The Accusatory Victim in Criminal Justice: A Comparative Analysis of Albanian and Italian Criminal Procedural Law in Accordance with the EU Acquis

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Abstract

A growing emphasis on victims as rights-holders in criminal proceedings has led to an evolution in the procedural position of victims in criminal justice across European legal systems. In light of Directive 2012/29/EU, which sets minimum standards for the rights, support, and protection of victims of crime without prescribing accusatory or prosecutorial functions, this article compares and contrasts models of victim participation in Albanian and Italian criminal procedural law. The study compares the Italian framework, where victim participation is primarily realized through the institutions of "persona offesa" and "parte civile", which focus on procedural participation and compensation while maintaining the public monopoly of prosecution, with the Albanian accusatory victim model, which permits victims of certain minor offenses to initiate and maintain criminal proceedings. The article assesses the effects of these models on procedural efficiency, offender accountability, and access to compensation using a mixed-methods approach that incorporates doctrinal analysis, comparative legal assessment, and examination of available institutional data. The results show that although the Albanian model introduces a type of private prosecution, going beyond the EU acquis's minimal requirements, its practical efficacy is constrained by evidentiary limitations and low case completion rates. By permitting structured victim participation without sacrificing essential procedural principles, the Italian system, in contrast, exhibits greater doctrinal coherence with European standards. The article's conclusion is that in order to guarantee long-lasting and successful criminal justice results, increased victim participation must be carefully weighed against the legitimacy of prosecution and equality of arms.

Keywords: *victim's procedural position, criminal justice system, procedural rights, Albanian criminal procedural law, Italian criminal procedural law, EU acquis.*

JEL Classification: K14, K41, K33

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1. Introduction

In modern criminal justice systems, the victim's procedural position has changed significantly, reflecting a larger movement to acknowledge victims as holders of rights[3] rather than just sources of evidence. The public monopoly of prosecution has historically served as the focal point of criminal proceedings in continental European systems, with the victim playing a supporting role and the State serving as the main defender of the public interest. Although this model upholds the values of legality, impartiality, and equality of arms, it has come under growing criticism for failing to adequately address the needs of victims in terms of information, participation, and reparations.

This change has been formalized at the European level by Directive 2012/29/EU[4], which sets minimum requirements for the protection, assistance, and rights of crime victims. By ensuring the rights to information, support, hearing, and review of decisions not to prosecute, the Directive enhances victims' procedural standing. Crucially, though, it neither grants victims independent prosecutorial authority nor specifies a particular procedural model. As long as minimum guarantees are upheld, the Directive maintains the public monopoly of criminal action, giving Member States and candidate nations leeway in choosing the methods by which victim participation is carried out.

Different approaches to victim participation have been adopted by national criminal justice systems within this normative framework. Italy serves as an example where victims mainly take part as persona offesa or parte civile, exercising procedural rights primarily to seek compensation, while the public prosecutor retains sole prosecutorial authority. In contrast, a new institution known as the accusatory victim (viktima akuzuese) was created by the 2017 amendments to the Albanian Code of Criminal Procedure[5]. Regarding a small number of minor offenses, Albanian law allows the victim to file a criminal complaint directly with the court and to prove the charge at

[3] M. Cherif Bassiouni. „J Victimes' Rights and Remedies", in Alfred de Zayas and M. Cherif Bassiouni, *The Protection of Human Rights in the Administration of Criminal Justice* (Leiden: Brill, 1994), 276–334, DOI*:* https://doi.org/10.1163/9789004636309_014.

[4] At the European level, Directive 2012/29/EU of the European Parliament and of the Council constitutes the core legal instrument governing the recognition, rights, and procedural position of victims within the European Union's criminal justice framework. By replacing Council Framework Decision 2001/220/JHA, it establishes a coherent normative basis ensuring that *victims* of crime are treated with respect, receive appropriate information, and are afforded the possibility to participate in the criminal process. For more see: European Commission, (2001). 2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, Document 32001F0220, *OJ L 82, 22.3.2001,* https://eur-lex.europa.eu/eli/dec_framw/2001/220/oj/eng; European Commission, (2012). Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Document 32012L0029, *OJ L 315, 14.11.2012, pp. 57–73,* https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng.

[5] EURALIU, (2017). NOTE "On main novelties of the amendments to the Criminal Procedure Code, (13 November 2017), https://euralius.eu/images/Justice-Reform/Note-on-the-novelties-of-CPC-amendments.pdf; Law no. 7905, date 21.3.1995 "Criminal Procedure Code of the Republic of Albania" with subsequent amendments,https://legislationline.org/sites/default/files/2023-09/criminal%20code%20of%20albania.pdf

trial, taking on a role that somewhat resembles that of a traditional prosecutor.

Albania's criminal justice system is now caught between two competing philosophies. This tension must also be understood against the broader structural challenges of rule of law and institutional trust in Albania[6]. On one hand, it aligns with the EU's victim-centered approach, as outlined in Directive 2012/29/EU. On the other, it embraces a form of private prosecution that challenges fundamental legal principles, from the state's traditional control over criminal action to the equality of arms between parties and the very idea of a unified public interest[7]. This hybrid model, while not forbidden by EU law, isn't required by it either—and its effects on procedural balance and judicial impartiality are anything but neutral. This article offers a critical comparison between Albania's "accusatory victim" model and Italy's system of victim participation, using the body of EU law as our benchmark. We move beyond simple compliance, however, to ask a more fundamental question: do these models actually lead to better justice? We investigate whether empowering victims in this way improves procedural efficiency, holds offenders accountable, and secures compensation, all without sacrificing fundamental legal safeguards[8].

To do this, we explore several key questions:

i. How do Albanian and Italian laws actually define and put into practice the roles of the victim, the "accusatory victim," and the civil party?

ii. To what degree do their approaches meet the EU's minimum standards, and where do they go further or diverge based on national priorities?[9]

iii. On a practical level, what effect do victim-led proceedings have on how cases are resolved, on conviction rates, and on a victim's ability to receive compensation?

iv. And what theoretical frictions emerge when greater victim participation bumps up against core legal tenets like the public monopoly on prosecution and the equality of arms?

Our approach is twofold. First, we conduct a close reading of the Albanian and Italian Codes of Criminal Procedure, placing them within the broader European legal context. Second, we look at the practical impact by drawing on institutional and statistical data[10] to see how these victim-driven proceedings actually play out. By

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[6] Rezarta Tahiraj. „Law and Corruption in Albania and in the South Eastern European Countries: A Comparative Analysis", *Mediterranean Journal of Social Sciences,* Vol. 5, No. 7 (2014): 136-147, Doi: 10.5901/mjss.2014.v5n7p136.

[7] Tyrone Kirchengast. „The Expressive Function of Victims Law: Developing a Substantive and Enforceable Framework of Rights and Remedies in Response to Local Need and the Emerging forms of Victimization", *Journal of Victimology and Victim Justice*, *4*(2), 2021: 103-118, https://doi.org/10.1177/25166069211054603,

[8] Tony Marguery. „European Union Fundamental Rights and Member States Action in EU Criminal Law", *Maastricht Journal of European and Comparative Law*, *20*(2), 2013: 282-301, https://doi.org/10.1177/1023263X1302000208.

[9] Robyn L Holder, Elizabeth Englezos (2023). „Victim participation in criminal justice: A quantitative systematic and critical literature review", *International Review of Victimology*, 30(1), 2023: 25-49. https://doi.org/10.1177/02697580231151207.

[10] Ilvana Dedja, Nino Strati. *Evaluating the Performance Evaluation System of the Prosecutors, of the Prosecutors Office, of General Jurisdiction in Albania*, Center for the Study Democracy and Governance,

comparing the two systems, we can identify both their structural limitations and the transferable lessons they might offer. In the end, our goal is to offer a critical, rather than a celebratory, take on the growing role of victims in criminal justice. By examining the legal and practical realities in Albania and Italy, we hope to contribute to the wider scholarly debate, clarifying the boundaries of EU alignment and asking whether empowering victims is, in fact, a sustainable path toward a fairer and more effective justice system.

2. The Victim in European Criminal Justice: A Practical Framework

To get a clear picture of how victims take part in the criminal justice system, we need to draw a sharp line between their different roles in European, Albanian, and Italian law. Without this distinction, it's easy to confuse broad EU standards with the specific choices individual countries make, and we lose sight of how letting victims participate affects the core principles of the legal process. So, this section will lay out a framework to understand the victim as a holder of rights, a civil party seeking compensation, and a private accuser, all within the wider context of EU law.

2.1. The Victim as a Rights-Holder in the EU

Across the European Union, the law treats a victim first and foremost as someone with rights in the legal process. The 2012/29/EU Directive defines a victim as anyone who has been directly harmed by a crime and sets out basic standards for their support, protection, and involvement. It gives victims a stronger footing by guaranteeing their right to be heard, to be kept informed, and to challenge a decision not to prosecute. What the Directive *doesn't do*, however, is give victims the power to start or lead a criminal prosecution. The state holds on to its exclusive power to prosecute, a principle the EU is committed to protect fairness, impartiality, and a level playing field in court. This means the Directive is binding when it comes to these minimum rights, but it leaves individual member states and candidate countries to decide exactly how victims will participate. As recent systematic reviews confirm, the expansion of procedural rights for victims across Europe has been driven more by normative and symbolic expectations than by structural changes in prosecutorial authority[11].

June 2024, https://csdgalbania.org/publications/Evaluating_the_perfomance_of_the_prosecutors_2024.pdf, accessed on 25 February 2026.

[11] Robyn L Holder, Elizabeth Englezos (2023). „Victim participation in criminal justice: A quantitative systematic and critical literature review", 25–49; Sandra Walklate. „New Visions of Crime Victims, edited by Carolyn Hoyle and Richard Young (Oxford and Portland: Hart Publishing, 243 pp.)", *The British Journal of Criminology*, Volume 44, Issue 2, March 2004: 296–297, https://doi.org/10.1093/bjc/44.2.296; Sarah Goodrum. „Victims' Rights, Victims' Expectations, and Law Enforcement Workers' Constraints in Cases of Murder", *Law & Social Inquiry*, vol. 32, issue 3, 2007: 725-757. https://doi.org/10.1111/j.1747-4469.2007.00075.x.

2.2. The Victim as a Civil Party in Italy

Comparative scholarship on compensation mechanisms across European systems shows that integrating civil claims within criminal proceedings is common but often procedurally complex[12]. In Italy's system, victims mainly get involved in two ways: as an "injured party" (*persona offesa*) or as a "civil party" (*parte civile*). As the injured party, they have the right to information and to participate in the proceedings. By becoming a civil party, they can sue for damages within the criminal case itself. The logic here is centered on compensation and participation, not on accusation. The power to prosecute stays firmly and exclusively with the public prosecutor (*pubblico ministero*), keeping criminal action a public matter. Recent reforms have boosted victims' access to information and legal aid, bringing Italy more in line with the EU Directive without changing this fundamental structure. The Italian approach is a good example of how to bring victims into the process in a structured way while staying true to core legal principles.

2.3. The Accusatory Victim in Albania

Albania, on the other hand, introduces a completely different role: the "accusatory victim" (*viktima akuzuese*). Following changes to its laws in 2017, victims of certain minor offenses can now bring a criminal case directly to court and argue it all the way through the trial. In these specific cases, the victim takes on the job of presenting evidence and making the accusation — tasks usually handled by the state prosecutor. This model essentially privatizes a slice of the criminal prosecution process, going far beyond the minimum requirements of the EU Directive. While EU law doesn't forbid this, it's a specific choice made by Albania, not a requirement. This approach raises some serious questions about who really represents the public interest in a prosecution, how to maintain a balance between the two sides, and what protections are needed to keep the court impartial.

2.4. What This Means for Comparing Systems

Understanding these three different models: the rights-holder, the civil party, and the accuser, allows us to compare different justice systems much more effectively. While all three approaches try to give victims a bigger role, they are built on different ideas and have very different effects on how a trial works. It's important to remember that being in line with EU law isn't about giving victims more power to prosecute; it's about meeting those minimum standards for rights and support while respecting the fundamental principles of a fair trial.

[12] Albin Dearing & Holly Huxtable. „Doing justice for victims of violent crime in the European Union – Reflections on findings from a research project conducted by the European Union Agency for Fundamental Rights", *International Journal of Comparative and Applied Criminal Justice,* 45 (1), 2021: 33-96, https://doi.org/10.1080/01924036.2020.1762233.

3. Methodology

To get the full picture, we approached this study from three different angles: we analyzed the law on the books, compared how it works in practice across different systems, and looked at real-world data to see what's happening. We were careful to keep these lines of inquiry separate, so we wouldn't confuse what the law is "supposed" to do with how institutions are really performing. Ultimately, our goal is to offer a critical look at the law itself, not just to evaluate whether a particular policy is effective.

3.1. Legal and Normative Analysis

This analysis begins with a close comparison of the Albanian and Italian Codes of Criminal Procedure, incorporating all amendments up to 2023. We focus on the legal standing of victims, injured parties (persona offesa), and civil parties (parte civile), particularly in their relationship to public prosecution. Our primary reference point is Directive 2012/29/EU, which we treat as a baseline for minimum standards rather than a rigid template for institutional setup. With this in mind, we evaluate each country's laws based on three key questions:

1. Do they meet the EU's minimum standards?
2. Are they compatible with core principles of a fair trial, like the legality of prosecution and equality of arms?
3. Do they make sense within their own national legal system?

When needed, we also look to Article 6 of the European Convention on Human Rights to weigh the potential risks that might come with giving victims a more expanded role in the process.

3.2. Comparative Method

This study isn't about ranking legal systems. Instead, it's a practical look at how Albania and Italy take different paths to achieve similar goals: helping victims participate in the process, access justice, and receive compensation. Italy makes for a natural comparison, not just because it's an established EU member, but because it recently reformed its procedures under Legislative Decree No. 150/2022. Albania, on the other hand, is a candidate for EU membership and offers a fascinating contrast. Its system shows how a country can follow its own legal path while still operating within the broader European framework, without being dictated by it. By putting them side-by-side, the goal is to see where their approaches align, where they fundamentally differ, and what the real-world trade-offs are between Albania's model of victim participation and Italy's more structured civil-party system.

3.3. Empirical Framework and Data Strategy

To put our legal and comparative analysis into a real-world context, we looked at official data showing how victims participate in the justice system. For Albania, we

used the General Prosecutor's Office's annual reports from 2022–2023[13], zeroing in on cases brought forward directly by victims. We pulled key information, including the number of cases, types of offences, the status of the proceedings (dismissed, pending, or decided), and whatever outcome information was available. In addition to annual statistical reports, institutional guarantees for victims are also regulated through secondary legislation, including the General Prosecutor's Instruction No. 5 (2018) on guaranteeing assistance to victims and witnesses, which formally operationalizes victim-support obligations within prosecutorial practice[14]. Recent policy initiatives, such as the National Strategy for the Protection of Victims of Crime approved by Decision no. 729, dated 13.12.2023 of the Council of Ministers[15], further demonstrate Albania's commitment to strengthening institutional support for victims in line with European standards. For Italy, we turned to publicly available statistics and performance reports from the Ministry of Justice (2023–2024[16]). Here, we focused on victims participating as civil parties in criminal cases, looking at participation rates, outcomes related to restitution, and any patterns of withdrawal from proceedings. We were strict about our sources, including only official, national-level publications that explicitly mentioned victim participation during this timeframe. We had to exclude regional datasets, unofficial documents, and academic studies that didn't have a basis in primary statistics. Since Albania and Italy don't have a standardized way of reporting this information, we took a descriptive approach to comparing them. We avoided making direct quantitative comparisons because of major differences in their reporting methods, legal classifications, and how they categorize cases. To make sure our interpretation of the data was as reliable as possible, we used three validation checks: First, we checked for internal consistency by cross-referencing statistical tables with the written commentary in the reports. Second, we looked for consistency over time, examining year-to-year trends instead of just relying on a single year's data. Finally, we

[13] Prokuroria e Përgjithshme (2022). Raport i Prokurorit të Përgjithshëm mbi Gjendjen e Kriminalitetit për Vitin 2022, https://kuvendiwebfiles.blob.core.windows.net/webfiles/20230508101539957 22Raporti%20Vjetor%20kriminaliteti%202022-Kuvendit%20Prokuroria%20e%20Pergjithshme.pdf, accessed on 25 February 2026; Prokuroria e Përgjithshme (2023). Raport i Prokurorit të Përgjithshëm mbi Gjendjen e Kriminalitetit për Vitin 2023, https://kuvendiwebfiles.blob.core.windows.net/webfiles/202404040838389233Raporti%20PP%202023.pdf, accessed on 25 February 2026.

[14] Udhëzim i Përgjithshëm Nr. 5, datë 26.10.2018, *Për garantimin e asistencës ndaj viktimave dhe dëshmitarëve të veprave penale* (cited on p. 23 in *Protokoll i menaxhimit të rasteve të dhunës seksuale tek të rriturat, të rriturit, në nivel vendor përmes qasjes shumësektoriale të koordinuar*, United Nations Development Programme, 2021). Retrieved from https://www.undp.org/sites/g/files/zskgke326/files/ 2022-06/Protokolli%20i%20menaxhimit%20te%20rasteve%20te%20dhunes%20%20seksuale%20-%20%20version%20final.pdf, accessed on 25 February 2026.

[15] Këshilli i Ministrave të Republikës së Shqipërisë (2023). Vendim nr. 729, date 13.12.2023 "Për miratimin e strategjisë ndërsektoriale për mbrojtjen e viktimave të krimit 2024-2030, të planit të veprimit dhe të pasaportës së treguesve", https://www.drejtesia.gov.al/wp-content/uploads/2024/02/vendim-2023-12-13-729-SNMVK.pdf, accessed on 25 February 2026.

[16] Ministero della Giustizia (2024). Relazione sul Monitoraggio Statistico degli Indicatori PNRR – 2023, https://www.gnewsonline.it/pnrr-cala-durata-processi-e-arretrato-dati-2023-confermano-il-trend/, accessed on 25 February 2026; Ministero della Giustizia (2025). Monitoraggio Statistico degli Indicatori PNRR, 2024, https://datiestatistiche.giustizia.it/cmsresources/cms/documents/2024_Continuous_Monitoring.pdf, accessed on 25 February 2026.

exercised caution in our interpretation, making sure not to suggest that numbers from two fundamentally different legal systems were equivalent. With that in mind, our findings should be understood as general signals of how these institutions are performing, not as statistically precise measurements of how effective their procedures are.

3.4. Empirical Scope and Limitations

To keep the research focused, this study looks at only two specific forms of victim participation: cases initiated directly by victims in Albania and civil-party participation in Italy. This means the study doesn't include:

- general crime statistics,
- data on overall prosecutor performance,
- new interviews with victims or legal professionals, or
- any custom-built datasets.

Naturally, this narrow scope has a few limitations. For one, the small number of victim-initiated cases in Albania makes it difficult to draw broad conclusions. The national reporting systems in each country are also too different to make direct statistical comparisons. Finally, this analysis focuses only on the official outcomes of the legal process, not on the human experience of it, things like victim satisfaction or whether the process felt fair. Still, another researcher could replicate this work by examining the same institutional sources with the identical criteria. Looking ahead, this kind of research would benefit greatly from long-term data and information from individual cases, which would allow for a much deeper analysis of cause and effect.

3.5. Analytical Scope

This article explores whether different ways of involving victims in criminal proceedings can genuinely improve the justice system, while still respecting EU law and fundamental legal rights. We use real-world data to see if the goals set out in the law actually line up with how these systems work in practice. We are not trying to prove a direct cause-and-effect link between a law's design and its outcome. Rather, we offer a structured legal analysis of how these different setups function within the framework of European minimum standards.

4. A Tale of Two Systems: Victim Roles in Albania and Italy

In Albania, the state has traditionally held a monopoly on prosecuting crimes. The public prosecutor decides whether to press charges, reflecting a classic European model designed to ensure fairness and protect the public interest. However, a major shift in 2017 carved out an important exception, creating what is known as the "accusatory victim" (*viktima akuzuese*). Under this new system, for a specific, limited list of minor offenses, mostly things like defamation, insults, or minor infringements on personal freedom, the victim can now take their case directly to court. They file a private

complaint, bypassing the prosecutor's investigation entirely. In these cases, the victim essentially steps into the prosecutor's shoes. They are responsible for proving the accusation, presenting evidence, and arguing the case in court, all while also seeking compensation for the harm they suffered. From a practical standpoint, this model can speed things up by skipping the usual police and prosecutor investigations. But it also shifts the entire burden of proof onto the victim. The prosecutor's involvement is minimal, usually just offering a legal opinion during the trial rather than leading the charge. While this gives victims more direct control, it also creates a significant imbalance. Victims are expected to act like prosecutors but without the same legal training, resources, or access to evidence. This raises real questions about whether people can use this right effectively, especially if they can't afford a lawyer or don't have institutional support. It's worth noting that while this model gives victims more power than required by EU Directive 2012/29, Albania chose to do this on its own; it wasn't a mandate from the EU. Therefore, its compliance with European standards isn't about giving victims more power for its own sake, but about ensuring the system remains fair, that both sides have a level playing field, and the court remains impartial.

Italy takes a different path, drawing a much clearer line between the victim's role and the state's power to prosecute. The Italian system holds firm to the principle that prosecution is a job strictly for the public prosecutor (*pubblico ministero*), ensuring that the state's approach to criminal justice remains unified and public. In Italy, victims are primarily considered the "injured party" (*persona offesa dal reato*). This status gives them key rights, such as the right to be kept informed, to participate in certain steps of the process, and even to challenge a prosecutor's decision to drop the case. To play a more active role, a victim can become a "civil party" (*parte civile*). This allows them to sue for damages "within" the criminal case itself, rather than filing a separate lawsuit. Crucially, becoming a civil party doesn't mean the victim takes over the prosecution. Instead, it allows them to be an active participant. They can help introduce evidence, make requests to the court, and argue for financial compensation, all while the public prosecutor handles the core criminal charges. This setup brings the victim's interests into the courtroom without changing the fundamental structure of the prosecution or compromising the court's neutrality. Recent reforms have doubled down on this participatory model, strengthening victims' rights to information and legal aid. The goal is to level the playing field and make it easier for people, especially the most vulnerable, to participate effectively. When you compare the two, Italy clearly prioritizes a stable and coherent system where the state retains control over prosecution. While victims don't get to direct the legal strategy, they are given a clear voice, institutional support, and a direct path to compensation.

When we compare how Albania and Italy handle criminal cases, we see two very different approaches to involving victims. Albania gives victims the power to prosecute some crimes themselves. This gives them a much bigger formal role, but it also opens the door to potential problems, like imbalances in evidence and a fragmented justice system where the state is no longer the sole prosecutor. Italy, on the other hand, keeps prosecution firmly in the hands of the state. It focuses on helping victims get compensation and ensuring their rights are protected during the trial, rather than giving

them the power to bring charges themselves. While both systems are allowed under EU law (*EU acquis*), they show different priorities in balancing victim participation with the core principles of criminal justice. These different structures set the stage for our analysis of how well each system works for victims.

5. Empirical Findings and Statistical Assessment

The data from Albania shows that very few prosecutions are started by victims, and that number is dropping. In 2022, victims brought 77 cases directly; by 2023, that fell to just 49 (a 36% decrease). But the number of cases isn't the whole story. What's more telling is what happens to them. Only about 45% of cases brought by victims ever reached a final court decision; the rest were either dismissed or left unresolved. This points to a major disconnect: while victims *can* bring charges, the system seems unable to see many of those cases through to the end. Looking at specific crimes makes this even clearer. For offences against personal liberty, only 7 of the 33 cases filed in 2022–2023 were ever fully decided by a court. For crimes related to morality and dignity, only one single conviction was reported out of 32 cases initiated by victims. What these numbers seem to show is that giving victims the power to prosecute runs into very real practical limits. It's a tough road for victims to walk, especially when they don't have professional investigators or consistent legal help[17].

Research on victim satisfaction indicates that procedural delays significantly undermine confidence in criminal justice systems, particularly where compensation claims remain unresolved[18]. In Italy, the option for a victim to join a criminal case as a "civil party" to seek damages is still an important part of the system, but it isn't used that often[19]. In 2023, victims formally participated in about 12% of criminal trials, mostly in cases involving personal injury or financial crimes[20]. The number of victims filing for restitution within these trials did go up by 7% from the previous year, especially in big cities like Milan, Rome, and Naples. However, getting a result is another matter. Only 38% of cases with a civil party ended with a final judgment that also settled the victim's claim for damages. In fact, nearly 60% of victims ended up dropping their claim in the criminal court and taking it to a separate civil court instead, mostly because the criminal proceedings were taking too long or proving the damages was too difficult. There are two important caveats to the Italian data. First, the report cited ("Italian 2024 Performance Report of the Ministry of Justice[21]") is missing full bibliographic details, which makes it hard to verify. Second, these figures are about participation and compensation, not "victim-led prosecution," so we can't compare them

[17] See note 13 above.
[18] Malini Laxminarayan, Mark Bosmans, Robert Porter & Lorena Sosa. „Victim Satisfaction with Criminal Justice: A Systematic Review". *Victims & Offenders*, vol. 8, issue 2, 2013: 119–147. https://doi.org/10.1080/15564886.2012.763198.
[19] Article 75, Criminal Procedure Code of Republic of Italy, https://canestrinilex.com/assets/Uploads/pdf/cf70b10e21/Italian-Code-of-Criminal-Procedure-canestriniLex.pdf, accessed on 25 February 2026.
[20] See note 16 above.
[21] Ministero della Giustizia. *Relazione sulla Performance per l'anno 2024*, https://www.giustizia.it/cmsresources/cms/documents/relazione_performance_2024.pdf, accessed on 25 February 2026.

directly to Albania's statistics on cases brought by victims.

When you look at the data from both countries, a clear contradiction emerges: the stated goals of these systems, empowering victims and getting better results, don't seem to be reflected in the actual outcomes. In Albania, the fact that less than half the cases reach a final decision, and the conviction rates for certain crimes are shockingly low (like one in 32 for morality offences), undermines the idea that this model leads to better justice. It may give victims access to the process, but the results suggest the system is struggling with evidence-gathering and doesn't have the resources to support victim-driven cases. In Italy, the data tells a different story. Victims participate in a relatively small number of cases (around 12%), and a majority of those who do (about 60%) eventually give up on getting compensation through the criminal trial. This suggests that even a well-structured system doesn't guarantee a timely or satisfying financial outcome for victims, who still face long delays and evidentiary hurdles. The main takeaway from the data is this: simply giving victims a bigger role, whether through private prosecution like in Albania or as a civil party like in Italy, doesn't automatically lead to more effective justice or better compensation. These models need strong procedural rules, real support systems for victims, and a realistic approach to evidence if they're ever going to deliver on their promises. To make the data clearer and easier to compare, we've summarized the key statistics we just discussed in **Table 1**. "Victim Procedural Participation – Institutional Data Overview[22]".

Table 1. "Victim Procedural Participation – Institutional Data Overview"

Country	Reference Period	Procedural Role	Key Indicator	Observed Outcome Trend
Albania[23]	2022-2023	Accusatory victim	Victim-initiated prosecutions	<50% reach final decision; very low conviction rates in some offences
Italy[24]	2023-2024	Civil party participation	Participation in criminal proceedings (~12%)	~60% withdrawal of compensation claims from criminal trial

6. Discussion: Legal Tensions and EU Compliance

As we've seen, giving victims a greater say in criminal proceedings creates new

[22] See notes 13 & 14 above.

[23] INSTAT (2022). Crime and criminal justice statistic 2022, https://www.instat.gov.al/en/themes/demography-and-social-indicators/crimes-and-criminal-justice/publications/2023/crime-and-criminal-justice-statistics-2022/; INSTAT (2023). Crime and criminal justice statistic 2023 https://www.instat.gov.al/en/themes/demography-and-social-indicators/crimes-and-criminal-justice/publications/2024/crime-and-criminal-justice-statistics-2023/; Psycho Social Center "Vatra" (2025). *Albania. Position and Rights of Victims in Criminal Proceedings. Analysis of Judicial practice in human trafficking cases for 2024*, https://qendravatra.org.al/wp-content/uploads/2025/10/position-and-rights-1.pdf, accessed on 25 February 2026.

[24] ISTAT (2023). Crimes. https://www.istat.it/en/tag/crimes/; Statista (2025). Crimes in Italy - Statistic & Facts, https://www.statista.com/topics/4051/crime-in-italy/, accessed on 25 February 2026.

opportunities, but it also creates serious legal and theoretical problems. We need to look at these problems through the lens of EU law (the "EU acquis"). The EU doesn't dictate exactly how countries should run their courts, but it does set minimum standards to protect victims while also protecting the integrity of the justice system itself. In this next section, we'll explore how the Albanian and Italian models stack up against key European legal principles like the legality of prosecution, equality of arms, judicial impartiality, and the public's interest in justice.

A key takeaway from this analysis is that we need to correct a common misunderstanding of what it means to "align with the EU acquis ". The EU's directive (2012/29/EU) establishes a floor, not a ceiling, for victims' rights. It sets out minimum standards for protection and participation but never requires member or candidate countries to give victims the power to bring prosecutions themselves. So, when we assess compliance, the real question isn't whether victims can act as prosecutors. It's whether their fundamental rights — to information, support, protection, and participation — are effectively guaranteed. Viewed this way, the Italian model is a much closer fit with the EU framework. By strengthening victims' procedural rights — especially through access to information, legal aid, and a formal role as a civil party — Italy meets the directive's requirements while keeping criminal prosecution in the hands of the state. Albania's model, in contrast, goes far beyond the minimum standards by allowing a form of private prosecution. While this isn't necessarily incompatible with EU law, we shouldn't call it "alignment." It's a distinct national policy choice, one that comes with its own set of procedural risks.

The principle of legal prosecution holds that the decision to charge and try someone for a crime should be based on objective criteria and serve the public interest. Private prosecution models, like the one in Albania, chip away at this principle by handing the power to prosecute over to individual victims. This can lead to the uneven application of criminal law, with cases moving forward based on a victim's personal ability to fund a case or their desire for retribution, rather than on a professional assessment of the evidence and the public good. This isn't just a theoretical problem; the data tells a similar story. The very low number of victim-led cases that make it to a final verdict, and the high rate of dismissals along the way, suggest that these private prosecutions often fail to meet the strict evidentiary and procedural demands that a professional prosecutor's office is designed to handle. In this sense, the Albanian model shows that giving victims formal power on paper doesn't automatically lead to effective justice for the public.

A fair trial depends on the "equality of arms," a principle from Article 6 of the European Convention on Human Rights that says each side must have a reasonable opportunity to present its case without being at a major disadvantage. This is where Albania's accusatory victim model runs into serious trouble. While the defendant is protected by institutional safeguards and often has a state-funded lawyer, the victim-turned-prosecutor is left to carry the entire burden of building a case, often without any comparable institutional support. Research on sexual violence reporting demonstrates how evidentiary burdens and procedural barriers already deter victims from engaging

with criminal justice institutions[25], raising concerns about the feasibility of shifting prosecutorial responsibility onto victims themselves. This asymmetry creates an unfair fight, making it incredibly difficult for the victim to sustain a prosecution and undermining the fairness of the entire trial. So, when we see low conviction rates in these cases, it might not be a failure on the part of the victims. It could simply be the predictable outcome of a system that asks them to do a prosecutor's job without giving them a prosecutor's tools or authority. Italy's model, on the other hand, avoids this by giving victims a supportive role rather than a conflicting one. Victims can participate as rights-holders seeking compensation, but they do so alongside the public prosecutor, who remains responsible for the legal strategy and proving the criminal case.

For a trial to be fair, the court must be an impartial referee, weighing evidence presented in a balanced process. The accusatory victim model can muddy these waters. It forces judges to evaluate a case where the role of prosecutor is filled not by a neutral public official, but by the very person who was harmed. While all the formal judicial safeguards are still in place, the lack of a professional filter means there's a higher risk of emotionally charged or evidentially weak cases going to trial[26]. The Italian system, with its prosecutorial screening and structured civil party role, minimizes this risk. It ensures that all criminal charges are vetted by an institutional body before they ever reach a judge. This structural safeguard provides a buffer that aligns much more closely with the European Court of Human Rights' emphasis on impartiality and procedural fairness.

Our research challenges some common assumptions about what it means to empower victims. Simply giving victims more formal power, like the ability to bring a private prosecution or act as a civil party, doesn't automatically lead to better justice. In Albania, for instance, victims have more official agency, but very few cases are ever completed or end in a conviction. Meanwhile, in Italy, a more structured role for victims makes them more visible in the process, but it doesn't guarantee they'll get compensation in a timely way during the criminal trial. What this tells us is that empowerment isn't a result in itself; it's a quality of the process. For victims to participate in a meaningful way, they need real institutional support, good legal representation, and a system that is thoughtfully designed to balance their individual needs with the broader goals of criminal justice. Empirical evidence from restorative justice studies indicates that victim satisfaction is often more closely linked to procedural recognition and psychological validation than to formal prosecutorial control[27].

These findings are especially relevant for EU candidate countries like Albania.

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[25] Michelle Wieberneit, Sascha Thal, Joseph Clare, Lies Notebaert, and Hilde Tubex. „Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault". *Trauma Violence Abuse,* vol. 25, issue 5, December 2024: 3742-3757. https://doi.org/10.1177/15248380241261404.

[26] Nadezhda Krasteva, Vladislav Krastev. „Assesing the Need for Enhanced Criminal Law Protection against Child Sexual Exploitation in Travel and Tourism", *Juridical Tribune – Review of Comparative and International Law* vol. 14, issue 2, June 2024: 196-209, DOI: 10.62768/TBJ/2024/14/2/02.

[27] Ana M. Nascimento, Joana Andrade, and Andreia de Castro Rodrigues. „The Psychological Impact of Restorative Justice Practices on Victims of Crimes - a Systematic Review". *Trauma Violence Abuse*, vol. 24, issue 3, July 2023: 1929-1947. https://doi.org/10.1177/15248380221082.

As they work to adopt EU laws, their priority should be making sure basic victim protection standards are actually working on the ground, not just expanding victims' powers to prosecute. If they choose to enact reforms that go beyond EU minimums, they must include safeguards that ensure legality, a level playing field for both sides, and an impartial judiciary. Without these, the reforms are unlikely to hold up. The Italian experience, for all its practical difficulties, shows that strengthening victims' rights within a structured legal system may be a more durable way to meet European standards. Ultimately, a comparison of the two countries reveals that the key question isn't about the *amount* of power a victim has, but about the institutional framework that makes their participation possible.

When considering these structural risks, we also have to look at the European Court of Human Rights' decisions on fair trials and the "equality of arms." The Court has consistently found that while victims can participate in criminal cases, this is only compatible with Article 6 of the Convention if the overall fairness of the trial is protected. A key example is the 2004 case of "Perez v. France", where the Court accepted victims participating as civil parties, but only on the condition that it didn't undermine the balance or fairness of the proceedings. Later rulings have built on this, stressing that to remain impartial, the trial must stay under the effective control of the judge and prosecutor. This is particularly important in systems where victims take on a prosecutorial role, as a lack of proper safeguards can create an imbalance that threatens the fairness of the entire trial[28].

7. Recommendations

Our research shows that giving victims a greater role in the criminal justice system, whether through private prosecutions or as civil parties, doesn't automatically lead to better results. For any reforms to be effective, they must be built on a solid foundation of procedural safeguards, strong institutions, and full compliance with European legal standards. Simply hoping for "empowerment" or "efficiency" isn't enough. With that in mind, here are our recommendations.

First, Albania should focus on getting the basics right by fully implementing the minimum victim protection standards outlined in EU Directive 2012/29. Before expanding victims' powers to prosecute, the priority should be on making sure they have real access to information, legal aid, psychological support, and protection from further trauma during the legal process. Bolstering these fundamental rights is the best way to meet core EU requirements without introducing the legal risks that come with private prosecutions.

Second, if the model allowing victims to act as prosecutors is going to continue, it needs stronger safeguards. Specifically, victims taking on this role must be guaranteed a qualified lawyer and help with gathering and presenting evidence. Without this support, we risk an unfair fight that undermines the entire point of victim-led cases. Introducing some oversight from prosecutors or a preliminary review by a judge could

[28] Case of *Perez v. France*, Judgment, Strasbourg, 12 February 2004, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-61629%22]}, accessed on 25 February 2026.

help filter out cases with weak evidence and clear up confusion about roles, all while still allowing victims to have their day in court.

Third, handing over investigative or prosecutorial powers to victims is a significant step that shouldn't be taken without first ensuring it's compatible with Article 6 of the ECHR. Any proposal to expand a victim's role must be carefully checked against the European Court of Human Rights' standards for a fair trial, including judicial impartiality and equality between the defense and prosecution. It's better to create well-defined, proportionate ways for victims to participate rather than granting them sweeping, open-ended powers.

Fourth, Italy's experience offers a valuable lesson: structured participation is more effective than giving victims the power to prosecute. Continuing to invest in legal aid, better information systems for victims, and clearer rules for joining a case as a civil party can help more people get compensation without disrupting the state's primary role in prosecutions. That said, Italy still needs to streamline its procedures and improve separate civil remedies to tackle the long delays that prevent victims from getting the restitution they deserve in a timely manner.

Finally, both countries need better data and more transparency. We can't know what's working and what isn't without the numbers to back it up. Systematically collecting and publishing detailed data on things like victim-led cases, how long proceedings take, and how often compensation is awarded would allow for smarter, evidence-based policymaking. It would also create more accountability, which is a cornerstone of good governance in Europe.

8. Conclusions

In this article, we've compared Albanian and Italian law to see how the role of victims in criminal cases is changing, particularly in light of EU standards. By making a clear distinction between the victim as someone with rights, as a civil party seeking damages, or as a private prosecutor, we can cut through some of the confusion that often clouds these debates. What our analysis shows is that simply following EU law isn't the same thing as giving victims more power to prosecute. The EU's directive only sets a minimum standard for protection and participation; it doesn't call for private prosecution.

Italy's model, which gives victims a structured role as an "injured person" or a "civil party," is far more consistent with core legal principles like the rule of law, equality of arms, and judicial impartiality. While it has its own practical challenges, this approach keeps prosecution firmly in the hands of the state while still giving victims a voice and a way to seek compensation.

Albania's model, on the other hand, is a national choice that goes well beyond the EU's minimum requirements by letting victims take on a prosecutorial role. And while this approach technically gives victims more access to the system, our findings show it often leads to a dead end. Low rates of case completion and conviction point to serious weaknesses in evidence-gathering and institutional support. This reveals a stark tension between the ideal of empowering victims and the difficult reality of a privatized

prosecution system. Ultimately, this shows us that more victim participation doesn't automatically lead to more effective or just outcomes. Its success hinges on the legal framework it operates in and on having safeguards that can balance the needs of an individual victim with the broader goals of the criminal justice system.

For EU members and candidate countries, the path to sustainable compliance isn't through symbolic or expansive gestures of empowerment. Instead, it requires a focus on procedural fairness, legal certainty, and effective victim protection. The key takeaway here is that a structured, rights-based approach, backed by strong institutional safeguards, offers a more robust path to including victims than models that partially privatize prosecution.

We hope that by grounding this argument in both legal analysis and empirical data, we can bring a more cautious, evidence-based perspective to the wider European conversation about the role of victims in the justice system.

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