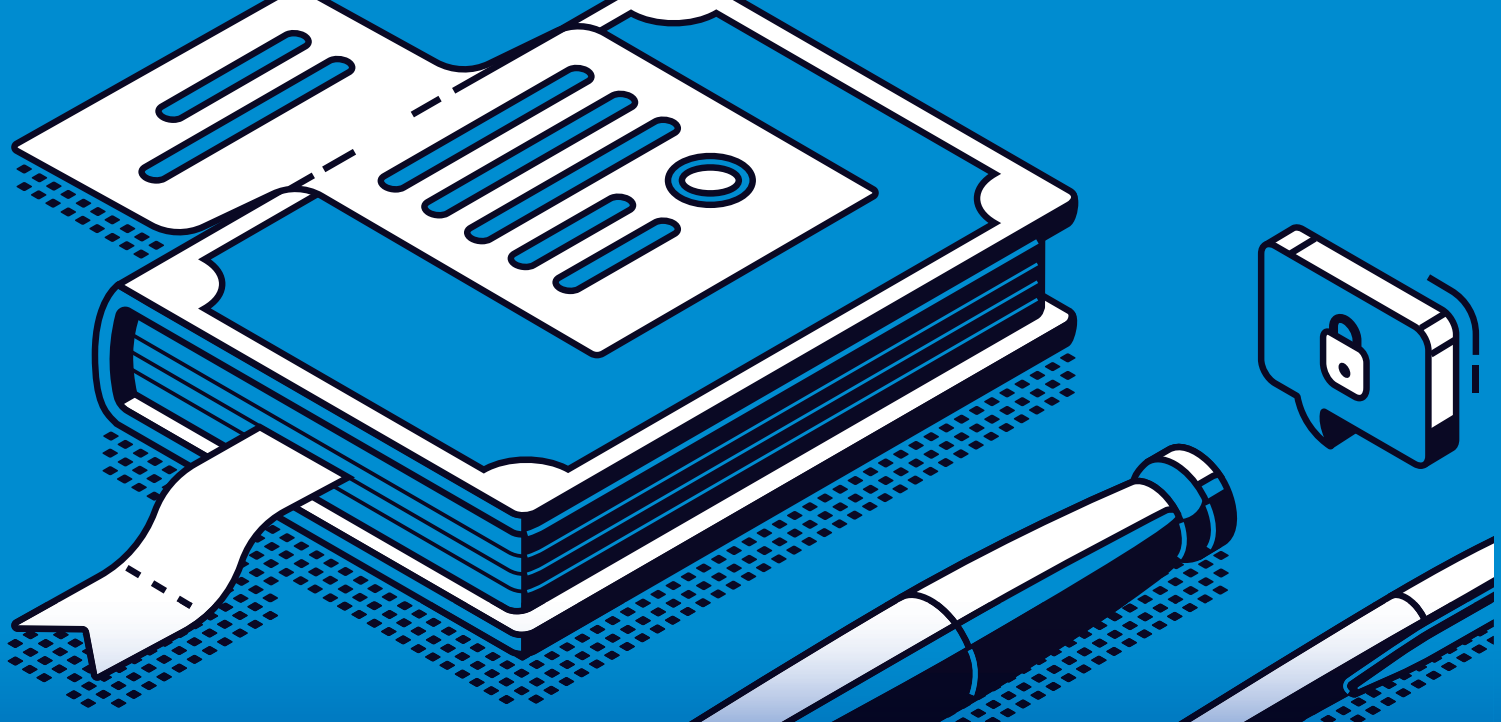

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NATIONAL REPORT
ITALY
LEGAL AID FOR VICTIMS OF CRIMES

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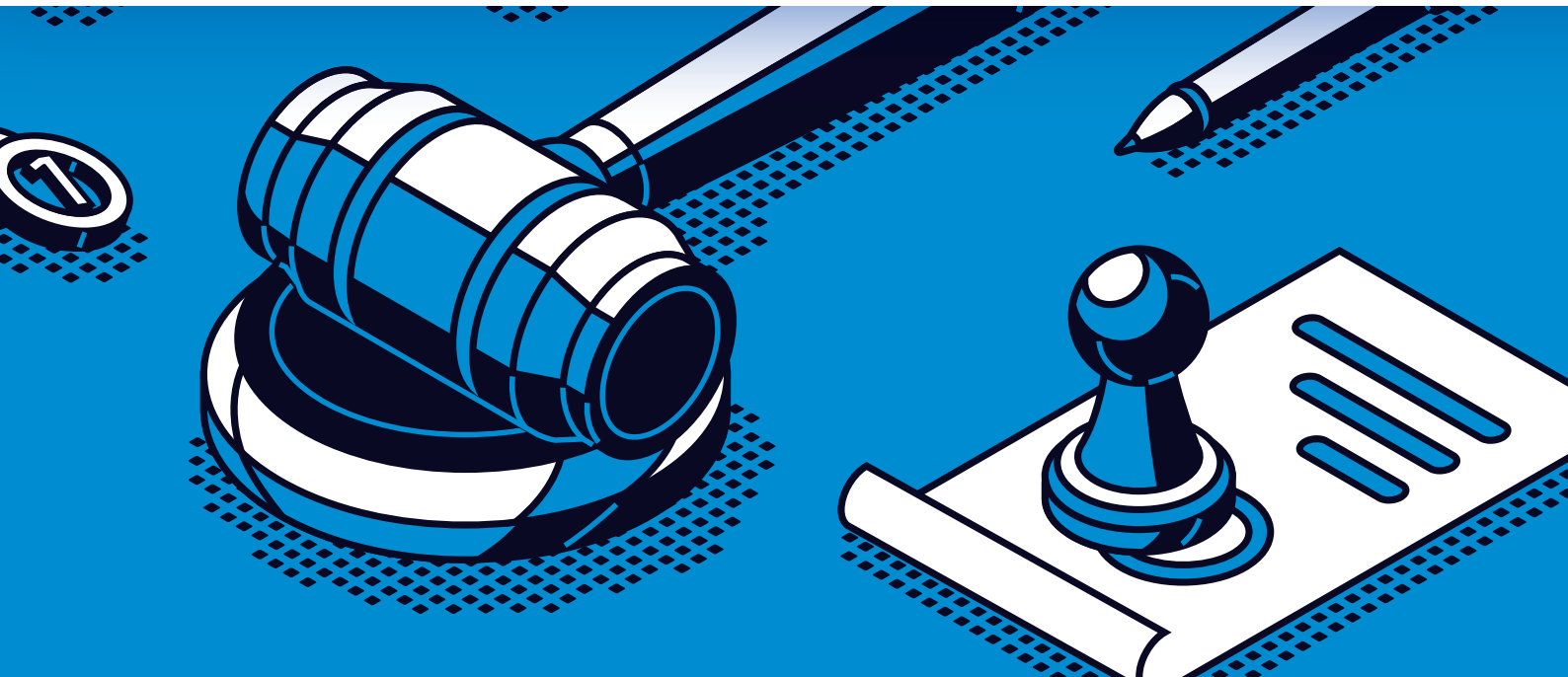

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TABLE OF CONTENT:

ABBREVIATIONS

***Consiglio Nazionale Forense*: "CNF"**

INTRODUCTION

This report is part of the project *Addressing the gap in multidisciplinary cooperation to enhance the protection of victims' rights (CEPOV)* which is implemented with the financial support of the European Commission Justice Programme (101148912-CEPOV-JUST-2023-JACC-EJUSTICE). The project is coordinated by the Association Pro Refugiu (Romania) in partnership with the Faculty of Law of the University of Bucharest, the Italian Coalition for Civil Liberties and Rights, Roma Tre University (Italy), Solwodi (Germany), Scandinavian Human Rights Lawyers (Sweden), with the aim of improving access to criminal justice for victims of crime, in accordance with the Victims' Rights Directive[1] and the related acquis.

1 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 https://eur-lex.europa.eu/legal content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

NATIONAL LEGISLATION

Directive 2012/29/EU of 25 October 2012 (the so-called "Victims' Directive") laid down minimum standards on the rights, support and protection of victims of crime, replacing Framework Decision 2001/220/JHA. The aim is to ensure that, in all Member States, **victims of crime receive adequate information, support and protection and can take part in criminal proceedings in an informed and safe manner.** Italy transposed this **Directive by means of Legislative Decree No. 212 of 15 December 2015**, which entered into force on 20 January 2016[2]. This measure amended eight articles of the Code of Criminal Procedure and introduced four new ones, outlining a new regulatory framework on procedural rights and support for victims of crime.

From the moment of its transposition, it was noted that the legislator had **not fully seized the opportunity to carry out an organic and comprehensive reform**. Some commentators have described it as "**a missed opportunity**", pointing out that the implementing decree of the Directive was **partial** and in some respects **problematic**, to the point of exposing Italy to the risk of an infringement procedure (as had already occurred, in October 2014, due to the inadequacy of Italian legislation on compensation for victims of crime under Directive 2004/80/EC)[3]. Legislative Decree 212/2015, in fact, confined itself to introducing procedural amendments, in contrast with the spirit of the European Directive, which requires Member States to adopt a holistic approach to the protection of the victim. This should encompass not only aspects of individual and collective security, but also the social consequences of the offence and the need to balance these requirements with the procedural safeguards afforded to the accused. Instead of adopting a coherent and systematic body of rules on the protection of victims, the delegated legislator opted for a fragmented and essentially formal intervention, overlooking the need for concrete material and organisational measures aimed at ensuring effective assistance and protection for injured parties[4].

This report will provide an overview of the Italian legislation currently in force on victims of crime – adopting a general approach, not limited to specific categories. Nevertheless, it will focus in particular on the key provisions introduced in implementation of the Directive (in particular Articles 90-bis and 90-quater of the Code of Criminal Procedure, as well as the very recent provisions on restorative justice introduced by the 2022 reform) and on the **main practical issues** that have emerged regarding the actual **effectiveness of victims' rights**.

Legislative Decree No. 212/2015

By Legislative Decree No. 212/2015, the legislator incorporated into the Code of Criminal Procedure a series of rights and prerogatives vested in the victim of the offence, in line with European standards.

Information to the victim (Art. 90-bis Code of Criminal Procedure)

Among the most significant innovations is the insertion of Article 90-bis of the Code of Criminal Procedure, entitled "Information to the victim", which constitutes one of the pillars of the new system of safeguards in favour of victims.

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2 Legislative Decree of 15 December 2015, No. 212 – Implementation of Directive 2012/29/EU (Official Gazette, General Series No. 3 of 05-01-2016). Available online:https://www.gazzettaufficiale.it/eli/id/2016/01/05/15G00221/sg

3 Marco Bouchard, "First remarks on the legislative decree concerning victims of crime", in *Questione Giustizia*, 14 January 2016, p. 3.

4 Ibidem.

This provision, introduced in 2015 and subsequently amended on several occasions - by Law No. 103/2017, by Law No. 69/2019 (the so-called *Codice Rosso*), and finally by Legislative Decree No. 150/2022 (the so-called *Cartabia Reform*[5]) - governs the right of the victim, from the very first contact with the competent authority, to receive a set of information that is clear, comprehensible and provided in a language understood by the victim. The right to information, together with the right to linguistic assistance, constitutes an essential precondition for the effective exercise of all the other prerogatives afforded to the victim in criminal proceedings. Article 90-bis of the Code of Criminal Procedure therefore provides for three types of information:

a) Procedural information

The first group of information under Article 90-bis of the Code of Criminal Procedure concerns the procedural aspects of criminal proceedings and is intended to make the victim aware of their role and functioning of the judicial process. This includes guidelines on how to lodge a complaint or file a criminal report, the role that the victim assumes during the investigation and trial phases (point (a)), the authorities to which they may turn in order to obtain information on the proceedings (point (i)), as well as the arrangements for reimbursement of expenses incurred in connection with participation in the trial (point (l)). The provision also lays down the obligation to inform the victim of the possibility that the proceedings may be concluded through withdrawal of the complaint (point (n)), a provision redrafted in 2022 in implementation of the Cartabia Reform, and of the protective measures that may be adopted in their favour (point (f)). Of particular importance is also point (p), as amended by Law No. 69/2019 (the so-called "Codice Rosso"), which requires information to be provided on available support services, such as anti-violence centres, shelters and local healthcare facilities, thereby expanding protection for victims of gender-based and domestic violence.

b) Information on the rights and prerogatives of the victim

The second group of information concerns the substantive rights and procedural prerogatives of the victim. This category includes, among others, information on the right to be informed of the date and place of the trial, the nature of the charge and, where the victim joins the proceedings as a civil party, to receive notification of the judgment (point (a)); the possibility of being informed of the registration of the report of an offence and of any requests for dismissal (points (b) and (c)); the possibility of obtaining legal advice and accessing legal aid at the State's expense (point (d)); as well as the right to interpretation and translation of documents (point (e)). Further provisions concern cross-border situations - where the victim resides in another Member State of the European Union (point (g)) - and the right to compensation for damage resulting from the offence (point (m)). The provision also protects the victim in proceedings in which the defendant applies for suspension of the proceedings with probation, or for the benefit of the ground of non-punishability on account of the minor significance of the offence (point (o)), thus ensuring full information even in cases where the proceedings may be concluded through alternatives to a full trial.

c) Innovations introduced by the Cartabia Reform (Legislative Decree No. 150/2022)

With Legislative Decree No. 150/2022 (the so-called *Cartabia Reform*), Article 90-bis of the Code of Criminal Procedure was further expanded, in order to align the information system

5 Art. 90-bis of the Code of Criminal Procedure, entitled "Information to the injured party", can be consulted – including all subsequent legislative amendments – on the "Normattiva" website, https://www.normattiva.it/

with the principles of efficiency, accountability and the central role of the victim. The amendments can be grouped into two main areas.

First, the legislator introduced new letters from **a-bis** to **a-quinquies**, linked to the rules on service of documents on the complainant (*querelante*). The reform was inserted into the Code of Criminal Procedure Article 153-bis, entitled "Domicile of the complainant. Service of documents on the complainant", with the aim of facilitating communication between the judicial authority and the victim who has lodged a criminal complaint.

From this perspective, Article 90-bis now provides that the victim who has filed a complaint must be informed of the obligation to declare or elect a domicile for the purpose of service of documents and communications in the proceedings, and may also indicate a certified email address (point (a-bis)). This differs from the option – not an obligation – laid down for a victim who has not lodged a complaint (Article 90(1-bis) of the Code of Criminal Procedure). The underlying intention is to make the complainant more responsible, turning them into an active party in the proceedings, while at the same time avoiding loss of information which in the past slowed communication between the parties and the judicial authority.

Secondly, the Cartabia Reform introduced into Article 90-bis new provisions (points n-bis, p-bis and p-ter) designed to link the right to information with the rules on restorative justice.

In particular, the provision requires that the victim be informed of the possibility of accessing restorative justice programmes (point (p-bis)), in line with the principles set out in Articles 42 et seq. of Legislative Decree No. 150/2022. Points n-bis and p-ter reflect the relationship between restorative justice and tacit withdrawal of the complaint: on the one hand, the victim must be informed that unjustified failure to appear at the hearing at which they have been summoned as a witness entails tacit withdrawal of the complaint (point (n-bis)); on the other hand, that participation in a restorative justice programme brought to a successful conclusion, with compliance by the defendant with the commitments undertaken, likewise results in tacit withdrawal (point (p-ter)). These amendments, inspired by aims of reducing the number of cases reaching trial and encouraging settlement, highlight the legislator's intention to promote a vision of criminal proceedings that is more oriented towards the accountability of the parties and the rebuilding of relationships.

More generally, the genesis and evolution of Article 90-bis of the Code of Criminal Procedure reflects the gradual consolidation, also within the Italian system, of a "victim-centred" perspective on criminal proceedings. From an initial formal approach, focused on the duty to inform, the system has moved towards a more substantive vision, which seeks to guarantee the victim not only knowledge, but also conscious participation and access to mechanisms of protection and reparation.

The condition of particular vulnerability (Art. 90-quater Code of Criminal Procedure)

Alongside the right to information governed by Art. 90-bis of the Code of Criminal Procedure, in 2015 the legislator introduced Art. 90-quater into the Code, with the aim of giving concrete effect to the principle of **enhanced protection for vulnerable victims**, as enshrined in Directive 2012/29/EU. This provision is intended to prevent so-called secondary victimisation, namely the process of additional suffering which may stem from the criminal proceedings themselves, through repeated contact with the offender, exposure to traumatic questioning or to hostile judicial environments.

Restorative justice in the criminal justice system

Another significant milestone in the process of implementing Directive 2012/29/EU is the introduction, with the Cartabia Reform (Legislative Decree No. 150/2022)[6], of an organic set of provisions on **restorative justice**, which for the first time is given a unified and systematic regulatory framework in the Italian legal order.

a) Definition and foundation

The Italian legal system has adopted the definition of "restorative justice" contained in the 2012 European Directive: "**any process whereby the victim and the offender are enabled**, if they freely consent, **to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party**" (Art. 2).

Restorative justice is conceived as a model that complements traditional criminal justice, placing the victim of the offence at the centre and enhancing the active role of the offender in a pathway of taking responsibility and resolving the conflict. Thus, unlike the classic criminal justice system, which focuses on the defendant and on the State's punitive response, restorative justice seeks **to restore the relationships** between the offender and the victim through mediation. Although the Italian legal system already included mechanisms with a restorative character – such as probation (*messa alla prova*) or extinction of the offence through reparatory conduct – it is only with the 2022 reform that a systematic framework has been established, also referred to by the **acronym RJ (Restorative Justice).**

The European Directive's invitation is thus taken up to regard the offence "not only as a wrong against society but also as a violation of the individual rights of victims" (recital, para. 9).

b) Information obligations and the new notion of the "victim"

Of particular relevance for present purposes is the integration of the procedural system with new information obligations imposed on the judicial authority, laid down for the protection of both the defendant and the injured party. From this perspective, as seen above, the Cartabia Reform amended Art. 90-bis of the Code of Criminal Procedure by introducing point (p-bis), which requires that the injured party be informed of the possibility of accessing restorative justice programmes.

Alongside this provision, the new Art. 90-bis.1 of the Code of Criminal Procedure has been inserted, entitled "Information to the victim", which transposes the definition of "victim" contained in Art. 42(1)(b) of Legislative Decree No. 150/2022. The provision clarifies that a **victim is "any natural person who has suffered harm, whether material or non-material, directly caused by a criminal offence"**, **a concept that is broader than that of the *persona offesa* (injured party)**, traditionally referring to the holder of the legal interest protected by the criminal provision.

This distinction is innovative in scope: while the injured party is involved in the proceedings as the passive subject of the offence, the victim – even if not joined as a civil party – acquires

6 Legislative Decree No. 150/2022, "Implementation of Law No. 134 of 27 September 2021 delegating powers to the Government for the efficiency of criminal proceedings, as well as on restorative justice and provisions for the swift conclusion of judicial proceedings". The provisions concerning restorative justice are contained in particular in Title IV of this Legislative Decree (Arts. 42–67). These provisions can be consulted online on the "Normattiva" website, https://www.normattiva.it/.

autonomous relevance already at the investigative stage, being able to access restorative justice pathways. This amounts to both a symbolic and a substantive recognition of the centrality of the victim, in line with the approach promoted at European level.

c) Access to restorative justice programmes

The general rules on access are now set out in the new Art. 129-bis of the Code of Criminal Procedure, which allows the judicial authority to order, also of its own motion, that the victim and the defendant be referred to **Restorative Justice Centres** to be involved in a programme.

Such referral may be ordered at any stage and level of the proceedings, either at the request of the parties or on the initiative of the judge or the public prosecutor, subject to verification of two conditions:

1. **the usefulness of the programme** for resolving the issues arising from the offence;
2. **the absence of any concrete risk** to the parties involved or to the genuineness of the fact-finding process.

The set up of this system allows for a functional link between the criminal proceedings and the restorative dimension, while at the same time guaranteeing the confidentiality of the communications within the programme, which remain covered by secrecy. Lastly, it should be recalled that a **constitutional bill** is currently under discussion **in Parliament**[7] for the explicit recognition of the rights of victims of crime in the Constitution. In particular, it is proposed to include in Article 24 of the Constitution (which concerns the right of defence) principles protecting the position of the victim. This initiative seeks to remedy the imbalance between the centrality of the defendant and the marginalisation of the injured party in Italian criminal proceedings. If approved, the constitutional reform would enshrine certain general rights of victims (to information, assistance, safety, reasonable length of proceedings also in their interest, etc.), thereby also shaping subsequent ordinary legislation.

7 Constitutional Bills Nos. 427, 731, 888 and 891-AC, currently under discussion in Parliament. They can be consulted on the website of the Senate of the Republic.: https://www.senato.it/service/PDF/PDFServer/BGT/1441768.pdf

STATISTICS

In preparing this chapter, use has been made of the official data contained in the Report to Parliament on the application of Presidential Decree No. 115/02[8], "Consolidated text of legislative and regulatory provisions on legal costs", with regard to LEGAL AID AT THE STATE'S EXPENSE IN CRIMINAL PROCEEDINGS (pursuant to Art. 294 of Presidential Decree No. 115/02), published in May 2025. The report covers legal aid at the State's expense in criminal proceedings only, expressly excluding, in particular, military criminal proceedings and civil proceedings relating to restitution and compensation for damage arising from a criminal offence[9].

People applying for legal aid

The data for the period examined in the Report, i.e. from 1995 to 2024, show that people applying for and being granted legal aid at the State's expense in criminal proceedings in Italy are rising. In particular, the number increased up until 2019; in 2020, by contrast, there was a decline, probably due to the negative effects of the pandemic, which on the one hand severely restricted people's ability to move around and on the other hand slowed down, to some extent, the activity of the judicial offices. In 2021 there was a renewed increase, followed by a slight upward trend in the subsequent years, up to and including 2024.

According to official data, in 2024 there were 203,807 people applying for legal aid at the State's expense. In the same year, the judicial authorities granted the benefit of legal aid in criminal proceedings to 88.3% of applicants.

In detail:

As regards the distribution by geographical area of the number of people applying for the benefit, the phenomenon appears to have stabilised for years at around 46% in Central-Northern Italy and the remaining 54% in Southern Italy and the Islands.

Geographical distribution in 2024

Geographical distribution	2024
Northern Italy	30,3%
Central Italy	17,9%
Southern Italy	26,7%
Italian Islands	25,1%

Moreover, the Report notes that the majority of those concerned are concentrated at the Offices of the Judge for Preliminary Investigations and at the Trial Divisions (*Dibattimenti*) of the Courts - these two offices alone account for around 80% of all persons concerned. By contrast, the corresponding figure for the Courts of Assize is entirely marginal (probably not even 0.5%).

8 Report to Parliament on the application of Presidential Decree No. 115/02, "Consolidated text of legislative and regulatory provisions on legal costs", with regard to LEGAL AID AT THE STATE'S EXPENSE IN CRIMINAL PROCEEDINGS (pursuant to Art. 294 of Presidential Decree No. 115/02), May 2025:dag_relazione_gratutito_patrocinio_penale_mag2025.pdf.

9 "The data collection on which the aforementioned Report is based forms part of the National Statistical Plan. Although the percentage of offices responding did not reach total coverage, it was nonetheless sufficiently significant for a proper analysis and assessment of the phenomenon, also thanks to a careful estimation of the missing data." (quoted from the Report to Parliament on the application of Presidential Decree No. 115/02).

As regards the age of the persons concerned in 2024, the Report shows an overwhelmingly large proportion of adults and a much smaller proportion of minors.

Age year

AGE	2024
ADULTS	95,7%
MINORS	4,3%
TOTAL %	100%

With regard to the nationality of the persons concerned, there is a significant percentage difference between Italian citizens and citizens of other countries, with Italian citizens forming the majority compared to those with a migrant background.

Nationality

NATIONALITY OF PERSONS CONCERNED	2024
ITALIAN CITIZENS	72,3%
FOREIGN NATIONALS	27,7%
TOTAL %	100%

Difference between interested persons and persons granted legal aid

For the purposes of this research, it is important to distinguish between persons *interested* and persons *granted* legal aid. The Report used specifies that the total number of persons **interested** in getting legal aid in criminal proceedings is given by the sum of adults and minors who have submitted an application to obtain admission (applicants) and minors for whom counsel has been appointed ex officio (minors admitted ex officio).

By contrast, the total number of persons **granted** legal aid in criminal proceedings is given by the sum of the applicants who have subsequently been admitted by the judge (admitted applicants) and the minors for whom counsel has been appointed ex officio (minors admitted ex officio - these are minors who have not submitted any application for the benefit and to whom a court-appointed lawyer has therefore been assigned *ex lege*).

Schematically:

1. Interested persons = Applicants (adults and minors) + Minors admitted ex officio
2. Persons granted legal aid = Applicants who have been admitted + Minors admitted ex officio

Whereas, for minors admitted ex officio, admission is automatic since it is made ex officio, applicants must, in order to be granted the benefit, be admitted by means of a specific decision issued by a judicial authority[10].

10 The Court of Cassation, in Judgment No. 19,289 of 23/04/2004 by the Joint Criminal Sections, clarified that only the judge may decide on an application for admission, and not the public prosecutor who, although required to issue the appropriate directions for certain legal costs to be recorded in the specific registers provided for by Presidential Decree No. 115/02, is not authorised to take decisions on applications for admission to legal aid at the State's expense.

Victims of crime among the persons concerned[11]:

LEGAL STATUS %	2024
SUSPECTS AND DEFENDANTS CONVICTED PERSONS	85,1%
PERSONS INJURED OR HARMED BY THE OFFENCE	14,9%
TOTAL %	100%
TOTAL NUMBER OF PERSONS CONCERNED	203.807

According to the official data provided in the Report, the percentage of persons injured or harmed by the offence has increased significantly in Italy over the last 20 years: from 1.2% in 1995 to 14.9% in 2024, with a corresponding rise in the absolute number of such persons. In 1995 there were around 200, whereas in 2024 the number has risen to approximately 30,000.

In the table above, the figure of **14.9%** indicates the share of **persons** who, **among those concerned with legal aid**, fall into the **category of victims of crime (persons injured or harmed by the offence)**.

Since in 2024 the total number of persons concerned was 203,807, the percentage of persons injured or harmed corresponds to around 30,000 persons seeking legal aid at the State's expense (14.9%). According to the data set out in the aforementioned Report, in 2024 the **admission rate** in respect of applicants was **88.3%**, so the total number of persons admitted came to **180,23812**.

Victims of crime among the persons granted legal aid[13]:

In relation to the total number of persons granted legal aid (180,238), the Report does not indicate the exact number of persons injured or harmed by the offence; it is therefore only possible to make a proportional estimate.

If the admission rate observed in 2024 were applied proportionally to the total number of people who were granted legal aid at the State's expense, then - cautiously extrapolating - **we could estimate that about 26,800 of those people would be victims**.[14].

Overall, the statistical overview reported above confirms that legal aid at the State's expense in criminal proceedings is a tool whose use is increasing in Italy. At the same time, it should be noted that the official data currently available have significant limitations: first, the time series stops at 2024 and, at the time of writing, consolidated data for 2025 is not yet available.

Moreover, the data collection covers exclusively legal aid in the criminal sector and captures only those persons who file an application (or, in the case of minors, are admitted ex officio),

11 Terminological note. In this chapter, the term "victims" refers to injured parties and persons harmed by the offence, considered together for statistical purposes only. In strictly procedural contexts in Italy, the notions of "injured party" (*persona offesa*) and "person harmed by the offence" (*persona danneggiata*) retain their distinct significance.

12 This figure refers to applicants who have been admitted, plus minors admitted ex officio.

13 Terminological note. In this chapter, the term "victims" refers to injured parties and persons harmed by the offence, considered together for statistical purposes only. In strictly procedural contexts in Italy, the notions of "injured party" (*persona offesa*) and "person harmed by the offence" (*persona danneggiata*) retain their distinct significance.

14 This figure is an elaboration by the authors based on data from the Ministry of Justice and is not an official statistic.

leaving out an unspecified share of victims who do not access the benefit. The very estimate of the number of victims actually granted legal aid is based on a proportional approximation made necessary by the absence of a specific disaggregated figure, which is available only for persons concerned by the benefit.

Finally, there is a lack of systematic data on the distribution of victims by type of offence, gender, citizenship and conditions of vulnerability, as well as indicators on the actual quality and outcomes of legal assistance. For these reasons, **the statistics reported here should be regarded as a minimum baseline, insofar as they are partial, to be complemented by the practical and concrete dimension of legal protection for victims of crime, which we address below.**

DIFFICULTIES IN ACCESSING LEGAL AID FOR VICTIMS OF CRIME

Despite the legislative progress described above, **there are still significant practical difficulties** in ensuring that the rights of victims of crime are effectively protected in a consistent and satisfactory manner. Most of the critical issues arise at the **implementation stage**, that is, in the transition from principles on paper to the day-to-day reality of courtrooms. The main issues are examined below.

Method of data collection

In order to accurately document the obstacles to accessing legal aid for victims of crime in Italy, we combined legal analysis with targeted stakeholder consultation. In particular, we circulated a **questionnaire to Italian institutions and NGOs** - many of which are members of our Coalition - and, in parallel, to a **network of criminal lawyers** who work on a regular basis in the third sector and in **legal aid at the State's expense**.

The responses (open-ended and with structured items) collected evidence on: procedural and informational bottlenecks; the quality and continuity of legal assistance under legal aid; cooperation with the judiciary for appointing legal counsel for the injured party; timeframes for payment and adequacy of fees; the impact of **delays** and **fee levels** on the willingness to accept assignments; and differences in protection by type of victim (e.g. gender-based violence, trafficking, hate crimes, minors, persons with disabilities, migrants).

These areas correspond to the thematic clusters explored by the questionnaire - access to case files and to rights; protective measures; timeframes; hearings; compensation and the enforcement phase; cooperation in appointing counsel; delays in payments; adequacy of fees; professional consequences.

At the analytical level, we **first present the responses of the National Office against Racial Discrimination (UNAR)**, which provide the institutional point of view on the implementation of the rules. We then report the responses of lawyers and NGOs, thereby complementing the "central" perspective with that developed in grassroots contexts and in the day-to-day practice of providing assistance to victims.

Institutions

From an institutional perspective, we received a response to the questionnaire from UNAR – the National Office against Racial Discrimination, established within the Department for Equal Opportunities of the Presidency of the Council of Ministers in implementation of Directive 2000/43/EC (transposed by Legislative Decree No. 215 of 9 July 2003 and Prime Ministerial Decree of 11 December 2003), which performs the functions of an equality body.

In addition to combating discrimination based on race and ethnic origin, this Office also works in relation to other grounds – religion, age, sexual orientation and gender identity – in line with the directives issued by the Department for Equal Opportunities. The Office is the national point of reference for the prevention and elimination of discrimination, providing information, assistance and protection to victims through its Contact Centre (toll-free number 800 901010 and website www.unar.it). This service receives and processes reports of various forms of discrimination, guiding individuals towards the most appropriate avenues of redress

and promoting awareness-raising and counteraction of hate phenomena, including online, through monitoring activities targeting the media and social networks. Within the scope of its remit, UNAR works to remove discriminatory conduct, including by providing legal assistance to victims in judicial or administrative proceedings initiated by them, without prejudice to the powers of the judicial authorities.

Access to legal protection for victims

UNAR reports a very recent Cooperation Agreement (signed on 9 September 2025) with the National Bar Council (***Consiglio Nazionale Forense,*** hereafter ***CNF*****)**, aimed at ensuring more effective legal protection and facilitating access to justice for victims of discrimination who are not eligible for legal aid at the State's expense. The Agreement consolidates institutional cooperation already initiated with the Memorandum of Understanding of 15 November 2011 between the Department for Equal Opportunities and the CNF, which had introduced a joint strategy for the prevention, combating and elimination of discrimination, including through the **creation of a Solidarity Fund intended to advance the costs of legal assistance, both out of court and in court, in favour of persons who report having suffered discrimination.** With the new 2025 Agreement, UNAR and the CNF renewed their commitment to cooperate in order to ensure a more accessible and effective protection system, enhancing the role of the legal profession in defending fundamental rights and promoting equal treatment. In particular, in order to overcome obstacles to access to legal protection, the Cooperation Agreement provides for the establishment of a Solidarity Fund to advance the costs of legal assistance for persons who have been discriminated against and who do not benefit from admission to legal aid at the State's expense. As indicated by UNAR, the procedures for accessing the Fund are based on criteria of simplicity and speed, so as to ensure a prompt response to assistance requests. The Management Committee[15], a joint body tasked with overseeing the implementation of the Agreement and the proper management of the Fund, decides on the admissibility of applications within 60 days from the date of receipt of the applications or any additional documentation, thus ensuring streamlined and transparent procedures for the benefit of applicants.

Cooperation between institutions and assessment of the level of training of lawyers and practitioners

According to UNAR, the level of cooperation between the institutions involved can overall be regarded as adequate and functional to the protection objectives. Any room for improvement could concern the strengthening of mechanisms for the exchange of information and for operational coordination along the entire protection pathway, in order to ensure responses that are increasingly swift, integrated and effective in meeting victims' needs. As regards the training of lawyers, UNAR considers that ongoing professional development is an essential element in ensuring effective and sensitive assistance to victims of discrimination. The aim is to ensure that practitioners, at all levels, are equipped to interact with victims with sensitivity and professionalism, thereby facilitating access to justice and the protection of rights. Precisely from this perspective, the aforementioned Cooperation Agreement between UNAR and the

15 The Management Committee is a joint body responsible for overseeing the implementation of the Agreement and the proper management of the Solidarity Fund established to advance legal expenses. The Committee also carries out periodic monitoring of the progress of out-of-court and judicial proceedings supported by the Fund, on the basis of information provided by beneficiaries, through their lawyers, on the state of progress and the outcome of cases, with updates at least every six months.

CNF provides for the organisation of training and awareness-raising initiatives also targeting lawyers, designed to strengthen the legal and interpersonal skills needed to provide appropriate assistance to persons who have been discriminated against, who are often exposed to situations of vulnerability or particular emotional fragility. Similarly, the Memorandum of Understanding between UNAR and OSCAD (the Observatory for Security against Discriminatory Acts) of the Ministry of the Interior[16], provides for training and refresher pathways for law enforcement personnel, aimed at raising awareness of the different forms of discrimination and at providing legal and sociological tools useful for the proper handling of complaints.

Differences by type of victim and risk of secondary victimisation

According to UNAR, the categories of victims that encounter the greatest difficulties in accessing legal advice or assistance include migrants and asylum seekers, LGBTIQ+ persons, persons with disabilities, ethnic and religious minorities, and people living in poverty or social marginalisation. The main obstacles stem from linguistic and cultural barriers, as well as from limited awareness of their rights and the complexity of legal procedures. According to the Office, one of the objectives of the above-mentioned Agreement is to maximise dissemination of information on the existence of the Solidarity Fund and on how to access it, through institutional communications, outreach materials, training events, and by strengthening information flows and operational coordination with local bar associations.

Recommendations

- strengthen information and guidance mechanisms on available legal protection options, including through targeted communication campaigns, digital tools and multilingual services accessible to people in situations of vulnerability;
- consolidate specialist training for lawyers and other professionals involved, including specific modules on relational and communication skills;
- develop systems for monitoring and evaluating the quality of legal services, so as to promptly identify any critical issues and improve the overall effectiveness of protection measures.

Lawyers and Italian civil society organisations

Despite legislative progress, the main difficulties lie in the transition from principles on paper to everyday practice: initial information that is incomplete or difficult to understand; restrictive financial requirements for admission; bureaucratic burdens placed on the victim to activate the benefit; uneven quality and continuity of legal aid; institutional cooperation that is not always effective in ensuring the prompt appointment of counsel for the injured party; and the risk of secondary victimisation. These critical issues, already highlighted in the national overview, form the common thread of the analytical sections that follow. In addition to the re-

16 On 7 April 2011, the Office signed a Memorandum of Understanding with OSCAD (the Observatory for Security against Discriminatory Acts) of the Ministry of the Interior, with the aim of facilitating the reporting of offences motivated by hatred or prejudice, by forwarding to the aforementioned Observatory cases of discrimination of criminal relevance for which it is necessary to obtain information from law enforcement and/or to carry out criminal investigation activities. The Memorandum regulates the flow of information between the two bodies: UNAR transmits to OSCAD cases with criminal relevance, while it receives from OSCAD reports that do not have such a profile, thus ensuring timely and coordinated exchange.

sponses from the network of criminal lawyers, we analysed the questionnaires completed by Italian civil society organisations that run socio-legal advice help-desks and advocacy activities in favour of people in situations of marginalisation, persons deprived of their liberty, or with a migrant background and victims of labour exploitation[17].

Their observations, rooted in day-to-day casework, confirm the main barriers that emerged from the survey submitted to lawyers (inadequate information, complex procedures for legal aid, uneven quality of legal representation). Although, additional dimensions are highlighted: the lack of integrated support pathways (housing, employment integration, psychological support) and the fact that, in practice, a significant share of effective protection is de facto shouldered by third-sector organisations rather than by a structured public system. Both the consulted third-sector organisations and specialised lawyers describe a situation in which the enjoyment of rights often depends on informal support networks rather than on standardised and accessible procedures. These critical issues constitute a common thread as portrayed in the following analysis.

DATA: 90% of respondents report barriers to accessing legal protection.

Among those barriers, the most significant:

1. **Inadequate information:** limited knowledge of rights and, above all, of the procedures to exercise them (including how to apply for legal aid);
2. **Access to case files:** recurring difficulties in accessing case documents, with repercussions on the timeliness and quality of the defence of the injured party;
3. **Disparities by citizenship and context:** marked differences between Italian and foreign nationals, particularly in cases of domestic violence and labour exploitation (information barriers, fears linked to residence status or relationships of dependence);
4. **Slowness of proceedings:** lengthy court proceedings that discourage victims and exacerbate their vulnerability;
5. **Mistrust and fear:** widespread mistrust of the justice system and law enforcement (risk that the problem will be downplayed); fear of lengthy proceedings and their costs;
6. **Limited accessibility of legal aid:** complex procedures and documentation requirements that hinder admission; perception that access is difficult and that there is little operational support during the application phase.

Problematic areas identified
Effective access to legal aid

The European Directive requires Member States to ensure that victims who are a party to criminal proceedings have access to legal aid, in accordance with the rules laid down in domestic law. The Italian system of legal aid theoretically offers this possibility: injured parties who are indigent (i.e. below a certain income threshold) may request that the costs of their lawyer be borne by the State. Moreover, for certain particularly serious offences, the law grants victims legal aid regardless of their income.

17 Antigone Association Onlus, Cittadinanzattiva APS, Progetto Diritti Onlus, whom we thank for their cooperation.

Since 2009, in fact, explicit derogations from income limits have been introduced for offences such as ill-treatment in the family (Art. 572 Criminal Code), sexual violence (Arts. 609-bis and 609-octies Criminal Code), sexual acts with a minor (Art. 609-quater Criminal Code), stalking (Art. 612-bis Criminal Code), as well as for various offences with child victims (including child prostitution, child pornography, trafficking in human beings, reduction to slavery)[18]. This represents a significant step forward on paper.

In practice, however, victims' access to legal aid still encounters substantial obstacles. First, the ordinary income threshold for benefiting from legal aid at the State's expense is rather low (around €13,659.64 gross per year, periodically updated[19]). Many victims who exceed this threshold by a narrow margin are excluded from the benefit, even though they may still be in financial difficulty in meeting legal costs. Moreover, there is an informational and procedural problem: **entitlement to legal aid is not automatic, but must be activated by the victim by submitting a formal application accompanied by income documentation.** This means that an injured party, often without assistance in the initial stages, must first be made aware of this possibility (as required by Art. 90-bis of the Code of Criminal Procedure) and then be able to complete the bureaucratic procedure correctly.

In practice, many victims are unaware of this opportunity or encounter difficulties in requesting it. As a result, in a number of proceedings injured parties remain **without legal representation**, missing the opportunity to assert their rights (for example, to oppose dismissal of the case, to file written submissions, etc.).

Documents required to access legal aid

1. Identity document.
2. Tax code (*codice fiscale*) (note: issuing the tax code presupposes registration of residence, which generally presupposes a valid residence permit).
3. Tax return for the previous year or self-certification showing that the income threshold has not been exceeded (€13,659.64 gross per year, according to the latest update).
4. Declaration of non-ownership of property/assets in the country of origin issued by the consulate; for refugees, a self-certification is accepted in place of the consular certificate.

Timeframes for access

- Admission (criminal): from a few days to several months, depending on the office and workload.

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18 Consolidated Text on Legal Costs (Presidential Decree No. 115/2002), Art. 76(4-ter). This latter provision – introduced by Decree-Law No. 11/2009 and subsequently amended – provides that "the injured party in respect of the offences referred to in Arts. 572, 583-bis, 609-bis, 609-quater, 609-octies and 612-bis of the Criminal Code, as well as, where committed to the detriment of minors, the offences referred to in Arts. 600, 600-bis, 600-ter, 600-quinquies, 601, 602, 609-quinquies and 609-undecies of the Criminal Code, may be admitted to legal aid also by way of derogation from the income limits" (listing ill-treatment in the family, female genital mutilation, sexual violence – including gang rape –, sexual acts with a minor, stalking, as well as reduction to slavery, child prostitution and pornography, trafficking in human beings and other offences against minors). These provisions can be consulted online on the "Normattiva" website, https://www.normattiva.it/.

19 The most recent update was made by the Decree of the Ministry of Justice of 22 April 2025: https://www.gazzettaufficiale.it/eli/id/2025/07/11/25A03904/sg

- Payment of fees: only at the end of the stage of the proceedings (sometimes after years). The release of payments depends on appropriations by the Ministry of Justice. For instance, in Rome, payments already ordered take around 12 months.

Competent authorities and procedure

- **Criminal matters:** the application is submitted to the authority handling the case - the Public Prosecutor's Office during the investigation stage; the competent judge after the prosecution has been concluded.
- **Civil matters:** the competent Bar Association (*Ordine degli Avvocati*) decides in advance; subsequently, the judge may order payment or revoke admission.

Court-appointed counsel vs. legal aid at the State's expense[20]

- The injured party has no right to a court-appointed lawyer (*difensore d'ufficio*), an arrangement which is provided as a safeguard for a suspect/defendant whenever an action is required that must, by law, be carried out with the assistance of defence counsel.
- Court-appointed defence is different from legal aid at the State's expense. The court-appointed lawyer must be paid; if the client has sufficient means, they pay the fees; while if they do not, they may apply for admission to legal aid at the State's expense.
- The victim may always choose or change their own lawyer of choice. This does not depend on the judge, since the injured party is only a potential party to the criminal proceedings. For offences covered by the "*Codice Rosso*", the victim may access legal aid at the State's expense even if their income is above the statutory threshold.

Quality and continuity of legal representation

Fees that are **lower than market rates** and **delays in payment** can reduce the time and resources devoted to complex cases and lead to discontinuity (a change of lawyer in the course of the proceedings), with negative effects on the position of the injured party. The questionnaire explicitly explored average payment times, the adequacy of fees and the impact of delays on the quality of assistance, as well as the consequences for lawyers' willingness to take on cases.

Even when the victim manages to obtain the appointment of a lawyer through legal aid, the issue of the quality of such assistance arises. In Italy, **the fees paid by the State to legal aid lawyers are significantly lower than ordinary professional rates and are paid with considerable delay**. This may in practice result in less incentive to devote time and resources to the victim's defence, especially in complex cases. Thus, the current legal aid system risks failing to guarantee "equal" legal representation to those who cannot afford to pay for their own lawyer.

DATA: 30% of respondents report that payment is made more than 12 months after it is due.

DATA: 15% of respondents report that payment is made between 7 and 12 months.

DATA: 43% of respondents consider the level of fees to be inadequate.

DATA: 29% of respondents consider the level of fees to be wholly insufficient.

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20 Essential legal references: Article 24 of the Constitution, the Code of Criminal Procedure (information to the injured party, Art. 90-bis), and Presidential Decree No. 115/2002 (Consolidated Text on legal costs).

DATA: More than 50% state that delays in the payment of fees and the inadequacy of remuneration have a significant impact on the quality of the defence, undermining the overall quality of assistance.

Professional consequences of delayed and inadequate payments:

DATA: 15% of respondents report having reduced their availability for legal aid work.

DATA: 15% of respondents report having given up legal aid work altogether.

The main issues highlighted are:

- **Advances and out-of-pocket expenses borne by lawyers.** Several responses point to the need to advance expenses (e.g. travel, service of documents, copies), with no guarantee of reimbursement within a reasonable time.
- **Below-threshold fees and economic unsustainability.** Payments are often lower than what would be considered adequate, reducing the time and attention that can be devoted to complex cases.
- **Systemic burden shifted onto individuals.** In the most complex or vulnerable cases, the dysfunction of the public system (delays/low fees) is effectively offloaded onto individual professionals, with repercussions on the continuity of assistance.
- **An almost "pro bono" dimension.** Some lawyers report that they regard this type of defence as almost pro bono, also because of the repeated need to advance expenses and the modest level of fees.

Ultimately, the combination of poor information, procedural burdens and at times unsatisfactory quality of legal representation results in **protection that is often merely formal**: many rights recognised on paper by the so-called Victims' Directive and by domestic law (the right to be heard, to participate actively in the proceedings, to obtain compensation within a reasonable time, etc.) struggle to be fully realised in everyday practice.

Coordination between judicial authorities and bodies responsible for appointing victims' counsel

Another problematic aspect concerns **institutional cooperation** in ensuring legal assistance for victims. Unlike the situation for defendants (for whom a system of court-appointed counsel is provided in case they do not have a lawyer), there is no general automatic mechanism for victims. Only in specific, strictly defined cases (for example, where a minor has no suitable parents, or in situations of conflict of interest with the parents, as in intra-family offences), a special guardian is appointed to act as legal representative. In all other situations, the victim must take steps independently to appoint a lawyer, with or without legal aid.

This model presupposes a high degree of coordination and communication between various actors. The **police** receiving the complaint should provide the victim with full information about their rights and the available assistance options. Prosecutors and investigating/preliminary hearing **judges** (PM and GIP/GUP) should ensure that vulnerable or economically disadvantaged victims do not remain without legal representation. In practice, **this chain of communication does not always function properly.** It may happen, for example, that the information on rights (although required by law) is provided to the victim in a hurried or overly

bureaucratic manner, without checking that they have understood how to proceed in order to obtain a lawyer; or that there are bureaucratic delays in the granting of legal aid, during which the victim is left without counsel. To remedy these shortcomings, in 2018 the Ministry of Justice set up an inter-institutional coordination task force for victim support services, involving ministries, the judiciary, law enforcement agencies, professional bodies and victims' associations, with the aim of strengthening the support network[21] .

DATA: 33% of respondents rate cooperation as "good" or "adequate", while 44% consider it "insufficient".

In particular, third-sector organisations stress that cooperation between institutions and support services is still inadequate. In many cases, multidisciplinary care (legal, social, psychological) is provided almost exclusively by NGOs and associations, which victims reach on their own initiative or through informal referrals. What is lacking, instead, is a structured coordination mechanism which, starting from the first contact with law enforcement, automatically activates a network of services and qualified legal contacts.

- Survey responses show that the promptness of the appointment of counsel depends primarily on coordination in the very first phase: where the **law enforcement officers who take the complaint** immediately activate a channel towards support services and up-to-date lists of professionals available for legal aid, the appointment takes place more quickly. Conversely, the absence of operational coordination and clear information from the outset generates delays and gaps.
- Another factor is the **continuity of legal representation**, namely the difficulty of keeping the same lawyer throughout the proceedings. Changes of counsel – also due to low fees and slow payment procedures – fragment protection, with emotional and strategic costs for the victim.
- In practical terms, the procedure for admission to legal aid is described as excessively burdensome, also because of the difficulty in obtaining up-to-date lists of lawyers who actually work under the legal aid scheme. In addition, many victims lack practical tools and information on how to make use of legal representation and participate in the proceedings in an informed way. For **migrant people** in particular, the main difficulty often lies in the required **documentation** (e.g. proof of income, identity numbers, proof of domicile) - obtaining it is complex or impossible, and the lack of **language support** further exacerbates each step.

Operational recommendations

Two lines of action are considered priorities. The first is to make **victims' participation truly effective** by ensuring **translation/interpretation** where necessary from the moment the complaint is filed and throughout the entire procedure. The second is **to lower economic barriers**, for example by **introducing multipliers to the income** threshold for admission to legal aid (modelled on what already exists in civil law), so as to include family and income situations that are currently excluded.

Alongside these, it is suggested **to strengthen public communication**: **simple information, online and in multiple languages**, with step-by-step guidance on how to apply for legal aid, which documents are required and whom to contact. At a systemic level, it would be helpful to

21 https://www.giustizia.it/giustizia/page/it/assistenza_alle_vittime_di_reato

have: **centralised and regularly updated lists of lawyers available for legal aid**; a streamlined admission procedure (reducing redundant formalities); and an early and "assisted" referral from the police station to services and legal contacts, so as to turn the first contact into an immediate link to defence counsel.

Differences by type of victim and risk of secondary victimisation

Barriers are amplified for people in situations of vulnerability (e.g. migrant women, minors, persons with disabilities), especially when access to information, protective measures, **translation/interpretation** or local services is neither timely nor integrated. This can result in uneven levels of protection across the country and in stressful or fragmented procedural experiences.

The difficulties described above contribute to exposing victims to the risk of secondary victimisation, that is, of suffering further harm as a result of contact with the justice system. **Secondary victimisation** occurs when interaction with the justice system – investigations, hearings, contacts with the authorities – generates additional suffering, feelings of guilt or stigmatisation for injured parties.

In the Italian context, although the legal framework is in principle adequate (individual assessment of vulnerability under Art. 90-quater Code of Criminal Procedure; limitations on repeated interviews and use of protected procedures under Arts. 190-bis, 392(1-bis), 398(5-quater) and 498(4-quater) Code of Criminal Procedure), protection is often uneven in practice. This is due to inadequate initial information, uneven training of practitioners, procedural delays, unsuitable hearing environments and poor coordination between judicial offices, law enforcement, social services and legal representatives.

DATA: 70% of respondents report critical issues when the victim is a migrant person.

DATA: 30% of respondents report critical issues in cases of offences related to the victim's gender.

Among these, 30% of responses highlighted a deterioration in protection where multiple forms of discrimination intersect, for example when the victim is a woman with a migration background.

DATA: 70% of respondents report the lack of mediation/interpretation as a barrier.

From the specific perspective of the NGOs surveyed that operate through local legal advice help-desks, further difficulties emerge for migrants employed in highly exploitative jobs (e.g. agriculture, informal work). These are often people who are isolated, dependent on their reference community, and without the linguistic and practical tools needed to approach a lawyer on their own.

In such cases, protection requires integrated pathways that combine legal safeguards, safe housing solutions and support for access to decent employment, enhancing victims to avoid repercussions of taking legal action.

Operational recommendations

To concretely reduce the risk of secondary victimisation it is necessary to:

i. carry out an individual assessment of risk/vulnerability promptly and update it at key stages of the proceedings;

ii. (ensure single, non-repetitive interviews, using trauma-informed interviewing tech-

niques and, where necessary, with the assistance of experts (psychologists/psychiatrists) and audiovisual tools;

iii. provide separate pathways and safe waiting areas to avoid unnecessary contact with the defendant or their relatives;

iv. adopt guidelines for respectful, non-blaming language in records and hearings, icluding clear rules on cross-examination to prevent intrusive or stereotyped questions;

v. ensure clear and continuous information on rights, on the stages of the proceedings and on available protective measures, including through simplified language and in multiple languages;

vi. guarantee swift decisions on protective measures and on access to legal aid at the State's expense;

vii. strengthen mandatory joint training (for the judiciary, law enforcement, lawyers and administrative staff) on preventing secondary victimisation;

8. establish local protocols for coordination and qualitative monitoring with shared indicators, including the collection of victims' feedback on their experience of the proceedings, so as to guide rapid adjustments and harmonise protection standards across the country.

RECOMMENDATIONS

In recent years, the **growing centrality of the victim** in the criminal justice system has been one of the most significant changes in the landscape of European criminal law and policy. This perspective, which is aimed at expanding the protection afforded to victims, is not free from certain systemic and due-process-related concerns that deserve careful consideration. Indeed, the "victim-centred" matrix underpinning the 2012 European Directive – according to which the offence is not only an affront to society, but also a violation of the individual rights of the victim – entails a potential paradigm shift in the very function of criminal justice. The risk is a gradual "privatisation" of criminal justice, whereby the State tends to justify its intervention no longer in the name of the community, but as the guarantor of individual suffering. This tension calls for a constant balancing between the need to recognise the victim and the public nature of criminal prosecution. A second problematic aspect concerns the relationship between restorative justice and the presumption of innocence. The fact that restorative programmes can be activated at any stage of the proceedings, including during the preliminary investigation, creates a structural ambiguity: the "victim" is treated as such from the moment the process begins, whereas the "offender" – or, more accurately, the person indicated as the author of the offence – is still constitutionally **presumed innocent**. If not properly managed, this semantic and procedural asymmetry may produce an overlap between the dimension of fact-finding and that of reparation, with potentially distortive effects in terms of safeguards. Further doubts relate to the actual voluntariness of participation in restorative programmes. Although the legislation stresses the free and informed participation of the parties, it is clear that where the restorative outcome has an impact on the proceedings or on the sentence (for example by leading to tacit withdrawal of the complaint or a reduction in the penalty), the defendant's freedom of choice may in part be conditioned by utilitarian considerations. In practice, this amounts to a form of "relative voluntariness", in which reparation risks taking on a moralising rather than a truly rehabilitative function. From a different angle, it should be acknowledged that the European Directive has enhanced the role of the victim, but this calls for reflection on the role and limits of such recognition within a process which, by its very nature, must be geared towards safeguarding the rights of the suspect. As Ferrajoli has pointed out, the "**weak party**" is the injured party at the time of the offence, the defendant at the time of the trial, and the convicted person at the time of enforcement of the sentence[22]. Every strengthening of the victim's position must therefore be balanced by rigorous protection of defence rights and by safeguarding the presumption of innocence.

To bridge the gap between rights "on paper" and their effective protection, the following is recommended:

i. the creation, within the Ministry of Justice and in coordination with the National Bar Council (CNF) and local Bar Associations, of a national system for collecting and publishing (as open data) indicators on access to, timelines, quality and outcomes of legal assistance for victims;

ii. simplified and proactive procedures for accessing legal aid at the State's expense from the very first contact, with fast-track channels for vulnerable victims;

22 Luigi Ferrajoli, "Cos'è il garantismo", in *Criminalia. Yearbook of Criminal Law Sciences*, 2014, p. 131. Available online: https://discrimen.it/wp-content/uploads/02-2-Ferrajoli-1.pdf

iii. a stable and predictable framework for remuneration and timely payment of defence counsel, linked to case complexity and monitored through regular quality audits;

iv. mandatory, certified annual training for lawyers and practitioners on empathetic communication, prevention of secondary victimisation and restorative justice, with guidelines that safeguard the presumption of innocence;

v. accessible digital tools and up-to-date, inclusive information materials (also in simplified language and multiple languages) available at police stations, prosecutors' offices and public services;

vi. a binding inter-institutional protocol for operational coordination between law enforcement, the judiciary, bar associations and support services, with clear responsibilities and six-monthly reviews.

More specifically, in order to make the right to information effective, clear and multilingual materials are needed – practical factsheets, step-by-step guides, FAQs – to be handed over from the victim's very first contact with the authorities and published on unified institutional portals. Access to assistance should be brought forward in time: those who take the complaint should actively direct the victim towards services and up-to-date lists of lawyers available for legal aid, with named contact persons and verified contact details.

It is essential to guarantee interpreting and language/cultural mediation from the outset, with dedicated funds and minimum service levels, particularly for migrants.

On the procedural level, it would be desirable to simplify admission to legal aid. A single national set of forms, a documentary checklist, digital/remote submission and the use of self-certification where permitted. To reduce "just above the threshold" exclusions, corrective mechanisms should be introduced for the income ceiling (for example multipliers in the presence of dependents), in line with the aim of effective protection. Public, centralised and regularly updated lists of lawyers who actually work under the legal aid scheme should be established and maintained, classified by areas of expertise (gender-based violence, trafficking, hate crimes, minors, disability), and accessible to victims, law enforcement and judicial offices.

To ensure continuity of legal representation, criteria and incentives are recommended to limit changes of lawyer in complex proceedings or in cases involving vulnerability. In parallel, a dedicated administrative fast-track should be introduced for payment of fees in such cases. Reducing payment times requires publicly monitored maximum time limits, automatic interest in the event of delay and adequate budget allocations, overcoming the current practice of deferred payment due to exhausted funds. The adequacy of fees should be updated periodically and indexed, with additional compensation for high-intensity activities (defence investigations, integrated accompaniment) and for proceedings under the "Codice Rosso".

It would be advisable to promote joint, continuous training – for the judiciary, law enforcement, lawyers and administrative staff – on communicating with victims, preventing secondary victimisation and managing complex cases, in order to consolidate shared quality standards. Protection must be tailored to specific needs - the individual assessment of vulnerability should be carried out promptly and, where necessary, protected hearings, reduced repetition of testimony and separate environments should be guaranteed. In addition to interpreting, concrete support with documentation for legal iad applications is needed to migrant people, including alternative solutions where the production of foreign certificates cannot reasonably be required.

Finally, data and transparency must be strengthened. Regular, disaggregated statistical collection on applications submitted, admissions, timelines and payments, with periodic publica-

tion and performance indicators for the offices involved. All of this should be underpinned by stable inter-institutional coordination, through permanent local coordination bodies (Public Prosecutors' Offices, Courts, Bar Associations, social and health services, civil society organisations) tasked with swiftly removing operational bottlenecks. Integrated public communication – periodic campaigns and reusable digital materials in multiple languages – forms part of the same strategy, as it helps to bridge the gap between rights "on paper" and their effective protection, reduces territorial inequalities and strengthens victims' trust in the justice system.