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NETWORK to support and aid crime victims
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FROM THEORY TO GOOD PRACTICES:

Pathways for the Establishment of a Victim Support Centre

**From Theory to Good Practices: Pathways for the
Establishment of a Victim Support Centre**

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From Theory to Good Practices: Pathways for the Establishment of a Victim Support Centre

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Introduction

VIS Network Project: Goals and Operational Objectives

by Andrea Borghini

The guidelines for the construction of a Support Centre for Victims of Crime that, we present in this file, constitute the result of a long project work that, thanks to Vis Network project, found a first important phase, in the paths of theoretical and empirical training addressed to victims, activated in two different territories of Lombardia and Toscana, followed by the collection of experiences on the national territory, by the visit to Centres, aimed at the construction of this guidelines. As is rightly underlined in the text this is a complex experience dedicated to victims, that we include in this theoretical-operative product, [...] that focuses on the “glance” of the crime victim and promotes CSV¹.

Returning briefly on what we have just underlined in the Introduction to Guidelines for the Operators, the construction of guidelines of the Centres is the product of a deeply and inclusive network project, field-tested, conducted, for Toscana, by the University of Pisa – Department of Political Science², and for Lombardy by LIBRA-FDE, conducted, as mentioned above, in the project Vis Network (Victim Supporting Project: a network to support and aid crime victims) n. JUST/2011/JPEN/AG/2960, funded by European Commission in the Criminal Justice Programme in 2012, of which first in line is the Province of Livorno. This project intends to construct a network of regional actors that are, with their different competences, interested in the treatment of victims. “Vis Network” has reunited three territories, those of Livorno, Pisa and Mantova, thanks to partners as: Regione Toscana, University of Pisa, Discrimination Study Centre, Society of Health of Pisa, ASL 6 of Livorno, LIBRA and Alce Nero of Mantova; the associated partners Provincia di Pisa, Police headquarters – Livorno Police State, FDE, Municipality of Mantova and Carlo Poma Hospital (Mantova), and several other related authorities, among them health services, local police, administrations and local authority, voluntary and social organizations that granted the development of these activities for 24 months.

The Vis Network project has already in its title the meaning of its strategies of development: central is the Network, that, theorized in its formative paths and discussed

¹ Cfr. *infra*.

² Working group of University of Pisa–Department of Political Science was composed, other than the undersigned, by Mr. Gerardo Pastore and by Mrs. Cristina Galavotti, Mrs. Beatrice Giovannoli and Mrs. Chiara Nerelli.

with the participants to courses, has been observed in its specific dynamics on the national territory by visits to centres.

In these short pages we would like to remark the importance of the concept of network, as well as to recall some teachings as result of the visits to centres.

The University, together with LIBRA, conducted a role of construction of the visits paths, always preferring an approach of listening and attention of the territories involved in the project, for understanding the richness, represented by the agents and by the networks. The common denominator has been that of creating the conditions for the construction of a support network for victims, regrouping, extending and systematizing the competences and methodologies of approach already present in some territories.

If the active listening is a successful strategy on the level of inclusivity and respect of the history and experience of network's partners, it is the concept of network that has represented the conceptual and methodological key point of the project in its entirety.

In the text that we present, there is the rightly observation about how the network, that is to say the whole actors and bonds by which there is the exchange of some information and resources, is what makes deep, effective and proactive the social politics in favour of the citizenship. Valorising existing networks in a territory means consider them a conceptual and operative factor, strategic for facing the exclusion of wide groups of people and for coordinating interventions oriented to understand such realities and to remove them to the process of marginalization.

In the victimological field³, the network needs to be used as support, instrument of prevention, in a functional take in charge against phenomena of victimization.

The further advantage of an operative approach of network is that of give dynamism and efficacy to the multiple existent networks on the territories, most of which formalized by "protocols" among authorities and that regard the public sector and third sector. As is rightly confirmed in these guidelines, protocols are always assumed as an arrival point but, in reality, they should be a starting point, of promotion of a network that should be mobile, fluid with a movement of growing relationships. The protocol, hence, should plan the possibility of new adhesions, include new offer and envisage new scenarios.

These register, for being deep and effective, it is necessary to be known, updated, shared by the actors that have a part in it and by those that strive for enter in it. Here the idea of open, flexible, self-reflective protocol, true view of more innovative aspects and of the vantages of a well-constructed network.

³ For a further examination, see the chapters of Galavotti e Bardi.

Constructing and maintaining a deep network means hence overcome the self-centred politics and promote an authentic and participate governance for avoiding leaving alone vulnerable victims.

Similar results are possible with a right statement of what that, in this report, is defined “axiom of proximity”: the capacity of institutions, operators and all the actors of the support system to victims to be close, to be there but above all to be immediately recognizable on the territory. Furthermore, another fundamental factor is the empowerment, methodology used by the partner LIBRA. As wrote in the report, this methodology gives to the victim ‘the instruments necessities for recognising the situations that caused the victim, the consciousness of the situation and the resources for exit from these situations’⁴. We could think to this methodology as an extended objective to each actor of the network that take care of the victim in order to increase his/her awareness accepting the rules of the governance of the network.

These are the methodological premises and this is the spirit that has characterized the VIS Network project.

The result of the visits by the partner of the project to the centre need a reflection. The CSV (Victim Support Centre) as designed in the dispositions of Europe Union are in reality almost inexistent on the national territories⁵. According to the European directive they need to be centres able to offer protection, consultancy and a treatment at all the crime victims, independently from the crime and independently from their characteristics, offering differentiate services, managed by professionally experienced people, constantly updated. As mentioned above, these are centres already included in the Recommendation (87) 21 of the Europe Council, concerning the assistance to crime victims and the prevention of the victimization, recalled for their importance by the Framework Decision of the European Union Council, 15 March 2001, relative to the position of the victim during the penal procedure and more recent, by the Recommendation n.8 of 2006 concerning the assistance to crime victims and by the directive 2012/29/UE of the European Parliament and of the Council of the 25 October 2012. The principal objective of the creation of CSV is that of helping the victim to overcome the trauma suffered, to reduce the damage, to acquire security and to be put in protection, as well as conducting a work of social promotion, information and development of a common culture of prevention.

⁴ Cfr. *infra*.

⁵ An exception is the LIBRA’s VSC, see the dedicated chapter.

The organization of these centres should correspond to requirements of the victim with a global approach, represented substantially by the presence of an multi-professional équipe, as well as, they should be independent from an economic point of view.

Among the ideal elements of a centre must be mentioned:

- High competence and continue education of the multi-professional equip of the Centre;
- Admission of CSV in the territory's network;
- Opening granted h24, also by a specific telephone line;
- Capability of CSV of orienting the victim toward centres, associations, authorities, services and experts that, working in a second specialized level, could answer to their specific requests;
- Informative service by legal, medical and social consultancy.

As mentioned above, the CSV model offered by European directives is not present in Italy, and that because of the absence of a support regulatory framework to vulnerable victims, of a lack of economic resources and of a substantial management of the delegate centres to Third Sector. The origin of centres in Italy is possible only thanks to solidary initiatives.

In this scenario, the fundamental objective that Project Vis Network decided to start is that of analysing how the network operates in others territories and in other Centres in the peninsula, by the participation at the meetings of project partners. As for training path, even here, the exchange, the meeting, the mutual knowledge, the sharing to operate exchange of knowledge and good practices, to share, to construct together common path represented a precious way of working. Projects VIS Network, organized visits in studios for 50 operators of partners and networks in several centres that daily differentiate themselves for their diligence in favour of victims. During the visits, some conversation have been performed with operators focusing on each themes, shared by participants within their staff, in order to increase the impact of the visits. In its entirety, these moments have been highly formative because they allowed useful operative comparisons and generated other thoughtful inputs.

The visited Centres, for a further examination see the following pages, indicated absences that are not generated by a negative will of people, but by a lack of a clear and correct normative on this. From the visits at the Centres mentioned above, a variegated panorama appears, that is composed by the excellence, but often characterized mainly by the target represented by women as crime victims. Other reflections appeared by the collection of visit reports, concerning the presence/absence of specialized staff, and on the work of the multi-disciplinary equips.

The visit to Centres has been useful for observing the social network in action, gaining knowledge of protocols present elsewhere, for *practicing* the network, observing frequently confirmed the lacks of which we have written, but, at the same time, for indicating a way to follow and for constructing a model to implement in territories that are the target of the project.

In reality, even about this point there is to notice, as conclusion of these short annotations that, the Vis Network project achieved some success.

First of all, supporting the exchange to local networks of Tuscan and Lombardy's territory and allowing partners of networks to travelling throughout Italy and knowing other reality, has consented to reinforce a sensibility about the theme, constructing communities of practices and preparing hence the territory for encouraging future developments as support of the victim.

A first concrete step in this direction has already been there by the activation of a support Desk to victims in the district of Livorno, that functions thanks to voluntary contributions of Vis network subjects; while, from the comparison with other national realities, will benefit the LIBRA-FDE partner in regard to the further empowerment of CSV, active from 2012 on the territory of Mantova and which functions and activities are presented in this work as a case-study. Both the experiences, here only mentioned, constitute an added value emerged from the planning experience of Vis Network.

SECTION I

edited by
Cristina Galavotti and Gerardo Pastore

UNIVERSITY OF PISA

1. 1. Preliminary Considerations: the Network Model for a System-wide Support for Victims

by Cristina Galavotti

In Italy, the idea of "victim support" is a new one and it is still connected to the typical interventions of the Italian welfare system, which are usually provided by the non-profit sector through victims support centres run by volunteers. Up to now, the approach has mainly been focused on socio-psychological support rather than on the acknowledgement of victims' rights. All this shows a lack of compliance with EU policies and Directives that have only been adequately adopted by a few centres. Acknowledging the victim's rights is a social need besides an individual one (that is, of the citizen as a person). Yet, we must not forget that after suffering the trauma of a physical, psychological, economic, but also moral injury caused by the crime, victims need to redefine their identities, to rebuilt their injured Self, to erase desperation, shame and guilt. The first social response was to help victims through the creation of centres and associations that, already at the end of the last century, managed to provide assistance and also actual protection. However, because of the lack of social policies that could coordinate and manage all the various initiatives in each area, the situation resulted in a multitude of disconnected centres that often operates with the same target users and goals, and in the same areas. Their projects often overlap without consideration of spending streamlining. There are also differences between the various Italian districts, as they differ from each other for the incidence of certain kind of crimes and for their socio-cultural context. Indeed, in the north of Italy, a greater attention is given to women who have been victims of violence, whereas in the south it is mostly focused on victims of organized crime. In the south there are also less private social centres.

By giving people the chance to reflect on the processes that lead to victimisation and on prevention, treatment and support for victims we restore the centrality of citizens, we change the culture behind intervention modalities, and we foster the development of non-sectorial, humanely proactive social policies aimed at a real social-welfare culture. In this prospective, it will be crucial for the victim to be acknowledged as being in distress also by the community and its institutions. Such comprehensive approach needs the subject to take part to the social integration process, which can only be advanced through the creation of active primary and secondary networks, through the restoration of healthy relationships, and through professional support processes in which acceptance and listening are the key elements.

We believe that research and training lead to changes and, therefore, during recent years, we engaged in raising awareness about victimological theories, about victims and

their rights, about treatment and support for them, about sharing good practices for the creation of a strong and effective support network. By collaborating with the public and private social sector and with law enforcement authorities to train their professionals, we developed a complex program for victims support. We are going to describe it in this theoretical-operational paper presenting a purely victimological, detailed analysis that focuses on the victim's point of view and promotes VSC.

1.1. Victimology and Victims

by Cristina Galavotti

In modern criminological debates, there are many theories and sociological, medical or psychological approaches that describe and seek a scientific explanation for human criminal behaviours by trying to understand the causes of violent actions. A lot has changed thanks to the study of preventive treatment and rehabilitation for crime victims and thanks to victimology. This discipline is a branch of criminology developed in the late 1940s. It studies violent behaviours from the victim's perspective, by considering also the personality of the offender, the relationship between victim and offender, the environment and context in which the offence takes place. It also studies the interactions between victims, offenders, criminal law systems, mass media, and social control or aid agencies, in order to prevent and limit both primary victimisation processes, i.e. those caused directly by the offence, and secondary ones, i.e. those caused by voluntary and involuntary inadequacies of criminal or aid systems, which lead to short, medium and long-term damages.

Crime victims are people who suffered a physical, psychological, moral, or economic injury because of an act of violence, which is a manifestation of destructiveness, inability to communicate, loss of significance of the others, or of a violation of a criminal law. They are people who need adequate professional support to face and, if possible, overcome the consequences of the trauma they experienced. From a legal point of view, the first definition of victims can be found in UN Resolution no. 40/34 of the 29/11/85 that identifies victims as: "persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws prescribing criminal abuse of power".

Reference is made not only to a single subject who suffered as a result of a criminal offence, but also to collective groups of people⁶ linked by cultural, religious or economic bonds, and to people who experience an impairment of their rights or suffer because of criminal abuses. The focus on psychological, moral and economic injuries, and not only on physical, i.e. clinically ascertainable, ones, lays the emphasis on the notion of people's welfare⁷ and on the respect of their rights. Said welfare needs to be

⁶ Jews during the Holocaust were collective victims.

⁷ The UNO insisted forcefully on this approach in the Ottawa Charter of 1986 that introduced the "determinants of health", necessary factors for territorial planning, and that fostered an essential global approach to health, considered not only as people's physical health condition, but also as their psycho-socio-relational welfare.

achieved for both the individual and for the community, without neglecting the connections between all health objectives and between the projects and the environment, the housing and economic conditions, and the employment, cultural and educational situation. Individual victims are no longer acknowledged only when they suffered medical (health) injuries because of the crime, but also when they experienced psychological, moral or economic harm, or an impairment of their rights caused by criminal abuses. This approach should revolutionize social policies and, as is the case with the socio-sanitary integrated model, be the base for victim support and aid policies.

The lack of national laws providing for crime victims protection regardless of the kind of crime they suffered and of its juridical definition, of the nature of the damage and of its consequences, of the circumstances and modalities of the crime, and of the characteristic of the victim (age, gender, religion, race, sexual orientation, etc.) prevents victims from demanding their rights to treatment, assistance and compensation which are recognised by the Italian Constitution and by laws issued in favour of specific victim categories, such as victims of mafia, terrorism and usury. New regulations, such as L.119/13⁸ or L.67/14⁹, put forward the idea of a partial centrality of the "victims". This shows how law-making authorities are reconsidering the victim's role in the judicial, criminal and support system. But this is not enough. Even today, the offender-centred cultural system is the only reference model we have. Indeed, victims play no role in Italian Codes, they are not legal entities and they are taken in no consideration by the Italian court and enforcement system in relation to rehabilitation programs and to teaching responsibility to inmates. Such an approach fostered the belief that it was enough, to prevent victimisation processes, to study the offenders and understand the reasons for their violent actions. In the Italian Penal Code and Criminal Procedure Code, the victim is still considered as the person injured by the crime and not as a legal entity. We need to modify this offender-centred system, changing the idea of an intervention in which the only relevant parties are the State and the offender and introducing the victim as a crucial player. Victims have to be provided with free legal means that could legitimise them to act with a role that is recognised in criminal proceedings; they also need to receive information on investigations and on the proceedings against the offenders. New means of redress and compensation must be developed for the justice system. The role of the

⁸ 1. Law of the 15 October 2013, no. 119 "Conversion into Law, with modifications, of the Decree-Law of 14 August 2013, no.93, laying down urgent dispositions regarding safety and the fight against gender-based violence, as well as regarding civil protection and provinces' compulsory administration." (13G00163) (Official Journal no.242 of the 15-10-2013)

⁹ L. Law of the 28 April 2014, no. 67 "Mandates to the Government regarding custodial sentences outside prison and the reform of the penalty system. Dispositions concerning the suspension of the proceedings with probation and towards people at large." (14G00070) (Official Journal no.100 of the 2-5-2014)

victims in criminal proceedings must be acknowledged. Professionals of the justice system and of assistential services have to be trained to take care of the victim. The integration between the resources of the public care system and those of the private social sector should be fostered by endorsing voluntary work. The status of victim should be recognised to facilitate the access to services and compensation.

There are still victims who are not protected nor recognised, especially in terms of rights, and whose voices go unnoticed. For those citizens, such rights, when they are granted, cannot be enforced. Our culture is still far from recognizing victimisation as a social damage with huge costs. One need only think that the main Italian regulation reforming social policies, the 328/00¹⁰, in art. 22 lays down some priorities concerning social care, but omits to consider victimisation victims among the citizens in greater need and support for them among the services to be made available. We should ask ourselves under what circumstances the right to be supported, protected, and treated becomes enforceable for victims.

Therefore, we need to begin our study by analysing citizenship rights and by including victims' rights, which were first laid down by UNO in 1985¹¹. They include the right to receive justice, the right to compensation and redress by the offender or by the State if the culprit cannot provide for it, the right to express one's opinion and to have a part in criminal proceedings. In Europe, the Framework Decision 2001/220/JHA was a crucial step, even though the recommendation contained therein for the Member States to recognise victims' rights by 2006 was not completely implemented. The European Parliament and Council's Directive of the 25 October 2012, no. 29 no. 2012/29/EU, which introduces minimum standards on rights, support and protection of victims of crime and replaces the previous Framework Decision of 2001, in paragraph 9 states that "crime is a wrong against society as well as a violation of the individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, gender, gender expression, gender identity, sexual orientation, residence status or health. In all contacts with a competent authority operating within the context of criminal proceedings, and any service coming into contact with victims, such as victim support or restorative justice services, the personal situation and immediate needs, age, gender,

¹⁰ Law 328/00 "Framework law for the creation of the integrated system of intervention and social services." (Official Journal no. 265 of the 13 November 2000 - Ordinary Supplement no. 186).

¹¹ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted with the Resolution 40/34 of the 29 November 1985 by the UN General Assembly.

possible disability and maturity of victims of crime should be taken into account while fully respecting their physical, mental and moral integrity. Victims of crime should be protected from secondary and repeat victimisation, from intimidation and from retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice."

This Directive, which has to be implemented by Member States by 2015, basically establishes minimum standards of protection of the victim's rights that can then be supplemented to grant a higher level of protection. Victim support must include assistance (also legal aid) before, during and after criminal proceedings, and emotional, psychological and social support (also regarding juridical, financial and practical matters) in order to overcome, if possible, the injuries and the trauma caused by primary victimisation and to reduce the risk of secondary victimisation.

According to the Directive, a victim must be acknowledged as such regardless of whether the crime was reported to the Authorities. The exercise of the victim's rights is therefore secured by the possibility of accessing the victim support centres in any case. Such right is extended to the family members of a person whose death was caused by an offence.

Whilst awaiting a framework law providing for the protection of all victims of crime and regulating the heterogeneous realities of the assistance system, it seems increasingly necessary to focus on the territory as a starting point for our analysis. It can provide resources for the network and endorse effective and appropriate local policies by fostering free and easily available assistance services and funding transparency; by facilitating access to public and private social services while promoting their integration; by recommending intervention tools and means to evaluate scientifically recognised services; and by endorsing local and national protection policies.

We need a well-structured approach for the study of victimising processes, which cause huge damages and social costs and involve pain and suffering that cause a restriction of personal autonomy and of social and participatory skills. Tackling this problem will require a multi-professional method with diversified intervention levels, involving multidisciplinary observations to proactively understand victimisation instances, to both prevent them and perform functional diagnoses and treatments.

The damages reported by the victims are the expression of complex needs that cannot be underestimated when developing social policies. To be able to provide effective, efficient and proper responses regarding the individual and common welfare, we need to broaden the field of research to include all services aimed at prevention, at support and at sheltering people who are most in need. Indeed, the risk of victimisation

is higher for the "weakest" citizens, such as minors, elderly people, women, people with physical or mental disabilities and social outcasts. They are fragile victims.

Explanatory table (edited by Cristina Galavotti)

Criminology	Criminology is the scientific study of crime, offenders and criminal behaviours. Specifically, criminologists study the nature and extent of crime and its kinds, and they try to identify and explain the causes of offences and of antisocial behaviours, and the related social relationship (Marotta, 2004).
Victimology	Victimology is the discipline that studies violent behaviours from the victim's point of view, though it does not neglect to consider offenders and the context in which the crime takes place, as offences are the expression of a (conscious or unconscious, but never casual) relationship between victims and offenders. It analyses also possible, reciprocal interactions between victims, offenders, criminal justice systems, mass media and social and support control agencies, in order to understand the role of the people involved in the crime for therapeutic, preventive and restorative purposes (Giannini, Nardi 2011).
Primary Victims	Those who suffer the trauma directly and show the specific symptoms of acute or post-traumatic stress.
Secondary Victims	All those who are part of the primary victims' environment (family members, friends, etc.), who come in contact with them in special circumstances. They could experience an indirect trauma which could cause secondary traumatic stress disorder.
Collective Victims	"Collective victims" are actual victims, who suffered from a real damage, but the physical, psychological or economic injury involves an indiscriminate social group or specific individuals selected on the basis of their being part of a certain category (Bandini et al. 2004).

1.2. Victimisation

by Cristina Galavotti

Victimisation has many complex levels. It derives from a plurality of criminal circumstances and modalities that express needs and pathologies which are not always evident. The crucial idea that changes the way we look at the crime is that in most criminal instances there is a connection between offender and victim. This relationship is often characterised by an escalation of violence and by a distorted and morbid communication. Violence can be premeditated, intentional, planned or instinctive and sudden, but it always has a social dimension because every instance involving the victim cannot be separated from the context nor from the values of the environment in which it happens. It carries different meanings depending on the time and place of its occurrence. We cannot neglect its symbolic dimension either, because any one of us, in any moment and circumstance, regardless of position, age, gender, and socio-economic situation, can become a victim. It is the relationship between the victim and the offender, as well as the meaning attributed to the trauma, that makes the difference.

Therefore, it is necessary to foster personalised guidance, support and treatment processes: every situation in which "a particular" victim is involved is unique. Besides the relational aspects of violence, other important factors are: the extent of the (physical, psychological, economic or social) damage; its characteristics (whether it is a primary, i.e. caused directly by the crime, or a secondary damage, i.e. caused by the consequences of the crime); the characteristics of the victim (often the offender cannot be analysed, especially immediately after the facts) which can be bio-physiological (age, ethnicity, gender), psychological (personality traits) and/or social ones (job, status, living conditions, economic situation). These features may predispose some people more than others to become victims of certain crimes, but they may also affect the role (never to be understood as fault or guilt) that the victims themselves have in the crime, as they can be active or passive players.

We can think of a number of situations in which the victim plays a role, behaves in a certain way in the interaction with the offender resulting in a pathological communication, so much that many authors believe such victims bear part of the responsibility for the offence, as they provoke or precipitate the crime. In the literature, such approach led to further analyses and classifications of different kinds of victims, which are useful in understanding circumstances and modalities of crimes, but that should never be used to take responsibility away from the offender nor to lay it on the victim. Their interpretive use should aim at better understanding victimizing and criminal dynamics in order to prevent, diagnose and treat crime. The interpretation of the criminal

action needs to always be objectivised and, in any case, it will have to take into consideration the bio-socio-psychological characteristic of the offender, the motive, the means and the crime scene.

By intervening on primary victimisation, the direct consequence of the violent instance, professionals act to support consequences which are also connected to the subjectivity and individuality of the victim's situation. Yet, it is not only up to the professionals, but also to citizens, researches, and law-making authorities, to intervene on secondary victimisation. Indeed, the latter, be it conscious or unconscious, features different kinds of reactions that the person who suffered assaults, abuses or violence has to face. It has its roots in the juridical, health care and assistance systems and it is connected to the fact of not acknowledging people's dignity and of being unable to take care of them; to the inefficiency of the territorial network and of the responses; to the continual deferments, not only court ones; to incompetence and lack of professional skills; and to blame, which blurs the line between victims and offenders. There is also the actual possibility for the victim to suffer repeat or multiple victimisation, in which case support services should respond with concrete protection and support actions.

The victim can show various kinds of reactions to the trauma, often linked to post-traumatic stress disorder and depending not only on the type of crime and on the quality and quantity of traumatic instances, but also on a number of variables concerning the personological features of the victims, on their resources and expertise, on their living environment, on their ability to ask for help, and on how adequate the responses are. Some personal protection factors that could help overcome the trauma are: coping ability; social, relational and cultural skills; but also family and extrafamilial context in connection with success and a good relational dimension.

Similarly, severity and duration of post-traumatic stress symptoms caused by the victimisation can be exacerbated by the type of violence, by its seriousness, by the intensity of the assault and its chronicity when it is repeated in time, and by the emotions of the victim during the traumatic instance. Moreover, to develop effective programs to help people overcome victimisation we need to not underestimate some variables, arising before the traumatic experience, that could worsen the devastating consequences of the trauma. Risk or vulnerability factors of such sort could be: stressful situations, depression, other traumas, personological and character traits, and some variables that exacerbate the trauma itself, such as repeated physical abuses, the judgement by society, the consequences of the trauma on the victim's relationships and work, and the repercussions on the victim's family.

Explanatory table (edited by Cristina Galavotti)

<p>Forms of aggressiveness</p>	<p>Predatory aggression: planned and carried out in an emotionless way. The person is not aware that the action aims at reaching a goal or at fulfilling an inner need. Aggressive actions tend to be disciplined, controlled, planned: they show a lack of feelings and they are usually carried out against people who are strangers to the attacker.</p> <p>Instrumental aggression: knowingly carried out to reach a goal, without the intention of harming the victim, who becomes such nonetheless (e.g. robbery). It is caused by strategic purposes in order to reach goals or obtain benefits through a deliberate and thought-out analysis.</p> <p>The victim is not necessarily known to the attacker</p> <p>Affective aggression: instinctive, reactive, and defensive. In case of revenge, it can be planned. It can be carried out during a DSM IV (Intermittent explosive disorder) episode.</p> <p>It is usually a reaction to a real or an alleged threat that causes rage and fear. The goal is to cause harm to the victim through unplanned and spontaneous actions (innate tendency). High emotional involvement by the violent offender (Gulotta, Merzagora, Betson 2005).</p>
<p>Aggression escalation</p>	<p>Often the connection between violence and suffering is a spiral instead of a straight line: the aggression escalation takes place when there is a conflict between offender and victim and their relationship is dysfunctional.</p>
<p>Damage</p>	<p>Primary: directly caused by the crime.</p> <p>Secondary: caused by formal or informal responses to the victimisation and does not affect the victim's lifestyle neither directly nor immediately.</p> <p>Clinical: physical injuries and consequences supported by a medical report.</p> <p>Psychological: supported by a psychiatric or psychological evaluation, it is an objective and long-lasting damage to the person's psychological wellbeing, behaviour, and ability to adapt to reality, which impairs the victim's skills, potentialities and life quality, even without physical injuries or disorders.</p> <p>Economic: theft or damage to property.</p> <p>Moral: disquiet of mind that causes psychic suffering (Nivoli 2010).</p>
<p>Victim's characteristics</p>	<p>Bio-psychological (age, gender, race, physical condition)</p> <p>Social (job, economic and financial situation, living conditions).</p> <p>Psychological (sexual deviations, sexual desires, negligence and recklessness, extreme confidence and trust, character traits). (Nivoli 2010)</p>
<p>Role of the victim</p>	<p>Passive victim: those victims that show no psychological attitude or behaviour that could have provoked the crime or led the offender to choose specifically that person as victim. They</p>

	<p>can be distinguished in: <i>accidental victims</i>, i.e. those who are such by pure chance and, without participating in any way, found themselves in the offender's way; <i>preferential victims</i>, i.e. passive victims too, though they were chosen by the offender because of their role, economic situation and other favourable circumstances for the offence; <i>symbolic victims</i>, when, by harming the individual, the offender aims at harming a group, a category, an ideology; <i>collateral victims</i>, i.e. those harmed because the main target cannot be reached.</p> <p>Active victim: victims that have an ambivalent relationship with the offender, with many implied and unspoken features. They deny, verbally but not emotionally, the relationship that they want to sever (provocative, provoking, favouring and consenting victim).</p> <p>Future victims, through verbal and non-verbal displays, may collude with future abusers, thus letting them into their lives and strengthening misunderstandings, delusions of power, vengeful fantasies. (Nivoli 2010).</p>
Primary victimisation	Direct consequence of a victimising action. It causes people to change their lifestyle, reduce their social activities, move out of their homes, suffer from sleep and eating disorders, etc.
Secondary victimisation	Linked to the different reactions encountered by victims of harassment, abuses or violence. It can also be caused by victimisation processes during trial, or during the judicial, surveying or assistance phases.
Repeat victimisation	Revictimization: the same person who was victimised, becomes a victim again, after some time, because of a similar or a different event than the first time (Nivoli 2010).
Multiple victimisation	One person is the victim of more than one offence in a certain time period.
Post-traumatic stress disorder PTSD (DSM IV)	Dissociative symptoms, amnesia, depersonalisation, avoidance, dizziness, sense of detachment, decreased awareness of the environment, intrusive recall, hallucinations, re-experiencing, obsessive thoughts, nightmares, anxiety, difficulty in falling asleep, difficulty in concentrating, restlessness, hyper-vigilance, sudden startle responses.
Coping strategies	Coping strategies are mental mechanisms with which the person tackles problematic and potentially stressing situations. They consist in planning solutions for problems. They include all notions and behaviours aimed at managing the problem and the negative emotions. They change in accordance with the person's needs and with the environment.

2. From Theory to Practice: Networks and Support to Crime Victims

by Cristina Galavotti and Gerardo Pastore

The idea of creating, reinforcing and developing networks to implement virtuous procedures and to support crime victims, in particular “weak victims”, has always been the core idea of the “Victim Supporting Project: a NETWORK to support and aid crime victims” (VIS Network).

While the territory represents the administrative unit for the supply of services based on the co-programming and co-planning between public institutions and non-profit sector, as under law 328/00, the network is the collection of players and bonds through which the exchange of information and resources takes place and it makes the social policies for the citizens effective and proactive.

Within any local community, there are plenty of networks with different organizational structures and purposes which describe various social phenomena and provide numerous social scenarios. Highlighting the value of networks means considering them as a conceptual, operational and strategic place to better understand the current dynamics of exclusion and uncertainty afflicting broader and broader parts of the population. It may thus be possible to intervene more efficiently and to re-adjust said dynamics through practices which are consistent with the results (Salvini 2012). The *Social Network Analysis* (SNA) approach provides greater insight into the different networks and it enables us to explore new perspectives and financing methods, simultaneously highlighting both strengths and weaknesses and underlining where the bonds among the players (the knots of the network) are stronger. Under a criminological point of view, the SNA approach has not been applied up to now but in terms of a potential tool to interpret criminal phenomena within specific geographical areas, more similarly, that is, to crime mapping techniques and more useful in developing prevention policies.

According to a more victimological perspective, studying networks is fundamental because they provide support, they are an important prevention tool and they help taking on functional responsibilities to tackle victimisation cases. Networks can be seen as "relational bodies which spread resources and are resources themselves; increasing networks quantitatively and improving them qualitatively is important to strengthen the ability of the people to cope with social difficulties (Salvini 2012: 22)." Consequently, the SNA can serve as a very useful tool to critically and consciously detect “the areas where formal and informal relational hierarchies, segregation dynamics within the networks, and the limitations caused by organizational gaps are factors which produce social injustice, inequality and exclusion (Salvini 2012:

94). It is necessary to reflect on the main features of the “aid systems” for victims. The different local communities are often full of “protocols” between those bodies that work to achieve integration between the institutions and that plan social policies. According to the principle of horizontal subsidiarity, they involve both the public administration and the non-profit sector by detecting specific needs and sharing general goals. Protocols are “declarations of intent”, they do not always have a deadline like projects and they can be produced in very high quantities by promoters who generally involve the same players. They are collections of rules which regulate a system (fixing institutional wills) and practically formalize the relationships within an informal network. They can be considered as very important “photographs” of those institutional networks which have expressed the political will to act; they highlight a specific social phenomenon and suggest general actions to fight victimisation through the creation of new networks which can involve the players of local communities. The formalization of a protocol is very often seen as an ending but it should actually represent a starting point to promote a mobile and fluent network which encourages the creation of new relationships. Protocols should therefore give the possibility to other members to participate in them. They should contain new proposals and predict new scenarios. Such documents, which can be modified according to the changing needs of the community, should become a tool to convey shared, proactive and non-standardized “meanings”.

The analysis of protocols, a procedure which the operators working on that system do not often know in depth, provides an important insight into local realities. However, the intent of such protocols is very frequently neglected and they become a sort of “historical documents” because the underlying networks are not renewed, good practices are not shared and the information and resources about those institutional bonds are not spread. Protocols are often comparable to empty picture frames whose function becomes totally meaningless. That meaning must be recovered through a continuous and evolving process in which all citizens actively participate and become players. Talking about victimization does not only mean operationally taking functional and active “care” of the others; it also means making decision to plan aid policies for weak victims which can practically include both institutional and managerial aspects. Participation must be the core element during resources management planning and this can be achieved only if the network is active and if its knots, the players, become part of a continuous and evaluative evolution. Detecting efficient and appropriate structural, managerial and operational resources is necessary to meet the victims’ needs and to contextualize them according to the local community and its criminological dynamics (level and type). It is possible to strengthen and enhance such resources by sharing them within the network and taking on responsibilities together, which means avoiding contradictions, small-scale

policies and solving the difficulties related to the survival of the non-profit sector. It means promoting real and active governance in order not to abandon weak victims. Such results can be achieved if we are able to accomplish what we operationally define as “the axiom of proximity”, that is to say, the ability of institutions, operators and players of the aid system to be close to the victims and to be immediately recognizable within the community. This spirit has always characterized the VIS Network project and, according to it, the work within the network offers the opportunity to implement new intervention strategies which, acting as a whole system, enable us to renew the relationships between the players who are directly or indirectly involved in victim support.

On the basis of this introduction, it is clear that the network, regardless of its single parts, is the necessary step to understand the victims and their difficulties, to help them achieve independence and forge new relationships with the community. The network can therefore be considered as a diagnostic tool to explore and assess the situation of a person, as a resource, but also as an operational area which can be at the receiving end of interventions, but can also be the place where social actions take place (Ferrario 1996: 26).

2.1. The “VIS Network” Network Protocol for the Province of Livorno

In the framework of the Vis Network project, networks between institutions, bodies, associations and organizations were created and promoted in order to encourage and develop more homogeneous processes and immediately implement the support “network”. For the geographical area around Livorno, a network protocol was signed by the following bodies in order to consolidate the process and to promote planning, awareness campaigns, dissemination of information, prevention and support to crime victims: Provincia di Livorno (Province of Livorno), Regione Toscana (Region of Tuscany), Università di Pisa (University of Pisa), Az. USL 6 di Livorno (Local Health Authority 6 of Livorno), Provincia di Livorno Sviluppo (Development Office, Province of Livorno), Questura di Livorno (Police Headquarters of Livorno), Prefettura di Livorno (Prefecture of Livorno), Carabinieri Comando Provinciale di Livorno (The Carabinieri Corps’ Provincial Headquarters of Livorno), Guardia di Finanza Comando Provinciale di Livorno (Italian Finance Police’s Provincial Headquarters of Livorno), Consigliera di Parità della Provincia di Livorno (Parity Councilor of the Province of Livorno), U.S.R. Toscana – Ufficio XII Ambito Territoriale della Provincia di Livorno (Regional School Authority – XII Territorial Office of the Province of Livorno), Comune di Livorno, Comune di Piombino, Comune di Cecina, Comune di Rosignano, Comune di Castagneto (Municipalities of Livorno, Piombino, Cecina, Rosignano, Castagneto), Società

Volontaria di Soccorso – Pubblica Assistenza di Livorno (Livorno-based social assistance association), AUSER Volontariato Territoriale di Livorno (AUSER Volunteering Association of Livorno), AIDO Sezione Provinciale di Livorno (Italian Association for organ and tissue donation, Department of Livorno), Osservatorio Italiano di Vittimologia (Italian Institute of Victimology), Fondazione Caritas Livorno onlus (Catholic development and social service association of Livorno), ARCI BASSA Val di Cecina (Civil service association ARCI BASSA of Val di Cecina), ARCI Gay Livorno “il Faro” (Livorno-based office of Italy's national gay organization), Associazione Ippogrifo (Ippogrifo Association), Associazione Randi (Randi Association), CeSDI Centro Servizi Donne Immigrate Associazione di Volontariato e Solidarietà onlus (charity offering help to immigrant women), Associazione P24 Lega Italiana per la Lotta Contro l’Aids – Sede di Livorno (Italian National Association against AIDS, Livorno-based office) , Ufficio Esecuzione Penale Esterna del Ministero di Giustizia di Livorno (Livorno-based External Penal Execution Office of the Italian Ministry of Justice), Associazione Cure Palliative di Livorno onlus (association for palliative care of Livorno).

The network and the functional relationships between the players of local networks allow first of all to better manage “emergencies” (which are unfortunately frequent in case of weak victims) and, on the short-medium term, they can even contribute to the achievement of other extremely important goals such as:

- raising awareness about victimization, especially against weak victims;
- creating a non-violent culture by making people aware both of the victims’ rights and of the role of institutions;
- promoting an approach based on the victims’ rights in which the victim, the core of every activity, must be guaranteed reception, protection, and guidance and whose needs must be met;
- working in synergy and sharing information to generate knowhow and increase the awareness from concrete experiences;
- in line with the EU guidelines and in particular with the directive 2012/29/EU of the 25 October 2012, encouraging the constant training of the operators who, due to their role, come into contact with the victims from the first victimization experience up to the end of the process or of the therapeutic treatment;
- involving more and more networks so as to reduce the risk of victimization and increase the opportunities for the victims.

In the province of Livorno, the first result of the formalization of this network agreement consists in the creation of a help centre run by the Provincial Council of

Livorno to support crime victims, the so called “Sportello VIS”. It is meant as a body whose aim is to coordinate the activities of the different players within the VIS provincial network so as to guarantee free support and aid to crime victims and to organize indirect activities which professionals, the different service networks and the local community can benefit from. All adults who appeal to justice as victims of any type of crime, irrespective of age, sex, nationality, ethnic group, religion, social and economic condition, can access to the centre.

The services that the “Sportello VIS” centre offers to crime victims follow four fundamental operational phases:

1. Information
2. Shelter
3. Guidance
4. Specialized services:
 - a. Information on rights
 - b. Psychological support
 - c. Integrated psychological and psychiatric treatment
 - d. Mediation

2.2. The “VIS Network” Network Protocol for the Province of Pisa

On the basis of the aforesaid services, a “Vis Network” network protocol was also signed for the province of Pisa in order to implement the procedures used in light of the synergic cooperation with the European project “Victim Supporting Project: a NETWORK to support and aid crime victims”. The players of this geographical area who have endorsed the network are: Provincia di Pisa (Province of Pisa), Regione Toscana (Region of Tuscany), Provincia Livorno Sviluppo s.r.l. (Development Office, Province of Livorno), Comune di Pisa, Comune di San Giuliano Terme (Municipalities of Pisa, San Giuliano Terme), Unione dei Comuni della Valdera (association of Municipalities of the Valdera area), ASL 5 Pisa (Local Health Authority of Pisa, Office N° 5), Azienda Ospedaliero-Universitaria di Pisa (University Hospital of Pisa), SDS area Pisana, SDS area Valdera, SDS Valdarno Inferiore, SDS Alta Val di Cecina (Union of municipalities and local health authorities for the areas of Pisa, Valdera, Valdarno Inferiore, Alta Val di Cecina), Università di Pisa – Dipartimento di Scienze Politiche (University of Pisa, Department of Political Science), CESDI – Centro Antidiscriminatorio di Pisa (Anti-discrimination centre of Pisa), Associazione DIM – Donne in Movimento, Associazione Casa della Donna Pisa (associations that promote cultural and social initiatives to

guarantee women's wellbeing), AIED sezione di Pisa (AIED, Pisa office), Associazione Oltretutto (Oltretutto Association).

According to what the members of the network have established, the Provincial Council of Pisa is committed to: organizing and coordinating the actions between the subjects involved and, if necessary, meeting the victim support network's members; collecting the proposals from the "victim support network" or from its members and finding ways to enact them; promoting the network's social role and work among the most appropriate institutions; promoting the network through its own communication channels and its own web site; working with the members of the network to organize training courses, disseminate information and raise awareness; collecting suggestions, good practices, and data about the topic, the results of the projects, and the promoted activities; serving as the connection between the "victims support network" project and similar networks in the other provinces in Tuscany, the Regional Council of Tuscany and the players of other Italian regions; contributing to the improvement of the operators' skills through the organization of training courses and the dissemination of information or even through exchange and visits; raising awareness among the citizens and publishing the results of the undertaken projects; improving the methods and the processes by importing practices both on a national and on an European level; contributing to the implementation of the Regional Law no. 38/01 "Regional Intervention in favour of local policies for the safety of the Tuscan community" working with the Tuscany Region; coordinating the search for the necessary resources to make the "victims support network" project work.

2.3. Enhancing Networks to Achieve Social Proximity

The network protocols promoted by the Vis Network project offer an innovative operational perspective which no longer focuses on the "aid relationship", but on the "aid network" (Salvini 2012) and which constantly requires new decisions about the actions to be undertaken; about the network structure (for example by promoting an increase in size, in the number of relationships, in the geographical range, and in heterogeneity, and by strengthening or weakening the connections...); about the processes inside the network (for example by favouring the symmetry and reciprocity of the relationships, by increasing the communication level within specific relationships); about the actual and potential functions performed (by strengthening support dynamics, developing new aid relationships, continuously renovating information sources and resources); about the composition of the network (by deciding if new members can participate in the network or if the old ones have to be excluded from it; by changing the organization of the bonds, especially if they are considered to be counterproductive for the users) (Salvini 2012: 93;

Hill 2002: 248). It is therefore to be hoped that our professionals show proneness to multidisciplinary learning, to reflection, to open-mindedness and to the processing of new knowhow in the framework of a close reciprocity between theory and practice (Nappi 2001). From this idea, comes the general and concrete concept of “networking”. This experience requires different construction phases and continuous care aimed at developing and consolidating it. From to a technical and methodological point of view, this means implementing a process divided into cyclical phases and steps, such as:

- detection of operational areas and concrete purposes;
- active sharing of the mission, the vision and the strategic purposes;
- careful governance of the support to the victims not to waste human and economic resources;
- constant networking to find and involve new potential “knots”;
- assessment of internal benefits in order to expand the operational areas and to develop a well-structured system of practices;
- exchange of resources;
- collaborative networking and recognition of the others;
- regulated interactions;
- adequate communication;
- functional division of the work among the members of the network;
- self-reflection about the quality of the processes generated within the network's dynamics;
- caring for and adapting the network over time.

In order to achieve the aforesaid results and to make the network's logic work, there are clearly various practical needs to be met and concerted effort is required to continuously assess and test the relationships between institutions, public services and the social private sector. It is necessary to test if they work in synergy and show their common commitment to overcoming the barriers between formal and informal, between a technical and a human social perspective on the services offered to people in need. Moreover, it is important to check the methods and ways through which every single problematic situation is tackled and if the cooperation between all professionals of the same organization and, if necessary, with other institutions contributes to the improvement of the entire process.

As far as the operational issues are concerned, taking care of the network's organization, which concerns both the coordination of the relationships between the players and the services offered, is of utmost importance. Within the network, single services cannot be seen as independent units separate from the whole system. It must be

considered as “a part or a knot of the network and its connections, in which the results that one has had serve as raw material or advice for the others; all these partial results are brought together and they contribute to the general success (Toniolo Piva 2005). If this working method is applied seriously (so that the players working in the victims support system become strategic knots of the network), it is possible to fully succeed in changing the organizational structure and the ways to perform interventions in line with that idea (confirmed by the scientific literature) according to which the network is the preferential “tool” to socially forge proximity relationships with the victims, to be at their side, to guide, support and protect them. In this way, victims avoid being trapped in forms of relational isolation and the social capital useful to implement the support network is developed. As far as the network mechanism is concerned, we need to keep in mind that “weaving” a network should “first of all aim at forging bridge relationships, but also at detecting further hubs¹² whose task will then be to connect other areas of the network in order to make it stronger and to decrease its centralised character, that is to say the dependence of its “structural power” on the actions of one person or of a few people (Salvini 2012: 78).

However, we also must be careful not to rhetorically and uncritically celebrate networks, because such an attitude would lead to increased bureaucratization and to a meaningless formalisation of “top-down” agreements, thus causing disorientation and relational gaps instead of social proximity. As we explained before, sharing, participation in the planning and careful assessment, together with a bottom-up perspective are the key elements to provide authentic value and efficacy to protocols so that they can fully perform their proactive function of organizing networks.

¹² The knots, whose numerous direct bonds rapidly disseminate information.

Explanatory table¹³

Social network	Networks are relational structures between players. Their features can be used to describe the behaviour of the network's members. Their key elements are knots or players, who can be both individuals and groups of people, locations and institutions, and the bonds between them, which are graphically represented in form of lines, arrows and arches and which can be mutual, symmetrical and asymmetrical. Networks can provide social support and can be formal, informal, primary and secondary.
Social support	Social support refers to the flow of resources among the players. Its features influence the access to the resources in terms of power and dependence and they also determine their ability to support the network. Social support is the core element and fabric of the relationships and it is classified according to the aid and support functions performed by the network. Reciprocity and sense of obligation are closely linked to social support meant as a process of mutual exchange. Reciprocity, because it is not a one-way process and this should increase the likelihood to get positive results during support projects. The sense of obligation concerns both the roles and the bonds between the knots of the network and all the members have the subjective perception that the others care of them, which improves the ability to cope with stressful events.
Support functions	Functions to reduce stress through protective strategies, i.e. by disseminating information and proposing resources; functions to maintain the victims' health and to avoid loneliness and isolation by providing even immaterial resources such as trust, interest, sense of identity and increased self-esteem.
Social capital	Social capital corresponds to the collection of resources contained in social relationships and in social networks. It refers specifically to the qualitative and quantitative features of relationship networks, but also to the ways through which individuals can access and use the resources in them.
Strong bond	High-intensity bonds grouped into clusters (high-density area characterized by groups of players linked to each other by numerous and intense relationships). They are transient compared to the resources which rapidly flow and increase within the network. In a nutshell, these bonds link family members, close friends and colleagues who spend much time together.

¹³ In order to better understand some of the aspects related to the specific terminology of the SNA approach, we synthetically reported this table with some of the definitions from the scientific essay "Lexicon of the network" by D. Cordaz used by Salvini (2007), whose work we refer to for every further analysis.

Weak bonds	Low-intensity bonds characterised by less emotional involvement. They are similar to “bridges” between the members of the network, they boost the flow of resources and information and encourage the generation of social capital.
Social Network Analysis – SNA	Theoretical and methodological studies which deal with the analysis of social networks. Society is considered as a complex web of social relationships with different structures and every phenomenon can be interpreted according to its relationships and organization. Every single phenomenon is described according to its social players (the knots of the network) and to the bonds between them so that it is possible to provide both descriptions, explanations of the phenomenon and predictions about a specific network (Salvini, 2007)

3. Victim Support Centres (VSC). National Instances: Meetings and Debates Promoted by VIS.

by Cristina Galavotti¹⁴

VSCs (Victim Support Centres) as laid down in EU provisions are very rare in Italy, unlike in many other countries. Indeed, according to the European Regulation regarding "rights, support and protection of victims of crime", the centres should be able to offer protection, assistance and treatment to any victim of crime, regardless of their characteristics and of the type of crime they suffered, by providing differentiated and personalised services managed by professionally trained and well-informed personnel. Such centres had already been outlined in Recommendation (87) 21 of the Council of Europe, regarding support to the victims of crime and prevention of victimisation. Because of their importance, they were then laid down again in the European Council Framework Decision of the 15 March 2001 on the standing of victims in criminal proceedings, and, more recently, in Recommendation no. 8 of 2006 on assistance to crime victims, and by Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012. The main goal in creating VSCs is to help victims overcome the trauma they suffered, reduce the damages, gain confidence, and be protected. The Centres should also promote social advancement, awareness and the development of a common prevention culture.

They need to be able to meet victims' needs with a global approach, both in the short term and in the long run. Crucial services to be provided are: health, social and psychological services; legal advice; professional assistance by experts, such as criminologists and victimologists. Furthermore, the economic autonomy of the Centre should always be safeguarded, for it to be able to meet victims' immediate needs (primary needs, but also the need to organise and re-organise after the traumatic event).

A brief analysis of VSCs' specific features immediately shows an inescapable priority: a high level of professionalism and specific expertise must be expected from any VSC's personnel, which needs to be adequately trained to work in multi-professional teams.

The possibility should be made available to access the CSVs 24/7 (through shifts rotation) and to have a constantly active hotline to help those who do not want to relate to the professionals face to face, or those who cannot visit the Centre in person.

There are a few crucial features regarding victims support and assistance operations: attention in the reception, appropriate environment, confidentiality and privacy, the victim's wish and approval to knowingly adopt that specific approach, active

¹⁴ We thank dr. Beatrice Giovannoli (Social Worker and Social Criminologist) for her cooperation.

and empathic listening, trust, the absence of judgement and prejudice, transparency, and credibility built on constant evaluation and control of processes and of professionals themselves.

VSCs are first level intervention establishments and, therefore, a very important task of theirs is to refer victims to centres, associations, authorities, services, and experts that work on a second, specialised level and can therefore respond to their requests. Depending on the case and the victim's needs, the person should be referred to the facility best suited to help, thus creating a real support network.

Another task of SCVs is to provide information through legal advice (e.g. how to appoint a private lawyer, how to avail oneself of free legal aid, how to file a report, what it means to bring a civil action in the criminal proceedings, how to address the judge during the proceedings, what a mediation process is, etc.). The information can also be medical (referral to specialist care or services) or social in nature (local facilities, resources and services, leaving and protection procedures). This feature is especially important when weak victims are involved, who do not have the resources nor the skills to face these new developments alone. This is the case with elderly people, women, people with disabilities, outcasts.

Weak victims can be supported throughout the programmes following the first level intervention, but only with their express consent to be helped during such a hard and often long process.

It would also be advisable for VSCs to be connected with the volunteers, artisans and professionals active in their territory, so as to be able to work in shifts, 24/7, to face material damages caused by the crime (e.g. broken windows to be replaced, locks to be changed, home wirings to be fixed, etc.).

The VSC model that was laid down in European Directives has never been applied in Italy, where hurdles to its development are, basically, the lack of any framework regulation to support weak victims, the lack of funds, and the tendency to officially or unofficially delegate victims' support to the non-profit sector. In Italy, many of the existing realities arose thanks to solidarity-based initiatives that led to the creation of associations of people who had already experienced a particular situation or who had the skills and will to help other people overcome victimisation.

To get an overview of good management practices in Italian support centres, study visits were organised in the framework of VIS Network project for 50 professionals of partner facilities and of the networks of many centres that engage daily to help support victims. During the visits, discussion with other experts and focus groups on different topics have been held and the information have then been shared by the professionals with their staff members, thus maximising the benefits of the surveys. All in all, these

have been extremely instructive initiatives as they involved useful operational debates and encouraged the development of new ideas.

Among the visited centres there are:

- **The Centre in Casalecchio di Reno** which has been operative since 2005 in assisting victims of crime or of natural disasters with assistance and support services. Six volunteer professionals and a coordinator work there. Users' personal data are collected when they access the centre, though no victimological evaluation is carried out. An interesting asset is the close cooperation with local authorities.

- **The "SvSed Mangiagalli" Centre in Milano**, open since 1996, part of a strong institutional network. It is intended for women who have been victims of rape and/or domestic violence and offers health care, shelter, support, assistance, and legal advice. The victims' cases are handled by a multidisciplinary team made up by people with different specialisations. Professional personnel comprises 3 social assistants, 3 psychologists, 16 gynaecologists, 15 healthcare workers and obstetricians, 15 forensic doctors, 1 secretary, 1 telephone operator. Independent contractors provide legal services and no volunteers are employed. Necessary reports are compiled with data from the victim's medical history and based on the forensic doctors' reports, by means of specific data sheets varying according to whether the victim is a minor and to the victim's gender. It provides also risk and victimological evaluations, based on medical and psychological factors. The institutional network, formalized by operational agreements with Law Enforcement Agencies, local institutions, and the University of Milan, makes this a very interesting facility for its strong local rooting.

- **"Rete Dafne" (Dafne Network) in Turin**, established in 2008, aims at supporting crime victims through formal agreements with different players of the local network, among which local authorities, local health authorities, and non-profit associations. Users include young people and families suffering from psychological disorders caused by an offence, such as anxiety, depression, panic, post-traumatic stress disorder. Other users are people with drug addictions, with social problems or that need civil or criminal mediation. The centre provides criminal mediation, shelter, and psychological and psychiatric support through prevention and treatment programs. Short-term treatment programmes take place in the centre itself, while long-term ones are organised in collaboration with Mental Health Departments. Personnel comprises psychologists, educators, lawyers with cooperation contracts, mediators, one criminologist and a few volunteers. For the treatment, personal files are used and meeting reports are collected together with the victim's personal data and history. Victimological evaluations are not used. A very important aspect is the wide range of services provided for victims.

- **"Astra" Centre in Rome** is intended for women victims of violence aged between 18 and 65, and it is particularly concerned with cases involving stalking or cyberstalking. Four professionals work there, all women. They are psychologists, social workers, educators. Independent contractors collaborate as lawyers and cultural mediators. Support activities are the result of teamwork and the centre coordinator has a supervising and training task. For the treatment, reports, personal file and a reconstruction of the victim's experience are used. Victimological evaluations are not used. The local network was officialised with an agreement with local authorities and non-profit associations.

- **"Maree" Centre in Rome** has been active for more than twenty years and is intended for women victims of violence aged between 18 and 65. Its services comprise prevention, protection, information, shelter, legal advice. It is open Monday to Friday as the professionals work in shifts. There are psychologists, social assistants, educators, legal advisors, cultural mediators, interns, apprentices and an expert in game-based pedagogy, all women. Independent contractors and trained volunteers with different expertise collaborate with the centres in order to provide multidisciplinary intervention. All work is usually carried out in teams. The services are mostly intended for women and their children, both during an emergency and after the person has already acknowledged her living in a victimising situation. Women of all nationalities are welcome. They are given shelter for 5 months and then a period of semi-independent accommodation is provided. Furthermore, individual psychological programmes are organised, as well as ludo-pedagogical workshops to foster parental skills. There is an agreement between local authorities and the non-profit sector.

- **"ECPAT" Centre in Rome** provides services for minors, for their families and for teachers. Professionals comprise: experts trained to tackle risk situations, to evaluate and intervene in case of child abuse and paedophilia, sociologists, jurists, and social assistants. They collaborate with law enforcement agencies and Telefono Azzurro. Though they are part of a strong informal network, their activity was never formalised by any agreement.

- **The "Centro Ascolto" (Counselling Centre) in Sassuolo**, active since the late 1990s, since 2004 it works with women victims of domestic violence and their children. The centre provides emotional and psychological support. One woman professional trained in psychology and systemic psychotherapy coordinates the services, which are provided by independent contractors with different expertise, so as to guarantee multidisciplinary. A personal data file is used in order to collect information on the victim, on the abusing partner, and on the minor, if there is one.

- **The "Rete Antiviolenza" (Network Against Violence) in Syracuse**, active since 2002, coordinates 15 refuges throughout the territory of the province and it provides free support and legal, psychological, and social advice to women and children victim of mistreatment, abuses and serious difficulties. The centre's hotline is active 24/7, as are the emergency shelter and secure refuge for stalking victims and/or for victims whose life is in danger, the legal, psychological, pedagogical, and social advice and support services, and the GLBT counselling office for women and minors victim of homophobic violence. The service is managed by experts in charge of sheltering interventions, lawyers, and educators, who work in shifts throughout the whole day; volunteers also work in the facilities. All work is carried out by a team made up of a lawyer, a psychologist, and the shift manager. Report and personal data files with the victim's personal and relationship history are used.

- **The C.I.P.M.** is an association founded in March 1995 in Milan by a multidisciplinary group of criminologists, sociologists, psychologists, social workers, and magistrates. It is the first such experiment in Italy, aimed at training and at spreading mediation practices. Crime victims, citizens suffering because of a conflict, and people with violent and harmful behaviours are the main target. It provides criminal mediation services and psychotraumatological services for crime victims, and it fosters initiatives aimed at preventing and treating harmful and violent behaviours. Professionals work in multidisciplinary teams of experts with criminological, legal, psychotherapeutic, psychological, psychological, and social expertise. When it is deemed necessary/advantageous, victimological evaluations are used. It has agreements with local authorities.

Although support facilities for weak victims often offer high-quality services, it is clear how different they are from one another. A few observations are needed about their target users. Indeed, we noticed that women victim of violence have a wider range of possibilities for support than minors or people with disabilities (as a matter of fact, it is hard to find centres specialised in treating victimised elderly or victimised people with physical or mental disabilities). The consequent support system seems to favour aiding certain categories of favoured victims. Other matters that need to be considered are the availability of specialised personnel, which is not always guaranteed, and multidisciplinary teams, necessary for a global approach to the victim's health (physical, psychological, social and relational health). Also very important are technical and scientifically recognised processes and tools to be used for evaluations, legal interventions or risk evaluations.

Almost all facilities lack supervision, continual updating and the economic autonomy to meet the primary and security needs of the victims.

Therefore, we should ask ourselves whether or not a two level management is in order, based on the EU model. A first level would comprise territorial VSCs, which could provide shelter and immediate assistance and protection services, and in which the specialised personnel would be made up of people with different expertise and organised in teams. The centres would thus create actual support networks that could offer guidance, help, protection, and support to all crime victims, regardless of their characteristics. A second, more specialised level in which the case is handled on the base of the facilities' regulations and intervention models.

Such a complex development in terms of programmes and management can only be achieved through a cultural change: the main focus must be on victims, on their actual needs and experiences, on the assistance and the sharing of their pain, and on giving them hope through concrete projects.

SECTION II

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1. Leading Roles. Acknowledging Victims in Different Interpretations of Restorative Justice.

by Marzia Tosi

As we write, it is not unusual to come across initiatives and debates about prison conditions in Italy, which have reached a point where they cannot be properly analysed disjointedly from wider considerations about theories of punishment, which in turn are rooted in the way crime is understood.

However, it is a lot more uncommon to witness discussions about the role of the victim in the criminal trial system and in society, especially if considered from a comprehensive point of view, free from any stereotype, useless in scientific research and in identifying the right answers for those who find themselves in distress because of the offence.

While we do not deny the heterogeneity of ways in which the victim is acknowledged in different environments and by both professionals and non-professionals, we can identify a tendency leading to the concept of *valued victim* (A.M.A. Nivoli, L.F. Nivoli 2010). Research has shown how the concept of that which in Italian criminal law is called "person injured by the crime" has changed throughout history. The Positivist School put the offender in the spotlight, while leaving the role of the victim in the shadows. This triggered a tendency that has affected our judicial processes, as victims still play a secondary part during court hearings. It is clear how the idea of an overlooked victim fits into a justice model that is based on the concept of retributive justice, in which the judiciary aims at inflicting punishments as compensation for the injury caused by the offence. We could call such a system "offender-centred". Then, on a supranational level, some new ideas have taken shape, which helped, also from a normative point of view, to spread the notion of the victim as a particularly vulnerable subject and therefore deserving (more precisely: in need of) protection. The underlying principle of such an approach consists basically in the wish to identify and acknowledge the necessities of the ones we could call the "co-stars" in the crime. The outcome has been to attribute a greater importance to the person in question, who needs to be protected, but also to actively take part in working toward a solution to the consequences of the conflict caused by the crime. The accent, in this case, is not just on one party within the criminal interaction, but rather on the relation between them. The emphasis is therefore placed on the social phenomenon as a whole. This idea is embodied in the reparative theory of justice, which seems to point in the right direction in order to try and provide answers that can meet a number of needs, such as tackling social concerns.

Since the 80s many recommendations have been issued at EU level, which, even though they are not legally binding, still entail a sort of moral obligation for the Member States that are thus encouraged to act (or, more rarely, to not act) in order to foster the safeguard of interest that are considered worth protecting even beyond the borders of each Country. It is brought to everybody's attention, not only to that of the experts, the matter of how to deal with solicitations, such as: what role should citizens play, then? What is the best way to try and provide proper spaces to the passive party of the crime? These and other questions coming from the EU and, even before that, from the experience with victimisation instances, need to find adequate answers so that the "person injured by the crime" can eventually play a leading role (also) in looking for peaceful solutions for the settlement of the conflict caused by the offence.

2. Victims Compensation in Italian Laws.

by Mauro Bardi

A dissertation wishing to analyse some aspects of victimology could set forth from different angles and adopt various approaches. The following paper addresses the topic from an interdisciplinary point of view that considers the criminological aspect while constantly relating it to existing legislation (Mannheim 1975, 762).

Most crimes can be characterized by the relationship between the attacker and the attacked (the offender and the victim), the predator and the prey (Cousson 2005, 107 et seq.): according to this approach it can be said that research on crime cannot neglect to evaluate the victim and to closely examine the relationship that connected him to the attacker (Fornari 2014, 111). Furthermore, the study must not leave out observations on the somatic and personological characteristics of the attacked (Mantovani (a) 1984, 376 et seq.; Bandini 1993, 101; Gulotta 2002, 1124; Nivoli-Loretta-Milia- Nivoli-Nivoli 2010, 46 et seq.) and, finally, a complete overlook, an observation of the damage and of possible reparation (Correra-Martucci 2009, 472 et seq., 509 et seq.).

The approach we would like to adopt, not used as a guiding line but rather as a complementary instrument for understanding, which could maybe be of use with respect to the following observations, relates to three different points of view, which can all be bore in mind separately or all together.

The first one concerns *the way the victim sees himself* and the way he thinks and acts based on that vision. The second is related to *the way society sees and considers the victim* (an informal vision, but important and binding). The third corresponds with the analysis of the different formal stages through which the legal system, in its various expressions, evaluates and classifies the victim. A legal overlook inspired by the Italian legal framework leads to interesting results. The laws concerning criminal dynamics and victimization can be examined by considering three points which are undoubtedly linked to criminology:

- the study of the propensity for institutionalisation of victimisation;
- the study of the physical and psychological interaction between the perpetrator and the one who is attacked or damaged;
- the attempt to identify suitable reparations.

2.1. The problem of official recognition of the victim

As for the first point, when speaking of victimisation the problem of the *dark number* was highlighted. Actually, it is not just a matter of dark numbers: data regarding

victimisation is apparently still affected by a series of complex factors (Kaiser 1985, 174 et seq., 189 et seq.; Marotta 2013, 46 et seq.).

The source from which we can deduce the number of victimized people is, mainly, the analysis of police reports. Resulting figures are still probably far from the actual amount. Yet, on this aspect, we need to make some distinctions.

First of all, when quantifying victimisation instances, we need to distinguish between:

- the actual number of victimized subjects and the total amount of penal code violations. Indeed, we need to keep in mind that not all the victimized are passive parties in a criminal offence (for instance in mobbing), and that, on the other hand, not all crimes create a victim. As a matter of fact, there is the issue of those crimes without a victim that, in any case, can constitute a victimisation experience for witnesses. Furthermore there is the problem of attempted crimes. Finally, we have to consider those events that are difficult to classify because, even if they are perceived as crimes by those involved, they are actually considered administrative offences or torts;

- the amount of victimizations reported to the police and the number of actual victimizations, that is to say, the instances in which real victimization is not brought to the attention of the investigating authorities.

Besides, we need to bear in mind that from the total number of victimization cases that are reported to the police, we need to detract all false positives, wherein the falseness may derive from a wrong assessment of the circumstances, or from any illicit purpose for falsely accusing someone.

Any research aiming at revealing factors and circumstances that could lead to a crime with victimization consequences not being reported poses various problems. At the same time, though, it gives us a chance to analyse in depth one of the emerging aspects of victimology, meaning the discipline that examines interactions, relations and the consequences of crimes. But this is not all: observations on this point also have to combine with juridical, judiciary and institutional considerations. In particular:

- reasons concerning the actual circumstances of crime and of the consequent victimisation. People stating they have been wronged can refrain from reporting the fact to the authorities because the damage seems negligible and the matter trifling;

- reasons concerning the circumstances of the crime, not in terms of the resulting damage, but with regards to the possibility of reconstructing it in court. There are cases in which the fact-offence is provable by documentary evidence (as is the case with damage to property caused by fraud or deceit). On the other

hand, there are cases in which the provability of a criminal offence depends on the availability of witnesses who can reliably reconstruct the event in a narrative and dialogical way;

- reasons concerning the possibility of obtaining any satisfaction or comfort from the legal action following the report to the police. The victim files a crime report for clear purposes: firstly, to be acknowledged as the passive party in the criminal event; secondly, to have law enforcement agencies take active steps to identify the offender; thirdly, to obtain a satisfactory outcome in terms of compensation. Now, if the victimized does not confide in the possibility of fulfilment regarding the aforementioned functional aspects, then the choice of not reporting the fact becomes probable. We can say that the victim's situation of having his hopes and expectations frustrated may depend on heterogeneous and complex factors: realistic observations and inveterate prejudices regarding investigating authorities, magistrates and judgements by the social circle, which can be supportive or criticizing. And regarding the offender, who can be regarded with fear, resignation or even leniency (Ponti-Merzagora Betsos 2009, 40 et seq.).

2.2. The problem of material and psychological interaction between the offender and the victim

As for the second point, the causes of justification contain some explicit or indirect references to the relationship between perpetrator and victim. If we consider the circumstances of art. 50 of the Italian Criminal Code, *Consensus of the Person Entitled to a Right*, we notice that the criminal action, that this law's formulation defines as those offences that, in the abstract, create a specific victim, will be considered legal or otherwise, depending on the disposition statement of the one suffering the virtual assault. Any interesting, exhaustive victimological research should concentrate on examining a) the willingness of the victim whose right was threatened; b) the possibility for the victim to exercise the right.

What's more, the analysis of point a) should not only focus on the usual cases, such as patrimony and honour, as stated in the traditional doctrine (Antolisei 1955, 204 et seq.), but also take into consideration circumstances concerning rights that were once unanimously recognised as undisposable (Mannheim 1975, 762); therefore, the new frontier will be to extend the consensus to body modifications, genetic manipulation and end of life.

Common aggravating circumstances include a few instances relating to different aspects of the victim's experience. First of all, in terms of the action and of its offensive effects on the passive party, aggravating circumstances are:

- *torturing or acting in a cruel way* (art. 61 no. 4 of the Italian Penal Code);
- *in offences against property, i.e. in crimes committed for economic gain, when the material damage to the injured person is of significant gravity* (art. 61 no. 7 of the Italian Penal Code);
- *having aggravated or tried to aggravate the consequences of the committed crime* (art. 61 no. 8 of the Italian Penal Code).

Considering the conditions or qualities of the passive party, we can mention:

- *taking advantage of time, place or personal circumstances, also relating to the person's age, that could impair public or private defence* (art. 61 n. 5 of the Italian Penal Code);
- *acting against a functionary or a person acting in the capacity of a public servant, or a clergyman of the Catholic Church or of any religion permitted within the State, or against a diplomatic agent or consular officer of a foreign Country, because of his duties and functions or while he is performing them* (art. 61 no. 10 of the Italian Penal Code);
- *committing an offence against the person against a minor within or in the vicinity of an educational or training institute* (art. 61 no. 11 *ter* of the Italian Penal Code);
- *committing wilful tort against somebody's life and safety, against personal liberty, as well as an offence as provided for in article 572, in the presence of or against a minor or against a pregnant person* (art. 61 no. 11 *quinquies* of the Italian Penal Code).

Mitigating circumstances too include instances in which the fact of taking into consideration the victim's characteristics could have consequences in the final evaluation of the crime's gravity. In particular, in terms of criminal motives, what follows:

- *acting in rage as a reaction to an injustice suffered at the other's hand* (art. 62 no. 2 of the Italian Penal Code);
- *if the event was caused not only by the action or omission of the offender, but also by the wilful action of the aggrieved party* (art. 62 no. 5 of the Italian Penal Code).

The first instance can be partly explained by the presence and action of a *provocative victim*, who may have caused the offender's reaction that then became a crime. In this case, the action or omission by the provoking subject becomes relevant as it becomes the cause of the onset of the reaction: basically, these two moments show a quite classical representation of the dynamic relation between victim and offender. The second instance is partially different: while the first two players find themselves in a sort of opposition, in this context the victim does not provoke the attacker, but becomes the

author of the event that constitutes an offence (as he partly or entirely causes it). In this case too, the victim takes part in the criminal event; but he plays a particular role, as he puts himself in the position of being damaged by the effects brought about by the offender (Mantovani (b) 2009, 412). This latter hypothesis leads to more in-depth and articulate criminological considerations: the victimization is greater (in its virtual evaluation) when the injured party does not take part in causing the crime; as a consequence, the offender's guilt will also be greater and so will be the due compensation.

Victimisation decreases whenever the injured party provokes the attacker or, at least, whenever his action or omission plays a role in the action of the offender. Actually, this is a very delicate point that needs to be clarified. *Occasion criminology* warns about the risk of victimization relating to some kinds of behaviour that are, usually, considered careless. This observation must not lead us to conclude that certain life styles, even a relaxed and unconventional attitude (Zuffranieri-Amistà 2002, 676 et seq.; Cousson 2005, 110), could improperly justify the offender on the one hand (Marotta 2013, 191 et seq.) or that, on the other hand, they could represent an excuse to blame the victim (Portigliatti-Barbos 1999, 319; Fornari 2014, 112-113). A tendency to distance oneself from the victim presents itself with disturbing frequency in our social experience and it leads to various results, ranging from playing down the aggression to denying the damage, to expressing approving opinions about the offender. All because of some unedifying purpose connected with being, or with the wish to be, a member of the assailing group, therefore in need of justifying the assault (Vezzadini 2012, 68 et seq., 99 et seq.). All things considered, this is the actualization and the twisted, dysfunctional implementation of cognitive and behavioural schemas referring to justifications and mitigating circumstances laid down by criminal laws.

We can only properly speak of lessened victimization and, consequently, of inevitably lessened culpability in very specific cases. Namely, every time that the criminal context includes a *potential victim* (that is a person not yet victimized) who, precisely to not get caught into the victimization process, must behave according to norms, rules or agreements. We immediately think of the instances of contributory negligence in road accidents, in which the victim often caused the damaging event; or in accidents in the workplace, which can occur also because of concurrent imprudent behaviours by the worker.

Speaking of mitigating circumstances and victimology, we could carry out a study on the negative effects of crimes. In this respect, it must be considered:

- *whether, in offences against property, the pecuniary damage to the injured person was minor, or, in crimes committed for economic gain in which the damaging or*

dangerous action was minor, whether the expected or actual gain was also minor (art. 62 no. 5 of the Italian Penal Code);

- *whether compensation has been paid before the trial proceedings, when it is possible to do so by restitution; or whether there has been a voluntary and effective attempt, before the trial proceedings and excluding the cases provided for in the last paragraph of article 56, to remove or minimize the damaging or dangerous consequences of the crime* (art. 62 no. 6 of the Italian Penal Code).

We also have to consider that the evolution of deviant behaviours, or, better said, the evolution of judgements that are passed each time on aberrant behaviours, led to the identification of new kinds of aggravating circumstances relating to the victim. Namely to new victims with partially different characteristics from those described in common aggravating circumstances. In particular:

- they are not generic victims, instead they show some peculiar characteristics related to a condition of social or psychological disadvantage;

- they are victims that, unlike those considered in general legislation, are usually considered as separate categories. The aggravating (or mitigating) circumstances taken into consideration in Articles 61 and 62 of the Italian Penal Code may seem intended to correctly evaluate the offender's culpability (in terms of punishment), but, on the contrary, they mostly have a protective purpose towards these categories.

In this respect, we need to mention:

- Decree-Law of 26 April 1993, no. 122, combined with Conversion Law of 25 June 1993, no. 205, *Urgent Measures on Discrimination Based on Race, Ethnicity and Religion*, whose art. 3, paragraph I decrees: «For crimes punishable with penalties other than life imprisonment that are committed for discrimination or for ethnic, national, racial or religious hatred, or to facilitate the activity of organizations, associations, movements or groups with these purposes as their objectives, the penalty is increased by up to one half»;

- art. 36 of the Law of 5 February 1992, no. 104: «Increase of criminal penalties. - 1. For crimes provided for in Articles 519, 520, 521, 522, 523, 527 and 628 of the [Italian] Penal Code, and for wilful torts against the person, referred to in Title XII of Book II of the [Italian] Penal Code, and for crimes provided for in Law of 20 February 1958, no. 75, when the victim is a disabled person, the penalty is increased by one third up to one half. 2. For crimes provided for in paragraph 1, a civil action in the criminal proceedings may be brought by the ombudsman, and also by the association of which the disabled person or his relatives are part»;

- bill no. 245 (Chamber of Deputies), therefore in the perspective *de iure condendo*, in particular in art. 3 (Modification to the Decree-Law of 26 April 1993, no.

122, converted, with modifications, into Law of 25 June 1993, no. 205). «1. In the title of the Decree-Law of 26 April 1993, no. 122, converted, with modifications, into Law of 25 June 1993, no. 205, the words: "and Religion" are replaced by the following: "Religion or Motivated by the Sexual Identity of the Victim". 2. Under the heading of article 1 of the Decree-Law of 26 April 1993, no. 122, converted, with modifications, into Law of 25 June 1993, no. 205, the words: "and Religion" are replaced by the following: "Religion or Motivated by the Sexual Identity of the Victim"».

Considering the special section of the Italian Penal Code, it is clear that our legal system takes into account the overall interaction between offender and victim in some crimes against property.

There are a few circumstances that cannot arise unless the passive party takes part in the event. On this point we can differentiate (Mantovani (c) 2002, 175 et seq., 189 et seq.; Fiandaca-Musco 2007, 116 et seq.):

- there are some crimes against property that are committed through the coerced cooperation of the victim; in the case of extortion, the passive party complies with the predatory purposes of the offender because of the actual wish to comply, though without acting out of his own free will. In this case the victim wants to cooperate in committing the crime, but only to avoid a greater damage he has been threatened with by the offender;

- there are other crimes against property in which the cooperation of the victim is voluntary; in swindle (and other connected frauds) the passive party contributes in an aware and apparently voluntary manner to committing the crime and to causing the financially damaging event. The crucial factor, which makes the fraudulent transaction irregular and needing compensation, is that the person who got swindled expresses a will which is only apparently free, but which is actually based on false pretences, misrepresented by the offender.

In this case it is important to notice, even within a juridical study, a consideration that is relevant also from a victimological point of view, and that goes beyond the mere interactive feature of crime and is useful to analyse the psychological situation of the victim. In the first of our examples, the person subjected to extortion plays a double role with respect to the financial act of disposal: indeed, he knows that he is acting under duress, but at the same time he acts in a *forcibly* wilful way when complying with the extortion order. In the second instance, namely the swindle, the passive party does not express a twofold will as in the previous case. The direct action of the offender does not interfere with the decision-making process of the victim, who does not notice the distortion and therefore acts based on it; instead it operates on the cognitive aspect in an underhand matter.

And what we just explained has a great importance, both from a juridical and a criminological point of view. The obvious aggression in the case of extortion represents an instance of simultaneous or immediate victimization that coincides, on a temporal level, with the crime. With swindle on the other hand, we have an example of delayed victimization.

This prospective paves the way to observations concerning how we regard the victim and how the victim regards himself, and it also has practical consequences. A victim of extortion immediately knows about the injustice he is experiencing; a victim of swindle, on the contrary, discovers the plot hatched to his detriment only at a later time. The different situations regarding the two subjects can affect the when and how the crime is reported to the police, the punishment and the compensation, sometimes with converging consequences:

- the extortion victim can decide whether to report the crime depending on his relation with the offender, on the actual ability of the offender to carry out the threat and on the entity of the envisaged damage (Kaiser 1985, 310 et seq.);

- the swindle victim, since he only discovers the truth later, often finds difficulties, on a legal point of view, to retrace the fraudulent circumstances and his resolution to report the facts frequently has to face the disapproval that the family expresses towards those who let themselves be enticed with false promises and lose money.

In the end, both those subjected to extortion and those subjected to swindle can come face to face with a feeling that seems common among victims and that can cause great discomfort and frustration: *shame*. In the first case, this arises from the embarrassing revelations that the blackmailer threatened to disseminate; in the second case, from showing simple-mindedness and greed.

We need to keep in mind that a classical juridical-criminological analysis considers a crime model in which the offender's behaviour leads to the victimization of a subject (or of a group) which is clearly and precisely identified, juridically and socially. In this sense, victimology still has a number of issues to tackle, and it is therefore necessary to examine all those crimes that:

- *prejudice interests that do not pertain to a subject which is or can be clearly identified*, but rather to a community. The case of *vage Verbrechen* poses the problem of crimes that do not involve precise material assaults (Nuvolone 1982, 99), and only damage intangible interests, such as religious sentiment (Ivaldi 2008, 201 et seq.), respect for the dead, and public integrity. In this respect, from a criminological point of view, there are undoubtedly subjects that feel victimized, but who cannot always be considered as injured parties, nor as possible compensation beneficiaries;

- *prejudice non-homogeneous compound interests*: in the previous point we referred to the case of a widespread victimization. In some cases the injured interest exceeds the single individual; those are circumstances in which the assault affects principles connected with the performance of a State's core tasks (Bettiol 1976, 602). Think of a crime against the administration of justice (as in against judicial activity), such as *Slander*, laid down in art. 368 of the Italian Penal Code. When someone falsely accuses another person of committing a crime, the action constitutes an offence against the regular operation of justice (i.e. against a common interest), and, at the same time, against the falsely accused individual who needs to mount his defence in court. The offence against the administration of justice seems to be overshadowed and to fade away, while maximum emphasis is given to the detriment of the slandered, who was defiled (and maybe deprived of his freedom) because of an ignominious accusation (Antolisei 1985, 464);

- *cause no material or moral damage or assault*, but jeopardize interests that are relevant for the community. In this case, these criminal behaviours understandably cause serious social alarm or anxiety, without any actual injury. They can be heterogeneous crimes, extremely serious or trifling, that, regardless of their juridical and judiciary definition, create a widespread feeling of victimization. And we cannot forget that particular kind of victimization either that arises every time citizens are exposed to the depiction of crimes that do not personally involve them, but that affect them nonetheless. We could mention burglary, car accidents, or prostitution: these are not crimes involving *bystanders* themselves (Pitch 2006, 54 et seq.; 107 et seq.), namely, they are actually offences affecting other people (the robbed man, the injured, the exploited prostitute). Yet, these are events that must be taken into consideration when trying to surpass the traditional criminal and compensatory approach. The dynamics we observe could lead to preventive and widespread victimization, in which there is a tendency to a social and emotional identification towards the victims of crime (Silva Sanchez 2004, 24), or to worries about environments that are perceived as less and less safe.

The juridical and criminological study would be incomplete if the new, emerging kinds of victimization were not taken into consideration. In particular, we are referring to:

- *unaware victims*, the passive parties in *Cultural Crimes*, i.e. of those crimes committed under the influence of cultural biases which are typical of certain ethnical groups. The offender is often unaware of the fact that he is committing a crime, since he is sure of the uprightness of his actions because they are in compliance with traditions. Similarly unaware is the victim, because he is part of the same cultural group of the offender. This particular victim finds himself at a juridical and social disadvantage (Claes-Vrielink 2009, 302 et seq.) that leads him to not report the offence, thus increasing

the dark number. And this happens exactly because cultural crimes mostly involve passive parties belonging to the same circles of the offender, people who, once they have discovered the illicit nature of the action, rarely recount what happened. Besides, in this regard, we cannot ignore the instances of *semi-aware* and *semi-acquiesced* victimization that can be observed within small communities with strong religious and spiritual connotations; groups in which the person entitled to the injured right (freedom, property) seemingly consent to the infringement;

- *structural victimizations*, i.e. the great distress affecting whole populations because of war, hunger, permanent insecurity (Ember-Ember 2008, 372 et seq.; Farmer 2006, 17 et seq.); or the suffering caused by the deprivation of resources vital for human development, such as education, food and health. What's more, we cannot underestimate violence itself (as an immanent and sometimes regulatory principle) and its operating mechanisms, which can be found also in institutions, history, traditions and economic structures (Žižek 2007, 15 et seq.; Corradi 2006, 33 et seq., 38 et seq.) that are kept safe and undisputed (Baratta 1987, 260 et seq., but also Bourdieu 2009, 13 et seq.). We see, basically, the consolidation (and sometimes even the institutionalisation) of processes that lead to suffering and people oppression, and are justified by the necessity to preserve order and the balance of power (Guarino 2002, 61 et seq.);

- *new victimizations*. We must not forget those tragic cases that events of post-modernity spotlighted such as *ecocide*, i.e. the damaging of the natural environment or of wildlife, or *culturcide*, which is the systematic denial of a group's cultural practices (Facchi 2008, 21 et seq.; Habermas-Taylor 2008, 63), or the destruction of symbols and objects which are representative of a population.

Continuing with a short victimological analysis of the special section of Italian Penal Law, we observe that, in some particular instances, the characteristics of the passive party in the criminal event play a decisive role in defining the crime itself, or even in assessing the possibility of considering the instance as potentially subject to criminal sanctions. To be more precise and complete, in this case the role of the victim is not to be taken into consideration due to his active or passive involvement in the crime, that is, due to his assistance in committing the action that will later be considered a crime.

In the following instances, the defining factor are the abstract features of the victim:

- in some crimes, the age of the victim is the element that creates the crime: for instance, in the regulations in Articles 609 *quater* et seq. of the Italian Penal Code, regarding sexual assaults against minors;

- in some cases, the role and function (and the situation) of the passive party can modify the definition of the crime: when a member of the Judiciary is insulted while

exercising his functions, the crime becomes *Contempt of Magistrate During a Court Hearing* as laid down in art. 343 of the Italian Penal Code. The same can be said of the instance of art. 341 *bis* of the Italian Penal Code, describing the crime of insulting a public officer.

It is often necessary to consider the situation and the particular social role that connects offender and victim. This is the case provided for in art. 572 of the Italian Penal Code, which concerns the mistreatment of family members and cohabitants and defines as criminal and victimizing specific behaviours that, in different objective and subjective circumstances, would be disregarded by legislation or listed as less serious offences.

2.3. The problem of detection of restorative remedies

The third branch of our research, the one investigating reparations for victims, presents a few features that can characterise its complexity. Indeed, a juridical study that wishes to maintain our usual criminological angle cannot be limited to examining the generic topic of compensations. Especially considering the various forms of victimisation that we previously discussed, it needs to also take into account the fragmentation created by:

- the different forms and elements of reparations;
- the active subjects in the compensation process;
- the passive subjects in the compensation process.

As for the first point, we can immediately recognise the fundamental rule in the regulation laid down in art. 2043 of the Italian Civil Code which states that «any intentional or unintentional action that causes an unjust damage to somebody, forces the person that carried out the action to compensate for such damage», thus establishing that any tort demands a monetary compensation. In this short paper, we will omit the non-pecuniary forms of compensation, as for instance those referred to in art. 2058 of the Italian Civil Code, which states that «the aggrieved party can request compensation in a particular form, if it is completely or partially possible. However, the judge may rule that an equivalent reparation be given if the compensation in specific form proves to be too costly for the debtor.».

This choice is made for practical reasons, since the specific forms of compensation, such as restitutions or the returning the complex to its original condition, are statistically less frequent, as it is also stated in the second part of the aforementioned regulation. A compensation beyond the limitation of art. 2058 could, currently, be found in the cases in which the conviction verdict (a verdict in which the defendant is found guilty) is published pursuant to art. 120 of the Italian Code of Civil Procedure: «In the

cases in which the publication of the decision can contribute to repair the damages, including those within the framework provided for under Article 96, the judge, at the request of one of the parties, may order it to be arranged by and at the expense of the losing party, through an abstract ad or a notification in the specifically recommended forms, in one or more newspapers, radio stations, television channels and websites of his choice.» (Franzoni 1993, 6). This is also the case with the instance laid down in art.8 of the Law of 8 February 1948, no. 47, as modified by art. 42 of the Law of 5 August 1981, no. 416 concerning the modification of news published by means of periodicals.

An advanced prospective on the matter of reparations and restoration, disconnected from a point of view which is based merely on civil practice, may represent a useful idea: for jurists, this is still scarcely explored territory, which involves a wider concept of reparation, in which the services by the offender in favour of the aggrieved party have no exact arithmetical correspondence with the damage, instead they are based on a symbolical equivalence. We could envisage:

- a gradual decriminalization of minor offences;
- a corresponding gradual demonetization of the damage.

It is possible to think of a reparation system which could foster a reconciliation between offender and victim (Marotta 2013, 199-200), and identify new ways of appeasement between them, by helping the perpetrator feel the responsibility for their actions, and by supporting the injured party in overcoming the trauma. We can name different experiences: from *victim-offender mediation* (Ceretti 2009, 465; Menna 2006, 269 et seq.) to the development of communication nets among different legal systems (Rufino 2009, 76), from *Inner Circle Justice* to legal theories that have been, until just recently, left aside (Minda 2001, 141 et seq.). All this beyond the idea of the offender being completely antisocial and hostile, though this concept proves suitable to tackle the critical situation of our post-modern world through observation and dialogue. If we want to develop a criminologically effective proposal on reparations, it is necessary to try and keep in mind that the legal framework, as well as punishments and compensations, can be considered of secondary importance. The adoption of this new model would lead to a research and dispute settling method that could ease some worries and that would be based on informal debate, on sharing one's experiences and assuming responsibility within the framework of group initiatives.

In any case, back to the issue at hand, the aforementioned art. 2043 defines responsibility as the necessary subjection of a person to the consequences of a behaviour which was against his legal duties.

The connection with victimology can be found in the fact that responsibility ensues as a consequence of human behaviours (actions or omissions) regardless of the

pre-existing relationship between offender and victim. This responsibility originates from the violation of the general rule of *neminem laedere*, that is the obligation not to harm others: basically the general duty not to victimize others. We started out from a civil law point of view for two main reasons: on the one hand, because the norms concerning reparation and compensation are set out in the Italian Civil Code; on the other hand, because it is necessary to understand that victimization does not concern only the penal disciplines, since it should be considered and tackled regardless of the verification of the criminal offence. We need to take into consideration, for instance, that forms of harassment such as mobbing, even if they do not cross into penal territory, create very serious cases of worker victimisation (sometimes even of martyrization) and are often brought about by offenders with highly aggressive personalities (Cavagna 2006, 670 et seq.). What's more, some very serious victimization cases may not derive from a crime, or from an offence of any kind, but rather be the consequence of unfair and twisted judicial practices (Portigliatti-Barbos 1999, 320), or of irregular trial proceedings. The first of these cases is defined in Articles 314 and 315 of the Italian Code of Criminal Procedure, concerning wrongful imprisonment, and in art. 643 of the same Code, regarding the compensation for those acquitted during a review of the trial. The second case is linked to the provisions of Law of 24 March 2001, no. 89, which lays down a fair monetary reparation for anyone who was in some way damaged by the violation of art. 6 of the *Convention for the Protection of Human Rights and Fundamental Freedoms*, 4 November 1950 - 20 March 1952, ratified by Law of 4 August 1955, no. 848, with regard to the reasonable duration of the trial.

To identify the instances for which compensation is due we need to evaluate the injury suffered by the victim. That means that we have to break up into different parts the apparent unity of such an idea, based on the consequences of the crime on the victim.

According to a well-established classification, there are:

- *damages to property* that, in accordance with the provisions of art. 1223 of the Italian Civil Code, can be divided in *loss*, and *lost revenue* for the creditor. To this point, the *damage for lost chances* was also added, which concerns an offence that prevented an event which would have brought benefits to the victim;

- *biological damages*: they are the result of an elaborate evolution in jurisprudence and lawmaking based on sentence 3675 of 6 June 1981 by the Italian Supreme Court, that formalized the principle that a damage to anyone's physical integrity should be compensated, regardless of the impairment of the ability to work (Alpa-Bessone 1982, 403 et seq.). At present this notion is also described in the Italian Insurance Code (Legislative Decree 209/2005) in Articles 138 and 139;

- *non-economic injuries* laid down in art. 2059 of the Italian Civil Code; this segment on damages led to a few interpretative controversies. Moreover, the reference in the regulation of art. 185 of the Italian Penal Code contributed to the diversification of the jurisprudence doctrine. This topic concerns *moral damages*, recognised by the law by means of art. 5, paragraph I, c) of D.P.R. of 3 March 2009, no. 37, art. 5, c. 1 c), and considered as the compensation owed to the victim of a crime (Monateri 1998, 295; Bonilini 1983, 86) for worries (Manzini 1935, 246), moral anguish and spiritual suffering (Bonilini 1983, 85) endured because of the offence. After all, we could also think of non-economic and, at the same time, non-moral damages that should entail compensation; damages, that is, that, even if they are not the result of an offence, involved the victim's emotions and are connected with the prejudicing of fundamental rights (Italian Civil Cassation, no. 531 of 14 January 2014). This is the result of an evolution of the doctrine that strongly felt the need to offer adequate compensation to the victims of the violation of constitutionally guaranteed rights, of inviolable rights, of fundamental rights and, in particular, of the rights to physical and psychological integrity, to health, to honour, to reputation, and to family integrity (Italian Civil Cassation 31 May 2003, no. 8827).

We must not forget that, among all the different nuances of practice, compensation methods from foreign juridical traditions may be applied. It is not a question of completely and uncritically adopting compensation forms that are quite alien to our legal thinking, but it is useful to analyse them to evaluate a possible compatibility with our national case law. This is the case with *Punitive Damages*. Punitive damages are recognized by US jurisprudence, for instance, when severe personal injuries are caused by a flawed production cycle. Causing a victimization of this kind may give rise to a compensation that is going to be higher than the loss that the victim was able to actually prove during the trial.

On this subject, Italian jurisprudence shows a certain ambivalence. On the one hand, it rules out any possible acknowledgment of US sentences on this topic: «Given that the idea of punishment and sanction is unrelated to damage compensation, and since it would violate the internal public order, no exequatur can be issued, pursuant to the now repealed art. 797 of the [Italian] Civil Procedure Code, for the US sentence to punitive damages, as they present an unjustified disproportion between the paid amount and the suffered damage» (Italian Civil Cassation, 19 January 2007, no. 1183). On the other hand, though, a small possibility seems to be left open that a higher amount of money than the common compensatory damages may be recognised; in this sense, the Italian Supreme Court recognised that «regarding the compensation of economic damages suffered as a consequence of a copyright violation, to fairly evaluate the damages caused by the loss of economic gain that the right-holder may have earned had he licensed the

use of his rights against payment, one can consider the gain made by the unauthorized user as a parameter, by sentencing the latter to paying it to the right-holder. With this criterion, the amount of the compensation, instead of just restoring the suffered economic losses, plays a partially sanctioning function too, since it also aims at preventing the offender from profiting from the consequences of his illegal action» (Italian Civil Cassation, 15 April 2011, no. 8730; Cassation with remand, appeal Rome, 23/11/2009).

Indeed, from this explanation as it was written, one could understand that the compensation can, in certain cases, exceed the amount corresponding to the damage; but only when the law expressly allows for it. In particular, any time that a damage surplus to the advantage of the injured party can be derived from a special regulation. Besides some isolated regulations about industrial law, this instance presents itself, for example, in art. 12 (Monetary Reparation) of Law no. 47 of 8 February 1948 (Provisions on the Press), which states: «In case of defamation committed by means of the press, the aggrieved party may claim, in addition to compensation for the damage as laid down in art. 185 of the [Italian] Penal Code, a certain amount of money as redress. The sum is to be determined in proportion to the seriousness of the damage and to the circulation of the printed material.» This is why we could conclude that punitive damages are not a completely alien concept to our legislative system and that an extra, a surplus redress beyond the simple arithmetical compensation, could have a chance to work in particularly insidious and harmful offences.

Besides its practical consequences, the discussion on punitive damages is extremely interesting on a theoretical point of view as well, and even on a criminological level. It is a delicate matter, half-way between the compensating function of a monetary redress and the sanctioning function of a financial penalty.

But the common financial penalty is imposed with a *general and special preventive aim*, i.e. with a goal which is typically connected with the need for social control, and the inconsistency in the case of punitive damages is that they are payed to the advantage of the victim. In other words, it is a situation in which a monetary penalty (while still retaining its punitive features) would not be regarded from the public law point of view; it would actually amount to an additional compensation for the injured party. This would constitute a monetary sanction that, while retaining its punishing and over-compensatory features, would have the same consequences as a private redress tool.

Point b) is related to the identification of people who are legally entitled to claim restorative measures: it is important to explain, though, that by *restorative measures* we do not only mean the aforementioned compensatory and restoring measures. There are circumstances in which the victim (the injured party) may be entitled to claim *non-decision-making* measures that are just as important to reach closure or a material solution

for one's sufferings or distress . Without attempting to go into details, here we can briefly mention all the (actual or personal) *precautionary measures* that could be useful for the victim of a crime to provisionally lessen the danger. *Protection Orders*, for instance, as laid down by Articles 342 *bis* et seq. of the Italian Civil Code, which allow the victim of domestic abuse to lead a safer life, at least temporarily.

In any case, we are now going to analyse a phase of the long process of the victim that appears to have an essential feature: while at the beginning, the victim was silent (only he knew about the victimization, or even he did not know) or was recognised as such only informally by some kind of social circle, from now on the victim formally comes to the fore and, through a report to the police or through judicial proceedings, puts himself in the condition of being recognized by the law and by the official social control bodies, and of claiming compensation.

In this moment he even changes his classification: from victim, a word that reminds us of sacrifices and calamities and that is, at any rate, too emotionally charged, the denomination changes into less pathetic and more accurately defined descriptions.

For the Italian Penal Code, it will be the *person damaged by the crime* (Articles 120 et seq.), in favour of whom substantive law defines the terms of prosecutability of any crime that was reported to the authorities. For the Italian Code of Criminal Procedure too, it will be the *person damaged by the crime* (Articles 90 et seq.), who is permitted to interact with the judicial authority to demand and direct the investigation and the judgment, except during the trial (Portigliatti-Barbos 1999, 319 et seq.; Pansini 2011, 411 et seq.; Di Chiara 1995, 241). The use of the word victim is not based on any of the Italian Codes, but remains a common term in spoken juridical language and in written sentences, of both civil and criminal proceedings, to describe a person who suffered a traumatic damage. Besides, we will see that the idea of victim is still used in legal language in those laws concerning support, from the State or from other public bodies, to certain people who were damaged by particularly grievous criminal or catastrophic events. What's more, the term victim is quite frequent in international laws where sometimes confused, emphatic and descriptive definitions outline a distressed and grieving injured party. This is the case, for instance, with:

- the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* - A/RES/40/34 of 29 November 1985 by the UN General Assembly, which, in paragraph A 1 of the Annex, states: «Victims means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power»;

- the *Framework Decision of the European Council*, 15 March 2001, regarding the role of the victim in criminal proceedings, 2001/220/GAI, art. 1 «a) "victim": the natural person who suffered harm, also physical or mental injuries, emotional sufferings, material damages, directly caused by acts or omissions that are in violation of a Member State's criminal law».

The fact that Italian Codes avoid using the term *victim* may not be completely wrong: we need to consider that, when we speak of a victim, we tend to refer to a fragile individual in need of help, such as, for instance, a party in a trial who does not find himself on the same level as the suspect or the defendant. It is a dangerous imbalance, as it could compromise the judge's position as third party. We also need to consider the insidious vagueness of the term victim: criminology, in its discipline, uses it properly and in a way that avoids ambiguity; but in the context of criminal proceedings, besides the aforementioned possibility of imbalances, it could also call into question a well-established system of definitions. And it is not all about defending our lexical tradition (and maintaining a regime of truth), but also about respecting a role distinction and understanding that the victim not always corresponds with the aggrieved party. Indeed, if the victim is the individual against which the criminal or damaging action took place, then he is the passive party of the offence; the aggrieved party may be a different person.

They usually correspond (Canestrari-Cornacchia-De Simone 2008, 289), but there are a few instances in which:

- there is a victim who is one of the aggrieved parties among others. And this happens when the damage to the victim also creates an injury that has consequences for third parties (*reflected damages*);

- there are two or more victims whose injured interests were different in nature (*mass torts*);

- the victim played a passive role in the crime but does not become a player in the criminal proceedings: this is the case of murders, in which the victim is no longer a legal entity and the plaintiffs are different people (family members, employer);

- paradoxically, the body or the personality of the passive party, that is, of the victim, corresponds with the offender. For example, in the case of self-injuries inflicted for profit or to avoid civil service (Bettiol 1976, 600), or in the instance of self-defamation;

- active legitimation as injured party is allowed by law, also in the so called victimless crimes, in potential offences and attempted crimes, to claim compensation for moral damages (Bonilini 1983, 6).

Reporting the facts and being recognized as aggrieved party are the first steps for establishing one's status and for playing a more demanding role: that of an individual who

has a right to claim and obtain compensation. The person, that we will continue calling the victim, has two possibilities:

- resort to a civil trial;
- bring a civil action in a criminal proceeding.

Civil proceedings are not ineffective: in them, the aggrieved party is probably less central and less recognisable, while the interaction with the witnesses and the counterparty is limited and the dialectic within the trial consists in an exchange of written statements of defence. However, a civil trial has certain features that make it quite adaptable, even while remaining relatively simple, allowing the judge, for instance, to ascertain *incidenter tantum* whether the crime was actually committed, or to decide that compensation is to be paid regardless of any criminal liability, or to issue an interim order to sentence the culprit to pay a certain amount (Articles 186 *bis*, 186 *ter* and 186 *quater* of the Italian Code of Civil Procedure). It is also important to remember that a civil trial's claim, once the proceedings are opened, cannot be dismissed on the ground that it is statute barred.

The participation in a criminal trial requires the criminal proceedings to be initiated first, and this cannot be done by the victim but only by public prosecutors. For this reason the aggrieved party may interact with the prosecutor by lodging statements, pursuant to art. 90 of the Italian Code of Criminal Procedure, with the purpose of influencing his activity, of contributing to ascertain the facts and of gathering evidence. Nevertheless, public prosecution may petition the G.I.P. (Judge for the Preliminary Investigation) for the dismissal of the *notitia criminis* and, if the aggrieved party has not reserved the right to appeal against the request (pursuant to art. 410 of the Italian Code of Criminal Procedure), he may see his desire for justice frustrated.

The aggrieved party can claim damage compensation within the trial that ensues when he brings civil action in court; while we can omit the institutional notions, it is important to highlight that, in this case, the plaintiff plays a partially different role than the aggrieved party in a civil proceeding. The former, even though he acts to attain monetary compensation, operates in line with the public prosecution and participates to the crime reconstruction; at the same time, he avails himself of the prosecutor's activity and results. The latter, on the other hand, carries the whole burden to prove that the alleged offender is guilty (Di Chiara 1995, 235). The *status* of the aggrieved party in a civil hearing can evolve during the trial, as the plaintiff acquires rights, duties and definitions typical of the other parties, unless unusual events or interferences create a deviation from the usual processes. In particular, this happens when an agreement on the application of the penalty is reached, pursuant to Articles 444 *et seq.* of the Italian Code of Criminal Procedure, which results in the victim only retaining the right to be awarded legal costs.

Or when the accused requests abbreviated trial procedures and the decision has to be taken on the basis of the case file as it stands, which evidently affects the right to evidence.

Point c) shows interesting juridical and criminological aspects that merit closer consideration. For several years now there has been the tendency, in the most advanced legal systems, to differentiate between the material offender and the one who will have to pay the reparations; this is an important evolution that considers the victim as having been damaged by a real person and, at the same time, as creditor of another subject for the redress. Generally speaking, the trend seems to indicate an attempt to objectify the compensation system with the result of slowly dissociating it from the physical person of the offender, so that the redress duty can fall on other social players. We must bear in mind, though, that this system is not aimed at decreasing offender liability. Yet, focusing on a more efficient compensation system, liability is attributed to different subjects who can provide a better economic coverage. And these people are not completely unrelated to the crime, instead, they are somehow connected to the players that caused the prejudicial event (Alpa-Bessone 1982, 41 et seq.).

We can now introduce the idea of vicarious liability, which can be based on:

- an agreement between the parties, a deal;
- the Law.

The first is the case, for instance, with insurance coverage for civil responsibility. Besides pure legal doctrine, it should be noted that a legislation exists that requires certain kinds of social players, who work in potentially dangerous environments, to have insurance. In particular, we are referring to Law no. 990 of 24 December 1969, relating to compulsory insurance for the use of motor vehicles and crafts, and to the regulation (D.P.R. 7 August 2012, no. 137) regarding compulsory insurance for workers.

This second instance is undoubtedly interesting and it can also be considered as a strengthened protective system in favour of the injured parties. It is composed of a number of heterogeneous regulations that, in order to make sure that the victim receives proper compensation, transfer the redress obligation:

- to the subject that created the conditions that caused the crime or the victimisation; or to an individual that shows a strong relationship with the thing or person that caused the damage;
- to any public subject managing the environment in which the offence took place.

It should be noted that the case of point a) corresponds, for example, to the instances laid down in art. 2049 of the Italian Civil Code (regarding employers' liability for crimes committed by their appointees while carrying out the appointed activity) and in art. 2048 of the Italian Civil Code (on parents' liability for damages caused by minors). About this latter case, it is interesting to consider a ruling by the Court of Milan, section

X, judge La Monica, 22 December 2009, stating that the parents of the minors who sexually abused a peer «can be held liable for *culpa in educando* (fault in the up-bringing) and should answer for the damages suffered by the victim if they cannot prove that they provided their children with the fundamental education on rule compliance, and also with the suitable information to be used to establish adequate interpersonal, as well as emotional and sexual relations.»

Point b) concerns an aspect that goes beyond common vicarious liability. Namely it introduces the problem of compensation to be paid by the State or by other public bodies for crimes committed by individuals with no connection to the Public Administration or who acted outside the scope of their public office. As a matter of fact, this is a compensation responsibility that falls on the Public Body in whose territory the crime was committed (Portigliatti-Barbos 1999, 333 et seq.).

The main aspects concerning this strictly criminological and victimological point are:

- the reasons for introducing a general compensation system, weighing on the State and in favour of crime victims;
- an analysis of the main related regulations.

The reasons that have long since shown the need to develop such a State compensation system for victims are usually thought to be:

- some kind of liability on the part of the State for the victimization;
- a duty of the State pursuant to the Law (Portigliatti-Barbos 1999, 334).

The idea of the Public Body being jointly liable for the crime is based on Hobbes' assumption (Petrucciani 2003, 79 et seq.) that the State has a duty to guarantee safety and prevent crime. The non-fulfilment of this duty, amounting to a breach of contract, leads to a compensatory liability in favour of the victim. In fact, this position seems weak as it is based on an unrealistic contractualism and it does not take into account that the State's safety and prevention duties are meant as an obligation to provide the means, not the results. Police forces (and formal control apparatuses in general) do not have the purpose of completely eradicating crime, but only of enforcing administrative and criminal regulations. What's more, this hypothesis shows remote but possible connections to the idea that inspired the creation of the norms that impose vicarious liability on individuals who have a relation to the offender, as is the case with employers or with parents. While liability pursuant to Articles 2048 and 2049 of the Italian Civil Code ensues from the consequences of the assignment of a certain job, or by the lack of education or control, the same cannot be said in the case of the State, which, for instance, cannot be held responsible for not preventing the crime.

Another hypothesis that considers State liability possible is based on independent *ex-lege* premises linked with welfare and assistance duties. We must be clear on this point: when speaking of welfare and assistance duties we do not think of charitable or sympathetic actions, but of measures forming part of a general policy aimed at social welfare (Portigliatti-Barbos 1999, 334; Del Tufo 1993, 996 et seq.). We need to keep in mind that the process that leads from victimisation to acquiring the juridical status of victim, and that, sometimes, ends with reparation expectations not being fulfilled, may cause very serious cognitive biases in the victim, who could experience a feeling of abandonment and maladjustment. However, the problems arising from such a situation can have more far-reaching consequences, causing distress within the social circle and the institutions themselves. A victim who did not manage to receive compensation, because the offender is indigent or because he somehow avoided being identified (because he is at large or because of fragmented responsibilities within a criminal organisation), represents a defeat for the collectivity, especially when the collectivity itself cannot provide complementary resources to monetary ones.

The problem of a compensatory mechanism in favour of violent and wilful crime victims, whose costs weight on each State, has been long discussed within the international and European legal area (Del Tufo 1993, 996, 998). Well-known milestones in the process of creating and developing a "uniform" European legislation on a State compensatory system for certain offences, have been:

- European Council Resolution no. (77), 27 of 28 September 1977, on the *Compensation of Victims of Crime*;

- European Parliament Resolution of 13 March 1981: *Resolution on Compensation for Victims of Acts of Violence*;

- *European Convention on the Compensation of Victims of Violent Crimes*, Strasbourg, 24 November 1983, art. 2: «When compensation is not fully available from other sources the State shall contribute to compensate: a: those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence; b: the dependants of persons who have died as a result of such crime. Compensation shall be awarded in the above cases even if the offender cannot be prosecuted or punished»;

- Recommendation R. 85 of 28 June 1985 on the position of the victims in the framework of criminal law and procedure;

- Tampere European Council, 15-16 October 1999, that requested the introduction of «minimum standards on the protection of the victims of crime, and in particular on crime victims' access to justice and their rights to compensation for damages, including legal costs»;

- Green paper on "Compensation to Crime Victims" [Bruxelles, 28 September 2001 - COM 2001, 536];

- Directive 2004/80/EC of 29 April 2004 which states: «NATIONAL SCHEMES ON COMPENSATION. Article 12 [...] 2. All Member States shall ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims».

This framework is strictly legal: a series of ensuing problems affected its actual efficiency in Italy, especially that of Directive 80/2004.

On 29 November 2007, Section V of the European Court of Justice, no. 112/2007, ruled that «since it failed to adopt, within the given time, the necessary legislative, regulatory and administrative provisions to transpose EU Council Directive of 29 April 2004, 2004/80/EC, concerning the compensation to crime victims, the Italian Republic failed to fulfil its obligations under such Directive». While the proceedings before the European Court of Justice were pending, the Italian State proceeded to adopt the Legislative Decree of 6 November 2007, no. 204: *Implementation of Directive 2004/80/EC Concerning the Compensation to Crime Victims*. The norm itself is not actually a complete implementation of the European Directive; or, better said, it only implements the part regarding cross-border situations, laid down in art. 12, paragraph I (Bona 2009, 662, 708). The Legislative Decree of 6 November 2007, no. 204, in truth, does not mention nor implement any regulation for the instances pursuant to paragraph II of art.12 of the Directive (internal situations). The non-fulfilment of the exact and complete transposition of the Directive by the Italian State (despite art. 1, paragraph IV of the Law of 25 January 2006, no. 29) was noticed by the Court of Turin, section IV, 3 May 2010, judge Dotta and by the Turin Court of Appeal, section III, 23 January 2012, no. 106.

During the trial for a painful a case of rape against a woman, the judge, in the reasoning of the first instance judgment, stated that, from this non-fulfilment (or from this inaccurate fulfilment), a subsidiary compensation duty ensued which, in that instance, more or less corresponded with the compensation prescribed in the second paragraph of art. 12 of the European regulation. The Territorial Court, while keeping in line with the reasoning of the Turin Court, observes that the EU regulation is rather vague and replaces the previously granted compensation with a fair one pursuant to art. 2056 of the Italian Civil Code.

We must acknowledge the vagueness and ambiguity of the Directive: it is currently not easy to correctly interpret the second paragraph of art. 12. The Court of Florence, section II, judge Minniti, after noticing the ambiguity of the supranational

legislation, ruled, on 20 February 2013, the reference for a preliminary ruling to the European Court of Justice, based on the following question: «Therefore, it is appropriate to ask the European Court of Justice whether art. 12.2 - where it states that "Member States shall ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed in their respective territories" - requires the adoption of procedures aimed at granting a fair compensation to all local residents who are passive subjects of any violent intentional crime. Or otherwise, if the norm only requires, on the basis of a systematic interpretation, the adoption of a compensatory system by those States lacking one. The question is relevant because only in the first case Italy's breach of said EU provisions would -still- subsist, thus entitling Mrs. P.C. to fair compensation. On the contrary, if we have to conform to a restrictive, so to speak, interpretation of art.12 [one that would exclude from the regulation all the States that (already) have a compensation system], then the claim of today's plaintiff is groundless».

Basically, the Florentine judge asks whether the supranational legislation provides for the creation of a general compensation system for the victims of any violent crime, or, on the contrary, requires the introduction of State compensation for the victims. His question is based on the State compensation system already in force in Italy, which is only effective in some particular and pre-established instances, such as: victims of terrorism, of organized crime, of extortion demands and of usury (cf. Law 302/1990 for the victims of terrorism, Law 340/95 for the victims of Ustica air disaster, Law 108/1996 concerning usury, Law 70/1998 concerning the crimes committed by the "*Banda della Uno Bianca*", Law 407/1998 for the victims of terrorism and organized crime, Law 44/1999 for the victims of extortion demands and usury, and Law 512/1999 concerning a solidarity fund for the victims of mafia crimes; see also some regional regulations: Campania, Law 61/1978 for the victims of terrorism; Apulia, Law 17/1979 for the families of Law Enforcement Agency Members who died in the line of duty; Sardinia, Law 4/1988 for the support to crime victims; Sicily, Law 19/1993 for support to the victims of the massacres of Capaci and Via D'Amelio). The problem is crucial since, if we consider the first hypothesis to be correct, Italy's breach of EU Directive 80/2004 would still subsist, with the consequences pointed out by the judges from Turin; on the other hand, if we accept the second interpretation, Italian domestic law already complied with the Directive's provisions.

The Court of Justice, by order of 30 January 2014 (Case C122/13), dismisses the action, conforming to a restrictive interpretation of the Directive which considers it effective only in cross-border instances (Conti 2004), which means that compensation

can be claimed only if the crime was committed in a different Member State than the one in which the victim usually resides.

3. LIBRA's Victim Support Centre for the Province of Mantua. A model of intervention on victims empowerment based.

by Elisa Corbari, Laura Maria Gagliardi, Francesco Viecelli, Angelo Puccia

Empowerment, that is the strengthening of the self-determination ability of the victim, represents the working method of Libra Association to deal with cases at the Support Centre for Victims of Crime of the Mantua Province.

The approach and the related interventions are especially characterized by a few features that are considered key elements by LIBRA VSC's professionals: listening, helping the victim becoming aware of inner (personal) resources and informing her about local support/services (external resources); finally, constant counselling acts as glue.

Although this paper is focused on a precise victimological profile, i.e. the one of victims of violence in intimate relationships¹⁵, the aforementioned approach, the empowerment that is, is also the one used for any other kind of victim.

Before describing and analysing the types of intervention and the working methods of the LIBRA VSC's specialists, we believe it is appropriate to explain the way the centre itself works. It is possible to go directly to the help desk during opening hours or, alternatively, by prior appointment, the two parties may arrange a meeting at any time during the working week.

In addition, victims may be referred to us by any other local public or private service, and, for emergencies, a hotline is available 24/7.

From May 2012, when the centre was opened, to December 2014, the VSC recorded 50 cases, with a large increase in number after an awareness campaign launched between March and May 2013 by LIBRA Onlus Association as part of the "Out of Violence - Support Network to Get Away from Violence" project, in partnership with the FDE Institute of Criminology of Mantua and with the Azienda Ospedaliera Carlo Poma of Mantua, also thanks to the support of the Department for Equal Opportunities - Presidency of the Council of Ministers.

The project funded training opportunities to raise awareness among medical professionals about violence issues, signs that can alert health workers to possible

¹⁵ We deem it more appropriate to use the definition "violence in intimate relationships", instead of "domestic violence", not because the latter is incorrect, but because the former allows us to consider a wider range of possible "scenarios" in which violence can occur. Such choice also takes into consideration the recent developments in Italian national regulations, especially Law 119/2013, conversion into Law, with modifications, of the Decree-Law of 14 August 2013, no. 93, with urgent provisions regarding safety and against gender violence. The main innovations of this regulation concern the intimate relationship: the relationship between two people is now criminally relevant, be it cohabitation or marriage (present or past). Thus victims can be protected and supported even outside the marriage.

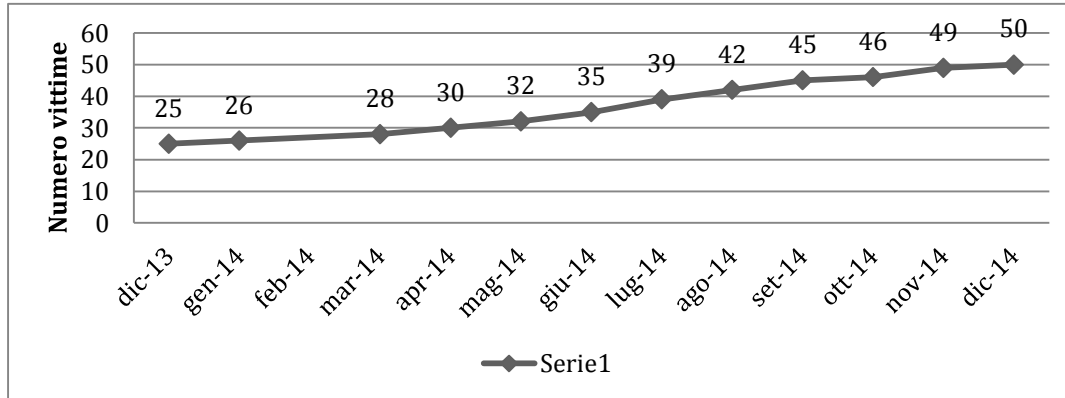
situations of abuse or battering, laws requiring them to report the cases to the police, and possible ways to get away from the violent situation after accessing the healthcare facility.

Another training program was launched thanks to the European project "*Victim Supporting: a NETWORK to support and aid crime victims (VIS)*", headed by the Livorno Province.

Training meetings for third-sector professionals, police forces, local services, and legal professionals, were held in a first session at the end of 2013 and in a second session between March and April 2014. In particular, the second session was intended as a form of continuing training for health workers and thus provided training for other hospital professionals in the Mantua province. These courses included 48 hours of training for each cycle and 8 final hours of workshops, useful for sharing training objectives.

As we can see from the graph, the number of accesses to the VSC increased also after the training launched within the VIS project, which means that training and raising awareness can be key factors in identifying crime victims, in this case especially victims of violence.

Figure I – Victims Support Centre access (Dec. 2013 – Dec. 2014)



3.1. The Intervention Steps "with" the Victim

Coming to the main subject of this paper, it is useful to explain step by step the phases and the precautions that professionals keep in mind when supporting the victim. Usually, even though not always, the help request is made by means of a phone call. The professional is trained to perceive the main elements of the account during this first contact and he must first of all understand whether the person is in any immediate danger and/or whether she or her loved ones are at risk (re-offending risk analysis). Even when the intervention is sought by a third party - for instance health worker of the emergency

room, law enforcement agencies members, etc. - the professional's main goal is to fully understand whether the victim and her family are safe, especially when minors, disabled and elderly are concerned. This all must be done especially carefully if dealing with a case of violence in an intimate context.

Besides the element of "safety", LIBRA VSC's intervention is focused on three other factors: a) emotional support, b) information/guidance, c) rights protection.

We schedule a first listening session with the victims, since we assume that their recent and past personal histories provide clues as to the reasons of the continuing violence. Two professionals, trained for empathic listening, attend this first meeting to work as "facilitators". During the reception process, the professional will have a non-judgemental attitude and will not impose solutions. We must remember that judging is an automatic and natural process in any person and, therefore, professionals need specific training and supervision to achieve the needed suspension of judgement.

No time limit is set for the meeting, so that the person may feel free to fully express her suffering. No definitive solutions are given either; on the contrary, the professional should never substitute himself to the victim in the search for a way out of the painful situation. Instead, he must encourage her ability to find her own path, thus strengthening her self-determination skills. There is indeed the risk for the victim to repeat the same mechanisms that had been at work within the violent relationship by relinquishing her decision-making to the professional. By letting the victim decide what steps are to be taken, we allow her to learn to trust herself and gain self-confidence; this will help her to no longer play the role of the weak/vulnerable partner in the continuation of the previous relationship or in a new one¹⁶.

The following meetings will be aimed at emotionally supporting the person, at providing indicative legal advice and/or proper information during the investigation and trial phases involving the crime victim. Thus, by working together with the victim, the creation of a way out of the victimising situation begins.

Establishing a service network, and involving, when possible, the family and "neighbours" to strengthen community bonds and relationships on which the victim may start relying again, are the most important steps to help the person get out of relational, economic, psychological and social isolation, and recreate a decent life for herself. In the opinion of the authors of the present paper, the second element is worth being analysed

¹⁶ *E.d.* LIBRA's VSC, trying to implement the best international practices on supporting victims of violence, does not omit to pay attention to, and intervene on, the "batterer" and the "community" in which the violent dynamics take place. One of the following chapters will deal with such interventions, as we believe -for reasons which the scientific literature now agrees on- that we cannot tackle nor eradicate, or at least minimize, the impact of violence in intimate relationships without taking into careful consideration also the situation of the batterer and of the community of the loved ones.

in more detail. It may show how, besides the institutional work of professionals and local services, which, by its nature, cannot and must not last forever, it is actually important to build or rebuild the so-called Social Cobweb¹⁷, i.e. that fabric of solidarity-based and positively oriented relationships that function as a new living environment for anyone coming from a painful situation, and that, at any given time and in any situation, allow the victim to interact and relate to people other than the abuser.

The social cobweb, by means of its inhabitants, is also able to work as an antenna against new violent, abusive and isolating instances. Indeed, all those who are part of it - the whole community -, through a process of participation to the social life, can readily detect the need for help and intervene, also with preventive measures, both on the abuser and to protect the victim. Said theory appears particularly effective when considering both general and specific prevention and introduces an idea that is not obvious, especially when applied to the fight against and the prevention of violence in intimate relationships.

It is indeed possible to regard a constant "closeness" of good neighbourhood and community relationships as much more effective - and also more cost-effective - than ex-post interventions by any kind of service, however specialised. It is also of vital importance for the victims, since the services themselves only start working when the situation is already potentially compromised and very complicated.

As part of the activities of the VIS Network project, LIBRA's professionals, together with project partners, visited some support centres for victims: Casalecchio di Reno, SVSeD, CIPM, Rete Dafne, Centro Maree, Sportello ASTRA, Centro per donne in difficoltà – Modena, Rete Centri Antiviolenza Syracuse, Antiviolenza Centre City of Turin¹⁸. The focus of the survey has been on the following features:

- a) the intended users;
- b) the different services it offers;
- c) the kind of professionals that work there, as volunteers or as salaried employees, and their specialisations;
- d) whether it collaborates with a local formal or informal support network.

As for the first factor, that is the users the centre is intended for, there is a substantial difference between these facilities and the Support Centre for Victims of Crime of the Mantua Province, managed by LIBRA Onlus Association.

¹⁷ G. Sandri et Al., Innes: Security Bonds, in *Crimen et Delictum – International Journal of Criminological and Investigative Sciences*, Ed. VII, April-2014, FDE Institute Press, Mantova.

¹⁸ For the description of each centre, see paragraph about "Victim Support Centres (VSCs). National Instances: Meetings and Debates Promoted by VIS."

Indeed, LIBRA's VSC is open to any kind of user, regardless of the type of crime the person was injured by. Many of the examined centres, on the contrary, are intended for specific kind of users. In particular, some facilities are intended for women who are victims of violence or in distressed situations, and one of them, the ECPAT (End Child Prostitution, Pornography and Trafficking), deals with minors victims of abuse, trafficking and sex tourism. Based on the kind of users, the most similar to LIBRA's VSC are the Centro per le Vittime di Reato e Calamità (Centre for Victims of Crime and Disaster) in Casalecchio di Reno and Rete Dafne (Dafne Network) in Turin, as they are both open to anyone suffering because of a victimising experience.

To increase the level of exportability of a support model, we need to analyse modes of operation, available services, and good practices adopted during meetings. When aiming at creating a support centre for victims of crime, together with exportability, a sustainability evaluation should be carried out. This is necessary to avoid limiting possible solutions or, on the contrary, implementing ineffective solutions that will not continue after the funded project comes to an end.

3.2. Institutional and Organisational Setting

The first feature to be assessed is the organisational set-up and the institutional form, i.e. a centre/service managed independently from the non-profit sector, or a service connected to a particular local government agency.

The fact of the service being public or private can be very important in the initial phase. Creating a crime victim support service directly affiliated to a public institution (a Municipality or another local government agency) may seem easier, both from a bureaucratic and from a financial point of view.

What's more, such a facility will receive greater acknowledgment and legitimacy regarding the operations of the people network that may, in various ways, have a part in the person's protection.

On the other hand, though, a facility managed by any social private organisation can provide greater flexibility, as they are less affected by continual political and administrative changes. It will also not be bound to bureaucratic procedures, which are unavoidable for the public administration, but often very complex and therefore counter-productive in regard to our main goal, that is victim support.

In this respect, it is interesting to analyse the case of the Counselling Centre for Women in Distress of the Municipality of Sassuolo (MO). Since public funding has been cut, the facility can no longer provide a legal consultant. Indeed, the fund-raising process is connected to the management of services by public bodies, in this case the *Unione dei*

Comuni (Union of Municipalities). This is the reason why the coordinator is the only professional working at the facility. She has to manage all cases within the Union's territory (Formigine, Maranello, Frignano, Sassuolo). Yet, the Union of Municipalities is still responsible for the economic aspects regarding the cases being treated at the facility and, in spite of several cuts, significant public investments are still crucial.

A similar problem presented itself at the CIPM - Centro Italiano per la Promozione della Mediazione, Servizio per la mediazione sociale e penale (Italian Centre for Promoting Mediation, Service for Social and Legal Mediation) in Milan. During the visit to this centre, we discussed the importance of public funding. Indeed, the CIPM received annual subsidies from the Municipality of Milan, in addition to EU funds. Unfortunately, due to cuts to the city's budget, some offices had to be closed down: of the former 3 centres in 3 different zones of Milan (zone 1 – via Strehler 2, zone 2 – via Tarvisio 13, zone 7 – via Mar Jonio 4), only the one in zone 2 could be kept open. Furthermore, the lack of funding forced the CIPM to cease the treatment program for sex offenders that it had launched in the Prison of Milan-Bollate. The initiative was taken as a model for Rome's first criminological unit as part of the ACSE project and coordinated by the Ombudsman for Prisoners' Rights of Region Lazio, in collaboration with Save the Children and the Italian State Police. In this case, too, we can see the extreme vulnerability of services depending on public subsidies, as they are affected by budget cuts and by consequent changes in their activities and services.

Considering local facilities and the three-year experience of LIBRA Onlus Association's VSC (May 2012), we suppose that the best way to make a victim support service work should be the combination of public subsidies and funding from other sources, such as European or national projects. The institutional layout of the facility and the availability of public subsidies, or lack thereof, will affect the position of the centres in the area.

Depending on how large the area is, it will have to be decided how many centres need to be opened, while obviously keeping in mind the resources at hand (sustainability), both in terms of staff and of facilities. Such considerations are subject to the availability of funds.

It may turn out to be easier for centres connected to public institutions to create more facilities throughout their districts, as they have the possibility to rely on already existing structures and buildings owned by said institutions. On the contrary, finding a viable location would require big investments in the case of private facilities. A wider distribution of facilities may enhance the service's efficiency, especially considering very large areas.

Depending on the institutional set-up (public or private), centres may need to modify some features relating to their activities, opening hours, target users and, above all, their network partners, so as to be able to meet requirements, especially political ones. A good example could be any public centre against violence created with a certain philosophical and political orientation. This could prevent the possibility of cooperating, or even of reaching (formal or informal) agreements with other institutions or associations whose corporate mission does not completely reflect their own, even though their final purpose is the same. Obviously this inconvenience may also arise in services managed by social private associations. However, during our surveys, we observed a greater adaptability in the latter.

3.3. Available Services

Another feature that needs to be considered while evaluating the good practices of the centres is the kind of services they provide.

The fundamental requirement is for each support centre to be able to provide at least:

- shelter,
- listening,
- constant counselling,
- initial legal and psychological advice.

Let us now consider further services that could turn out to be useful in supporting target users, as they help increase the effectiveness of the person's strengthening process and broaden the focus "from the individual to the group" and "from the group to communities".

Based on the experience from Mantua's VSC and from a few other centres, it would be very useful to have a reflection and reprocessing group for victims as part of a support service for victims of crime. Such groups, heterogeneously composed so as to increase the possibility for debate among the participants, should be carefully arranged by selecting the most suitable people (based on personal history, type of crime, emotional processing, etc.). Participation should be suggested as optional and only when the person's progress toward self-determination is deemed to have reached a good level. The group could foster different dynamics, allowing the victims to participate in a common experience with people they can identify with (and through which they may be able to see their ordeal from a different perspective). This kind of identification would be

different from the one that may occur with professionals, which is considerably more casual.

The group also gives everyone the possibility to play different roles, and therefore to help the others and to be a guide for them. This can further positively affect the person's empowerment process (Corbari et Al., 2014). Furthermore, what is very interesting in this kind of dynamics is the fact that the group itself can contribute in supervising its members, making it less probable, for instance, for victims to adopt denial strategies by belittling or exaggerating the problem.

The group initiative undertaken by the Centre for Women in Distress of the Municipality of Sassuolo (MO) is rather interesting. As part of a wider project, the centre organized groups for abused women, for battering men and for teachers. Such groups focused on the topic of assisted violence. The group for battering men was led in collaboration with *Liberiamoci dalla Violenza* (Getting Free from Violence), a public support service for violent men organized by Modena's Local Health Authority. The Social Services for Minors managed the group for teachers.

In the Victim Centre in Casalecchio di Reno psychological support groups for women who have been victims of violence are also held, as well as other two very interesting additional services. These are intended for victims which are not often acknowledged as such and are usually neglected by media, thus having a small social impact. The Victim Centre in Casalecchio di Reno has taken steps in this regard by creating dedicated services.

Indeed, in 2007, the Bolognese centre signed an agreement with ADICONSUM-CISL, ADOC-UIL, FEDERCONSUMATORI-CGIL, and LEGA CONSUMATORI ACLI to create a help desk for consumers. Such a service seems particularly relevant considering the huge amount of contract offers that families receive from all kind of companies, such as telephone or insurance companies. Swindles perpetrated by such means usually involve modest amounts of money and, therefore, victims often do not try to recover them. On the other hand, people may simply be unaware of their rights as consumers, also because of the lack of information about the phenomenon.

Considering the actual extent of the phenomenon, professionals at the Centre in Casalecchio observed a considerable increase in the number of such cases. This is the reason why they decided to implement this project, also in order to provide victims with a support service managed by advisors with great expertise in the matter. We should also highlight that, besides crime victims, the Victim Centre in Casalecchio di Reno also supports disaster victims. Indeed, the Centre's history is linked to the accident of the 6th December 1990, when a military aircraft crashed over the Salvemini Institute. The centre was created in 2005, with the strong support of the InSieme Association (Social

Intervention Consortium of Reno Valley, Lavino and Samoggia) and in time it adapted to meet the needs and requests coming from residents of the area. In the latest years, the amount of users turning to the centre because of economic problems increased considerably. Therefore, it was decided to consider the economic crisis as a calamity and to launch two projects: "Prestiti sull'onore" (interest-free loans) and "Lavoro Amico". The former initiative involves loans to needy families that are referred to the centre by social services. It is directly with them that the centre draws up agreements about how the loan will be repaid (for instance, bills are paid directly so as to avoid future problems linked to poor money management, such as gambling and/or drug abuse). The second project, "Lavoro Amico", is intended for people who are already in the care of social services. The centre considers job applications and offers, usually for jobs like grass-mowing, tailoring services, manual and housework. Such jobs are then given to the people in greater economic need. Payment is made by means of INPS (Italian National Social Security Institution) vouchers.

3.4. Local Network and Social Cobweb

The fact of being part of a local formal or informal social network is a key element to analyse the activity of a support centre for crime victims.

Indeed, we think it is necessary, especially for certain kinds of victims, to create a shared approach to find a way out of a victimising situation.

Establishing a service network, and involving, when possible, the family and "neighbours" to strengthen community bonds and relationships on which the victim may start relying again, can surely be considered the most important steps to help the person to get out of relational, economic, psychological and social isolation, and recreate a decent life for herself. In the opinion of LIBRA Association's workgroup, the latter element is worth being analysed in more detail. It may show how, besides the institutional work of professionals and local services, which, by its nature, cannot and must not last forever, it is actually important to build or rebuild the so-called *Social Cobweb*¹⁹, i.e. that fabric of solidarity-based and positively oriented relationships that function as a new living environment for anyone coming from a painful situation, and that, at any given time and in any situation, allow the victim to interact and relate to people other than the abuser. Such an idea can be all the more effective when applied to the cases of victims of domestic violence.

¹⁹ G. SANDRI, A. PUCCIA, M. BARDI, L. CARACCILO, E. CORBARI, M.L GAGLIARDI, A. MORSELLI, F. SAVAZZI, I. SQUINZANI, M. TOSI, Innes: Security Bonds in Crimen et Delictum. International Journal of Criminological and Investigative Sciences, VII (April 2014).

The social cobweb is also able to work as an antenna against new violent, abusive and isolating instances. Indeed, all those who are part of it - the whole community -, through a process of participation to the social life, can readily detect the need for help and intervene, also with preventive measures, both on the abuser and to protect the victim. Said theory appears particularly effective when considering both general and specific prevention and introduces an idea that is not obvious, especially when applied to the fight against and the prevention of violence in intimate relationships.

It is indeed possible to regard a constant "closeness" of good neighbourhood and community relationships as much more effective - conceivably also more cost-effective - than ex-post interventions by any kind of service, however specialised or crucial for the victims. As a matter of fact, the services themselves only start working when the situation is already potentially compromised and very complicated.

The best example of networking that we were able to observe during our survey for the VIS project is the Rete Dafne (Dafne Network) in Turin.

The network involves both public and private partners and is aimed at listening to and providing support for crime victims. Rete Dafne was established in 2008 with the partnership of the Public Prosecutor's Office at the Turin's district court, the Municipality of Turin, the Province of Turin, the TO2 ASL's "Giulio Maccacaro" Mental Health Department, Associazione Gruppo Abele Onlus (Abele Onlus Group-Association), Ghenos Association, and the participation and financial support of the Compagnia di San Paolo. This group of associations derives its versatility and its ability to deal with a great variety of situations from the heterogeneity of expertise of the network's professionals coming from both the public and private sector. The collaboration with law enforcement agencies and with other local legal institutions is especially interesting, since it has managed, in time, to modify the way the institutions work. What is really important, from the cooperation point of view, is that crime victims are often referred to the various services directly by the authorities.

The Rete Dafne project involved establishing a network of units and initiatives that can properly and efficiently meet the needs of crime victims and are able to bear the consequences of various crimes, both on a physical and on a psychic level. The project also involves raising awareness among experts and training the professionals who will come into contact with the victims, in one way or the other.

The range of services provided by Rete Dafne is rather comprehensive and so is that of the potential users. It provides:

1. Information;
2. Shelter;
3. Guidance;

4. Specialised services:
 - a) Information on rights;
 - b) Psychological support;
 - c) Integrated psychological and psychiatric treatment;
 - d) Mediation.

We think that these aspects (wide range of potential users and rich variety of services) are linked to the quality of such an integrated network and to the institutional heterogeneity of the public and private subjects taking part in it.

Other centres whose activity is based on partnerships with local networks are the Centro per le Vittime (Centre for Victims) in Casalecchio di Reno, the Centro per donne in difficoltà (Counselling Centre for Women in Distress) of the Municipality of Sassuolo (MO), the Rete Centri Antiviolenza (Network of Centres Against Violence) in Syracuse, the Antiviolenza Centre in Turin, and ASTRA and MAREE centres in Rome.

For all these facilities, collaborations with Municipalities and social service are especially important, as the municipality of residence will be the first to bear the costs of the various situations in which psychological, social and residential support is needed.

The Antiviolenza Centre in Turin works together with both central and district social services, with Community Policing Units of Turin City and with other subjects within the network, such as the associations that deal with offenders.

The aforementioned Antiviolenza Centre launched project "Fior di Loto" (Lotus Flower) which is worth mentioning for its ability to meet an emerging need.

It is a health care project aiming at providing gynaecological services for women with physical and motor disabilities. In particular, it involves support for disabled women who have been victims of violence. The project was launched by the Verba Association, with the collaboration of the Consultori Familiari (family guidance units) of TO1 ASL (Local Health Authority) and the Passepartout service of the Municipality of

There are two gynaecological clinics, to be precise, supplying preventive and specialist services. The cooperation with Verba Association provides a help desk for women with disabilities to help them deal with gender-related issues and relationship problems, focusing in particular on violence instances.

In relation to said service, it is very important to understand the underlying idea of violence, that is violence as lack of care. The project tries to adopt the perspective of the disabled person, who depends on others for help with any everyday activity.

Many of the cases brought to the attention of the professionals represent a different kind of domestic violence, i.e. the one involving a lack of care towards the disabled person.

4. The European Framework: Guidelines and Best Practices. Basic Principles for Crime Victims Support²⁰.

by Angelo Puccia, Elisa Corbari

European and international guidelines recognise the crime as following:

<< Crime is recognised as a wrong against society as well as a violation of the individual rights of victims²¹.>>

There is a range of legal frameworks providing rights, services and calling on fair treatment for victims of crime. In 1985, the United Nations adopted the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*²², which provides a global basis for the development of victims' rights. The *2001 Council Framework Decision on the standing of victims in criminal proceedings*²³ was the first time victims of crime in Europe were given generic, legally binding rights in all EU Member States. However, the implementation of the Framework

Decision was in many areas unsuccessful. The EU Commission's implementation reports²⁴ as well as Victim Support Europe's project *Victims in Europe*²⁵ found that no EU Member State successfully implemented the Framework Decision and gave victims access to all rights. The *2012 EU Directive establishing minimum standards on the rights, support and protection of victims of crime*²⁶ aims to strengthen the rights in the Framework Decision, but it also includes new rights not previously included in European legislation. These new rights include the right to an individual assessment, facilitation of referrals from the Police to victim support services and the right to review a decision not to prosecute. The Directive provides legally binding minimum

²⁰ For this chapter the authors has taken in strong consideration the Victim Support Europe recommendations filled in the VSE's *Handbook for Implementation of Legislation and Best Practice for Victims of Crime in Europe* (2013). LIBRA edits the Italian version of the Handbook (2014).

²¹ Recital (9), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

²² Please see <http://www.unrol.org/files/BASICP~4.PDF>

²³ Please see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001F0220:EN:NOT>

²⁴ COM(2004)54 final/2 and COM(2009)166 final

²⁵ *Victims in Europe – final report*, Victim Support Europe, 2009 http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1366024288VinE_Final_Report_EN.pdf

The project Victims in Europe (VinE) assessed the implementation of the Framework Decision, both in relation to legislative transposition and operational impact on victims' ability to access their rights in practice. The project was promoted by APAV and conducted in cooperation with INTERVICT, Tilburg University. The project contained input from a range of stakeholders, victim support organisations and criminal justice practitioners in every EU Member State

²⁶ Please see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

standards that all EU Member States must fulfil to ensure that victims of crime receive the best possible care and support in the aftermath of crime. The Directive aims to ensure that, in all EU Member States:

- A person is acknowledged as a victim regardless of whether an offender is identified, apprehended, prosecuted or convicted²⁷
- Victims are treated in a respectful, sensitive and professional manner²⁸
- Victims get information about their rights and their case in a way they understand²⁹
- Victim support services exist and are accessible to all (direct and indirect) victims in every Member State³⁰
- Victims can participate in proceedings if they want and are helped to attend the trial³¹
- Victims are protected from secondary and repeat victimisation, intimidation and retaliation (including both physical, emotional and psychological harm) during all stages of police investigation and criminal justice proceedings³²
- The needs of every victim are assessed and victims identified as particularly vulnerable are offered specific protection measures³³
- Victims receive support and assistance accessing justice in cross-border cases³⁴
- Police, Prosecutors, judges and other professionals are trained to deal with victims in a sensitive and appropriate manner³⁵.

All EU Member States are required to adopt the necessary laws, regulations and administrative provisions to provide State-wide effective, comprehensive and coordinated access to the rights and services contained in the EU Directive establishing

²⁷ Article 2 and recital (19) EU Directive establishing minimum standards on the rights, support and protection of victims of crime

²⁸ Article 1 and recital (9), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

²⁹ Articles 3, 4, 6, 7, recital (26) and (34), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³⁰ Articles 8, 9 and recital (37), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³¹ Articles 10, 13, 14, recital (34) and (47), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³² Articles 18, 19, 20, 21, recital (52), (53) and (54), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³³ Articles 22, 23, 24, recital (55), (56), (57) and (58), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³⁴ Articles 4, 17 and recital (51), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³⁵ Article 25 and recital (61), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

minimum standards on the rights, support and protection of victims of crime³⁶. This includes allocation of appropriate financial and human resources to implement policies, measures and programmes to prevent and address all kinds of victimisation covered by the scope of this Directive. All agencies and organisations working with victims have a responsibility to assist them throughout their journey through the criminal justice system. European States should recognise, encourage and support the work of relevant non-governmental organisations and civil society in offering a holistic response and meeting the needs of victims of crime.

How the organisations and the civil society can approach and deal with victims of crime? Which are the correct attitudes and behaviours to have when you support a victim of crime as a professional?

- All victims of crime should receive rights, support and protection in the aftermath of crime. As such, we do not wish to establish a hierarchy of victims or a hierarchy of grief, but instead provide rights and services for all victims, regardless of the nature of the crime or personal characteristics of the victim.

- Criminal justice systems are not designed or equipped to address the trauma suffered by victim as a result of crime; they are primarily set up to consider the guilt of the accused and protect the public. Crime is based on an injustice committed against the victim.

As such, the victim is present from the onset and without the victim, there would often be no crime. Nonetheless, following the initial interaction with the victim, many criminal justice systems function based on the assumption that justice can be delivered without including the victim. A change in mindset is required to recognise the importance and the role of the victim/witness and to ensure that their contact and participation in the system is as smooth and efficient as possible, without risk of re-victimisation or intimidation.

- Victims have the right to be treated in a respectful, sensitive, tailored and professional manner in all contact with criminal justice agencies and victim support services³⁷.

There are many factors that professionals should bear in mind that will demonstrate respect to the victim, for instance: Set aside sufficient amount of time when engaging with a victim, do not rush or make the victim feel that he/she is an inconvenience; clearly inform the victim what your role is, set clear expectations for the

³⁶ Article 27, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³⁷ Article 1, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

victim what you can and cannot do for them; fulfil promises; do not have pre-set expectations of how a victim ‘should’ react in the aftermath of crime. Crime impacts differently on every victim and their needs will change throughout their recovery process.

- To make the victim feel at ease and to demonstrate that the criminal justice system takes the crime against the victim seriously, it is very important that all professionals listen to the victim, provides a suitable response and do not question the validity of their account.

In order to participate in the criminal justice process or access any other rights, victims need information on what their rights are and what services they can access. Victims’ right to information³⁸

Is therefore one of the most important rights in the aftermath of crime. Having involuntary fallen victim to crime, the person is often unaware of what information is available. It is therefore important that the onus is not put on the victim to request a certain piece of information.

- Victims of crime have the right to understand and to be understood in all their interactions with criminal justice agencies³⁹. Information should therefore be delivered in a language and manner that the victim can understand. Consideration should be given to the victim’s communication skills and any language requirements.

- Appropriate training is one of the most vital resources for professionals working with victims of crime. Without adequate training, there is an increased risk that the victim may suffer re-victimisation due to unsuitable questions and behaviours from people they meet. The *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* includes a call on EU Member States to ensure that professionals that come into contact with victims receive both generic and specialist training to help them deal with victims in an impartial, respectful, professional and non-discriminatory manner⁴⁰.

- Crime is a violation of a victim’s fundamental rights. To address the harm caused, victims

should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind⁴¹. Non-discrimination includes avoidance of

³⁸ Articles 4 and 6, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

³⁹ Recital (21) and article 3, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

⁴⁰ Article 25, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

⁴¹ Recital (9), (15) and article 1, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

discriminatory treatment and behaviour based on grounds such as race, colour, ethnic or social origin, genetic features, language, religion or belief, political association, membership of a national minority, property, birth, disability, age, gender or gender identity, sexual orientation, residence status, state of health or any other personal characteristic of the victim.

4.1. Preventing Victimisation. The Need for a Change in the Cultural Model and in the Behaviour Towards Victims.

by Elisa Corbari, Francesco Viecelli

European countries should take the necessary steps to promote changes in the social and cultural patterns of behaviour, aimed at eradicating prejudice, violence, inequality and other factors leading to victimisation. Victims of crime, in particular victims of sexual crimes, are still often met with suspicion and their behaviour is scrutinised to determine whether they are (at least partly) responsible for their own victimisation. Preventative, educational and awareness raising campaigns should therefore be conducted on a regular basis to increase awareness and understanding among the general public of the impact of crime and the need to prevent victimisation.

A key aspect of crime prevention is to believe the person at risk of falling victim to crime. This person is often the only one who can provide an insight into ongoing threats, which should be taken seriously by the criminal justice agencies approached.

It is of vital importance to pay attention to the course of conduct of the person causing the threat and not see each separate threat as an isolated incident, as the overall conduct can give an indication regarding escalation of threats.

For instance, in relation to stalking and anti-social behaviour, threatening or disturbing behaviours are not necessarily criminal but the course of conduct may give rise for concern. In such situations, people at risk should be supported in keeping records of all events, risk assessments should be conducted and safety plans put into place if appropriate.

Services should be available to provide information regarding preventative measures and assistance how to access them. Support services should also be available to give comfort to people who feel at risk of falling victim to crime, as fear of crime can have a big impact on individuals and communities as a whole.

It is the responsibility of all European countries to ensure that their national legislation provides adequate recognition, support, protection, assistance and legal remedies for victims of crime.

As such, intentional acts of violence, threat, intimidation, deceit or any other activities aimed at impairing a person's physical or psychological integrity should be criminalised and victims given access to support and rights to aid their recovery and restitution.

All European States shall take the necessary legislative or other measures to ensure that there are appropriate mechanisms to provide an effective response to crime. This includes efficient coordination between all relevant State agencies, including the

Police, Prosecutor, Judiciary, local/regional authorities and non-governmental organisations in protecting and supporting victims and witnesses of crime.

When a crime has been committed, victims should immediately be provided with access to information regarding⁴²:

- Where and how to report the crime
- Where and how to access support services
- The applicable criminal justice system, including the rights and the role of the victim in the system
- Protection measures
- Legal aid and assistance
- Criminal injuries compensation
- Interpretation and translation
- Applicable cross-border arrangements
- Restorative justice services
- Reimbursement of expenses
- Contact details to agencies dealing with their case
- Where and how to submit a complaint if their rights are not respected

To ensure that victims of unreported crime can access the necessary information, useful information must be available in other formats and through other means apart from the Police. It should be the responsibility of the State to organise awareness campaigns for the general public regarding the rights of victims of crime, including the above mentioned information.

Websites and leaflets should be developed and placed in areas where victims are likely to be present as a result of crime regardless if they have reported it to the Police, for instance Accident & Emergency Departments, victim support organisations, Housing Association, drug/alcohol clinic, social welfare office and other applicable agencies. Information should also be provided in schools and available in embassies and consulates for victims of cross-border crime.

Regarding provision of assistance in cross-border cases, the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* states that “if the victim has left the territory of the Member State where the criminal offence was committed, that Member State should no longer be obliged to provide assistance, support and protection except for what is directly related to any criminal

⁴² Recital (21), (26) and article 4, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

proceedings it is conducting regarding the criminal offence concerned, such as special protection measures during court proceedings. The Member State of the victim's residence should provide assistance, support and protection required for the victim's need to recover"⁴³.

⁴³ Recital (51), EU Directive establishing minimum standards on the rights, support and protection of victims of crime

4.2. Services and Means to Protect and Support Victims.

by Angelo Puccia, Elisa Corbari

In the following paragraph, we will try to list, in as detailed a way as possible, all the services that any victim support centre should be able to provide for people asking for support after being subjected to a crime. In order to follow EU guidelines, we thought it all the more necessary to make reference to some manuals by Victim Support Europe⁴⁴, as we consider such source as one of the best qualified in Europe.

What's more, the consulted handbooks reflect the experiences and the cooperation between support services working in each of the 28 EU member states, thus allowing us to identify best practices both in the public and in the private sector.

Support services should, as a minimum, be able to offer⁴⁵:

- Information regarding the criminal justice system
- Information regarding the rights of victims and how to access such rights
- Information and assistance applying for criminal injuries compensation
- Information regarding the criminal justice trial and preparation to attend trial
- Emotional and, where available, psychological support
- Advice relating to financial and practical challenges following the crime, i.e. who to contact regarding insurance, repairs, compensation, financial matters, housing concerns, employment support, social welfare queries etc.
- Information relating to risk and prevention of secondary and repeat victimisation, intimidation and retaliation
- Victim support services should be fully aware of any specialised services and offer the victim access to appropriate services specifically targeting the needs of the individual victim

All victim support services should be⁴⁶:

- Free of charge
- Confidential
- Victim-centred; i.e. their main aim must be the wellbeing and interest of the victim
- Independent

⁴⁴ <http://victimsupporteurope.eu/>

⁴⁵ Article 9, EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

⁴⁶ Victim Support Europe Strategy 2012-2015.

- Accessible throughout Europe
- Tailored to meet the individual needs of the victim
- Delivered by trained, qualified and monitored staff/volunteers
- Available regardless of whether or not the victim has reported the crime to the Police
- Available irrespective of crime type or personal characteristics of the victim

The EU Directive establishing minimum standards on the rights, support and protection of victims of crime calls on Member States to establish specialised victim support services, either as an integrated part of, or in addition to, generic victim support services. Specialised support services can offer a range of services to particular groups of victims, for instance families bereaved by murder, child victims, victims of childhood sexual abuse, victims of domestic abuse, rape or sexual offences.

The specialised services highlighted in the EU Directive shall as a minimum provide⁴⁷:

- Shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of retaliation, intimidation or secondary/ repeat victimisation
- Targeted or integrated support, including trauma support and counselling, offered to victims with specific needs, such as victims of sexual violence, victims of gender-based violence and violence in close relationships.

It may not merely be direct victims of crime who suffer an impact from crime. For instance, family members, friends or witnesses of crime may also feel an emotional impact or need assistance following the crime. Support services should therefore be able to offer support to any person affected by crime, in particular:

- ‘Victims of crime’, meaning persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or violations of their fundamental rights, directly caused by a criminal offence.
- A person should be acknowledged as a victim regardless of whether the crime is reported to the Police, regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of familiar relationships

⁴⁷ Article 9, EU Directive establishing minimum standards on the rights, support and protection of victims of crime

between the perpetrator and the victim. The term ‘victim’ also includes family members or dependents of the direct victim.

- Witnesses or persons who suffered harm in intervening to assist victims in distress or to prevent victimisation. Without the testimonies given by witnesses, victims will not be able to access justice. As such, it is important to secure the rights of witnesses of crime and to ensure that they can participate in the criminal justice process without risk of threat and intimidation.
- Victims of antisocial or threatening behaviour. Although not always criminal, many actions relating to antisocial and threatening behaviour can have a big impact on the targeted individual. As such, victim support services should consider extending their services to include this group of victims.

To limit the impact of crime, it is important that support services are available and accessible immediately following the crime. Lack of referrals is the single greatest barrier to victims’ ability to access support services in the aftermath of crime³⁹. The *EU Directive establishing minimum*

standards on the rights, support and protection of victims of crime calls on all Member States to

‘facilitate’ referrals from the Police and any other relevant entities to victim support services, to ensure that all victims are given equal access to victim support services⁴⁸.

Many victims choose not to report the crime to the Police for a variety of reasons. These victims are still entitled to some of the same basic rights as other victims, for instance right to information, support and protection. Victims of unreported crime are arguably particularly vulnerable, as they do not come into contact with the criminal justice system and as a result, are not referred to victim support services. The facilitation of referrals, highlighted in the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime*, includes a requirement not only on the Police but also on ‘other relevant agencies’ to refer victims to victim support services⁴⁹. To ensure that all victims are offered access to victim support services, including individuals who choose not to report the crime to the Police, all agencies who come into contact with victims as a result of victimisation should refer the person to victim support services to

⁴⁸ Article 8, EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

⁴⁹ Article 8, EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

limit the impact of crime. This could include for instance hospitals, embassies, consular agencies, schools, social housing and other social welfare agencies.

As highlighted throughout this document, right to information is one of the most important rights for victims of crime, in every stage of the criminal justice process⁹⁵. The victim should be kept updated on any actions and developments in their case. In relation to the trial, the victim should in particular be provided with the following information⁵⁰:

- Current status of the case – when will the Prosecutor formally charge a suspect in court.
- The choice of charge – ideally, the victim should be informed and given a chance to comment on the Prosecutor’s choice of charge.
- In States whose criminal justice system allows discussions between the prosecution and the defence agent, if the Prosecutor decides to amend the charge or accept a guilty plea of a lesser charge following discussions with the defence, the victim should be informed and ideally given a chance to comment before the plea is accepted.
- If, for any reason, the case will not go to trial or a decision is taken to end the trial or conclude the case out with the court room, the victim should be informed and ideally given a chance to comment. The victim should also receive any reasons for the decision.
- Date of trial.
- Final verdict in the trial and reasons why that particular verdict was given.
- If requested, the victim should be provided with a transcript of the trial proceedings.

Many victims have never been in contact with the criminal justice system before and as such, they are unfamiliar with the criminal justice process and the agencies involved. To prepare the victim for trial, the Prosecutor should ideally meet with the victim before the day of the trial. This is an opportunity for the Prosecutor to inform the victim how he/she plans to lead the case in court, the range of overall questions likely to be asked and answer any questions the victim might have. This conversation is vital for the victim to set realistic expectations of what the trial will be like and help prepare the victim’s attendance in court.

⁵⁰ Some of these rights are listed in Article 6, EU Directive establishing minimum standards on the rights, support and protection of victims of crime.

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REFERENCES

- BANDINI T. ET AL., *Criminologia. Il contributo della ricerca alla conoscenza del crimine e della reazione sociale*, II Ed, Vol. II, Giuffrè, Milano, 2004.
- BARDI M., *Vittime e risarcimento: un percorso tra riflessioni criminologiche e vincoli normativi* in *Crimen et Delictum. International Journal of Criminological and Investigative Sciences*, VII (April 2014).
- CORBARI E., GAGLIARDI M.L, VIECELLI F., PUCCIA A., *Mi mancano le sue camicie da stirare. L'ambivalenza e l'empoverment nell'intervento a favore delle vittime di violenza nelle relazioni affettive* in "Crimen et Delictum. International Journal of Criminological and Investigative Sciences", VIII (November 2014).
- FADDA R., *Sentieri della formazione. La formatività umana tra azione ed evento*, Armando Editore, Roma, 2002.
- FERRARIO F., *Il lavoro di rete nel servizio sociale. Gli operatori tra solidarietà e istituzioni*, NIS, Rom, 1996.
- FILIPPINI S., *Relazioni perverse. La violenza psicologica nella coppia*, Milano 2005.
- GIANNINI A.M., NARDI B., *Le vittime del crimine: nuove prospettive di ricerca e di intervento*, Centro Scientifico Editore, Torino, 2009.
- GULLOTTA G., MERZAGORA BETSON I., *L'omicidio e la sua investigazione*, Giuffrè Editore. Milano, 2005.
- HILL M., *Network Assessments and Diagrams: A Flexible Friend for Social Work Practice and Education*, in "Journal of Social Work", 2/2002.
- MAZZA R., *Pensare e lavorare in gruppo. La supervisione nelle relazioni di aiuto*, Erreci, Potenza, 2013.
- NAPPI A., *Questioni di storia, teoria e pratica del Servizio Sociale in Italia*, Liguori, Napoli, 2001.
- NIVOLI A.M.A., NIVOLI L.F., *Differenti percezioni della vittima*, in *Vittimologia e Psichiatria*, a cura di Nivoli G.C., Loretto L., Milia P., Nivoli A.M.A., Nivoli L.F., Edi Ermes, Milano 2001.
- NIVOLI G. C. ET AL. (a cura di), *Vittimologia e Psichiatria*, Edi- Ermes, Milano, 2010.
- SALVINI A., *Analisi delle reti sociali. Teorie, metodi, applicazioni*, FrancoAngeli, Milano, 2007.
- SALVINI A., *Connettere. L'analisi di rete nel servizio sociale*, ETS, Pisa, 2012.
- Salvini A., *Connettere. L'analisi di rete nel servizio sociale*, ETS, Pisa, 2012.
- SANDRI G., PUCCIA A., BARDI M., CARACCILO L., CORBARI E., GAGLIARDI M.L, MORSELLI A., SAVAZZI F., SQUINZANI I., TOSI M., *Innes: legami di sicurezza* in "Crimen et Delictum. International Journal of Criminological and Investigative Sciences", VII (April 2014).

SANDRI G., TOSI M., *Proposte metodologiche per una “Società Riparativa”*, in *Crimen et Delictum*. International Journal of Criminological and Investigative Sciences, VII (April 2014).

VEZZADINI S., *La violazione della fiducia nei processi di vittimizzazione: la mediazione è una risposta?*, in A. BALLONI (a cura di), *Cittadinanza responsabile e tutela della vittima*, Bologna 2006.

VEZZADINI S., *La vittima di reato tra negazione e riconoscimento*, Bologna 2006.

VEZZADINI S., (a cura di), *I Centri di supporto alle vittime di reato*, Difensore civico, Regione Emilia Romagna, 2012.

VIANO E., *Vittimologia oggi: i principali temi di ricerca e di politica pubblica*, in A. BALLONI, E. VIANO (a cura di), *IV Congresso Mondiale di Vittimologia*. Atti della giornata bolognese, Bologna 1989.

WALKER L.E.A., *The Battered Women*, New York 1979.

WALKER L.E.A., *The Battered Women Syndrome*, New York 1984.

WALKER L.E.A., *Abused Women and Survivor Therapy*, Washington DC 1996.

ZILIANI A., ROVAI B., *Assistenti sociali professionisti. Metodologia del lavoro sociale*, Carocci, Roma, 2007.

LEGISLATION AND DOCUMENTS

COM (2011) 274 final

Council of Europe, *Stocktaking study on violence against women*, 2006.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 *establishing minimum standards on the rights, support and protection of victims of crime*, and replacing Council Framework Decision 2001/220/JHA.

Victim Support Europe, *Handbook for Implementation of Legislation and Best Practice for Victims of Crime in Europe* (2013).



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