



Directive minimum standards on the rights, support and protection of victims of crime

Victim Support Netherlands
20 november 2014



Main issues

- Scope
- Definitions
- Information and support
- Participation in criminal proceedings
- Vulnerability and protection
- General provisions (training, cooperation)
- Final provisions (impl. period, data)



Scope

- Victims of crime and family members of a victim whose death was directly caused by a criminal offence and who have suffered harm as a result;
- MS may limit in specific case the number of family members



Definitions

- Victim: natural person who has suffered harm (physical, mental, emotional, economic) directly caused by a criminal offense;
- Family members; including dependants



Definitions (2)

- Restorative justice: victim and offender are enabled to participate in resolution with help of third party. Condition: free consent.
- Child: any person below 18 yrs of age.



Right to understand and to be understood

- Measures to assist victims to understand and to be understood
- Communication in simple and accessible language; personal characteristics incl. disability
- To be accompanied by a person of their choice



Provision of information and support

- MS shall ensure that victims are offered certain info, from their *first contact* with the competent authority.
- Level of detail may be varied – the stage of proceedings and circumstances, severity and nature of the crime committed.



Information (2)

- Access victim support services
- Acknowledgment of complaint
- Protection measures
- Legal advice
- Compensation
- Interpretation and translation. Scope?
- Contact details for communication about their case
- Available restorative justice services
- Conditions for reimbursement of expenses



Complaint or report

- Written acknowledgement
- Linguistic assistance
- Translation, free of charge, of the written acknowledgement.



Information about the case

- Notification of the right to receive information
- Wish of victim to receive or not is binding
- Opportunity to be notified in case of release of escape of suspect or offender
- Information about protection measures



Interpretation

- Interpretation free of charge, at least during any interviews or questioning during criminal proceedings before investigative and judicial authorities, including police & active participation in court hearings and any necessary interim hearings
- Communication technology, unless physical presence of interpreter is required



Translation

- Upon request
- Information *essential* to exercise their rights in criminal proceedings
- In a language that they understand
- Free of charge



Translation (2)

At least:

- Any decision ending the criminal proceedings &
- Upon request, reasons or brief summary of reasons for such decision

- Information about the time and place of the trial, upon request.



Right to access victim support services

- Ensure that victims have access to confidential victim support services, free of charge
- Before, during and for an appropriate time after criminal proceedings
- Family members shall have access
- Facilitate the refferral of victims to v.s. services
- Measures to call on existing specialised entities
- Access not dependent on a victim making a formal complaint!



Support from victim support services

Provide as a minimum:

- Info, advice, support to rights
- Information specialised support services
- Emotional support
- Advice to financial & practical issues
- Advice to risk and prevention of secondary and repeat victimisation, intimidation, retaliation (unless provided otherwise)



Victim support services (2)

Unless provided for by other services:

- Shelters for victims in need of a safe place
- Targeted and integrated support for victims with specific needs



Participation in criminal proceedings

- Right to be heard
- Rights in the event of decision not to prosecute
- Right to safeguards; restorative justice services
- Legal aid
- Reimbursement of expenses
- Return of property
- Decision on compensation in the course of crim. Proceedings



Participation in criminal proceedings (2)

Rights of victims resident in another member state:

- ✓ Minimise difficulties
- ✓ Take a statement after complaint
- ✓ Video conferencing
- ✓ Make a complaint & ensure transmission to member state where the offence was committed.



Protection and victims with specific needs

- Ensure that measures are available
- Right to avoid contact between victim and offender
- Right to protection of victims during criminal investigations
- Right to protection of privacy
- Individual assessment of victims to identify specific protection needs



Rights of victims with specific needs (2)

Rights to protection of victims with specific needs during criminal proceedings:

- Interviews in adapted premises
- Interviews by trained professionals
- All interviews conducted by the same person, unless...
- Interviews with victims of sexual violence, gender-based violence or violence in close relationships, conducted by a person of the same sex as the victim, if the victim so wishes (unless by prosecutor or judge)
- During court proceedings: avoidance of visual contact, heard without presence, avoidance of unnecessary questioning private life, hearing without public



Right to protection of child victims

Where the victim is a child:

- All interviews may be audiovisually recorded & records used as evidence
- Appoint a special representative if there is a conflict of interest between holders of parental responsibility and the child victim
- Legal advice and representation in the own name of the child victim
- If the age is uncertain; presumption to be a child



General provisions

- Training of officials: ensure that practitioners receive both general and specialist training. Awareness of the needs of victims;
- Recommendation of training of lawyers
- Encourage training of victim support and restorative justice services



Cooperation and coordination of services

- Facilitate cooperation between member states:
- Exchange of best practices
- Consultation in individual cases
- Assistance to European networks



Final provisions

- Transposition. Three years (16 Nov. 2015)
- Provisions of data and statistics: data showing how victims have accessed the rights set out in the directive
- Evaluation report: 16 Nov. 2017.



Interaction with national stakeholders

- Victim Support Netherlands (SHN)
 - Council for the judiciary;
 - General prosecutor's office;
 - National police
- National parliament;