that the quality of the services provided is good.

²⁶ Training is generally organized on psycho-legal guidelines

²⁷ y competent authorities we mean: the Judicial Police, the Public Prosecutor or the Judge.

Competent authorities tend to have a more positive opinion about the skills of victim support providers, while providers of victims' services consider the authorities skilled enough to carry out needs assessment. Almost all interviewees consider training to be useful tool in improving one's ability to assess the individual needs of victims. Currently, introductory lectures on the DIR. and its provisions, for all the central stakeholders departments interviewed (VSCs, Police, Lawyer, Judicial Authority), are planned to take place annually. However, it is hoped that training will extend to include other staff, especially on the topics of need assessment, information to the victims and emotional support.

To ensure a common framework for assessment, sharing guidelines, standardized protocols and checklists are also considered important by the interviewee sample. Law enforcement agencies agree that web tutorials could be useful in providing initial police training, for those who need to acquire skills in a short time, and without waiting for periodic training courses to be scheduled.

Lastly, all respondents believe that a checklist of questions, to assist in assessing a victim's protection risks and support needs, could be a useful tool. Training and expertise of personnel is highlighted as essential, since the mechanisms alone cannot give a complete and faithful reading of each unique situation and the individuality of each victim. The use of indicators can be useful for identifying risk factors and can help to share a more uniform approach to victim support. When an assessment is conducted by more than one office, for example by the local VSC and the local Police Office, a comparison -if possible- between the parties is considered a further added value.

Chapter 4 – Information

After the changes introduced by D. Lgs. 212/2015, the information that must be provided to the victims are listed in art. 90-bis(1) of the CCP²⁸. According to this rule, competent authorities must provide the victim “[...] from the first contact with the proceeding authority [...]” information on²⁹:

- a) the procedures for making complaints, the role of the victim in the course of the investigations and the trial, the right to information on the date and the place of the trial, the indictments against the defendant and, where to bring a civil action, to receive notification of the sentence³⁰;
- b) the right to receive notification on the status of the proceedings and of the registrations referred to in art. 335(1) and (2) of the CCP³¹;
- c) the right to be notified of the request to not prosecute³²;

28 “Information to the victim”.

29 This list is the same reported in the VOciare Italian National Report, page 28.

30 This point requires that the operators (judicial police officers or the Public Prosecutor directly) provide the claimant with all the information and notions regarding the elaboration, formulation and formalisation of a complaint, also providing information about the different procedural rules of the complaint itself. It requires also that the operators must provide information regarding the right to obtain notices about the date and the place of the trial, the charges to be contested and to obtain the notification of the sentence extract that will be pronounced.

31 Point b) requires the operators to notify the victim about the possibility of obtaining a written attestation that, based on art. 335 of the CCP, reports the registration of the complaint in the register of suspects, the indication of the number of reports of the crime and the indication of the name of the Public Prosecutor in charge of the investigation.

32 This point requires that operators must inform about the right, upon prior request, to obtain notice of the decision of the Public Prosecutor to not prosecute. This provision is a particular and perfected application of what is already provided in art. 408 of the CCP. Art. 408 prescribes, moreover, that the Public Prosecutor must inform the complainant of his/her right to inspect the investigative documents, and of his/her right to present an objection to the decision to not prosecute within twenty days. It should be noted that in cases of violent crimes against the offended person and in cases of theft in home and purse theft, the notice of the request to not prosecute is notified to the complainant regardless of his/her request.

- e) the right to interpretation and translation of procedural documents³³;
- f) any protective measures that may be taken³⁴;
- g) the rights recognized by the Law 335(1) and (2) of the CCP if he/she resides in a Member State of the European Union other than that in which the crime was committed³⁵;
- h) the methods of contesting any violation of their rights³⁶;
- i) the authorities to turn to, for information on the procedure³⁷;
- l) the procedures for reimbursement of expenses, incurred in connection with the participation in the criminal proceedings;
- m) the right to compensation³⁸;
- n) the possibility that the proceeding will be settled, with the remission of a complaint referred to in Article 152 of the Criminal Code, or through mediation³⁹;

33 Point e) concerns the case in which the victim does not speak Italian. In this case he/she will have the right to obtain all the procedural information in a language understandable to him/her.

34 Point f) establishes that the claimant should be informed about the protective measures that can be arranged in his/her favour during the preliminary investigations. This is the case of victims of particular crimes: domestic abuse, gender abuse, harassment and stalking.

35 This point refers particularly to victims who live in a Member State other than Italy, who must be informed about Italian laws and procedural rules.

36 Point h) is particularly important, because it is intended as a way to put the victim in a position to claim his/her rights to be respected.

37 Point i) introduces a general informative obligation toward the operators, consisting to provide for the offended person information of the authorities to whom to turn to, in order to obtain more details about the proceeding (e.g. the precise indication of the offices, secretariats and chancelleries to which turn to request information).

38 In this case, the information must be organized on two levels:

- the first level provides for the exposure of the various components of the damage: capital, biological, non-pecuniary and moral;
- the second level contemplates the presentation of the rules which provides compensation to be paid by the Italian State, in case of particular damage and particular victimisation (Act 7 July 2016, n.122).

39 At point n) it is established that the operatives must inform the offended person with respect to the possibility that the procedure to be established can be concluded through the remission of the complaint, or through the experiment of criminal mediation.

- o) compensation due to him/her, in proceedings when the accused requests the trial procedure be suspended, or when probation is assigned⁴⁰;
- p) health facilities in the area, family homes, anti-violence centres and shelters⁴¹.

The duty to inform is also extended to the escape or release of the offender⁴². Italian Law establishes that it is necessary to tell the victim of violent crimes, if he/she has so requested, of the escape and release of the offender. This provision is applied by a notification from the Judicial Police. This amendment, D. Lgs. 212/2015, introduced a good practice: the victim is given information concerning the release of the suspect when a protective measure has been ordered. However, there are no guidelines, or soft rules, available on the provision of information after the final conviction of the offender.

Previous studies⁴³ have shown that authorities usually evaluate, on a case-by-case basis according to the needs of each victim, how much and what information to provide at the different stages of the judicial process⁴⁴. There are no guidelines for this evaluation; it is conducted at the discretion of the relevant authorities.

In practice, the status of the proceedings and the status of the offender are always made available to the victim and victims can lodge remarks⁴⁵ related to the proceedings, which the judge will consider. In all events, the authorities are obliged to provide the victims with information to victims on request.

40 Point o) prescribes the need for the victim to know a particular outcome that the starting procedure could take. This in case the offender, making use of the provisions of Art. 464 bis of the CCP (suspension of the trial procedure), intends to make a request for probation. In this circumstance, the accused may propose to be involved in a path of reparation or compensation for damages.

41 See page 7 of this paper.

42 Art. 90-ter CCP, "Communication on the evasion and the release of the offender".

43 VOCIARE Italian National Report, page 30.

44 VOCIARE Italian National Report, page 32.

45 The victim may present defensive arguments or indicate evidence.

However, some critical issues in the practical implementation of these obligations must be highlighted: the availability judicial information requires, not only knowledge of the regulations, but also the ability to understand the needs of the victim in front of the officer or the professional. So, other skills apply, which are more easily mastered by VSC staff, whether generalists or specialists⁴⁶.

With these considerations in mind, it seems evident that appropriate training is required for those who come into contact with victims: specifically, the judiciary staff, Law Enforcement agencies, lawyers, VSC employees and volunteers, local institution officers and other professionals⁴⁷.

It should be noted that the Italian Government, that over the past few years, has initiated and sponsored some awareness-raising campaigns on victims' rights⁴⁸; however, these initiatives have been focused mainly on certain types of victims, such as those involved in gender-based crimes. However, it is not enough simply to have a law on the provision of victims' rights, the law must be put into practice along with local protocols. From on the interviews collected, most respondents agree that information on victim's rights is not always provided, or when it is, the information is incomplete – probably because those working with victims are unaware of the victim's right to access a broad range of information and because poorly trained staff have no time to provide accurate and clear information.

According to the interviewees, legal aid is a right that is always guaranteed to victims. An explanation of the complaint's procedure appears to be available to victims most of the time; less often, victims are given information on the different types of assistance available, on compensation and on the right to translation. Information on victims' rights is also provided by the Victim Support Centers and by the Police, the victim's lawyer and the judicial police.

46 Just as an example, it is possible to think about issues arising from cross-cultural communication.

47 As it has been highlighted in chapter 2, training courses for the categories above mentioned does exist, but they depend on local experiences and protocols restricted to small districts.

48 VOCIARE Italian National Report, page 75.

All respondents agree on the importance of adequate information provision with respect to decisions and procedures, compatible with the confidentiality requirements of ongoing criminal proceedings. Most respondents believe that such information is partially provided, but in a language that is not always accessible to the victim.

Most of the interviewees believe that this kind of information⁴⁹ should be communicated by the Public Prosecutor and the Judiciary Police as well as by lawyers and victim support centres. This implies that all the different actors around the victim must contribute to the provision of information to the victim. Specifically, Services interviewed declared that all those (services and authorities) involved in a case should provide information to the victim. As for the Authorities interviewed, such information should have a more specifically institutional origin and therefore should be provided by public prosecutors and judicial police.

49 Practical information about the procedure.

Chapter 5 – Existing practices

This section gives an opportunity to examine the good practice mentioned in chapter 2 of this report: the Tivoli protocol and the victims' assistance network it created⁵⁰.

As stated above, agreement was formalized in a protocol between the Tivoli Public Prosecutor, the Lazio Order of Psychologists, the local Healthcare Public Institution and the Council of the Bar Association of Tivoli. The protocol's goal was to organize the institutions and associations with which the victim comes into contact and to limit secondary victimization. The operational agreement provides rules of referral between the members involved, with reference to the generalist VSC created by this protocol.

The birth of this start-up network, of professional psychologists and lawyers dedicated to listening to and advising victims of crime, is one of the first results achieved after the protocol was signed. The VSC of Tivoli, in a year and a half of activity, has provided support and information to about 200 victims (face to face or by phone). Five months after the protocol was signed, a Technical Group was set up to define the procedures for referral and communication with organizations outside the network (e.g. surrounding municipalities). Its work is ongoing. Additionally, and also within a few months of signing, the agreement led to a room, in a dedicated space, being set up in the Tivoli Public Prosecutor's Office to allow victims make protected depositions .

Much has been invested in training judiciary operators, and other stakeholders, on victimization dynamics. The goal is to give technical skills to those who interact with victims of crime. However, in order to share effective operational procedures, ways must be found to bring together the different professionals involved with victims.

50 See page 6 of this paper.

The protocol looks to involve stakeholders in Tivoli with all local and regional institutions.

In February 2018, Lazio Region invested public funds aimed at extending and disseminating this good local practice to all the Prosecutors of the Region. The network approach remains the original inspiration, from taking charge of the victim to the subsequent orientation and advisory phases, keeping in mind his/her personal needs and his/her individual characteristics, in a multidisciplinary and systemic perspective.

The Protocol has also been extended to the Attorney General at the Court of Appeal of Rome. Its involvement, as stressed above, is meaningful as it will facilitate the coordination of the various local Prosecutors.

Another local experiment worthy of attention is Rete Dafne, an association that initially involved two important Italian cities, Torino and Firenze, and now brings together other local networks or VSCs, such as Cagliari, Sassari, Napoli, Roma, Milano, Mantova, Verona, Varese, Bologna, Casalecchio di Reno⁵¹, and Bari. As reported in chapter 1⁵², Rete Dafne (now Rete Dafne Italia) aims to establish a national Italian network of existing VSCs, working in accordance with the Directive⁵³. The goals of this new organization are stated at the end of chapter 1 of this paper⁵⁴.

In 2008, Rete Dafne was a local project, involving the Public Prosecutor's Office of Torino, the County of Torino⁵⁵, the Municipality of Torino, the local Healthcare Public Institution, Gruppo Abele Association and Ghenos Association. The project was financed by Compagnia di San Paolo, a banking Foundation that has supported the initiative from its inception.

51 Casalecchio di Reno is a municipality close to Bologna.

52 Page 6 of this paper.

53 In particular, with art. 9.

54 Page 6.

55 In Italian, Provincia di Torino.

In 2016, the project was moved to Firenze, when Rete Dafne Firenze was established, thanks to a protocol signed by the Court of Law of Firenze, the Public Prosecutor's Office of Firenze, the Municipality of Firenze, the local Healthcare Public Institution and Aleteia Association and finally, at the end of 2018, Rete Dafne Italia⁵⁶ was created.

Two important points are highlighted. The first is that without financial contribution from a private foundation, there would not have been resources to provide assistance to victims, and at a later stage to disseminate this good practice; the second is that this is a remarkable example of a bottom-up process, such as those described above⁵⁷. In Torino (and then in Firenze, Cagliari, etc.) local entities organized themselves to provide assistance to victims, in accordance with the articles and the inspiration of the Directive, without receiving any encouragement from the Italian legal system, nor from the Italian Government.

Among the good practices mentioned here, it is worth citing the guidelines created by some Public Prosecutor's Offices regarding the rights that victims of crime enjoy. The most remarkable are listed below⁵⁸.

The Public Prosecutor's Office of Tivoli has also published a document aimed directly at victims of crime in an easy to understand language the following topics are addressed:

- a) the information that the victim has the right to acquire at the time of the complaint;
- b) the methods for filing the complaint;
- c) the places and offices where the complaint is lodged;
- d) the possibility - on request - to
- e) obtain a copy of the complaint;
- f) the possibility of returning the complaint;

⁵⁶ Rete Dafne has been established for only a short time and, therefore, it has yet to fine-tune its practical action and intervention procedures.

⁵⁷ See page 9 of this paper.

⁵⁸ The following good practices list is similar to the one reported in the VOIARE Italian National Report, pp. 75-78.

- g) the possibility of being assisted by a lawyer - even at the expense of the State;
 - h) the measures following the filing of the complaint;
 - i) the rights of the victim during the trial;
 - j) the types of testimonies that the victim can produce (summary information, protected testimony, probationary incident, testimony and cross examination);
 - k) the system of protection for the victim in case of danger.
- All this information is required by the Italian Criminal Proceeding Code (CPP).

In Tivoli, the local Council of the Lawyers' Order has published a dispensation addressed to the members of the judiciary, entitled "Victims of particular vulnerability – Substantial and processual profiles".

The document sets out the following topics:

- a) Supranational legislation and internal regulations;
- b) Vulnerable victims and the evolution of the concept;
- c) First contact with the judicial authority and information obligations;
- d) Preliminary investigations and listening to the vulnerable victim;
- e) Precautionary measures and information obligations in favour of the victim.

On 18 March 2016, the Public Prosecutor's Office of Teramo drew up a series of directives (addressed to Law Enforcement authorities) concerning:

- a) methods for receiving a complaint and communicating with the victim;
- b) procedures for carrying out interventions in the house of the injured person;
- c) instructions on meeting a particularly vulnerable victim;
- d) removal from the family's home of the violent offender;

- e) communication to the victims of assistance at anti-violence centres in the neighbourhood;
- f) information to be provided to the victim, as required by D. Lsg. 212/2015.

The Public Prosecutor of Trento created operational and practical suggestions⁵⁹ for the application of D. Lgs. 212/2015, covering the following topics:

- a) the possible divergence between the role of the victim and the role of the injured person;
- b) the assessment of the relationship of cohabitation with the victim;
- c) the information to be given to the victim contacting the authorities;
- d) the communication to the victim on how to access information on the juridical procedure;
- e) the need to inform the victim about possible alternative definitions of the procedure;
- f) the information that must be given to the victim regarding the offender's status and his/her eventual release;
- g) the definition, for practical purposes, of the notion of "particularly vulnerable victim";
- h) the recommendation to avoid harmful repetition of questioning of the victim.

The last example reported here involves the "*Victims and corporations: Implementation of Directive 2012/29/EU for victims of corporate crimes and corporate violence*"⁶⁰, a document drawn up by various authorities⁶¹.

59 http://www.procuratrento.it/allegatinews/A_7469.pdf

60 With the Guidelines they want to offer useful indications to identifying different needs - protection, recognition, information and support - of the victims of this specific phenomenon. https://www.iusexplorer.it/Rivista/Rivista_Italiana_di_Medicina_Legale/LINEE_GUIDA_PER_LA_VALUTAZIONE_IND?IdDatabanks=144&Id-DocMaster=7183172&tab=1

61 Contributed to the study the Catholic University of Milan, the Leuwens Instituut Voor Criminologie and the Max-Planck-Institut.

The document is dated July 2017 and contains specialized guidelines for judicial police, Prosecutor's Offices and judicial magistrates, which contribute to the implementation of the Directive for victims of corporate crime and corporate violence.

The stakeholders interviewed believe that to strengthen existing good practices in Italy, continuous coordination and exchange is necessary between the bodies that deal with victim assistance and the local/national institutions, aiming to raise awareness of the institutional realities to better comply with EU Directive 29/2012. The development of the Daphne Italia Network and regional attention on the operational modalities of the participating organizations can offer Italy the chance to adapt to the demands of European Union and strengthen widespread implementation of the Directive.

It is considered essential to pay more attention to the specifics of victimization processes and to the development of an extra procedural assistance systems. Legislative Decree 212/2015 modified the CCP to better meet the protection needs of the victims: such as a female victim of gender violence who, due to her characteristics, needs particular forms of support. Finally, it should be noted that the offender also should receive support, with the goal to reduce recidivism through re-education.

