

Vulnerable victims

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime represents a real victims' "bill of rights".

In its preliminary observations, it states that "violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately, is understood as gender-based violence".

With Legislative Decree 212/2015, Italy ratified this Directive providing safeguards to victims of gender-based violence.

Art. 90-bis of the criminal procedure code establishes that, from the first contact with a competent authority, victims should receive information in a language that they understand about how to file a report or complaint, about the state of the criminal proceedings and the options they have to settle the case, about the possibility to obtain legal aid, about how to obtain protection measures, how to get the reimbursement of expenses, how to access health facilities, safety houses, shelters and support services.

In order to assure a victim's safety, art. 90-ter establishes that specific information about any type of release or escape from jail or any custodial measure of the prosecuted or convicted person should be given to victims, upon request.

If the victim is a foreigner, the new art. 143-bis of the criminal procedure code lays down the right to be supported by an interpreter and to have the records of the case translated. While filing a report or complaint, the victim has a right to use a language that she/he understands (art. 107-ter of the implementation rules of the criminal procedure code).

Art. 90-quater lays down the criteria to be applied in order to assess whether a victim has specific protection needs in line with the EU Directive. The criteria are age, mental illness or deficiency, type and circumstances of the crime. It should also be taken into account whether the crime has been perpetrated with violence or racial hatred, whether it is linked to (international) organized crime, terrorism or human trafficking, whether its motive was discriminatory, whether the victim was emotionally, psychologically or economically dependent on the offender.

Whenever a victim has specific protection needs, the specific measures envisaged by the code are adopted.

Versione in italiano

Version française

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