



SEVESO

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PRIN PROJECT SEVeso - Support Eco-Victims: strategies and tools for supporting rights and compensation of environmental harm's victims

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ENVIRONMENTAL CRIMES, VICTIMS AND SOCIAL HARMS: A JURIDICAL AND CRIMINOLOGICAL ANALYSIS

Abstract



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ALMA MATER STUDIORUM
UNIVERSITÀ DI BOLOGNA

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Intelligent Systems
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CNR - IFC Istituto
di Fisiologia Clinica



igsg



UNIVERSITÀ
DI TORINO



The report is related to the milestone n°1 of the SEVESO project and is divided into two sections: the first one provides an overview of the literature on green criminology and environmental victimology; the second part analyzes the constitutional, supranational, and Italian legislation and case law on environmental issues.

First section

The overview of the literature on green criminology and environmental victimology initially focuses on some pioneers of criminology who have not specifically studied environmental crimes, but have given a way to research on a wide range of corporate crimes (E. Sutherland and the white-collar crimes) and on links between the legal system and power (R. Quinney).

In this context, the report emphasizes the fact that criminology subsequently began to address environmental issues to study the behavior of companies that violate laws that protect the environment, identifying the figure of the green-collar criminals whose actions, similar in motivation and characteristics to those of white-collar criminals, damage the environment.

Since the development of green criminology in the period between the second half of the 1990s and the early 2000s, thanks to numerous theoretical contributions, the report focuses on related issues such as: eco-justice, both from the perspective of damage suffered by all living beings (human and non-human) and by ecosystems; the search for broader definitions of crime rather than those strictly related to the legal dimension of actions; conflicts between commercial interests and environmental well-being; relationships between environmental damage, social inequalities, and economic injustices; implications of political and corporate decisions on the exploitation and pollution of the environment and the social responsibility that such decisions should entail.

The report highlights how green criminology is a varied field of research whose common goal is to study environmental crimes and, in a broader sense, environmental damage by treating them not as isolated incidents but as the result of economic policies and corporate decisions that prioritize profit to the detriment of human health, workplace safety, and environment.

In relation to environmental and social damage, this first section of the report then focuses on the so-called *zemiology*, a word coined in 1998 by the Annual Conference of the European Group for the Study of Deviance and Social Control, borrowing it from the Greek word for 'damage', *xemia*, with the aim to move away from certain traditional concepts of crime, criminal justice, and criminalization in order to rethink social damage, which is often not criminalized, but increasingly caused by the destructive behaviors of profit-oriented actors of global capitalism and the responses to them. Therefore, it is highlighted how the perspective of social harm and *zemiology* challenges the

traditional conception of criminology, considering that criminal justice is no longer the only response able to address the damage caused to living beings and the environment.

In this sense, the report makes links with theoretical approaches to environmental victimology, which consider that cases of environmental victimization are different from those studied in criminal victimology, where, in general, there is an event that breaks the criminal law, a perpetrator, and a victim who suffers harmful consequences of a physical, psychological, or economic nature, and in which the act and the damage are linked by a causal relationship.

In fact, it is highlighted that eco-victims are not always aware that they have been victimized, are not always able to know exactly who the offender is, and that the victimization process can last a long time and affect an unknown number of living beings.

The report therefore highlights how green criminology and environmental victimology, through the study of the causes and consequences of environmental damage and the social injustices associated with them, represent valuable tools to address environmental challenges and promote a more equitable and sustainable future for all living beings.

Second section - Constitutional, supranational, and Italian legislation and case law on environmental issues

The second section of the report first analyzes the origin of the legal concept of the environment, which, as the result of doctrinal reflection beginning in the 1970s, found its first and definitive formal recognition in the establishment of the Ministry of the Environment, which took place with Law No. 349 of 8th July 1986. This law accepts the unified concept of the environment that had already been outlined by the Constitutional Court in its rulings No. 210 and No. 641 of 1987.

The analysis goes on highlighting the importance of including the term “environment” in the Italian Constitution following the reform of Title V (Constitutional Law No. 3/2001) and, about twenty years later, the reform of Article 9 of the Constitution (Constitutional Law No. 1/2022), with the explicit mention of the environment among the constitutional principles, in order to respond to protection needs already clearly expressed at the social level and incorporated into the legal system.

The report then refers to the main international and supranational sources on environmental issues, starting with the Treaty established by the European Economic Community (EEC) in 1957 — which provides for the “continuous improvement of the living conditions” of their respective people, even in the absence of specific regulatory powers in environmental matters — and the production, by the United Nations Conference in 1972, of a number of non-binding documents, including the *Declaration of the United Nations Conference on the Human Environment and Action Plan for Human Environment*.

The significant influence of these sources regarding environmental matters is due to the international development of environmental principles. To this end, the report examines in detail the Single European Act (entered into force on 1st July 1987), which establishes an axiological framework for environmental matters within which concrete strategies for the protection of the environment, including criminal laws, can be implemented at both Community and national levels. Thus, for the first time, principles have been enshrined in the primary source of Community law that preventive action should be taken, environmental damage should, as a priority, be rectified at source and that “the polluter should pay”.

The Aarhus Convention receives particular attention in this report. The Convention was signed in 1998 under the auspices of the UNECE (United Nations Economic Commission for Europe), and thanks to it, the involvement of citizens and civil society organizations in environmental issues was strengthened, considering the principles of participatory democracy.

This has led to the creation of a model of “environmental democracy” based on three fundamental pillars: access to environmental information (articles 4 and 5); public participation in environmental decision-making (articles 6, 7, and 8); and access to justice (article 9).

With specific reference to environmental protection, including protection by criminal laws, the report provides a diachronic analysis of the relevant European directives, focusing on Directive 2008/99/EC and the new Directive 2024/1203/EU.

While the purpose of the first Directive is to harmonize the criminal laws of each Member States governing their respective environmental regulations, the second one was approved because the sanctions outlined in the first Directive failed to provide sufficient capacity to achieve the Union's environmental protection objectives. And this is the critical perspective developed in the report to examine the criminal offenses identified in the Directive 2024/1203/EU.

Focusing now on the primary national legislation, the report analyzes the Legislative Decree No. 152/2006 (Unified Text on the Environment), the Legislative Decree No. 121/2011, and the Law No. 68/2015, which introduces the so-called “eco-crimes” in the specific Title VI-bis of the Italian Criminal Code, significantly entitled “Crimes against the environment.”

Finally, certain important court rulings are examined, including several judgments of the European Court of Human Rights that have granted individuals an increasing degree of protection in relation to incidents of pollution, dangerous activities, and the excessive exploitation of natural resources.

The section ends by looking at the latest legal and regulatory developments regarding the case of the “Ex-ILVA based in Taranto”, which has recently been the subject of several judicial and legislative changes. In this context, the report examines the most recent convictions of Italy by the European Court of Human Rights and a judgment by the Italian Constitutional Court of 13th June 2024. This



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latter is important because, ruling on the alleged constitutional illegitimacy of the so-called Priolo Decree, the Judges clarify some important interpretative criteria that may be of interest to the vicissitude of Ex-Ilva based in Taranto.

At a legislative level, the report provides an initial commentary on the new “Rescue-ILVA” decree, which was converted into law on 18th March 2025, and includes at the end some critical observations by some MPs and environmental protection associations.