

SEVeso Project – Support Eco-Victims: strategies and tools for supporting rights and compensation for the victims of environmental harm

D.1.4. RIGHTS OF ECO-VICTIMS, DELIBERATIVE DEMOCRACY AND RESTORATIVE JUSTICE: SOME RECOMMENDATIONS – SEVeso WHITE PAPER

ABSTRACT



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D.1.4. Rights of eco-victims, deliberative democracy and restorative justice: some recommendations – SEVeso White Paper

ABSTRACT

The SEVeso White Paper proposes some recommendations on the following issues: environmental principles and regulatory framework, rights of eco-victims, access to environmental justice, deliberative democracy and restorative justice, integration of services and multilevel governance.

| 1. Environmental principles and regulatory framework | |
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| 1.1. Environmental principles | Analysis of both European and Italian principles, for the protection of the environment |
| 1.2. International and European regulatory framework | Explanation of the main transparency requirements imposed on governments and owners polluting sites on the basis of the relevant supranational conventions and directives |
| 1.3. Citizens' right to environmental information | Examination of the constitutional principles of transparency and participation applied to environmental issues and the role of public administration in ensuring access to environmental data |
| Recommendation | National System of Environmental Open Data (NSEOD/SNODA) inspired by the so-called Five Star Model |

| 2. Rights of eco-victims | |
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| 2.1. Definition and categories of eco-victims | Environmental pollution produces many negative consequences for eco-victims in four main areas (Hall, 2013): health and safety of living beings, economy, social and cultural |
| 2.2. Health protection and compensation of the environmental damage | Analysis of existing legal protections aimed at protecting the health of citizens living near polluted sites. Assessment of any legislative gaps in the provision of compensation and support for eco-victims. |
| 2.3. Aid and support services for eco-victims | Study of social, health, and legal services dedicated to eco-victims, also referring to case studies (Taranto area and SIN “Mantua Lakes – Chemical pole”) |
| Recommendations | <ul style="list-style-type: none"> • Legal status of “eco-victim” |

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| | <ul style="list-style-type: none"> • Solidarity Fund for eco-victims • Local Centers of Integrated Care |
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| 3. Access to environmental justice | |
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| 3.1. International, European, and national regulatory framework | Description of how regulations on the right of access to justice in environmental matters are implemented in Italy (i.e., Legislative Decree 195/2005) and the role of the Environmental Code in legal actions in cases of environmental damage |
| 3.2. Procedural guarantees and entry barriers | Analysis of eligibility conditions and procedural guarantees for citizens and associations |
| 3.3. Alternative dispute resolution tools | Examination of extrajudicial and preventive methods (mediation) in relation to environmental conflicts |
| Recommendations | <ul style="list-style-type: none"> • National Environmental Advisory Service (NEAS/SNCA) • Environmental Alternative Dispute Resolution (EADR) • Specialized judicial authorities |

| 4. Deliberative democracy and restorative justice | |
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| 4.1. Principles of environmental restorative justice | Description of the concept of restorative justice applied to environmental crimes as an approach aimed at social reconciliation and the involvement of the affected community, as opposed to the concept of justice based solely on punishment |
| 4.2. The deliberative democracy in environmental processes | Examination of the role of informed participation and public debate in environmental decisions |
| 4.3. Case studies: “Circle Dialogues” | Presentation of concrete examples of the application of restorative justice and deliberative participation (the “Circle Dialogues” in Mantua and Taranto) |
| Recommendations | <ul style="list-style-type: none"> • Independent access to restorative justice • “Circle Dialogues” Protocol • Permanent citizens' assemblies |

| 5. Integration of services and multilevel governance | |
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| 5.1. Integrated services for eco-victims (one-stop shop) | Proposal for an integrated one-stop shop model for eco-victims, based on an online information platform that collects health, legal, and socioeconomic data |
| 5.2. Proposals for legislative reforms | Introduction of “sustainable and transferable models of services to assist eco-victims” and specific “proposals for legislative reforms,” as indicated in the SEVeso project. |
| 5.3. Multilevel governance and civic participation | Analysis of shared responsibilities between the European Union, States, Regions, and Municipalities in the prevention and management of environmental risks |
| Recommendations | <ul style="list-style-type: none"> • One-stop shop for eco-victims • Tax breaks and exemptions for eco-victims • Participative multilevel governance |