

REVERSE DISCRIMINATION AND THE PROTECTION OF VICTIMS OF VIOLENT INTENTIONAL CRIME

This essay will deal with the so-called “reverse discrimination”, often identifiable as a consequence deriving from a tendentious irrelevance which purely internal matters assume for European Union law, and this is according to the most consolidated jurisprudence of the Court of Justice. Today, renewed interest has been rediscovered thanks to a recent ruling of the Supreme Court of Cassation, whereby our judges submitted two preliminary questions to the Court of Justice of the European Union concerning matters which are essentially relative to compensation by the State of damage suffered by victims of violent intentional crimes who have not had the chance to obtain efficient protection from perpetrators of criminally relevant and, obviously, judicially verified acts. The paper analyses the position of the Court of Justice of the EU on the phenomenon of reverse discrimination. It is emphasized that the question submitted to the Court of Justice seems to attribute to the “purely internal situations” an application which they hardly had in the EU jurisprudence. The paper will attempt to suggest some alternative methodological criteria as compared to those used by the referring judge, who tried to attribute, in an interpretative way, a particular importance to the purely internal situations within the EU legal system.