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1 - My rights as a victim of crime

What information will I get from the authority after the crime occurred (e.g. police, public prosecutor), but before I even report the crime?

The public prosecution service and the criminal investigation department (CID), upon being notified of the crime, must advise you that as the offended party you are entitled to appoint counsel to exercise the rights conferred upon you, and that you are entitled to access legal aid from the Italian State (Article 101 of the Italian Code of Criminal Procedure (*Codice di procedura penale or c.p.p.*))

Following first contact with the prosecuting authorities, you will be provided, in a language you can understand, with information relating to:

- the procedures for filing a report or complaint, the role that you will play in the investigation and trial, your right to be made aware of the date and location of the trial, and of the charges, and, if you have joined proceedings as a civil party, your right to receive notification of the judgment, including as a summary
- your entitlement to legal advice and legal aid, paid for by the Italian State
- how to exercise your right to interpreting services and to translation of case documents
- any protection measures that may be available to you
- your rights recognised by law if you reside in a different EU Member State to the one in which the crime has been committed
- how any expenses incurred as a result of participation in criminal proceedings will be reimbursed
- the possibility of seeking compensation for injury or damage suffered as a result of the crime
- the possibility of settling proceedings by withdrawal of the complaint or through mediation
- the rights that you will have in proceedings where the defendant requests suspension of the proceedings with probation or in those in which exemption from punishment applies due to the trivial nature of the offence
- health care facilities in the local area, residential facilities, refuges and shelters

(Article 90-bis c.p.p.)

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

If you do not speak or understand Italian, you have the right to use a language known to you when filing a report or making a complaint with the Public Prosecutor's office at the district court of first instance (*tribunale*). In the same way, you have the right, upon request, to have the confirmation of receipt of your report or complaint translated into a language known to you (Article 107-ter of the Guidelines for Implementation of the Code of Criminal Procedure (*Disposizioni di Attuazione del Codice di Procedura Penale or disp.att.*)).

If you are resident or domiciled in Italy, the Public Prosecutor will send reports or complaints relating to crimes committed in other Member States of the European Union to the Prosecutor General at the Court of Appeal (*Corte di appello*), so that he or she can transmit them to the competent judicial authority (Article 108-ter disp.att.).

Please see also:

- Articles 1 to 5 of [Legislative Decree \(Decreto Legislativo\) No 204 of 9 November 2007](#) (implementation of Directive 2004/80/EC relating to compensation to crime victims)
- Articles 2 to 6 of [Decree No 222 of 23 December 2008](#) (implementation of Legislative Decree No 204/2007),

Article 11 of [Law No 122 of 7 July 2016](#) (European Law 2015-2016 - compensation to victims of violent crimes)

If I report a crime, what information will I receive?

Following first contact with the prosecuting authorities, you will be provided, in a language you can understand, with information relating to:

- your right to receive information relating to the status of proceedings, and of entries in the Official Registry of Reported Offences
- your right to be informed of a request to close proceedings
- how to challenge any violations of your rights
- the authorities from which you can obtain information about your case
- how any expenses incurred as a result of participation in criminal proceedings will be reimbursed

In proceedings for violent offences against the person, if you so request, you will immediately be informed, through the CID, of preparations for release or for the ending of a detention order, and you will also be informed in a timely manner, in the same way, if the defendant absconds from pre-trial detention or from prison, and if he or she deliberately fails to comply with a detention order, unless this would place the offender at actual risk (Article 90-ter c.p.p.).

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

The prosecuting authority will nominate a translator when a document needs to be translated into a foreign language or into a dialect that cannot be easily understood, or an interpreter when you want to or have to make a statement and you do not speak Italian. The statement can also be made in writing and inserted into the report, with the translation provided by a translator.

The authority will nominate an interpreter, of its own motion where appropriate, if you do not speak or understand Italian and your evidence needs to be heard, and in cases where you wish to participate in a hearing and have requested the assistance of an interpreter.

Where possible, the assistance of an interpreter can also be secured using remote communications technology, provided that the interpreter is not required to be physically present to enable you to properly exercise your rights or to fully understand the proceedings.

If you do not speak or understand Italian, you have the right to free translation of documents or parts thereof which contain information relating to the exercise of your rights. Translations may be provided in verbal form or in the form of a summary, if the prosecuting authority does not consider that this will prejudice your rights (Article 143-bis c.p.p.).

If you do not speak or understand Italian, you have the right to use a language known to you when filing a report or making a complaint with the Public Prosecutor's office at the district court of first instance. In the same way, you have the right, upon request, to have the confirmation of receipt of your report or complaint translated into a language known to you (Article 107-ter disp.att.).

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?

The prosecuting authority will nominate a translator when a document needs to be translated into a foreign language or into a dialect that cannot be easily understood, or an interpreter when you want to or have to make a statement and you do not speak Italian.

If you are a minor, an expert opinion may be ordered by the judge, including of his or her own motion, if there is uncertainty about your age (it being understood that, in case of doubt, you will be presumed to be a minor for the purposes of applying procedural guidelines). The same expert report may also be used to determine if you have any disability.

Article 351(1-ter) c.p.p.

In proceedings for offences falling under Articles 572, 600, 600-bis, 600-ter, 600-quater, 600-quater.1, 600-quinquies, 601, 602, 609-bis, 609-ter, 609-quater, 609-quinquies, 609-octies, 609-undecies and 612-bis of the Italian Criminal Code, if the CID requires summary evidence from minors, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service. The same applies where summary evidence is required from adults in a particularly vulnerable state. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation.

Article 362(1-bis) c.p.p.

In proceedings for crimes under Article 351(1-ter), the public prosecution service must seek the assistance of an expert in psychology or child psychiatry when gathering evidence from minors. The same applies where summary evidence is required from adults in a particularly vulnerable state. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation.

Article 498(4) to (4-quater) c.p.p.

4. The examination of minors as witnesses, including the questions and objections of the parties, is conducted by the presiding judge. When conducting the examination, the presiding judge may seek the assistance of one of the minor's relatives or a qualified child psychologist. After hearing the parties, if the presiding judge considers that the minor would not be distressed by direct questioning, he or she will order that the testimony proceed in the way outlined in the preceding sections. The order may be revoked during the course of questioning.

4-bis If one party so requests, or if the presiding judge considers it necessary, the procedures outlined in Article 398(5-bis) apply.

4-ter In proceedings for offences falling under Articles 572, 600, 600-bis, 600-ter, 600-quater, 600-quinquies, 601, 602, 609-bis, 609-ter, 609-quater, 609-octies and 612-bis of the Italian Criminal Code, victims of the offence(s) who are either minors or adults with a mental illness will be questioned, at their request or at the request of their counsel, using mirror glass and an intercom system.

4-quater. Without prejudice to the preceding sections, if the offended party is in a particularly vulnerable state and needs to be questioned, the judge, if either the victim or their counsel so requests, will order protective measures to be taken.

Article 398(5-quater) c.p.p.

Without prejudice to section 5-ter, if the offended party is in a particular vulnerable state and needs to be questioned, the provisions under Article 498(4-quater) apply.

Victim support services

Who provides victim support?

Support is provided to victims of crime by the health care facilities in the region, by residential facilities, refuges, shelters and other facilities managed by local and regional organisations. Generally speaking, many regions have a network of associations consisting of local organisations, the public prosecutor's offices, district courts and health services which offer free support to victims of any kind of offence.

Will the police automatically refer me to victim support?

Yes. Particularly if you are a victim of certain kinds of offence (for example, trafficking, family abuse, sexual assault), there are well-established organisations in contact with law enforcement services which will provide you with information about refuges or residential facilities available to take care of you.

How is my privacy protected?

If you are particularly vulnerable, it is guaranteed in each case that, where summary evidence is required, you will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation.

In addition, Legislative Decree No 196 of 30 June 2003 (Personal Data Protection Code) contains specific rules for the processing of judicial data, aimed at protecting the confidentiality and security thereof. Aside from this, it is considered that once you, as a victim, assume the status of offended party in criminal proceedings, you will be required to give evidence in court. The code provides rules concerning the ways in which this must take place, which aim to prevent you having to repeat your evidence several times (pre-trial hearing - *incidente probatorio*) and rules which protect your right as a victim to have no contact with the party under investigation/the accused. If you are a victim under 18, your picture must not appear in newspapers, nor your name. The latter point also applies to victims aged 18 and over. The system aims to prevent the dissemination of your personal data and information that might identify you.

Do I have to report a crime before I can access victim support?

Access to victim support services is not contingent upon having reported the crime.

Personal protection if I'm in danger

What types of protection are available?

Under certain circumstances, provided for by law (Articles 273 and 274 c.p.p.), which may indeed include, *inter alia*, the dangerous situation in which you as an offended party may find yourself (danger arising in particular from the possibility that the offender will continue to behave in an unlawful manner), the judicial authorities may order that the perpetrator be subject to supervisory measures. For example, he or she may be immediately removed from the family home; he or she may be prohibited from going to places you frequently visit, and he or she may be banned from living in certain places. Otherwise, he or she may be placed under house arrest or in pre-trial detention.

You have the right to be informed of requests to revoke or replace the supervisory measures imposed on the offender, to submit statements of defence in opposition within two days, or to make your point of view known (Article 299 c.p.p.). You also have the right to be informed of court orders to change, revoke or replace the supervisory measures in place against the suspect.

Especially if you are particularly vulnerable, a minor or a victim of certain crimes, further procedural precautions may also be ordered, in particular:

- if you are particularly vulnerable, it is guaranteed in each case that, where summary evidence is required, you will not have any contact with the person who is the under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary;
- if you are a minor and the CID requires summary evidence from you, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service (Article 351(1-ter) c.p.p.);
- if you are a minor and the public prosecution service requires evidence from you, it must seek the assistance of an qualified psychologist or child psychiatrist. If you are particularly vulnerable, it is guaranteed in each case that, where summary evidence is required, you will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 362(1-bis) c.p.p.);
- The examination of minors as witnesses is conducted by the presiding judge and he or she may seek the assistance of one of the minor's relatives or a qualified child psychologist. (Article 498 c.p.p.);
- If one party so requests, or if the presiding judge considers it to be necessary, where one of the parties who is to give evidence is a minor, the court may issue an order establishing the place, time and particular procedures for the pre-trial hearing, where this is necessary and appropriate for the protection of the persons involved. The hearing may take place somewhere other than the court of first instance, and the court may make use of specialised facilities, or, if these are not available, the home of the person giving

evidence;

- witness statements must be recorded in their entirety using phonographic or audiovisual media. If there is no recording equipment or technical staff available, expert reports or technical consultancy shall be provided;
- in cases relating to violent crimes, victims of the offences who are either minors or adults with a mental illness will be questioned, at their request or at the request of their counsel, using mirror glass and an intercom system.

Who can offer me protection?

(See above)

Will someone assess my case to see if I am at risk of further harm by the offender?

Should special protection requirements arise, the law requires that victims of crime undergo individual assessment to determine if and to what extent they would benefit from special measures over the course of proceedings. Particular care will be taken if you are a minor and/or particularly vulnerable. It will be up to the judge to determine whether you will receive appropriate protection measures over the course of the criminal proceedings. During the investigation, your interviews must take place at suitable locations and be conducted by qualified professionals. If the victims include minors, the juvenile court must be informed in order to assess the situation and the protection measures. To protect you from further crimes, the court of first instance may place restrictions on the offender's freedom (prison custody, ban on going to places you often visit, removal from the family home). The application of such measures must be communicated to you (Article 282-quater c.p.p.). You may also request that the judge, when ordering that the offender be removed from the family home, or subsequently, also orders the offender to pay a maintenance allowance (Article 282-bis c.p.p.). The relevant provincial police headquarters (*Questura*) will have an office exercising similar powers.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

Victims of violent crimes, if they are minors or in a particularly vulnerable state, have the right to give evidence with protective measures in place. In particular, arrangements might be made to prevent you from coming into contact with the offender during the investigation or the trial. In addition, if you are particularly vulnerable, it will be possible to use audiovisual recordings of your statements, even where this is not absolutely necessary.

Guidelines for referral

(Article 413 c.p.p.): Application by the individual under investigation or by the victim of the crime

1. The individual under investigation or the victim of the crime may apply to the Prosecutor General to issue a referral order under Article 412(1) (if the public prosecution service will not prosecute the case or does not request closure within the deadline provided for by law or as extended by the judge).
2. If referral is ordered, the Prosecutor General will conduct the necessary preliminary investigations and make any requests within thirty days of submission of the application, as provided for in Article 412(1).

What protection is available for very vulnerable victims?

A state of particular vulnerability in a victim may be inferred, other than from age and any physical infirmity or psychological deficiency, from the type of crime, and the procedures and circumstances of the case in question. In order to assess vulnerability, it will be taken into account whether the case involves a violent offence against the person or a racial hate crime, if it relates to organised crime or terrorism, including on an international level, or human trafficking, if it occurred as a result of discrimination, and if the victim is emotionally, psychologically or economically dependent on the offender (Article 90 quater c.p.p.).

If you are particularly vulnerable, audiovisual recordings of your statements will be permitted in any event, even where this is not absolutely necessary.

EVIDENTIAL REQUIREMENTS IN SPECIFIC CASES - In cases relating to offences of abuse against family members and partners, reducing to or keeping in slavery, child prostitution, child pornography, virtual pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves, sexual assault,

aggravated offences, sexual acts with a minor, group sexual assault, solicitation of minors and stalking, if you are in a particularly vulnerable state and there is a request for you to give testimony, if you have already made statements during the pre-trial hearing or in a cross-examination hearing with the person against whom these statements are to be used, or if there are written records of your statements, you will be required to give testimony only if it relates to facts and circumstances different to those discussed in your previous statements, or if the judge or one of the parties considers it necessary based on specific requirements.

SUMMARY EVIDENCE - if the CID requires summary evidence from victims in a state of particular vulnerability, even if they are over 18, it must seek the assistance of a qualified psychologist or child psychiatrist, nominated by the public prosecution service. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person being investigated and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 351(1-ter)).

GATHERING EVIDENCE - if the public prosecution service requires summary evidence from victims in a state of particular vulnerability, even if they are over 18, it must seek the assistance of a qualified psychologist or child psychiatrist. It is guaranteed in each case that, where summary evidence is required, particularly vulnerable individuals will not have any contact with the person who is under investigation and will not be repeatedly called on to give summary evidence, unless this should prove absolutely necessary to the investigation (Article 362(1-bis)).

EXAMINATION OF WITNESSES: Your witness examination, including the questions and counter-claims of the parties, will be conducted by the presiding judge. When conducting the witness examination, the presiding judge may seek the assistance of one of your relatives or a qualified child psychologist. The presiding judge, after hearing the parties, if he or she considers that you would not be distressed by direct questioning, will order that the testimony proceed in the way outlined in the preceding sections. The order may be revoked during the course of questioning (Article 498 c.p.p.).

If one party so requests, or if the presiding judge considers it necessary, the procedures outlined in Article 398(5-bis) shall apply (pre-trial evidentiary hearing, see below).

PRE-TRIAL EVIDENTIARY HEARING - (Article 398(5-bis)) If one party so requests, or if the presiding judge considers it necessary, the following procedures shall apply: in the case of investigations relating to offences of abuse against family members or partners, reducing to or keeping in slavery, child prostitution, child pornography, virtual pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves, sexual assault, aggravated offences, sexual acts with a minor, group sexual assault, solicitation of minors or stalking, if there are adults in a particularly vulnerable state among those giving evidence, the court may issue an order establishing the place, time and particular procedures for the evidentiary hearing, where this is necessary and appropriate for the protection of the persons involved. The hearing may take place somewhere other than the court of first instance, and the court may make use of specialised facilities, or, if these are not available, the home of the person giving evidence. Witness statements must be recorded in their entirety using phonographic or audiovisual media. If there is no recording equipment or technical staff available, expert reports or technical consultancy shall be provided. A written report of the examination, in the form of a summary, will also be prepared. A transcript of the recording will be made available only at the request of the parties.

If you are in a particularly vulnerable state and it is necessary to question you, the judge, if you or your counsel so request, will order protective measures to be taken (Article 498(4-quater) c.p.p.).

In proceedings relating to the aforementioned offences, the public prosecution service, including at your request or at the request of the person under investigation, may ask that you give evidence at the pre-trial hearing, even in cases where this is not indicated as being required. If you are in a particularly vulnerable state, the public prosecution service, including at your request, or at the request of the person under investigation, may ask that you give evidence at the pre-trial hearing (Article 392 c.p.p.).

Gathering of evidence requiring the participation of victims in a particularly vulnerable state may be carried out via the trusted procedure of a pre-trial hearing, an instrument that aims, *inter alia*, to prevent you suffering further harm (secondary victimisation) due to constantly being involved in the legal process.

LEGAL AID - If you are a victim of offences relating to abuse of family members and partners, female genital

mutilation, sexual assault, sexual acts with a minor, group sexual assault and stalking, you will always be entitled to free legal aid, even where your income is higher than the limit fixed by law for being entitled thereto. If you are a minor, the same applies if you are a victim of offences relating to reducing or keeping in servitude or slavery, child prostitution, child pornography, tourism initiatives aimed at exploiting child prostitution, human trafficking, purchase and sale of slaves and corruption of minors.

I am a minor. Do I have special rights?

(See above)

My family member died because of the crime - what are my rights?

If the victim of the crime is deceased, the closest relatives of the victim exercise the rights conferred on him or her by law.

(Article 90(3) c.p.p.).

My family member was a victim of crime - what are my rights?

(See above)

Can I access mediation services? What are the conditions? Will I be safe during mediation?

Criminal Mediation has its basis in Legislative Decree No 274/2000, which allows a victim to bring a direct action against the offender to claim compensation for their interests that have been prejudiced. This power is exercisable only in relation to crimes against which you can bring a complaint (less serious offences).

To initiate and conduct criminal mediation, the consent of the parties is needed in order to reach a satisfactory agreement. Throughout the course of proceedings, the justice of the peace must promote conciliation between the parties as far as it is possible. Crimes under the jurisdiction of a justice of the peace which by their very nature are suitable for mediation include: slander, libel, common assault, battery, minor personal injuries, vandalism.

In addition, the parties to the criminal proceedings or their counsels may apply directly to the Mediation Office in view of the alternative definition of criminal proceedings under the jurisdiction of a justice of the peace as provided for by Article 35 of Legislative Decree No 274/2000, or in view of a ruling that the offence has been extinguished due to compensatory measures taken by the offender.

For crimes in respect of which you may bring a complaint, you are permitted to apply for a summons requiring the individual suspected of committing the crime to appear before a justice of the peace. The application must be signed by you as the offended party, or by your legal representative, and by your counsel. Your signature is attested by your counsel. If you are a minor under the age of 14, mentally ill or incapacitated, the application must be signed by your parent, full guardian, limited guardian or special guardian. The filing of the application has the same effects as bringing a complaint (Article 21).

Filing the application: the application must be sent in advance to the public prosecution service by delivery to its secretariat, and is subsequently filed, by the applicant, with evidence of the aforesaid delivery, with the office of the clerk of the court for the local justice of the peace, within three months of reporting the crime. If you have already brought a complaint in respect of the same incident, you must mention this in the application, attach a copy of the complaint and file another copy with the secretariat of the public prosecution service. In this case, the justice of the peace will order the acquisition of the original complaint (Article 22).

Joining proceedings as a civil party If you wish to join proceedings as a civil party, you must do so, under penalty of forfeiture, when the application is filed. The reasoned request for compensation or damages contained in the application equates essentially to joining proceedings as a civil party (Article 23).

The application will be inadmissible:

1. if it is submitted out of time;
2. if it is filed in cases other than those provided for;
3. if it does not contain the required information or is not signed;
4. if the description of the incident or the identification of sources of evidence is insufficient;
5. if there is no evidence that the public prosecution service has been informed.

Requests from the public prosecution service (Article 25): Within ten days of the application being filed, the public prosecution service will submit its requests to the office of the clerk of the court for the justice of the peace. If it deems the application to be inadmissible, or clearly unfounded, or presented before a justice of the peace with no jurisdiction in the region, the public prosecution service will not accept the summons, or else it will state the charge confirming or altering the accusation contained in the appeal.

Once the deadline has passed, the justice of the peace will proceed even if the public prosecution service has not submitted requests. If he or she does not consider the application inadmissible, or clearly unfounded, and within his or her jurisdiction, the justice of the peace will issue a decree summoning the parties to a hearing within 20 days of the application being filed.

An application submitted by one of several offended parties does not prevent the others from participating in the proceedings, with the assistance of counsel and with the same rights as the principal applicant. The offended parties involved may join the civil action prior to the declaration of the opening of the hearing. Should the hearing not be attended by the offended parties on whom the decree was properly served, this is equivalent to renouncing the right to bring a complaint, or to withdrawal of the complaint, if it has already been submitted.

Hearing before the court: At least seven days prior to the date scheduled for the hearing before the court, the public prosecution service or you as the offended party will file the writ of summons with the office of the clerk of the court for the justice of the peace with the relevant notifications.

The judge, when the crime is one against which a complaint may be brought, will promote conciliation between the parties. In this case, where it would be beneficial for the purposes of conciliation, the judge may defer the hearing for a period no longer than two months and, where necessary, may also use mediation measures provided by public or private centres and facilities in the region. In any case, statements made by the parties in the course of conciliation cannot be used in any way at all for the purposes of deliberation (Article 29).

Should a settlement be reached, a report shall be drawn up confirming the withdrawal of the complaint or the waiving of the application and the related acceptance. The waiving of the application has the same effects as withdrawing the complaint.

Mediation may lead to you withdrawing the complaint, which will result in a declaration that the case has been dropped due to a lack of a cause of action. Furthermore, a positive outcome of mediation, as it may lead to compensation for the damage caused by the crime, may result in a ruling that the offence has been extinguished as a consequence of the compensation provided by the offender prior to the hearing before the court or due to the minor nature of the offence.

Where can I find the law stating my rights?

Rules for protection of victims can be found in the Code of Criminal Procedure, in [Legislative Decree No 212 of 15 December 2015](#), implementing Directive 2012/29/EU on the rights, support and protection of victims of crime, in [Legislative Decree No 204 of 9 November 2007](#), in [Decree No 222 of 23 December 2008](#) (implementing Legislative Decree No 204/2007), in Article 11 of [Law No 122 of 7 July 2016](#) - European law 2015-2016 (compensation for victims of violent crime) and in a series of other regulatory measures relating to victims of particular kinds of crime.

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